



# Australian Government Impact Analysis status, 2023-24

The Office of Impact Analysis (OIA) publishes Impact Analyses (IAs) – formerly known as Regulation Impact Statements (RISs) - on its website as soon as practicable after the date of policy announcements, in consultation with the relevant agency.

This compliance report covers IAs uploaded to the OIA website in the period 1 July 2023 to 23 January 2024. IA compliance reports for previous years are also available on the OIA website.

Please note that all Department and Agency names in this report reflect their name at the time the IA was published.

Under the current settings, the OIA publishes each IA document, the associated agency certification letter and the OIA assessment letter on its website. An IA can evolve during the policy development process, and can also be published for consultation at an early stage. The OIA assesses IAs for compliance at the final decision point.

IAs were required for 31 proposals finalised between 1 July 2023 and 23 January 2024.

For 10 of these proposals, the IA requirements were met by certifying an independent review or Impact Analysis equivalent (IAE) process. The OIA does not assess these certifications for quality, only for relevance to the recommended options, and for the coverage of the seven IA questions.

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# Summary of compliance

Figure 1. Summary of compliance

Type	2022-23 (as at 30 June 2023)	%	2023-24 (as at 23 January 2024)	%
Not compliant / Insufficient	1/31	3	0/21	0
Adequate	18/31	58	10/21	48
Good Practice	10/31	32	10/21	48
Exemplary (new system)	2/31	6	1/21	4
IA Compliance	30/31	97	21/21	100
Independent Reviews and IAEs <sup>a</sup>	15	-	10	-
Overall compliance	45/46	98	31/31	100
Exceptional circumstances <sup>b</sup>	1	-	0	-
Estimated annual impact on Regulatory Burden <sup>c</sup>	\$1,649.08 million <sup>d</sup>	-	\$ 340.28 million <sup>d</sup>	-

<sup>a</sup> Independent reviews and IAEs are included in overall compliance.

<sup>b</sup> Exceptional circumstances refer to truly urgent and unforeseen circumstances under which the completion of an IA would delay essential delivery of policy.

<sup>c</sup> Positive number represents an increase in regulatory burden. Regulatory burden in IAs are estimated using the Commonwealth Regulatory Burden Measurement framework and are assumed to be spread over 10 years. The estimate is based on IAs published at the final decision point. The total estimated annual impact may differ from the other figures in this document due to rounding.

<sup>d</sup> This figure represents an estimated regulatory costing.

## Impact Analysis compliance summary by Department or Agency, 2023-24

### Australian Competition and Consumer Commission

Figure 2. Compliance summary: Australian Competition and Consumer Commission

Proposal	IA Compliance	Rating	PIR Required	Regulatory Burden (\$m)
New mandatory safety standard for Helium balloon inflation kits	Compliant	Good Practice	No	\$0.032m
<b>Total proposals</b>	<b>1/1</b>	<b>-</b>	<b>0/1</b>	<b>\$0.032m</b>

### Australian Communications and Media Authority

Figure 3. Compliance summary: Australian Media and Communications Authority

Proposal	IA Compliance	Rating	PIR Required	Regulatory Burden (\$m)
Allocation limits for the 3.4/3.7 GHz bands allocation process	Compliant	N/A	No	-
<b>Total proposals</b>	<b>1/1</b>	<b>-</b>	<b>0/1</b>	<b>-</b>

## Australian Securities and Investment Commission

Figure 4. Compliance summary: Australian Securities and Investment Commission

Proposal	IA Compliance	Rating	PIR Required	Regulatory Burden (\$m)
ePayments Code review	Compliant	N/A	No	-\$0.96m <sup>e</sup>
<b>Total proposals</b>	<b>1/1</b>	<b>-</b>	<b>0/1</b>	<b>-\$0.96m</b>

<sup>e</sup> Regulatory savings is a range so this figure is an estimated mid-point.

## Department of Agriculture, Fisheries and Forestry

Figure 5. Compliance Summary: Department of Agriculture, Fisheries and Forestry

Proposal	IA Compliance	Rating	PIR Required	Regulatory Burden (\$m)
Modernising the agricultural levies legislation	Compliant	N/A	No	\$0.061m
Farm Household Allowance - Eligibility Changes	Compliant	Good Practice	No	-
<b>Total proposals</b>	<b>2/2</b>	<b>-</b>	<b>0/2</b>	<b>\$0.061m</b>

## Department of Climate Change, Energy, the Environment and Water

Figure 6. Compliance summary: Department of Climate Change, Energy, the Environment and Water

Proposal	IA Compliance	Rating	PIR Required	Regulatory Burden (\$m)
Certification of Independent Review - Water Market Roadmap	Compliant	N/A	No	\$0.49m
Improving Australia's fuel and vehicle emissions standards	Compliant	Good Practice	No	\$300.6m
<b>Total proposals</b>	<b>2/2</b>	<b>-</b>	<b>0/2</b>	<b>\$301.09m</b>

## Department of Defence

Figure 7. Compliance summary: Department of Defence

Proposal	IA Compliance	Rating	PIR Required	Regulatory Burden (\$m)
Defence Trade Controls Amendment Bill 2023	Compliant	Good Practice	No	-\$8.1m
<b>Total proposals</b>	<b>1/1</b>	<b>-</b>	<b>0/1</b>	<b>-\$8.1m</b>

## Department of Employment and Workplace Relations

Figure 8. Compliance summary: Department of Employment and Workplace Relations

Proposal	IA Compliance	Rating	PIR Required	Regulatory Burden (\$m)
Closing the labour hire loophole	Compliant	N/A	No	\$0.2m
Standing up for casual workers	Compliant	N/A	No	\$1.39m
Minimum standards and increased access to dispute resolution for independent contractors	Compliant	N/A	No	\$235.58 per business, or up to \$6,125.00 per business + \$258.80 per worker, or up to \$10,080.70 per business. <sup>f</sup>
New voluntary pre-employment service for parents of young children	Compliant	Adequate	No	\$8.78m
<b>Total proposals</b>	<b>4/4</b>	<b>-</b>	<b>0/4</b>	<b>\$10.37m</b>

<sup>f</sup> It is not possible to estimate the likely economy-wide regulatory burden from this measure. As such, regulatory burden from this is not included in the 'Estimated annual impact on Regulatory Burden' in Figure 1 or in the 'Total proposals' regulatory burden for this figure.

## Department of Finance

Figure 9. Compliance summary: Department of Finance

Proposal	IA Compliance	Rating	PIR Required	Regulatory Burden (\$m)
Legislating the Australian Government Digital ID Program	Compliant	Adequate	No	\$1.49m
<b>Total proposals</b>	<b>1/1</b>	<b>-</b>	<b>0/1</b>	<b>\$1.49m</b>

## Department of Foreign Affairs and Trade

Figure 10. Compliance summary: Department of Foreign Affairs and Trade

Proposal	IA Compliance	Rating	PIR Required	Regulatory Burden (\$m)
Signing of the Second Protocol to Amend the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area	Compliant	Adequate	No	-

Proposal	IA Compliance	Rating	PIR Required	Regulatory Burden (\$m)
Indo-Pacific Economic Framework for Prosperity Agreement Relating to Supply Chain Resilience	Compliant	Good Practice	No	-
<b>Total proposals</b>	<b>2/2</b>	<b>-</b>	<b>0/2</b>	<b>-</b>

## Department of Health and Aged Care

Figure 11. Compliance summary: Department of Health and Aged Care

Proposal	IA Compliance	Rating	PIR Required	Regulatory Burden (\$m)
Review of Tobacco Control Legislative Framework (Thematic Review) 2023	Compliant	Exemplary	No	\$21.77m
Proposed reforms to the regulation of vapes	Compliant	Good Practice	No	\$59.46m
<b>Total proposals</b>	<b>2/2</b>	<b>-</b>	<b>0/2</b>	<b>\$28.23m</b>

## Department of Home Affairs

Figure 12. Compliance summary: Department of Home Affairs

Proposal	IA Compliance	Rating	PIR Required	Regulatory Burden (\$m)
Mandatory security standards and industry-led voluntary cyber security labelling scheme for consumer-grade smart devices	Compliant	Adequate	No	\$49.5m
Migration Strategy	Compliant	Adequate	No	-\$146.6m
<b>Total proposals</b>	<b>2/2</b>	<b>-</b>	<b>0/2</b>	<b>-\$97.1m</b>

## Department of Infrastructure, Transport, Regional Development, Communications and the Arts

Figure 13. Compliance summary: Department of Infrastructure, Transport, Regional Development, Communication and the Arts

Proposal	IA Compliance	Rating	PIR Required	Regulatory Burden (\$m)
Reversing Technologies in Vehicles	Compliant	Good Practice	No	\$12.3m
Prohibit the use of credit cards for online gambling	Compliant	N/A	No	\$50,000 to \$1.5m (depending on the size of the business), and additional ongoing costs likely to range between \$50,000 and \$500,000. <sup>9</sup>



Proposal	IA Compliance	Rating	PIR Required	Regulatory Burden (\$m)
Safer Freight Vehicles	Compliant	Good Practice	No	-
Prominence Framework for Connected Television Devices	Compliant	Adequate	No	-
Anti-siphoning Scheme Reform	Compliant	Adequate	No	-
Australia Post Modernisation and Long-Term Financial Sustainability	Compliant	Adequate	No	-
<b>Total proposals</b>	<b>6/6</b>	<b>-</b>	<b>0/6</b>	<b>\$12.3m</b>

g It is not possible to estimate the likely economy-wide regulatory burden from this measure. As such, regulatory burden from this is not included in the 'Estimated annual impact on Regulatory Burden' in Figure 1 or in the 'Total proposals' regulatory burden for this figure.

## Department of the Treasury

Figure 14. Compliance summary: Department of the Treasury

Proposal	IA Compliance	Rating	PIR Required	Regulatory Burden (\$m)
Multinational Tax Transparency	Compliant	Adequate	No	\$2.97m
Tackling multinational tax avoidance	Compliant	Adequate	No	\$14.0m
Operational risk management	Compliant	N/A	No	\$22.9m
Petroleum Resource Rent Tax: Gas Transfer Pricing Review	Compliant	N/A	No	-
Climate risk disclosure	Compliant	Good Practice	No	\$10-13m per year per entity <sup>h</sup>
<b>Total proposals</b>	<b>5/5</b>	<b>-</b>	<b>0/5</b>	<b>\$39.87m</b>

h It is not possible to estimate the exact economy-wide regulatory burden from this measure. As such, regulatory burden from this is not included in the 'Estimated annual impact on Regulatory Burden' in Figure 1 or in the 'Total proposals' regulatory burden for this figure.

## Sport Integrity Australia

Figure 15. Compliance summary: Sport Integrity Australia

Proposal	IA Compliance	Rating	PIR Required	Regulatory Burden (\$m)
Safety in Sport	Compliant	Adequate	No	-
<b>Total proposals</b>	<b>1/1</b>	<b>-</b>	<b>0/1</b>	<b>-</b>

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# Detailed information on proposals requiring Impact Analysis, 2023-24

## Australian Competition and Consumer Commission

### New mandatory safety standard for Helium balloon inflation kits

IA Status: Compliant

Assessment Rating: Good Practice

PIR Required: No

Regulatory Burden: \$0.032 million per year

Deaths from suicide by asphyxiation of helium balloons occur in Australia and overseas. Between 2016 and 2021, the Victorian, Queensland and ACT Coroners have written to the ACCC on 17 occasions to notify of asphyxiation deaths caused by the deliberate inhalation of helium gas and to make recommendations for the ACCC to regulate helium balloon kits to reduce the number of suicides using these products.

The combination of the availability of high purity helium and the rapidity of the lethal effects of helium inhalation results in significant numbers of Australians dying each year. Despite prominent warnings to the contrary, the loss of life associated with this misuse has not reduced over time and warnings and education have not been sufficient to reduce the level of deaths.

The ACCC considers that a mandatory safety standard, under section 104 of the Australian Consumer Law, for non-refillable helium cylinders to reduce the use of the products in suicides is the best option. The mandatory standard will require the addition of about 21 per cent oxygen to the helium gas used in non-refillable helium cylinders. Labelling requirements on the product will also be introduced, noting that the product is not pure helium, should not be inhaled and may cause suffocation. The addition of 21 per cent oxygen will significantly decrease the potential of the use of the product in suicides, as the inclusion of oxygen means that the product can no longer be used to achieve a quick and painless death as unconsciousness would not be readily achieved.

## Australian Communications and Media Authority

### Allocation limits for the 3.4/3.7 GHz bands allocation process

IA Status: Compliant

Assessment Rating: N/A (Independent Review or IAE)

PIR Required: No

Regulatory Burden: N/A

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The spectrum licence allocation process and the considerations on allocation limits intends to strike the right balance between the objectives of supporting the efficient allocation of spectrum, supporting digital connectivity and investment in regional Australia, and promoting competitive markets. Based on the Australian Communications and Media Authority's (ACMA's) analysis of 3.4/3.7 GHz bands and their allocation, in conjunction with both Australian Competition and Consumer Commission (ACCC) advice to the ACMA and also stakeholder feedback to previous consultations, the ACMA identified three options for the quantum of spectrum allocation limits, with option 2 (140 MHz limit in metropolitan areas, and 160 MHz limit in regional areas, in the cross-band frequency range of 3.4-3.8 GHz) being demonstrated as the preferred option.

## Australian Securities and Investment Commission

### ePayments Code review

IA Status: Compliant

Assessment Rating: N/A (Independent Review or IAE)

PIR Required: No

Regulatory Burden: -\$0.96 million (estimated regulatory savings based on an estimated savings range of \$482,500 to \$1,433,000 on average per annum).

The Australian Securities and Investments Commission (ASIC) conducted a review of the ePayments Code (the Code) to ensure relevance and efficiency. Following ASIC's review, a number of amendments to the Code have been made. In addition to extending the Code to cover payments made using the New Payments Platform, ASIC has also updated the following areas of the Code:

- compliance monitoring and data collection;
- mistaken internet payments;
- unauthorised transactions;
- complaints handling; and
- facility expiry dates.

## Department of Agriculture, Fisheries and Forestry

### Modernising the agricultural levies legislation

IA Status: Compliant

Assessment Rating: N/A (Independent Review or IAE)

PIR Required: No

Regulatory Burden: \$0.061 million per year

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The current agricultural levies legislation has been in place since 1989 and has grown over time as industries have chosen to establish statutory levies on more commodities. There are currently more than 50 pieces of legislation governing over 110 levies across over 75 commodities and 18 levy recipient bodies.

A thematic review of the legislative framework for agricultural levies by the then Department of Agriculture and Water Resources in 2017-18 (the Review) found it to be duplicative, complex, opaque, and inflexible. In addition, the Review found administration of the legislation was inefficient. Notwithstanding the identified problems, the Review found that a legislative framework serves the objectives of the levy system and is necessary for the continuation of a successful industry-government arrangement.

The proposal would modernise the legislation to support the agricultural levy system by reducing complexity, amending inconsistencies, and improving flexibility. Key changes include adoption of modern compliance arrangements and changes to the methodology underpinning matching funding arrangements. The proposed changes are consistent with the objective of maintaining the purpose and function of the agricultural levy system.

### **Farm Household Allowance - Eligibility Changes**

IA Status: Compliant

Assessment Rating: N/A (Independent Review or IAE)

PIR Required: No

Regulatory Burden: N/A

The Farm Household Allowance program (FHA) is the Australian Government's main scalable response and support mechanism for farmers and their partners in hardship, with drivers including drought, natural disasters, biosecurity outbreaks and any other business shocks.

The FHA aims to:

- provide income support and other supplements to farmers and their partners in financial hardship (while avoiding welfare-dependence); and
- achieve measured structural adjustment in the agricultural industry by assisting recipients through case management to set achievable goals to either improve their farm-enterprise or make the difficult decision to exit farming.

Under the FHA's current eligibility, compliance and case management practices, a small but significant number of farmers with extremely and persistently low turnover year on year have come on payment - contrary to the original intent of the FHA.

The proposal is to make the following adjustments to the FHA from 1 July 2024, to better align the program with its original intent, including to avoid welfare dependence:

- introduce a minimum gross annual turnover of \$60,000 to limit access to FHA to commercial-scale farms with reasonable prospects of financial viability;

- 
- introduce annual collection of financial information from recipients to ensure ongoing assessment of eligibility; and
  - strengthen case management by introducing annual financial reviews between recipients and case managers, providing additional training and gather data more regularly to improve on-going monitoring and evaluation.

## Department of Climate Change, Energy, the Environment and Water

### Certification of Independent Review - Water Market Roadmap

IA Status: Compliant

Assessment Rating: N/A (Independent Review or IAE)

PIR Required: No

Regulatory Burden: \$0.49 million per year

On 19 August 2022 Lyn O'Connell, Deputy Secretary, Department of Climate Change, Energy, the Environment and Water, certified that the Roadmap had undertaken a process and analysis equivalent to a RIS, now IA.

The Water Amendment (Restoring Our Rivers) Bill 2023 amends the *Water Act 2007*, the Basin Plan 2012 and the *Competition and Consumer Act 2010* to implement the Roadmap recommendations to improve transparency, integrity and confidence in Basin water markets.

The water markets reforms include:

- An enabling framework for a mandatory code to be made to regulate water markets intermediaries covering a range of obligations including relating to statutory trust accounts;
- Basin-wide water markets integrity rules, comprising prohibitions on market manipulation and insider trading;
- stronger requirements for water markets decisions that impact on water prices and more consistency in the way these decisions must be publicly announced;
- the development of national water markets data standards and reporting of all relevant water trade data collected by water markets intermediaries to the national water information agency (the Bureau of Meteorology); and
- removal of the Basin Plan exemption for grandfathered tags to ensure that all water entitlement holders are subject to the same rules.

## Improving Australia's fuel and vehicle emissions standards

IA Status: Compliant

Assessment Rating: Good Practice

PIR Required: No

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Regulatory Burden: \$300.6 million per year.

This was a joint IA between Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA) and the Department of Climate Change, Energy, the Environment and Water (DCCEEW), led by DCCEEW.

Noxious emissions produced by road vehicles are a major contributor to air pollution in Australia that can cause negative human health effects, including reduced lung function, ischemic heart disease, stroke, respiratory illness and cancer. The current regulatory settings for fuels and vehicles in Australia result in a higher level of noxious and carbon emissions when compared with other developed economies and are a barrier to reducing noxious emissions, suggesting that the exploration of policy options to reduce health impacts is warranted.

The DITRDCA and the DCCEEW proposed opportunities to update the fuel and light vehicle standards that optimise the benefits to the Australian communities, considering economic, health and environmental impacts.

The options considered to reduce noxious emissions from new light road vehicles included:

Business as usual: Allow the existing Euro 5 noxious emissions standards and market forces to provide a solution.

Option A: Fleet purchasing policies (not considered viable): Maintain Euro 5 noxious emissions standards but seek to influence vehicle purchasing decisions by adopting minimum noxious emissions performance requirements in the Australian Government fleet.

Option B: Voluntary standards (not considered viable): Maintain Euro 5 noxious emissions standards but encourage vehicle manufacturers, through peak industry groups, to enter into an agreement with the Australian Government to meet increased minimum noxious emissions performance requirements.

Options C and D: Increased mandatory standards – mandate Euro 6d standards for light vehicles under the *Road Vehicle Standards Act 2018*.

Following stakeholder feedback on the draft RIS Light Vehicle Emission Standards for Cleaner Air, released for public consultation in 2020–2021 and the draft RIS Better Fuel for Cleaner Vehicles, released for consultation by DCCEEW in November–December 2022, the following approaches were evaluated in the joint IA:

Option C: Mandate Euro 6d standards from 2027–28 (original approach considered in the Light Vehicle Emission Standards for Cleaner Air draft RIS to align with the introduction of improved fuel quality standards, if adopted from 2027).

Option D: Mandate Euro 6d standards from 2025–28 (an alternative approach proposed to align with the introduction of improved fuel quality standards, if adopted from 2025).

The options to improve fuel quality were:

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Business as usual: Continuation of the current policy settings.

Option 1 (not considered viable): From 2024, specify the maximum level of aromatics in 91 RON as 35% and the maximum grade average for the 95 RON grade as 35%. No change to 98 RON petrol.

Option 2 (considered viable): From 2025 specify the maximum level of aromatics content as 35% for 95 RON. No change to other grades.

Option 3 (considered viable): From 2027 specify the maximum level of aromatics content as 35% across all grades of petrol.

Option 4 (considered viable, but unnecessary): Align key diesel specifications with the EU standard

Three viable packages were considered in the joint IA, combining fuel quality and noxious emissions standards.

Package 1 – Noxious Emissions Standards Option C (mandate from 2027–28) and Fuel Quality Option 3 (35% aromatics across all grades from 2027)

Package 2 – Noxious Emissions Standards Option D (mandate from 2025–28) and Fuel Quality Option 2 (35% aromatics limit for 95 RON petrol from 2025)

Package 3 – Noxious Emissions Standards Option C (mandate from 2027–28) and Fuel Quality Option 2 (35% aromatics limit for 95 RON petrol from 2025)

## Department of Defence

### Defence Trade Controls Amendment Bill 2023

IA Status: Compliant

Assessment Rating: Good Practice

PIR Required: No

Regulatory Burden: -\$8.1 million per year

The IA considers two problems:

- Australia's current export control framework prevents access to a country-based exemption to the licencing requirements of the *US Arms Export Control Act*. This causes delays to accessing critical capabilities, increased regulatory burden and national security risks and restricts Australian industry growth and collaboration.
- Gaps in Australia's existing export control legislative provisions enable the transfer of controlled goods and technologies both within and outside of Australia, to foreign entities. These foreign entities' interests and actions may be prejudicial to the security, defence or international relations of Australia.

The IA considers three options to address the stated problems:

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1. Maintaining Australia's existing export control framework.

2A. Changing Australia's export control framework by amending the *Defence Trade Controls Act (2012)* (the DTC Act) to regulate the export of deemed supplies, re-supplies and the provision of DSSL services. This option includes country-based licencing exemptions for the UK and the US and certain exceptions for foreign national employees. The IA states that further exceptions will be clarified in consultation with stakeholders at a later point.

2B. This option includes the same amendments to the DTC Act as option 2A. This option includes a country-based licencing exemption for the UK and the US but does not include complementary exceptions as with Option 2A.

The IA finds that Option 2A delivers the greatest achievement of government objectives, along with the greatest net benefit of \$614 million over a 10-year period when compared to Option 1 with a saving of \$8.1 million over ten years.

## Department of Employment and Workplace Relations

### Closing the labour hire loophole

IA Status: Compliant

Assessment Rating: N/A (Independent Review or IAE)

PIR Required: No

Regulatory Burden: \$0.2 million per year

The Government's 'Closing the labour hire loophole' proposal will amend the *Fair Work Act 2009* so that employees, their representatives, and host businesses can apply to the Fair Work Commission for an order requiring that labour hire employees covered by the order are paid at least what they would be paid if they were directly employed by their host and paid under the host's enterprise agreement.

### Standing up for casual workers

IA Status: Compliant

Assessment Rating: N/A (Independent Review or IAE)

PIR Required: No

Regulatory Burden: \$1.39 million per year

The Fair Work Legislation Amendment (Closing Loopholes) Bill 2023 seeks to replace the existing definition of 'casual employee' with an objective definition that will allow for consideration of the practical reality of the employment relationship. It also introduces a new employee choice pathway for eligible employees to change to permanent employment if they wish to do so.



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## Minimum standards and increased access to dispute resolution for independent contractors

IA Status: Compliant

Assessment Rating: N/A (Independent Review or IAE)

PIR Required: No

Regulatory Burden: \$235.58 per business, or up to \$6,125.00 per business + \$258.80 per worker, or up to \$10,080.70 per business.

The Fair Work Legislation Amendment (Closing Loopholes) Bill 2023 seeks to implement the Government's election and Jobs and Skills Summit commitments by amending the *Fair Work Act* to empower the Fair Work Commission to set minimum standards for classes of employee-like workers and certain workers in the road transport industry. The Fair Work Commission would also be able to resolve disputes about unfair contract terms for independent contractors earning under a high-income threshold.

## New voluntary pre-employment service for parents of young children

IA Status: Compliant

Assessment Rating: Adequate

PIR Required: No

Regulatory Burden: \$ \$8.78 million per year

Some parents of young children can benefit from extra support to help them, when they are ready, to prepare for the workforce while also prioritising their caring roles. This is particularly relevant if they have been out of the labour force for some time. By addressing their individual vocational and non-vocational challenges, parents can work towards achieving their education and employment goals. In the longer term, this can contribute to improving the economic security of parents and their participation.

The government announced on 5 May 2023 (and included in the 2023–24 Budget) that participation in the ParentsNext pre-employment program would become voluntary immediately, and that it would be replaced by a new voluntary program that better meets the needs of parents.

Under the recommended option in this IA, a new voluntary pre-employment service for vulnerable parents of young children will start in November 2024. The service will be delivered by organisations chosen for their capacity to deliver the new, strength-based, parent-centric service except in one location where delivery by the Australian Public Service will be piloted. To ensure that there is no gap in support for participants, the ParentsNext program, which was due to end in June 2024, will be extended for 4 months until the new service commences.

Engagement with the new program will be voluntary. Interested parents of children aged under 6 years can be connected to a service through Services Australia or make contact directly with a service which would assess their eligibility and register them for assistance.

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## Department of Finance

### Legislating the Australian Government Digital ID Program

IA Status: Compliant

Assessment Rating: Adequate

PIR Required: No

Regulatory Burden: \$1.49 million per year

Australia's identity system will keep fragmenting across the public and private sectors as technology rapidly evolves. The current system lacks overall strategic direction and coordination, with a proliferation of identity documents and the over-collection of personal information. This results in a costly and inefficient system that impacts privacy, increases the risk of identity crime and excludes many Australians. Expanding the use of digital IDs without strengthening the foundations of the identity system will transfer existing vulnerabilities and magnify adverse impacts. Public confidence is essential to the development and use of digital IDs, including the use of biometrics to make them more secure. Australians will need certainty regarding the security and privacy of digital IDs, and that they can control the use and sharing of information they contain.

The proposal establishes a dedicated regulatory scheme for the Australian Government Digital ID System (AGDIS) and an accreditation scheme, including an established role for the Australian Competition and Consumer Commission as the initial Australian Digital ID Regulator. Verifying identity is a key foundation of engagement with government and the broader economy. This proposal sets out a strategic direction for reforms to modernise Australia's identity system, and proposes improvements to the identity system, coordinating identity system reforms across portfolios, and alignment with related privacy, cybersecurity and service delivery reforms.

## Department of Foreign Affairs and Trade

### Signing of the Second Protocol to Amend the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area

IA Status: Compliant

Assessment Rating: Adequate

PIR Required: No

Regulatory Burden: N/A

The original ASEAN-Australia-New Zealand Free Trade Area (AANZFTA), which entered into force in January 2010 for Australia, is no longer meeting Australian consumer and business requirements. Rapidly evolving economic environments have meant that AANZFTA no longer delivers the greatest possible benefits for

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Australian consumers and businesses, and has fallen behind more recently agreed FTA's between AANZFTA parties.

The IA focuses on the costs and benefits to Australia of signing the amendment agreement against the status quo option of not signing. The amendment to AANZFTA focuses on improving outcomes in the following key areas:

- rules of origin
- customs procedures
- services and investment
- movement of natural persons
- E-Commerce
- Competition (including consumer protection)
- Government Procurement
- Trade and Sustainable development
- Micro, Small and Medium Enterprises (MSMEs)

## **Indo-Pacific Economic Framework for Prosperity Agreement Relating to Supply Chain Resilience**

IA Status: Compliant

Assessment Rating: Good Practice

PIR Required: No

Regulatory Burden: N/A

The IPEF (Indo-Pacific Economic Framework) Supply Chain Agreement IA seeks to address two problems: the increasing frequency and severity of supply chain disruptions at the international level, and the concentration and chokepoints in critical supply chains.

The IA considers two options: to sign the negotiated Agreement, or to not sign. The negotiated Agreement has several focuses, which include:

- developing common criteria between parties to identify "critical sectors or key goods"
- establishing committee structures to deliver Action Plans in identified critical sectors, to improve emergency communication channels in the event of supply chains disruptions, and to monitor for reports of Labour Rights inconsistencies.

The IA uses a qualitative analysis method to conclude that signing the Agreement will result in a higher net benefit than not signing, along with greater achievement of the Government's objectives.

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## Department of Health and Aged Care

### Review of Tobacco Control Legislative Framework (Thematic Review) 2023

IA Status: Compliant

Assessment Rating: Exemplary

PIR Required: No

Regulatory Burden: \$21.77 million per year

This IA examines measures to support the *National Tobacco Strategy 2023-2030* (NTS) and *National Preventive Health Strategy 2021-2030* (NPHS), which include the following targets in respect to tobacco control:

- achieve a national daily smoking prevalence for adults (≥18 years) of less than 10 per cent by 2025, and 5 per cent or less by 2030; and
- reduce the daily smoking rate among First Nations peoples (≥15 years) to 27 per cent or less by 2030.

The primary objectives of the preferred option in this IA are therefore to reduce daily smoking prevalence, both by discouraging uptake among people who do not smoke and by increasing cessation among people who do smoke. Secondary objectives have also been identified that have less direct impact on smoking prevalence but would support measures to meet the primary objectives. These include ensuring Australia's tobacco control regulatory framework aligns with international best practice and international precedents, and the receipt of more sales and advertising information to increase transparency and inform policy development.

## Department of Health and Aged Care

### Proposed reforms to the regulation of vapes

IA Status: Compliant

Assessment Rating: Good Practice

PIR Required: No

Regulatory Burden: \$59.46 million per year

Vaping is rapidly increasing in Australia, particularly among youth and young adults. The latest available trend data shows that among young people aged 14 years and over, current use of vapes (defined as use at least once in the month prior to being surveyed) increased from 2.5% to 7.5% between 2020 and 2022. The increase was even more marked among people aged 18-24 years old, increasing from 5.6% in 2020 to 21.4% in 2022. The health risks of vaping are substantial. A review of global evidence published in April 2022 found substantial evidence that vaping by non-smokers results in dependence and conclusive evidence that vape

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use can cause respiratory disease, severe burns, poisoning and seizures. Collectively, this evidence highlights that the existing controls governing the marketing and use of vapes should be strengthened.

The IA examines options to reduce vaping-related harm among Australian adults and teenagers. The proposed measures would strengthen regulatory arrangements to ensure consumers would only be able to lawfully access vapes under a prescription from a registered pharmacist or other person authorised to supply prescription medicines. Relevant product standards would also be strengthened to limit flavourings, introduce plain packaging, and reduce the maximum allowable nicotine concentration in vaping e-liquids. Disposable single use vapes would be banned.

## Department of Home Affairs

### **Mandatory security standards and industry-led voluntary cyber security labelling scheme for consumer-grade smart devices**

IA Status: Compliant

Assessment Rating: Adequate

PIR Required: No

Regulatory Burden: \$49.5 million per year

At present, smart device manufacturers are not required to comply with security standards which can lead to an increased risk of vulnerability which may be exploited, exposing consumers to cyber risks. Australian households and businesses are bearing financial costs and negative societal impacts as a result of persistent and preventable cyber security incidents. Estimates of these costs are as high as \$29 billion per year.

Consumers are often unable to tell the difference between a secure and insecure device due to a lack of clear and accessible information. This limits commercial incentives for manufacturers to prioritise security, leading to consumers unknowingly adopting cyber security risk.

Home Affairs considered a combination of a mandatory product standard and voluntary labelling scheme for smart devices as the best option. A voluntary cyber security labelling scheme will provide additional guidance for consumers to inform their smart device purchasing decisions. This will help to mitigate against information asymmetries that currently exist in the smart device market, as cyber security information will become more easily accessible and understandable for consumers. The mandatory product standard will ensure that smart devices are built with minimum security.

### **Migration Strategy**

IA Status: Compliant

Assessment Rating: N/A (Independent Review or IAE)

PIR Required: No

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Regulatory Burden: -\$146.6 million per year

Coming out of the COVID-19 pandemic, Australia faces many challenges and opportunities. Critical issues, such as stagnating productivity and geopolitical risks need to be addressed, while maintaining social cohesiveness and economic prosperity. While migration can play a role in meeting those challenges and capitalising on those opportunities, Australia's migration program is currently not fit for purpose. Australia needs a long-term approach that supports stable and predictable population growth and allows more effective planning of infrastructure, housing and services to meet the needs of all Australian residents.

The task of the Migration Strategy is to design a system that will maximise Australia's ability to respond effectively to present and future challenges and opportunities. The Migration Strategy released in December 2023 includes a comprehensive plan that draws on the key findings of the 2023 Migration Review of the Migration System, and includes five key objectives:

- Raising living standards by boosting productivity, meeting skills shortages and supporting exports
- Ensuring a fair go in the workplace by complementing the jobs, wages and conditions of domestic workers and preventing migrant worker exploitation
- Building stronger communities by better planning for sustainable migration, and giving migrants the opportunity to invest in their lives in Australia through permanent residence and citizenship
- Strengthening international relationships by building stronger economic and social connections with our regional neighbours and international partners
- Making the system work by being fast, efficient and fair for migrants and employers

## Department of Infrastructure, Transport, Regional Development, Communications and the Arts

### Reversing Technologies in Vehicles

IA Status: Compliant

Assessment Rating: Good Practice

PIR Required: No

Regulatory Burden: \$12.3 million per year

Reversing technologies increase the driver's awareness or vision of vulnerable road users behind a vehicle, reducing the number of reversing collisions with pedestrians that result in severe or fatal injuries. The IA prepared by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts presented two alternative options (in addition to the status quo) designed to reduce reversing collisions in Australia:

Option 1: No Regulatory Intervention (business as usual or status quo)

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Option 2: Introduce a new national road vehicle standard (also known as Australian Design Rule or ADR) aligned with United Nations Regulation No. 158 for light and heavy vehicles (the recommended option)

Option 3: Introduce a new ADR aligned with United Nations Regulation No. 158 for light vehicles.

### **Prohibit the use of credit cards for online gambling**

IA Status: Compliant

Assessment Rating: N/A (Independent Review or IAE)

PIR Required: No

Regulatory Burden: Range from \$50,000 to \$1.5 million (depending on the size of the business), and additional ongoing costs likely to range between \$50,000 and \$500,000 over 10 years.

The use of credit cards in online gambling platforms and services is causing significant harm to businesses and individuals. The proposal seeks to minimise harms associated with online gambling by amending Interactive *Gambling Act 2001* to prohibit the use of credit cards, credit related products (including digital wallets) and digital currency (such as cryptocurrency) as payment methods for licensed Australian interactive wagering services, or other methods determined by the Minister by way of a (disallowable) legislative instrument.

### **Safer Freight Vehicles**

IA Status: Compliant

Assessment Rating: Good Practice

PIR Required: No

Regulatory Burden: N/A

The Australian Design Rules (ADRs) are indirectly limiting the supply of safer and cleaner heavy freight vehicles through two principal means. The first is the vehicle width limit of 2.50 m, which is the same as Japan, but narrower than other major markets including the European Union and the United States. The second is the absence in the ADRs of exclusions for various types of devices for indirect vision (i.e. mirrors and cameras) and blind spot information systems (e.g. for the detection of vehicles, bicyclists and/or pedestrians) from the measurement of vehicle width and/or length. This IA focusses on policy options to better regulate these aspects of vehicle design.

The proposal is to introduce regulatory reforms that are designed to increase take up of safer, cleaner heavy freight vehicles (goods vehicles over 4.5 tonnes Gross Vehicle Mass (GVM) and trailers over 4.5 tonnes Aggregate Trailer Mass (ATM)) in the Australian market.

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The IA prepared by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department) presented two alternative options (in addition to the status quo) designed to increase the take up of safer heavy freight vehicles in Australia:

Non-regulatory option: Option 1: No intervention. Repeal the current requirements for vehicle dimensions (i.e. width, length, and height) and allow vehicle manufacturers to provide solutions to meet market demand.

Regulatory options: Option 2: Retain existing requirements (business as usual) for vehicle dimensions through the ADRs under the *Road Vehicle Standards Act 2018* (RVSA). Option 3: Implement updated requirements for vehicle dimensions through the ADRs under the RVSA services.

## Prominence Framework for Connected Television Devices

IA Status: Compliant

Assessment Rating: Adequate

PIR Required: No

Regulatory Burden: N/A

Over the last decade there has been a fundamental transition in the TV market in Australia. Free-to-air television broadcasting services now exist as one of many content options on connected TV interfaces, and are becoming increasingly difficult for consumers to find. There is a material risk that free-to-air television broadcasters will be crowded out by the larger, international services operating in the Australian market. This risks inhibiting the ability of the free-to-air broadcasting sector to continue to support the achievement of important policy objectives.

The prominence framework proposes to support the availability of free-to-air TV services, delivered both as linear TV broadcasts and broadcast video on demand (BVOD) apps, on regulated TV devices (those that are primarily used to provide TV or TV-like content). The framework would be legislated through the *Broadcasting Services Act 1992* (BSA), with the following key features:

- An obligation on manufacturers of regulated TV devices to make free-to-air broadcasters' linear TV and BVOD services available on those devices without fee, payment or other form of consideration, consistent with 'minimum prominence requirements' determined via regulations. Minimum prominence requirements would include the pre-installation or automatic installation of free-to-air TV service Apps and the availability of linear TV services and BVOD apps of free-to-air broadcasters from the 'front page' of the device's user interface.
- Compliance with the obligation to be subject to free-to-air broadcasters offering services (for their linear TV and BVOD services) that meet reasonable technical standards, with free-to-air broadcasters responsible for maintaining and updating the software for their respective apps and for handling any consumer complaints regarding the operation and functionality of those apps.



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- No restriction on the ability of the manufacturers of regulated TV devices to seek payment, fees or any other form of consideration for the promotion of apps or content on relevant devices from any party, provided that the minimum prominence requirements are upheld for free-to-air broadcasting services. Search functions or other features of regulated TV devices that operate in response to user input or requests would not be subject to the minimum prominence requirements.

### **Anti-siphoning Scheme Reform**

IA Status: Compliant

Assessment Rating: Adequate

PIR Required: No

Regulatory Burden: N/A

In the 2022 election, the Government committed to review ([www.infrastructure.gov.au/department/media/publications/anti-siphoning](http://www.infrastructure.gov.au/department/media/publications/anti-siphoning)) the anti-siphoning scheme and the anti-siphoning list. The review found that changes in technology and media markets have created a latent but material risk that nationally important and culturally significant events will migrate behind online paywalls, and no longer be available for free to Australian audiences. The review also found that there is a case to reconsider the composition of the anti-siphoning list with respect to women's sports events and Para-sports. This analysis has been undertaken to assess proposed reforms that aim to address the findings of the review.

The proposal seeks to establish:

- a 'broadcast safety net' model for the anti-siphoning scheme - this would expand the current scheme to prevent the acquisition of a listed event to Australians by any 'content service provider' until a free-to-air broadcaster has acquired a right to televise the event on a broadcasting service, or the event is automatically delisted (12 months prior to the event commencing) and,
- a 'modernised' list option - this responds to the finding of the review that the current list is outdated and proposes to make inclusions to the list to better reflect the modern media landscape and moderately broaden the composition of nationally important and culturally significant events.

### **Australia Post Modernisation and Long-Term Financial Sustainability**

IA Status: Compliant

Assessment Rating: Adequate

PIR Required: No

Regulatory Burden: N/A

Australia Post is a national institution that provides essential services to Australian communities, particularly in rural and remote Australia. With the digitisation of the economy changing how people and businesses use

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postal services, it is essential to ensure postal services meet the needs of the Australian community both now and into the future. The modernisation of Australia Post is essential for it to remain financially sustainable, able to invest in their products and services and continue to employ thousands of people to support national productivity and supply chain resilience.

A combination of reforms will be introduced to the existing regulatory framework including:

1. Reduction of delivery frequency and relaxation of the timetable for letter delivery;
2. Adoption of modern area classification definitions in the Performance Standards Regulations;
3. Removal of the regulated requirement for a priority letter service; and,
4. Reform of letter pricing oversight.

## Department of the Treasury

### Multinational Tax Transparency

IA Status: Compliant

Assessment Rating: Adequate

PIR Required: No

Regulatory Burden: \$2.97 million per year

The Government's intent is to introduce targeted and balanced tax transparency initiatives directed at Multinational Enterprises (MNEs) that, as part of the broader regulatory mix, are intended to moderate corporate tax-aggressiveness.

This option would address information asymmetries with the current tax transparency regime by enhancing the public reporting requirements of MNEs and public companies operating in Australia via Australian companies disclosing information on their subsidiaries.

This measure was developed in place of the Government's originally announced election commitment that companies disclose to shareholders their business in a jurisdiction with a tax rate less than 15 per cent), in response to stakeholder feedback (see consultation section).

Separately, this option would also require tenderers for Australian government contracts (worth more than \$200,000) to disclose their country of tax domicile.

The \$200,000 value is an existing threshold in the Commonwealth Procurement Framework. It is the second highest threshold.

This element does not require legislative amendments and will instead be implemented via administrative changes to the Commonwealth Procurement material.

### Tackling multinational tax avoidance

IA Status: Compliant

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Assessment Rating: Adequate

PIR Required: No

Regulatory Burden: \$14.0 million per year

The Government is seeking to raise revenue by implementing targeted changes to Australia's thin capitalisation rules. These changes will limit an entity's interest expenses in line with their taxable earnings before interest, tax, depreciation and amortisation (EBITDA) – in line with OECD/G20 Base erosion and Profit Shifting Project Action 4, 2016 update. Additionally, the Government seeks to stop related party borrowings from being deductible for tax purposes under an Australian specific third-party debt test.

The Government is also seeking to protect revenue from arrangements that involve intangibles that avoid Australian tax and seek to achieve overall low tax outcomes by denying tax deductions for payments that relate to intangible assets connected with low- or no-tax jurisdictions.

### **Operational risk management**

IA Status: Compliant

Assessment Rating: N/A (Independent Review or IAE)

PIR Required: No

Regulatory Burden: \$22.9 million per year

The proposal is to review and update two existing cross-industry prudential standards, Prudential Standard CPS 231 Outsourcing (CPS 231) and Prudential standard CPS 232 Business Continuity Management (CPS 232) and introduce a new cross-industry standard, Prudential Standard CPS 230 Operational Risk Management. This standard will set out minimum standards for managing operational risk, including updated requirements for business continuity and service provider management. This new standard will subsume CPS 231 and CPS 232.

### **Petroleum Resource Rent Tax: Gas Transfer Pricing Review**

IA Status: Compliant

Assessment Rating: N/A (Independent Review or IAE)

PIR Required: No

Regulatory Burden: N/A

There have been significant developments in global energy markets and local energy demand since 2019, including the increasing importance of gas in supporting the transition to low-emissions energy generation and the changing role of LNG in supplying gas to Western Australia and the Northern Territory. Given these developments, and the Callaghan Review finding that 'a change to the transfer pricing arrangements could have major implications for existing projects', The *Petroleum Resource Rent Tax: Review*

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*of Gas Transfer Pricing Arrangements Final Report (GTP Review)* has considered alternative approaches consistent with the overall intent of the Petroleum Resource Rent Tax (PRRT) to ensure the Australian community receives an equitable return for the extraction of its oil and gas resources, while not discouraging investment in exploration and development in the industry.

The Government will proceed with 8 of 11 recommendations by the GTP Review.

- Recommendation 1c: Limit deductible expenditure of PRRT assessable receipts in respect of each project in the relevant income year (applied after mandatory transfers of exploration expenditure).
- Recommendation 3: Require projects to make an irrevocable election to use the shorter or longer asset life formula.
- Recommendation 5: If the Residual Pricing Method (RPM) is retained, equalise the treatment of the notional upstream and downstream entities between loss situations and profit situations.
- Recommendation 6: Update the comparable uncontrolled price rules to align with the OECD guidelines.
- Recommendation 7: Modify the Advance Pricing Arrangement (APA) rules to provide guidance to industry and the Commissioner of Taxation on the principles that the Commissioner must have regard to in agreeing an APA.
- Recommendation 8: Update the regulations for tolling arrangements to support the effective operation of the RPM.
- Recommendation 9: Update both the PRRT general anti-avoidance rule and the arm's length rule to clarify that they apply to the GTP Regulation.
- Recommendation 11: Update the GTP Regulation to ensure that where an LNG facility enters the PRRT regime (either solely for the purposes of the GTP Regulation or for broader PRRT calculations) for the first time for backfill or tolling purposes, the value of the plant for use in PRRT calculations is the historical cost of the LNG facility, uplifted by the GDP deflator to the date of first production for PRRT purposes.

## Department of the Treasury

### Climate risk disclosure

IA Status: Compliant

Assessment Rating: Good Practice

PIR Required: No

Regulatory Burden: \$1.0 to 1.3 million per year per entity

Climate change is having an impact on the financial prospects of companies, for better and for worse. It is increasingly recognised that companies need to manage and disclose those risks. This is becoming a

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mainstream part of corporate governance and strategy. To do this effectively, the financial impacts of climate change need to be identified and disclosed to the market.

While existing guidance from regulators in Australia has led to an increase in the number of companies disclosing climate-related risks, investors note that existing climate risk disclosures are often inconsistent or contain insufficient information to support decision-making. To appropriately price climate-related risks and opportunities, value assets and allocate capital efficiently, investors need information on climate risks and opportunities and the actions being taken by individual companies to meet their climate change targets. Investors also note the lack of standardisation makes disclosures difficult to compare, which impacts their decisions.

As part of the 'Powering Australia' policy, the Government has committed to introducing a standardised, internationally aligned requirements for mandatory disclosure of climate-related financial risks and opportunities in Australia for large businesses. Improving climate disclosures will support regulators to assess and manage systemic risks to the financial system as a result of climate change and efforts taken to mitigate its effects. This is necessary to sustain Australia's reputation as a destination for the international capital that will be inevitably needed in the transition to net zero.

Climate-related financial disclosures will be mandated through amendments to the *Corporations Act 2001* (Commonwealth) and related legislation. Detailed sustainability and assurance standards will be made and maintained by the Australian Accounting Standards Board (AASB) and the Australian Auditing and Assurance Standards Board (AUASB). The new requirements build on the existing financial reporting framework through inclusion of a new 'sustainability report' that is required to be prepared for certain entities. As a part of this report, entities will be required to report on their climate strategy and governance processes as well as scope 1 and 2 emissions from commencement, with scope 3 reporting being required as the reforms mature. Entities will also be required to conduct scenario analysis from commencement. Assurance requirements will be phased in and a modified liability regime will operate for the first three reporting years.

## Sport Integrity Australia

### Safety in Sport

IA Status: Compliant

Assessment Rating: Adequate

PIR Required: No

Regulatory Burden: N/A

Sport Integrity Australia's remit has expanded beyond its role as Australia's National Anti-Doping Organisation and now encompasses the safeguarding of the integrity of Australian sports. Over 50 per cent of the Sport Integrity Australia's funding is tied to terminating measures ceasing on 30 June 2024, therefore it will not be financially viable for the agency to absorb the cost of addressing matters of safety.

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The proposal seeks to put forth a range of options with increasing levels of capability. Each option seeks to improve safety among at risk groups, provide evidence-based policies, programs and services and ensure all participants of sport are informed, educated, and supported. The *Sport Integrity Act 2020* only allows the agency to charge for functions relating to Anti-doping, therefore cost recovery was not considered to be a viable option.

The Safety in Sport program entails increasing the capacity of Sports Integrity Australia to respond to reports associated with bullying, harassment, racism and discrimination, expanded education campaign to cover bullying, harassment, racism and discrimination and development and implementation of a First Nations skills program, Women in Leadership program and Sport Culture and Diversity Strategy.

The IA considers three levels of funding for the Safety in Sport program:

Option One: will allow the agency to adequately address current safety in sport issues.

Option Two: will provide sufficient level of staffing resources and expertise to proactively address current and future safety in sport issues and implement robust frameworks that prevent integrity issues including new and emerging threats.

Option Three: will provide optimal level of staffing resources and expertise to proactively address current and future safety in sport issues.

Sport Integrity Australia determined through analysis and consultation that Option Three would best support the Government's objectives, will have the greatest impact across the entire sport ecosystem through to grassroots sport and at-risk demographics, and future proof sport from growing and emerging integrity threats by investing in strategies informed by research and stakeholder engagement. Key initiatives included in Option Three are new integrity managers embedded within state/territory sports and representation agencies of Community Sport Australia, establishment of a new Sport Integrity Research Institute, new strategic intelligence capability to strengthen our understanding of key issues impacting the sports integrity threat environment, a sports cultural hub and media studio that recognises and promotes First Nations peoples, those from culturally and linguistically diverse backgrounds and people with a disability and new social media analytics capability.