Post-implementation Reviews: Required

Post-implementation Reviews (PIRs) are required for proposals that have substantial impacts, for proposals granted an exemption from the Government’s RIS requirements by the Prime Minister, and for proposals that were non-compliant with the Government’s RIS requirements. PIRs should be completed within two years of implementation where exceptional circumstances were granted or a proposal was assessed as non-compliant. PIRs should be completed within five years of implementation for proposals likely to have a substantial impact.

The status of Post-implementation Reviews (PIRs) required is updated regularly as the Office of Best Practice Regulation receives information from departments and agencies.

As of 1 August 2021, seventeen PIRs are yet to be completed. Of these, five are currently non-compliant as they have not been completed in the required timeframe.

Information on PIRs that are completed and published can be found in the associated table, Post-implementation Reviews: Completed and Published.

The [post-implementation review guidance note](http://www.dpmc.gov.au/resource-centre/regulation/post-implementation-reviews-guidance-note)1 provides advice on the preparation of PIRs and compliance with the Government’s requirements.

Note that specific PIRs resulting from the Prime Minister’s exemption granted 18 March 2020 for all urgent and unforeseen Australian Government measures made in response to COVID-19 will not be completed individually. Future updates of this document will provide clarity on this matter.

## Table 1: Post-implementation review status and compliance

| **PIR Status** | **Compliant** | **Non-compliantc** | **TOTAL** |
| --- | --- | --- | --- |
| **Not yet fully implemented** | 3a | - | 3 |
| **Fully implemented** | 9 | 5b | 14 |
| **TOTAL** | **12** | **5** | **17** |

a Measures that have not yet been fully implemented remain compliant under the PIR process are indicated throughout this document in blue. b Measures that have been implemented but are non-compliant under the PIR process are indicated throughout this document in yellow.

c. Under the March 2020 Australian Government RIA system, non-compliant RISs are referred to as ‘insufficient’. These insufficient RISs are included in the non-compliant tally.

1 This guidance note was revised in March 2020.

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## Attorney-General’s Department

| **Title of regulatory proposal**  Description of regulatory proposal | **Reason for PIR** | **Implementation date** | **Due Date** | **PIR**  **Compliance** |
| --- | --- | --- | --- | --- |
| **Sharing of Abhorrent Violent Material** | | | | |
| Place obligations on internet service providers, hosting service providers and content service providers to proactively refer abhorrent violent material to law enforcement, and on hosting service providers and content service providers to expeditiously remove it or cease hosting it if it is reasonably capable of being accessed within Australia. | E/c | April 2019 | April 2021 | Non-compliant |

## Australian Prudential Regulation Authority

| **Title of regulatory proposal**  Description of regulatory proposal | **Reason for PIR** | **Implementation date** | **Due Date** | **PIR**  **Compliance** |
| --- | --- | --- | --- | --- |
| Implement the Basel III Liquidity Framework in Australia | | | | |
| **Implement the Basel III Liquidity Coverage Ratioa** | Substantial Impact | Jan 2015 | Dec 2021 | Non-compliant |
| **Implement the Basel III Net Stable Funding Ratioa** | Substantial Impact | Jan 2018 | Dec 2021 | Non-compliant |

a Amalgamated in April 2019

## Department of Communications and the Arts

| **Title of regulatory proposal**  Description of regulatory proposal | **Reason for PIR** | **Implementation date** | **Due Date** | **PIR**  **Compliance** |
| --- | --- | --- | --- | --- |
| **Convergence Reviewa**  Decision not to issue spectrum or broadcast licenses for a fourth ‘free to air’ television network. | E/c | Mar 2013 | Mar 2015 | Non-compliant |
| **Changes to media ownership and control rules**  Remove the ’75 per cent audience reach rule’ and the ‘2 out of 3’ cross-media control rule. Introduce new local programming obligations for regional commercial television broadcasting licensees in the event of a merger. | Substantial Impact | Oct 2017 | Oct 2022 | Compliant |
| **Improved Competition in Telecommunications Marketsa**  Require the structural separation of Telstra’ wholesale and retail operations | E/c | Jan 2020 | Jan 2022 | Compliant |

| **Title of regulatory proposal**  Description of regulatory proposal | **Reason for PIR** | **Implementation date** | **Due Date** | **PIR**  **Compliance** |
| --- | --- | --- | --- | --- |
| **Resale Royalty Right for Visual Artists Bill 2008b**  Establishes an inalienable resale royalty right for visual artists. | Non- compliance | Jun 2010 | Jun 2013 | Non-compliant |

a These matters were originally reported under the Department of Broadband, Communications and the Digital Economy.

b These matters were previously reported under the Attorney-General‘s Department. However, on 20 September 2015 these matters were transferred to the Department of Communications and the Arts.

E/c Exceptional circumstances were granted by the Prime Minister.

## Department of Foreign Affairs and Trade

| **Title of regulatory proposal**  Description of regulatory proposal | **Reason for PIR** | **Implementation date** | **Due Date** | **PIR**  **Compliance** |
| --- | --- | --- | --- | --- |
| **Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)**  Create preferential supply chains with TPP parties. | Substantial Impact | Dec 2018 | Dec 2023 | Compliant |

## Department of Home Affairs

| **Title of regulatory proposal**  Description of regulatory proposal | **Reason for PIR** | **Implementation date** | **Due Date** | **PIR**  **Complianc e** |
| --- | --- | --- | --- | --- |
| **Customs and AusCheck Legislation Amendment (Organised Crime and Other Measures) Act 2013a**  A package of measures to combat organised crime and strengthen security on the waterfront. | Non- compliance | May 2013b | b | Compliant |

a Responsibility for this PIR was transferred from the Attorney-General’s Department to the Department of Home Affairs.

b Some elements were implemented in May 2013, for which a post-implementation review has commenced. Others are still to be implemented

## Department of Infrastructure and Regional Development

| **Title of regulatory proposal**  Description of regulatory proposal | **Reason for PIR** | **Implementation date** | **Due Date** | **PIR**  **Compliance** |
| --- | --- | --- | --- | --- |
| **Qantas Sale Amendment Bill 2014**  Remove foreign ownership and other restrictions on Qantas | E/c | August 2014 | August 2016 | Non- compliant |

E/c Exceptional circumstances were granted by the Prime Minister.

## Department of Industry, Science, Energy and Resources

| **Title of regulatory proposal**  Description of regulatory proposal | **Reason for PIR** | **Implementation**  **date** | **Due Date** | **PIR**  **Compliance** |
| --- | --- | --- | --- | --- |
| **Strengthening Regulatory Protection for Franchise Automotive Dealership**  Remove foreign ownership and other restrictions on Qantas | E/c | Mar 2021 | Mar 2023 | Non- compliant |

## Department of Health

| **Title of regulatory proposal**  Description of regulatory proposal | **Reason for PIR** | **Implementation date** | **Due Date** | **PIR**  **Compliance** |
| --- | --- | --- | --- | --- |
| **The Seventh Community Pharmacy Agreement**  The Seventh Community Pharmacy Agreement (7CPA), signed by the Commonwealth, the Pharmacy Guild of Australia and the Pharmaceutical Society of Australia, commenced on 1 July 2020. Given its potential to have major impacts on businesses, individuals and the community, a RIS was required for the 7CPA. | Insufficient RIS | June 2020 | June 2022 | Compliant |

## Department of the Treasury

| **Title of regulatory proposal**  Description of regulatory proposal | **Reason for PIR** | **Implementation date** | **Due Date** | **PIR**  **Compliance** |
| --- | --- | --- | --- | --- |
| **Removing the preferential tax treatment for Offshore Banking Units (OBUs)**  Reform Australia’s Offshore Banking Unit (OBU) regime to avoid Australia’s continued designation, by the OECD and European Union, as having a harmful tax regime. | E/c | March 2021 | March 2023 | Compliant |
| **Foreign Investment Review Reforms**  Ensure Australia’s foreign investment screening framework keeps pace with emerging risks and global developments, whilst maintaining Australia as an attractive destination for foreign investment | Substantial Impact | Nov 2020 | Oct 2025 | Compliant |
| **Sugar Industry Codeb**  Provides for an arbitration process for supply contracts between sugar suppliers and millers; an arbitration process for on-supply agreements between millers and marketers; and ensures that growers have a right to choose who markets their sugar. | E/c | April 2017 | April 2019 | Non-Compliant |
| **Extend the ban on conflicted remuneration to listed investment companies and trusts**  The ban on conflicted remuneration is extended to listed investment companies and trusts (LICs), commencing 1 July 2020. The extension of the ban to LICs is intended to address risks associated with the potential mis-selling of these products to retail consumers, improve competitive neutrality and provide long term certainty in the funds management industry. | Insufficient RIS | July 2020 | July 2022 | Compliant |
| **Litigation funders to be regulated under the Corporations Act 2001**  Litigation funders to be regulated under the Corporations Act, requiring them to hold an Australian Financial Services Licence and comply with the managed investment scheme regime. The Treasury was assessed as insufficient with the Australian Government’s | Insufficient RIS | August 2020 | August 2022 | Compliant |

| **Title of regulatory proposal**  Description of regulatory proposal | **Reason for PIR** | **Implementation date** | **Due Date** | **PIR**  **Compliance** |
| --- | --- | --- | --- | --- |
| Regulatory Impact Analysis requirements as a RIS was not prepared for the final decision to regulate. | | | | |

a While Treasury is currently non-compliant with the PIR requirement, a PIR is currently being drafted. The status of this PIR will be changed to compliant once it is finalised and published on the OBPR’s website.

b PM&C are working with the Treasury and Department of Agriculture to finalise the PIR. E/c Exceptional circumstances were granted by the Prime Minister.

## Joint Proposals

| **Title of regulatory proposal**  Description of regulatory proposal | **Reason for PIR** | **Implementation date** | **Due Date** | **PIR**  **Compliance** |
| --- | --- | --- | --- | --- |
| **COVID-19 Related Measures**  Protect Australia’s health and economic security throughout COVID-19. | E/c | a) Ongoing | -- | Compliant |

1. Not all policies implemented

E/c Exceptional circumstances were granted by the Prime Minister.