



# Carve-outs

March 2024

## Introduction

The [Australian Government Guide to Policy Impact Analysis](#) (the Guide) outlines the role and requirements of Impact Analysis in the policy development process.

The Guide describes some special cases in the Impact Analysis process, one of which relates to carve-outs. A carve-out is a standing agreement between the Office of Impact Analysis (OIA) and a department, removing the need for a Preliminary Assessment to be sent to the OIA for certain types of policy changes.

A carve-out can be used when anticipated policy changes are minor or machinery in nature and likely to occur on a regular basis. A change is minor if it does not substantially alter existing arrangements for people, businesses, or community organisations. Machinery changes are changes that are consequential to, and required as a result of, a substantive policy decision, and for which there is limited discretion available to the decision maker.

Carve-outs cannot be applied to proposals where Cabinet is the decision maker.

This guidance note gives further information about carve-outs, explains how to obtain one, and lists the carve-outs currently in place.

## Objectives

Carve-outs aim to improve the efficiency of the Preliminary Assessment process by reducing the workload for both parties (the department and the OIA) while ensuring consistent advice from the OIA.

# Risks

Key risks include inappropriate carving out of policy proposals and misinterpretation of the standing agreement (for example, using the carve-out to cover policy proposals that have a greater impact than the proposal was originally intended for). To manage this risk, the agreement must:

- be phrased succinctly and avoid ambiguity in the proposals to be carved out
- state that carve-outs are not an opportunity for broader departmental self-assessment
- be clear that you need to continue to consult the OIA on matters not covered by the carve-out, or where there is uncertainty about where the carve-out applies be subject to a periodic review.

Completed carve-outs are listed in Table 1 at the end of this guidance note.

# Criteria

A carve-out can be used for regulatory changes that occur on a regular basis and are minor or machinery in nature, but not for proposals where Cabinet is the decision maker. Potential carve-outs should take into account future expectations about relevant Preliminary Assessments sent to the OIA. If there is a low likelihood of receiving further Preliminary Assessments on a given topic, it may not be worth issuing a carve-out.

Possible categories of carve-outs include indexation, regular, routine administrative and machinery changes. The following examples are from Table 1 at the end of this guidance note.

## Indexation Changes

Routine indexation changes use a well-established formula, such as:

- routine indexation of aged care subsidies in line with increases in the Consumer Price Index.

## Regular Changes

Regular changes are those about which the OIA is consulted regularly and which are consistently assessed as minor or machinery in nature. The OIA is often consulted on instruments that regularly update information that is considered machinery. For example:

- the Australian Communications and Media Authority regularly contacts the OIA about variations in established licence area plans, factsheets for consumers and other issues.

## Routine administration changes

Routine administrative changes follow a regular process that has been identified as minor or machinery. They are generally done in accordance with existing legislation and can often be approved by a departmental delegate. They do not require Impact Analysis for further changes. These changes tend to involve legislative instruments, but where an Act is amended it would tend to affect only a schedule or a clause of the legislation. For example:

- the Department of Health regularly updates the listing and price of medicines available under the Pharmaceutical Benefits Scheme.

## Machinery changes

Machinery changes to legislation that do not constitute a new regulatory burden are appropriate for carving out. For example:

- the Attorney-General's Department is required to alter Substituted References Orders because they need to reflect changes contained in Administrative Arrangements Orders or changes in the titles of ministers or departments.

## Carve-out process

The OIA assesses newly received Preliminary Assessments to identify suitable proposals to be carved out. The OIA will inform you when we consider that a series of proposals should be carved out. However, an agency may also recommend potential carve-outs.

The steps in the carve-out process are as follows:

1. You should review Preliminary Assessments previously sent to the OIA. Identify policy areas that meet the criteria for minor or machinery changes made by non-Cabinet decision makers. Consider the likelihood of future Preliminary Assessments arising in those areas.
2. Obtain Executive Level 2 (EL2) clearance for the proposal to carve-out. Email the OIA with a suggestion to consider the carving-out proposal.
3. The OIA will check the appropriateness of the proposed carve-outs.
4. If the OIA concurs, the office will send you a letter confirming that a carve-out has been granted and the proposals that it applies to.

# Approval

The carve-out can be approved between the OIA and the department at the EL2 level and will be periodically published in updates of this note.

## Further information

For further information on carve-outs, the OIA can be contacted on:

Email: [helpdesk-OIA@pmc.gov.au](mailto:helpdesk-OIA@pmc.gov.au)

Phone: 02 6271 6270



Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Department of Agriculture, Fisheries and Forestry	Amendments to the <i>Fisheries Research and Development Corporation Regulations 1991</i> to enable the annual transfer of research and development funds to the Fisheries Research and Development Corporation (FRDC)	Minor or machinery: These amendments are made annually to specify the proportion of the annual fishing levy that is equivalent to the research and development component to enable it to be paid to the FRDC each financial year.	OIA23-06168	
Department of Agriculture, Fisheries and Forestry	Increases or decreases in agricultural levies where they relate to a levy's existing purpose	Minor or machinery. Increases or decreases in agricultural levies within the scope of their existing purposes are a regular occurrence in response to changes in the level of industry needs.	OIA23-06171	

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Department of Agriculture, Fisheries and Forestry	Routine minor amendments to biosecurity goods determinations	Minor or machinery: The determinations are typically amended two to three times a year. Changes generally amend existing alternative conditions, add new alternative conditions for certain goods requiring an import permit, and make minor technical amendments.	OIA23-06172	<p>Carve out applies to amendments to:</p> <p><i>Biosecurity (Prohibited and Conditionally Non-prohibited Goods) Determination 2016</i></p> <p><i>Biosecurity (Prohibited and Conditionally Non-prohibited Goods—Christmas Island) Determination 2016</i></p> <p><i>Biosecurity (Prohibited and Conditionally Non-prohibited Goods—Cocos (Keeling) Islands) Determination 2016</i></p> <p><i>Biosecurity (Prohibited and Conditionally Non-prohibited Goods—Norfolk Island) Determination 2016</i></p> <p><i>Biosecurity (Prohibited and Conditionally Non-prohibited Goods—Torres Strait) Determination 2016.</i></p> <p><i>Biosecurity (Conditionally Non-prohibited Goods) Determination 2021 (2021 Determination).</i></p> <p>Amendments must:</p> <ul style="list-style-type: none"> <li>be minor or technical amendments of the kind that have been previously made;</li> <li>not have more than a minor impact on industry; and</li> <li>be in line with the current biosecurity policy settings.</li> </ul>
Attorney-General's Department	Amendments to Federal Court Rules of Court	Minor or machinery: Changes to Rules of Court are unlikely to have significant impacts on businesses, community organisations or individuals.	OIA23-06066	
Attorney-General's Department	Substituted References Orders made under sections 19B of the <i>Acts Interpretation Act 1901</i>	Machinery: The orders are altered to reflect changes in Administrative Arrangements Orders or changes in the titles of ministers or departments.	OIA23-06087	

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Attorney-General's Department	Statute Update Bills (SUBs) prepared by OPC and sponsored by the Attorney-General	Minor or machinery: SUBs contain technical amendments that are within existing policy, where it is considered appropriate for a Minister to provide policy authority for the amendment in accordance with PM&C's Legislation Handbook. The amendments made by SUBs will always be minor or machinery in nature, and will never substantially alter existing arrangements or have regulatory impacts on businesses, individuals or community organisations.	OIA23-06091	The carve out is approved for SUBs containing technical amendments (e.g. correcting errors, updating language, referencing responsible Ministers) that do not alter policy or have regulatory impacts on businesses, individuals or community organisations. SUBs that do not meet this criteria are subject to normal Preliminary Assessment and Impact Analysis requirements.
Australian Communications and Media Authority	Variations to established licence area plans, field trials of mobile jammers, factsheets for consumers and enforceable undertakings.	Minor: Variations to individual licence area plans are unlikely to have a more than minor regulatory impact.	OIA23-06135	While variations to individual licence area plans are minor changes, variations to the way licence area plans work and the creation of new licence area plans could have a significant regulatory impact, and OIA should be contacted about the need for further analysis.
Australian Communications and Media Authority	Standing exemption for amendments made to the Radiocommunications (Australian Space Objects) Determination 2014 (ASOD) and the Radiocommunications (Foreign Space Objects) Determination 2014 (FSOD) to include new satellite operators.	Minor or machinery. Listing a new satellite operator does not confer a right on that entity to have a licence nor operate in frequency bands identified in the Radiocommunications (Communications with Space Object) Class Licence 2015 (the CSO Class Licence).	OIA23-06041	The carve-out applies to amendments that add the name of a controlling business entity to the list at Section 4 of the ASOD or Schedule 1 of the FSOD.

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Australian Fisheries Management Authority (AFMA)	Setting total allowable catch (TAC), or total allowable effort (TAE) for a fishery; setting opening and closing dates for fishing season; setting fishing boundaries; directing that fishing not be engaged in sub-areas of a fishery; starting arrangements for a fishing season, such as Vessel Monitoring System start times and assembly areas; prescribing designated areas where operators can undertake gear trials in a fishery prior to the start of the fishing season; annually setting cost recovery levies; the continuation of a requirement to use a turtle or seal excluder device in a fishery; and setting undercatch and overcatch provisions in a fishery.	Machinery: AFMA is required to make decisions under current regulatory settings and follow certain procedures when making those decisions.	OIA23-06107	
Australian Maritime Safety Authority (AMSA)	Amendments to regulatory instruments that arise from changes to International Maritime Organization (IMO) conventions and codes that have previously been subject to OIA assessment as part of the Joint Standing Committee on Treaties (JSCOT) process.	Minor. Carve out only applies to regulatory changes resulting from changes to IMO conventions and codes that the OIA has previously assessed through the JSCOT process as having only minor and/or machinery regulatory impacts. In such cases, it is not necessary for AMSA to seek further OIA assessment for these same changes when they are subsequently implemented in AMSA's regulatory instruments.	OIA23-06229	This carve-out category includes only changes that have already been assessed by the OIA as not imposing more than minor impacts or changes to compliance costs.



Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Australian Maritime Safety Authority (AMSA)	Amendments to regulatory instruments that make minor editorial changes to an instrument, or external material referenced in that instrument, and do not change current regulatory requirements.	<p>Minor. Carve out only applies to regulatory changes that:</p> <ul style="list-style-type: none"> <li>Make minor editorial amendments;</li> <li>Amend text, formatting and punctuation;</li> <li>Recast existing text in a modern drafting style or in a different form;</li> <li>Clarify existing text;</li> <li>Update cross-references;</li> <li>Incorporate or consolidate existing information or requirements from other related instruments (which may include instruments to be repealed);</li> <li>Correct drafting errors;</li> <li>Align text with primary legislation, related regulatory instruments or other parts of the instrument; and do not change current regulatory requirements.</li> </ul>	OIA23-06166	This carve-out category includes only editorial changes that will not impose more than minor impacts or changes to compliance costs.

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Australian Maritime Safety Authority (AMSA)	Amendments to instruments that make minor administrative changes to an instrument, or external material referenced in that instrument, and do not change current requirements.	Minor. Carve out only applies to changes that: amend the format or information contained in existing documents, forms, certificates and electronic systems; keep already required documents and records up to date or in a specified format; amend the format of reporting already required to a authority for certain events; amend the forms, electronic systems or processes to obtain or maintain already required permissions; amend the format or list of recipients for documents already required to be produced for third parties; and do not change current requirements.	OIA23-06230	This carve-out category includes only administrative changes that will not impose more than minor impacts or changes to compliance costs.
Australian Maritime Safety Authority (AMSA)	Amendments to regulatory instruments that make minor changes to an instrument, or external material referenced in that instrument, that will not affect Australian businesses, individuals or community organisations.	Minor. Carve out only applies to changes that align instruments with international treaty obligations or other external requirements where these changes are not relevant to, or will not affect, any existing or expected future Australian businesses, individuals or community organisations. Any affected foreign operators must also already face the same international treaty obligations or external requirements, or would not be expected to pass-on any costs to Australian businesses, individuals or community organisations.	OIA23-06232	This carve-out category includes only changes that will not impose more than minor impacts or changes to compliance costs.

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Australian Maritime Safety Authority (AMSA)	Establishment or reissue of a Heritage Management Plan that does not deviate from the status quo.	Minor.	OIA23-06174	This carve-out category includes only changes that will not impose more than minor impacts or changes to compliance costs. It only applies to new or reissued Heritage Management Plans that do not change existing requirements (the status quo).
Australian Pesticides and Veterinary Medicines Authority	The making of an existing maximum residue limit standard as a legislative instrument.	Machinery.	OIA23-06119	
Australian Public Service Commission	Instruments that deal primarily with intra-governmental public sector employment matters.	Minor or machinery.	OIA23-06204	The standing exemption applies to the following instruments: regulations made under the <i>Public Service Act 1999</i> (PS Act), directions issued by the Public Service Commissioner under the PS Act, directions issued by the Prime Minister under section 21 of the PS Act, rules about the classification of APS employees made under section 23 of the PS Act, determinations about remuneration and terms and conditions of employment issued under subsection 24(1) of the PS Act, determinations about remuneration and terms and conditions of employment issued under subsection 24 (3) of the PS Act, regulations made under the <i>Maternity Leave (Commonwealth Employees) Act 1973</i> , determinations made by the Remuneration Tribunal under the <i>Remuneration Tribunal Act 1973</i> , regulations made under the <i>Remuneration Tribunal Act 1973</i> , regulations made under the <i>Long Service Leave (Commonwealth Employees) Act 1976</i> , regulations made under the <i>Judicial and Statutory Officers (Remuneration and Allowance) Act 1984</i> , and regulations made under the <i>Remuneration and Allowance Act 1990</i> .

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Civil Aviation Safety Authority (CASA)	Foreign and Australian Airworthiness Directives	Machinery: CASA issues airworthiness directives to address unsafe conditions on aircraft and aeronautical equipment. The review of these directives does not require Impact Analysis because it is an obligation of Australia under the Chicago Convention.	OIA23-06244	
Civil Aviation Safety Authority (CASA)	Amendments to CASR Part 61 to add additional aircraft for the purpose of pilot type ratings	Minor: These amendments do not substantially alter existing arrangements.	OIA23-06249	
Civil Aviation Safety Authority (CASA)	Amendments to Manuals of Standards (MOSs)	Minor or machinery: MOSs are referenced standards that are not regulatory in nature.	OIA23-06250	
Civil Aviation Safety Authority (CASA)	Advisory publications (e.g. CAAPs, ACs, information brochures) with no mandatory legislative effect	Minor: These documents are advisory and have no direct or significant indirect impact on businesses, community organisations or individuals.	OIA23-06251	
Civil Aviation Safety Authority (CASA)	Directions, approvals, permissions and exemptions	Minor or machinery: These instruments do not substantially alter existing arrangements, and their issue is required by the Act and regulations in the course of their administration by CASA.	OIA23-06252	
Clean Energy Regulator (CER)	Setting the Renewable Power Percentage and the Small-scale Technology Percentage under the <i>Renewable Energy (Electricity) Act 2000</i> in circumstances where the CER uses data derived from modelling of the electricity market by independent third parties	The making of regulations to set the RPP and STP under the Act is a regular occurrence that takes into account the same considerations each time.	OIA23-06114	When the default calculation or any other method of calculating the percentages is used, the CER should confirm with the OIA that an Impact Analysis is not required to be prepared.

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Department of Climate Change, Energy, the Environment and Water	Minor changes or bug fixes to software tools accredited under the Nationwide House Energy Rating Scheme (NatHERS)	Minor: Minor changes or bug fixes to NatHERS-accredited software programs are unlikely to have significant impacts on businesses, community organisations or individuals.	OIA23-06125 (formerly 21938)	Carve-out applies to: Software bug fixes: defined as a coding error fix to existing software to generate an energy rating that does not affect ratings. Minor changes to software: defined as a coding error fix that may have a minor impact on NatHERS rating outcomes; or an enhancement/improvement to the existing software to generate or accurately calculate a NatHERS energy rating that may have a minor impact on rating outcomes.
Department of Climate Change, Energy, the Environment and Water	Standing exemption for: · Legislative exemption instruments under Section 37 of the Greenhouse and Energy Minimum Standards (GEMS Act); and · Legislative fees instruments under the GEMS (Registration Fees) Act 2012.	Minor or machinery. The Department has advised that exercising the exemption and fee instruments is unlikely to have significant impacts on businesses, community organisations or individuals.	OBPR21-01246	This carve-out category includes only use of these instruments that will not impose more than minor impacts of changes to compliance costs
Department of Defence	Determine which allowances paid under the <i>Defence Act 1903</i> are pay-related allowances for the purposes of subsection 11(1) of the <i>Military Rehabilitation and Compensation Act 2004</i>	Minor or machinery: These instruments ensure continuity in compensation payments by ensuring that references to amounts that can be included in compensation payments remain current. They do not alter the existing formulae used for calculating the compensation payments. The determinations simply ensure that there is a current list of allowances that those formulae can draw from.	OIA23-06170	The allowances that are mentioned in the determinations are part of the ordinary Australian Defence Force benefits. They are either tabled and subject to Parliamentary scrutiny (if made under section 58B <i>Defence Act 1903</i> ) or tabled after determination by the Defence Force Remuneration Tribunal (if made under section 58H <i>Defence Act 1903</i> ).

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Department of Education	Annual legislative instrument to specify the risk rated premium and special tuition protection components of the Tuition Protection Service (TPS) Levy. <i>Education Services for Overseas Students (TPS Levies – Risk Rated Premium and Special Tuition Protection Components) Instrument</i>	Minor or machinery: This is an annual process and the changes are administrative in nature.	OIA23-06231	
Department of Education	Annual legislative instrument to set the Administrative Fee and Base Fee components of the Tuition Protection Service (TPS) Levy. <i>Education Services for Overseas Students (TPS Levies – Administrative Fee and Base Fee Components) Instrument</i>	Minor or machinery: This is an annual process and the changes are administrative in nature.	OBPR22-03444	
Department of Education	Approval, suspension, variation and revocation of the approval of a new higher education FEE-HELP provider under the <i>Higher Education Support Act 2003</i> .	No more than minor impact as these processes are completed routinely through legislative instruments under the <i>Higher Education Support Act 2003</i> and can be approved by a department delegate.	OIA23-06233	

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Department of Education	<p>Annual legislative instrument to specify the Risk-Rated Premium and Special Tuition Protection components of the Tuition Protection Service (TPS) Levy. This covers the following instruments:</p> <ul style="list-style-type: none"> <li>- <i>VET Student Loans (VSL Tuition Protection Levy) (Risk Rated Premium and Special Tuition Protection Components) Determination 2023</i></li> <li>- <i>Higher Education Support (HELP Tuition Protection Levy) (Risk Rated Premium and Special Tuition Protection Components) Determination 2023</i></li> <li>- <i>Higher Education (Up-front Payments Tuition Protection Levy) (Risk Rated Premium and Special Tuition Protection Components) Determination 2023</i></li> </ul>	<p>Minor: Annual enactment of TPS levy legislation takes into consideration each provider's size and level of risk associated with the provider's operational base. This is an annual process, the changes are administrative in nature and do not substantially alter existing arrangements for education and training providers that the levy legislation applies to</p> <p>While the levy instruments are approved by the Treasurer, they are not a decision of Cabinet.</p>	OIA23-05107	
Department of Employment and Workplace Relations	<p>Standing exemption for certain amendments to the Specified Laws instruments under the Safety, Rehabilitation and Compensation (Specified Laws) Declaration 2017 and the Seafarers Rehabilitation and Compensation (Specified Laws) Declaration 2019</p>	<p>Machinery: Listed instruments must be revised to reflect changes to, or newly introduced, State and Territory compensation legislation.</p>	OIA23-06160	<p>The carve out is limited to changes to the Specified Laws Instruments that:</p> <ul style="list-style-type: none"> <li>Add laws that replace existing specified laws;</li> <li>Add new laws that provide a new type of compensation that needs to be specified (in accordance with the above criteria); and</li> <li>Remove laws that no longer need to be specified (because, for example, they have been repealed and there is no longer any scope for double dipping of compensation payments).</li> </ul> <p>The carve out is <b>not applicable</b> where the Minister exercises discretion outside the above criteria.</p>

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Department of Employment and Workplace Relations	Self-insuring licence eligibility declarations made under section 100 of the <i>Safety, Rehabilitation and Compensation Act 1988</i> (SRC Act) for workers' compensation purposes	Minor or machinery: These instruments allow eligible entities to join the Comcare scheme where they have applied to do so. The decision to issue the instrument is the routine application of Ministerial discretion as enabled by the Act.	OIA23-06161	
Department of Employment and Workplace Relations	Legislative Instrument to specify the rate of weekly interest deemed to accrue on the superannuation lump sum pursuant to section 21(5) of the <i>Safety, Rehabilitation and Compensation Act 1988</i> (SRC Act)	Machinery. Section 21(5) of the SRC Act requires the instrument to be issued annually. The instrument prescribes a routine update to an annually indexed statutory rate and is machinery in nature.	OIA23-06162	
Department of Finance	Certification of Parliamentary Precincts under the <i>Parliamentary Precincts Act 1988</i>	Minor: Regulations provide for the making of a certification by the minister that Commonwealth leased or owned land is a parliamentary precinct under the Act, and therefore the Speaker has certain powers and the Australian Federal Police has jurisdiction. This is intended to cover emergency situations in which Parliament House is unavailable for use.	OIA23-06142	Minor impacts; land will be subject to Commonwealth lease arrangements.
Food Standards Australia New Zealand (FSANZ)	Applications that: permit voluntary addition of nutritive substances to foods use optional methods of analysis	Minor: These applications do not have a significant impact on businesses or individuals.	OIA23-06224	
FSANZ	Applications relating to: maximum residue limits food additives processing aids genetically modified foods	Machinery: The applications are part of implementing a regulatory framework where the use of the new processing aids, additives or genetically modified food is voluntary once the application has been approved.	OIA23-06225	



Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
FSANZ	Applications that request permission to irradiate a range of fruits and vegetables as a phytosanitary treatment, primarily against fruit fly	Machinery: The applications are part of implementing a regulatory framework where the use of irradiation as a treatment is voluntary once the application has been approved.	OIA23-06226	
FSANZ	Applications to add new food-health relationships to the Australia New Zealand Food Standards Code - Schedule 4 - Nutrition, health and related claims	Minor: These applications do not have a significant impact on businesses or individuals. Displaying the claims associated with any of the listed food-health relationships on food packaging is voluntary	OBPR22-03450	
Department of Foreign Affairs and Trade	Update the Diplomatic Privileges and Immunities (Indirect Tax Concession Scheme) Determination 2000, and the Consular Privileges and Immunities (Indirect Tax Concessions Scheme) Determination 2000 to reflect the countries currently registered to have access to immunities.	Non-regulatory: Updates to the determination occur 5-6 times annually and do not have regulatory impacts.	OIA23-06060	Carve-out applies to countries that currently have access to diplomatic and or consular indirect tax concessions.
Department of Foreign Affairs and Trade	Standing exemption for minor or machinery amendments made to sanctions regulations as a result of United Nations Security Council Resolutions.	Minor or machinery. DFAT has advised that amendments to existing regulations will not materially change burdens.	OIA23-06254	Entirely new sanctions regulations, and amendments with more than a minor impact on businesses, individuals or community organisations are not captured by this exemption.

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Department of Foreign Affairs and Trade	Standing exemption for minor or machinery decisions of the Minister for Foreign Affairs to list, relist or delist persons or entities under the <i>Charter of the United Nations Act 1945</i> (Cth), pursuant to Australia's international legal obligations under United Nations Security Council Resolution 1373 (2001).	Minor or machinery. United Nations Security Council Resolution 1373 (2001) decides that states <b>shall freeze without delay</b> , assets of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities. The Minister for Foreign Affairs' listing of persons or entities which meet the above criteria is therefore required in order for Australia to meet its international legal obligations under United Nations Security Council Resolution 1373 (2001).	OBR22-01748	This carve-out applies to the listing of people or entities that <b>do not</b> have significant economic ties to Australian people and markets.  Decisions to list individuals or entities that do not meet that criteria may have a more than minor impact on individuals, businesses or community organisations, and as such are not captured by this exemption. Decisions not captured by this exemption will require a Preliminary Assessment form to be submitted to OIA for advice.
Department of Foreign Affairs and Trade	Standing exemption for minor or machinery decisions of the Minister for Foreign Affairs to list, relist and revoke persons, entities, assets or vessels under the Autonomous Sanctions Regulations 2011. This exemption applies to Regulations 6, 6A, 7, 8, 9 and 10.	Minor or machinery. Financial sanctions/travel bans and the issuing of directions to listed vessels occur as needed to respond to situations of international concern. Sanctions captured by this exemption will mainly impact overseas individuals/entities.	OBPR22-02078	This carve-out applies to the listing of people, entities, assets or vessels that <b>do not</b> have significant economic ties to Australian people and markets.  Listing decisions that do not meet that criteria may have a more than minor impact on individuals, businesses or community organisations, and as such are not captured by this exemption. Decisions not captured by this exemption will require a Preliminary Assessment form to be submitted to OIA for advice.
Department of Health and Aged Care	Dental Benefits Rules 2009	Indexation: Indexing the dental benefit in line with Medicare indexation (which is calculated using the WCI5). Indexation will occur annually.	OIA23-06182	

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Department of Health and Aged Care	Amendments to the Private Health Insurance (Complying Product) Rules. The purpose of this proposal is to reflect increases in the Nursing Home Type Patient contribution at public hospitals for privately insured patients in all states and territories and privately insured patients in private hospitals	Indexation: The change is in line with the biannual indexation of Adult Age Pension Rates and Rent Assistance that occurs on 20 March, 20 July and 20 September each year.	OIA23-06183	
Department of Health and Aged Care	Amendments to the Private Health Insurance (Complaints Levy) Rules 2007. The Complaints Levy is collected each year from private health insurers to support the work of the Private Health Insurance Ombudsman (PHIO). The amount to be levied from each insurer is calculated by applying insurers' annual membership data to a formula in the Private Health Insurance (Complaints Levy) Rules 2007. Collectively, these amounts must meet the PHIO Complaints Levy budget.	Minor: Minor amendments to the formula are sometimes necessary to address changes to the complaints levy budget to enable the budget to be met. The levy is spread across more than 30 insurers, so the impact on each insurer is minor.	OIA23-06184	
Department of Health and Aged Care	Amendments to the Private Health Insurance (National Joint Replacement Register Levy) Rules. The National Joint Replacement Register (NJRR) Levy is imposed on each sponsor for joint replacement prostheses; the Levy funds the NJRR. The Private Health Insurance (NJRR) Rules contain the formula for calculating the levy, which sets the rate of the levy imposed on a sponsor on the prescribed levy census days.	Minor: To achieve cost recovery of administered funds for the budgeted costs, minor changes to the formula are occasionally necessary.	OIA23-06186	

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Department of Health and Aged Care	Amendments to the Private Health Insurance (Prostheses) Rules	Routine administrative change: The Prostheses List contains prostheses and human tissue items and the benefit to be paid by private health insurers. Under the <i>Private Health Insurance Act 2007</i> , private health insurers are required to pay benefits for a range of prostheses that are provided as part of an episode of hospital treatment or hospital substitute treatment for which a patient has cover and for which a Medicare benefit is payable for the associated professional service. The Private Health Insurance (Prostheses) Rules are amended twice a year.	OIA23-06188	
Department of Health and Aged Care	The declaration of a quality assurance activity under Part VC of the <i>Health Insurance Act 1973</i> provides specific protection from civil proceedings (apart from those relating to the breach of the rules of procedural fairness) to health care professionals participating in the activity. The aim of providing this protection is to encourage health care professionals to fully participate in quality assurance activities. The department annually receives up to 20 applications for a declaration of a quality assurance activity each year, including new applications and renewals. Declarations expire after five years, and a new application must be submitted and assessed if cover is to continue.	Minor and machinery: The only requirement placed on organisations under the scheme that may incur a minor cost is the public interest requirement that de-identified research data is to be made publicly available. It is acceptable for such results to be published in a report or on a website. The costs involved in meeting this requirement are likely to be low. Previous advice from OIA has considered qualified privilege applications to be machinery in nature.	OIA23-06191	

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Department of Health and Aged Care	Declaration under subsections 85(2) and 85(2AA) and 85(2A) of the <i>National Health Act 1953</i> to declare drugs listed on (including any applicable restrictions) or deleted from the Pharmaceutical Benefits Scheme (PBS)	Minor: The Schedule of Pharmaceutical Benefits and related information are available freely on the internet and are available to purchase in other formats (for example, CD-ROM or book). Businesses will only incur costs if they choose not to use the website and purchase the schedule in an alternative format. The cost to purchase the schedule is minimal. Changes are not expected to have a more than minor impact on individuals.	OIA23-06190 (formerly 12116)	
Department of Health and Aged Care	Determination made pursuant to subsections 99ADB (4) and 99ADB (5) of the <i>National Health Act 1953</i>	Minor and machinery: These legislative instruments are produced three times per year to determine price disclosure related reductions of pharmaceutical items as a result of the Price Disclosure Policy.	OIA23-06192 (formerly 12116)	
Department of Health and Aged Care	Determination under paragraph 98C (1) (b) of the <i>National Health Act 1953</i> to determine conditions of payment for benefits supplied by approved pharmacists and medical practitioners	Minor: The Schedule of Pharmaceutical Benefits and related information are available freely on the internet. Changes are not expected to have a more than minor impact on individuals.	OIA23-06193	
Department of Health and Aged Care	Determination under section 84AF of the <i>National Health Act 1953</i> to list the responsible person and ABN for all brands of listed drugs on the PBS	Minor: The Schedule of Pharmaceutical Benefits and related information are available freely on the internet. Changes are not expected to have a more than minor impact on individuals.	OIA23-06195	
Department of Health and Aged Care	Determination under section 85B of the <i>National Health Act 1953</i> to determine prices of PBS items or brands subject to a special patient contribution, therapeutic group premium or brand premium	Minor: The Schedule of Pharmaceutical Benefits and related information are available freely on the internet. Changes are not expected to have a more than minor impact on individuals.	OIA23-06197	

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Department of Health and Aged Care	Amendments to The National Health (Concession or entitlement card fee) Determination relating to fees paid to Approved Pharmacists for the issue of a concession or Pharmaceutical Benefits Scheme entitlement card to a patient, made in accordance with Section 84HA(1) of the <i>National Health Act 1953</i> .	Minor. Fees are increased annually, with the written agreement of the Pharmacy Guild.	OIA23-06199	
Department of Health and Aged Care	Determination under sections 93 and 93AA of the <i>National Health Act 1953</i> to determine PBS items available and maximum quantities thereof as emergency supply items for medical practitioners and nurse practitioners	Minor and machinery: The Schedule of Pharmaceutical Benefits and related information are available freely on the internet. The determination amended as required, and the changes are machinery in nature. Changes are not expected to have a more than minor impact on individuals.	OIA23-06200	
Department of Health and Aged Care	Determination under subsection 84BA(2) of the <i>National Health Act 1953</i> to provide for revised public hospital patient PBS co-payment amounts	Machinery: This update occurs annually.	OIA23-06201	
Department of Health and Aged Care	Determination under subsection 84AK, 85A(1) and (2), 88(1C) and 101 of the <i>National Health Act 1953</i> to determine the form, manner of administration, maximum quantity and maximum number of repeats of those drugs and medicinal preparations which may be prescribed by authorised optometrists	Minor: The Schedule of Pharmaceutical Benefits and related information are available freely on the internet. Changes are not expected to have a more than minor impact on individuals.	OIA23-06202	

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Department of Health and Aged Care	Determinations under section 85, 85A and 88 of the <i>National Health Act 1953</i> to determine form and strength, manner of administration, maximum quality, maximum number of repeats and brands of listed drugs on the PBS	Minor: The Schedule of Pharmaceutical Benefits and related information are available freely on the internet. Changes are not expected to have a more than minor impact on individuals.	OIA23-06203	
Department of Health and Aged Care	ETP National Health (Emergency Treatment Program) Special Arrangements Instrument 2010 (Special arrangement under Section 100 of the <i>National Health Act 1953</i> for the supply of methoxyflurane)	Machinery: Changes are unlikely to occur on a regular basis.	OIA23-06205 (formerly 12116)	
Department of Health and Aged Care	Private Health Insurance (Benefit Requirements) Rules under item 3A of the table in section 333-20 of the <i>Private Health Insurance Act 2007</i>	Machinery: The purpose of the proposal is to reflect increases to the Nursing Home Type Patient minimum benefit and reflect changes to the table of facilities for the purpose of determining second tier default benefits.	OIA23-06208	
Department of Health and Aged Care	Private Health Insurance (Health Insurance Business) Rules and Private Health Insurance (Data Provision) Rules	Minor: Amendments reflect minor changes to insurer and hospital data reporting specifications, which commence at the beginning of each reporting year from 1 July, or on the day they are registered if registered after that date. Development of changes to the data reporting specifications occurs through consultation with industry through the Hospital Casemix Protocol Working Group and advice from insurers, service providers and software vendors.	OIA23-06212	
Department of Health and Aged Care	Regulatory amendments to update listing and price of medicines available under the PBS and National Immunisation Program (NIP)	Machinery.	OIA23-06213 (formerly 12116)	Only those elements relating to listing and pricing for the PBS and NIP are covered by this exemption.

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Department of Health and Aged Care	Special arrangements under section 100(1) of the <i>National Health Act 1953</i> to make arrangements for the supply of pharmaceuticals in the highly specialised drugs program at public hospitals to non-admitted patients, day admitted patients or patients on discharge	Minor: The Schedule of Pharmaceutical Benefits and related information are available freely on the internet. Changes are not expected to have a more than minor impact on individuals.	OIA23-06220	
Department of Health and Aged Care	Special arrangements under section 100(1) of the <i>National Health Act 1953</i> to make arrangements to supply chemotherapy pharmaceuticals at public hospitals to non-admitted day patients, day patients or patients on discharge	Minor: The Schedule of Pharmaceutical Benefits and related information are available freely on the internet. Changes are not expected to have a more than minor impact on individuals.	OIA23-06221	
Department of Health and Aged Care	Special arrangements under section 100(1) of the <i>National Health Act 1953</i> to provide an adequate supply of special pharmaceutical products to persons receiving treatment with highly specialised drugs as non-admitted patients, day patients or patients on discharge at private hospitals	Minor: The Schedule of Pharmaceutical Benefits and related information are available freely on the internet. Changes are not expected to have a more than minor impact on individuals.	OIA23-06222	
Department of Health and Aged Care	Changes to forms issued by the Office of the Gene Technology Regulator intended to cover the inclusion of certain information, such as additional contact details, or technical or procedural information relating to the genetic modification work being undertaken	Minor or machinery.	OIA23-06223	Minor technical and administrative changes only; does not extend to changes to guidelines or legislation.



Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Department of Health and Aged Care	Special arrangements under section 100(1) of the National Health Act 1953 to make arrangements to supply chemotherapy pharmaceuticals at private hospitals to non-admitted day patients, day patients or patients on discharge.	Minor: The Schedule of Pharmaceutical Benefits and related information are available freely on the internet. Changes are not expected to have a more than minor impact on individuals.	OIA23-06227	
Department of Health and Aged Care	Therapeutic Goods Administration—amendments to increase fees and charges for therapeutic goods and manufacturing licences	Indexation: These amendments are made annually, based on an indexation model using a well-established formula that industry is familiar with, to support cost recovery for regulatory activities.	OIA23-06234	If the way the fees and charges are amended changes, that may require Impact Analysis.
Department of Health and Aged Care	Therapeutic Goods Administration—making or amending Medical Device Standard Orders and Conformity Assessment Standard Orders	Minor: These instruments establish optional standards which sponsors and manufacturers of medical devices may elect to comply with, with the effect that if they demonstrate compliance with these standards they will be taken to meet certain regulatory requirements in the Act and regulations. Compliance with these standards is not mandatory as regulatory requirements may also be met and demonstrated by other means.	OIA23-06235	

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Department of Health and Aged Care	Therapeutic Goods Administration— administrative amendments to forms, or the creation of forms, which are referred to in the legislation	Minor or machinery: TGA forms are designed to provide persons who engage with the therapeutic goods regulatory framework, including sponsors and manufacturers of therapeutic goods, but also health practitioners seeking approval for the supply of unapproved therapeutic goods and operators of clinical trials seeking approval for the supply of unapproved therapeutic goods as part of the trial, with a consistent and reliable format to provide required kinds of information, and are designed to be consistent with the legislation under which the form may be approved and to which the matters covered by the form relates, e.g. an application for marketing.	OIA23-06236	If the underlying requirements on business to provide information are amended, Impact Analysis may be required for that amendment.
Department of Health and Aged Care	Therapeutic Goods Administration— adding new ingredients to the Therapeutic Goods (Permissible Ingredients) Determination made under s 26BB of the Therapeutic Goods Act 1989	Minor: the approval of new ingredients does not have a regulatory impact as it permits the use of ingredients in listed medicines and has a beneficial effect in allowing therapeutic goods containing approved ingredients to be brought to market.	OIA23-06237	If ingredients are removed from the Australian Register of Therapeutic Goods, Impact Analysis may be required.
Department of Health and Aged Care	Therapeutic Goods Administration— release of information under s. 61 of the <i>Therapeutic Goods Act 1989</i>	Minor: The release of such information, or making of such instruments, does not have a regulatory impact as the release is of information already held by the TGA. Such instruments simply allow for the release of existing information by the TGA under the Act, so there is no requirement to provide additional or different information to the TGA or take any action.	OIA23-06247	

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Department of Health and Aged Care	Therapeutic Goods Administration— changes to the <i>Therapeutic Goods (Permissible Ingredients) Determination</i> made under s 26BB of the <i>Therapeutic Goods Act 1989</i>	Machinery.	OIA23-06248	
Department of Health and Aged Care	Therapeutic Goods Administration – standing exemption for the Minister for Health and Aged Care (or delegate) to make a Serious Scarcity Substitution Instrument (SSSI) under section 30EK of the <i>Therapeutic Goods Act 1989</i>	Minor: SSSIs assist with timely patient access to medicines by allowing a pharmacist to provide a substitute medicine to a patient when the prescribed medicine is unavailable, without prior approval or a new prescription from the prescriber.	OBPR23-04289	
Department of Health and Aged Care	The Office of Drug Control (ODC) - standing exemption for the Minister to make amendments to section 5 of the Customs (Prohibited Imports) Regulation 1956 (PI Regulations) and section 10 and 10A of the Customs (Prohibited Exports) Regulations 1958 (PE Regulations)	Minor: Certain amendments to the PI and PE Regulations reflect Australia's international obligations to the United Nations' Commission on Narcotic Drugs and the scheduling of new substances for international control. If the relevant amendments are not made to the PI and PE Regulations, Australia may be unable to import or export the newly scheduled substances in the international drug conventions for medical or scientific purposes.	OIA23-05318	This carve-out category includes only changes that will not impose more than minor impacts.
Department of Health and Aged Care	Regular revision and amendments to the Schedule of Pharmaceutical Benefits under section 100(1) of the <i>National Health Act 1953</i> for the <i>National Health (IVF Program) Special Arrangement 2015</i> .	Minor: Amendments are to provide an adequate supply of special pharmaceutical products for the treatment of patients undergoing in vitro fertilisation treatment or other specified forms of assisted reproductive technology (ART) treatment.	OIA23-06122	

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Department of Health and Aged Care	Routine and regular amendments to update the table in Schedule 1 of subsection 84AAA(2) of the <i>National Health Act 1953</i> .	Minor: Amendments will determine the form, period, maximum quantity and maximum number of repeats of those drugs and medicinal preparations for which PBS Safety Net entitlements will not apply for early supplies.	OIA23-06121	
Department of Health and Aged Care	Regular revision and amendments to the Schedule of Pharmaceutical Benefits under section 100(1) of the <i>National Health Act 1953</i> for the <i>National Health (Growth Hormone Program) Special Arrangement 2015</i> .	Minor: Amendments are to provide an adequate supply of special pharmaceutical products for the treatment of eligible children of short stature.	OIA23-06123	
Department of Health and Aged Care	Therapeutic Goods Administration—amending or making a new Poisons Standard to add new substances, down-schedule substances, correct scheduling errors, or correct other minor errors.	Minor or machinery: the Poisons Standard is amended or remade to reflect regulatory decisions (made following statutory procedures), so the rule-maker does not exercise discretion in relation to scheduling. Regulatory impact is not a matter legislatively able to substantially influence or change a scheduling decision. Changes are otherwise made to correct errors, make editorial or formatting changes, or clarify without substantive amendment which would not have a regulatory impact.	OIA24-06710	
Department of Health and Aged Care	Scheduled increases to aged residential care subsidies and charges based on the Government's pension indexation arrangements	Machinery: Relates purely to changing the amount of funds available to program recipients.	OIA23-06175 (formerly 11719)	

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Department of Health and Aged Care	Aged Care (Flexible Care Subsidy Amount—Innovative Care) Determination: Provision to allow for the payment of flexible care subsidy to an approved provider in respect of innovative care provided to a care recipient and routine indexation in line with increases in CPI as a measure of movements in the non-labour costs of providers	Indexation	OIA23-06176 (formerly 12116)	
Department of Health and Aged Care	Aged Care (Amount of Flexible Care Subsidy—Multi-Purpose Services) Determination	Indexation: Routine indexation of subsidy in line with increases in the CPI as a measure of movements in the non-labour costs of providers.	OIA23-06177 (formerly 12116)	
Department of Health and Aged Care	Aged Care (Amount of Flexible Care Subsidy—Transition Care) Determination	Indexation: Indexation of subsidy in line with increases in the CPI as a measure of movements in the non-labour costs of providers.	OIA23-06178 (formerly 12116)	
Department of Health and Aged Care	Aged Care (Residential Care Subsidy—Adjusted Subsidy Reduction) Determination	Indexation: Indexation of subsidy in line with increases in the CPI as a measure of movements in the non-labour costs of providers and decisions of Fair Work Australia as a measure of non-productivity based movements of the wage costs of providers. This is in accordance with policy upon which extensive consultation was undertaken. Adjustments are likely to have low or no impact on aged care sector and consumers.	OIA23-06179 (formerly 12116)	
Department of Health and Aged Care	Aged Care (Residential Care Subsidy—Amount of Oxygen Supplement) Determination	Indexation: Routine indexation of subsidy in line with increases in the CPI as a measure of movements in the non-labour costs of providers.	OIA23-06180 (formerly 12116)	

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Department of Health and Aged Care	Aged Care (Residential Care Subsidy—Amount of Viability Supplement) Determination	Indexation: Routine indexation of subsidy in line with increases in the CPI as a measure of movements in the non-labour costs of providers.	OIA23-06181 (formerly 12116)	
Department of Health and Aged Care	Aged Care (Residential Care Subsidy—Amount of Basic Subsidy) Determination	Indexation: Indexation of subsidy in line with increases in the CPI as a measure of movements in the non-labour costs of providers and decisions of Fair Work Australia as a measure of non-productivity based movements of the wage costs of providers. This is in accordance with policy upon which extensive consultation was undertaken. Adjustments are likely to have low or no impact on aged care sector and consumers.	OIA23-06185 (formerly 12116)	
Department of Health and Aged Care	Aged Care (Residential Care Subsidy—Amount of Enteral Feeding Supplement) Determination	Indexation: Indexation of subsidy in line with increases in the CPI as a measure of movements in the non-labour costs of providers and decisions of Fair Work Australia as a measure of non-productivity based movements of the wage costs of providers. This is in accordance with policy upon which extensive consultation was undertaken. Adjustments are likely to have low or no impact on aged care sector and consumers.	OIA23-06187 (formerly 12116)	
Department of Health and Aged Care	Aged Care (Home Care Subsidy Amount) Determination	Indexation: Routine indexation of subsidy in line with increase in the CPI as a measure of movements in the non-labour costs of providers.	OIA23-06189 (formerly 15163)	

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Department of Home Affairs	Annual changes to migration legislation specifying the Government's annual allocations of visa places for Contributory Parent, Parent and other Family visa categories – currently the Migration (Granting of contributory parent visas, parent visas and other family visas in financial year 2022/2023) Instrument (LIN 23/016) 2023.	Machinery: The total number of visas is decided by the Government each year, and implemented by the Department of Home Affairs through the making of the relevant instrument.	OIA23-06285	The annual updating of the Instrument is based on the percentages of visas allocated in each stream for the financial year. Should the method of calculation or any major Government policy change, the Department of Home Affairs will submit a new preliminary assessment to the OIA.
Department of Home Affairs	On 1 July each year, indexation will be applied to citizenship application fees based on the consumer price index (CPI). Citizenship application fees are prescribed by regulation (Schedule 3 of the Australian Citizenship Regulation 2016), and ensure the citizenship program is able to keep pace with the cost of delivering the program.	Machinery: citizenship application fees are categorised as a resource charge and are guided by Australian Government Cost Recovery Guidelines, but do not automatically increase by inflation each year. Routine indexation enables the recovery of processing costs, and is informed by the consumer price index (CPI).	OIA24-06649	
Department of Home Affairs	Bi-annual update to the Foreign Currency Exchange Rates for use at the department's overseas offices	Minor: These changes do not have a significant impact on businesses or individuals.	OIA24-06484	
Department of Home Affairs	Standing exemption for legislative instruments made by the Minister for Home Affairs declaring an event to be a Major National Event, enabling AusCheck to coordinate and conduct background checks on individuals seeking accreditation to work or volunteer at these declared events.	Minor. The measure is in line with previous OIA advice on similar MNE proposals. The measure only applies to events that meet the MNE definition and is likely to have no more than minor impacts on businesses, community organisations or individuals.	OIA23-06287	The MNsE under this proposed arrangements would not require a Cabinet decision and the carve-out would only apply to MNEs that meet the established criteria. Where changes to proposed MNEs are outside the scope of the carve-out, or where there is uncertainty related to an MNE, the Department of Home Affairs will consult again with the OIA.

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Department of Home Affairs	Standing exemption for legislative instruments specifying eligibility for Australian Government Endorsed Event (AGEE) Temporary Activity visa (subclass 408) and eligibility for a nil visa application charge	Minor: Both measures are in line with support and facilitation provided for participants of major events and do not have a significant impact on businesses or individuals.	OIA23-06110	The carve out is limited to the legislative instruments affecting the eligibility and visa application charge for the Australian Government Endorsed Event (AGEE) Temporary Activity visa (subclass 408).
Department of Home Affairs	Tariff Concession Orders (TCOs) are an Australian Government revenue concession that exists where there are no known Australian manufacturers of goods that are substitutable for imported goods. There are ~ 15,000 existing TCOs (at end January 2024), and approximately 600 TCOs are made and revoked each year.	Machinery. Making and revoking TCOs is an administrative function executing the underlying legislative powers.	OIA24-06509	
Department of Home Affairs	Legislative amendments which give effect to the United Nations Security Council Consolidated Travel Ban List	Minor: Does not have an impact on businesses, community organisations or individuals.	OIA24-06505 (formerly 14721)	
Department of Infrastructure and Regional Development, Communications and the Arts	Annual determination of electricity fees applicable to the Indian Ocean Territories (IOTs) of Christmas Island and the Cocos (Keeling) Islands	Minor: The determinations set electricity fees in the Indian Ocean territories.	OIA23-06256 (formerly 21021)	



Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Department of Infrastructure and Regional Development, Communications and the Arts	Changes to annual water, sewerage and building application services fees applicable to Christmas Island and the Cocos (Keeling) Islands where these changes are set by the government of Western Australia under a service delivery agreement for the Indian Ocean Territories.	Minor: These amendments are subject to annual increases established by the Water Corporation of Western Australia and do not have a significant impact on businesses, community or individuals.	OIA23-05816	
Department of Infrastructure and Regional Development, Communications and the Arts	Changes to annual vehicle examination fees applicable to Christmas Island and the Cocos (Keeling) Islands where these changes are set by the government of Western Australia under a service delivery agreement for the Indian Ocean Territories.	Minor: These amendments are limited to updating the fee structure in line with the annual reviews for the Kimberley Region of Western Australia and do not have a significant impact on businesses, community or individuals.	OIA23-05816	
Department of Social Services	Social Security Act 1991 Section 8(11) creation of new, regular review and revision of social security income test exemptions for a particular class of lump sum payments.	Minor: Variations to exempt certain lump sum payments from social security income testing are unlikely to have a more than minor impacts on individuals or businesses.	OIA24-06426	Carve-out only applies to lump sum payments under Section 8(11). The Act only allows lump sum payments to be exempted from the income test if: <ul style="list-style-type: none"> <li>a) The amount is not a periodic amount</li> <li>b) The amount is not a leave payment</li> <li>c) The amount is not income from remunerative work undertaken by the person</li> <li>d) The amount is an amount, or class of amounts, determined by the Secretary to be an exempt lump sum.</li> </ul>
Department of Social Services	Social Security (Special Disability Trust – Discretionary Spending) Determination	Indexation: Routine indexation of discretionary spending amount for the Special Disability Trust in line with increase in the CPI.	OIA23-06165	

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Department of Social Services	Bi-annual amendments to the table in Schedule 3 of the Student Assistance (Education Institutions and Courses) Amendment Determination 2019.	Minor: Bi-annual amendments will comprise of the adding or removal of Masters courses and replacement of the names of existing courses listed in the table. Students enrolled in amended courses may have their student supports affected.	OIA23-05989	
Treasury	Specific Listing of Deductible Gift Recipients	Minor: Few recipients are listed in a given year. These listings have no material impact on community organisations.	OIA23-06113	
Treasury	<p>Commonwealth prescription of professional standards schemes occurs, when the Professional Standards Council approves a new or updated professional standards scheme and requests the Commonwealth to prescribe under the applicable Commonwealth legislation(s) to limit occupational liability.</p> <p>Prescription of a professional standards scheme requires small regulatory amendments some or all of the following regulations, depending on the professional body:  Subregulation 8A table <i>Competition and Consumer Regulations 2010</i>, subregulation 7.10.02 of the <i>Corporations Regulations 2001</i> and/or subregulation 3A of the <i>ASIC Regulations 2001</i>.</p>	Machinery: the amendments involve adding a new professional standards scheme; removing an out of date scheme; extending an existing scheme; or inserting and replacing an existing scheme, to reflect the changes agreed by the Professional Standards Council.	OIA23-06158	

Department	Proposal	Why is the proposed change an indexation, routine administrative or minor or machinery change?	OIA reference number	Comments / limits on carve-out
Treasury	Regulations to roll over unused exploration credits under the Junior Minerals Exploration Incentive (JMEI).	Machinery: Regulations to roll over unused JMEI credits are made on a regular basis, relate purely to changing the amount of credits available to JMEI participants in a future year of the program and are machinery in nature, and do not require consideration by the Cabinet.	OIA23-05032	

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