



# Commonwealth-State Impact Analysis status, 2023-24

The Office of Impact Analysis (OIA) publishes Impact Analyses (IAs) – formerly known as Regulation Impact Statements (RISs) - and the OIA’s assessment of each IA on its website as soon as practicable after a policy announcement is made, in consultation with the relevant Ministerial Meeting or national standard-setting body (NSSB).

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

Between 1 July 2023 and 22 May 2024, seven Commonwealth-State Decision IAs (D-RIS) were finalised, assessed as compliant by the OIA and published.

In this period seven Commonwealth-State consultation IAs (C-RIS) were assessed by the OIA and published.

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## Compliance with the Commonwealth-State IA requirements 2018-19 to 2023-24

Figure 1. Compliance with the Commonwealth-State IA requirements

Stage	2018-19 Ratio	%	2019-20 Ratio	%	2020-21 Ratio	%	2021-22 Ratio	%	2022-23 Ratio	%	2023-24 <sup>b</sup> Ratio	%
Consultation stage <sup>a</sup>	15/15	100	24/25	96	19/20	95	14/14	100	3/3	100	7/7	100
Decision stage	15/15	100	23/25	92	14/15	93	14/14	100	13/13	100	7/7	100

a The consultation stage figures relate to those decisions at the consultation stage for which a corresponding D-RIS at the decision-making stage has been announced.

b As at 23 January 2024.

## Detailed information on IAs prepared for decision in 2023-24

### Austrroads

#### National Heavy Vehicle Driver Competency Framework

Figure 2. Austrroads

Decision Date	Compliant at consultation	Compliant at decision	Final IA published
19 December 2023	Yes	Yes	20 December 2023

The National Heavy Vehicle Driver Competency Framework (NHVDCF) establishes minimum competency and assessment standards for heavy vehicle drivers across Australia. In August 2022, Austrroads released and consulted on possible reform options to improve Australia’s heavy vehicle licensing framework, as part of its draft C-RIS. The final D-RIS is the next phase of the review. The additional C-RIS was part of the next phase of the HVNL reform program and focuses on ITMM reform package policy areas that were not considered in the previous D-RIS (2023).

The proposed reforms to the NHVDCF considered in this D-RIS are primarily aimed at delivering improved road safety outcomes by better considering these risk factors in licensing. They also include considerations of

reforms to arrangements governing heavy vehicle training and assessment which may help improve the quality of driver training.

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

### Disability Standards for Accessible Public Transport 2002 (Transport Standards): Stage 2 Reforms

Figure 3. Infrastructure, Transport, Regional Development, Communications and the Arts

Decision Date	Compliant at consultation	Compliant at decision	Final IA published
20 March 2024	Yes	Yes	21 March 2024

People with disability face challenges when using public transport such as a lack of access to physical infrastructure, difficulty in accessing information that is suitable to their needs, and challenges with safely navigating a successful public transport journey. Where a person with disability is not afforded equitable access, service or safety in relation to other passengers, this can result in discrimination. The Disability Standards for Accessible Public Transport 2002 (Transport Standards) provide certainty to providers and operators of public transport services about their responsibilities under the *Disability Discrimination Act 1992* (DDA). Outcomes from statutory reviews recognised the need to update the Transport Standards to reflect the current and future needs of people with disability and to provide sufficient flexibility or guidance to operators and providers to practically fulfil their obligations under the *DDA*.

In August 2019, Transport Ministers agreed to reform the Transport Standards. This D-RIS covers the reforms outlined under stage 2 of the reform process, with the C-RIS and D-RIS for the stage 1 reforms available under the OBPR's published impact analyses. These reforms aim to eliminate discrimination, as far as possible, against people with disability and provide greater certainty to operators and providers regarding their responsibilities under the Transport Standards.

Stage 2 covers 54 reform areas across 62 Chapters, which have been broken down in this D-RIS into seven sections;

- Part 1: Transport standards principles
- Part 2: Information, communication and wayfinding
- Part 3: Accessibility at stations, stops, wharves and access routes
- Part 4: Accessibility of boarding and alighting and egress of infrastructure
- Part 5: Accessibility in conveyance
- Part 6: Stage 1 reform areas and preferred options
- Part 7: Implementation approach

To identify the D-RIS preferred package of policy options, the Department of Infrastructure, Transport, Regional Development, Communications and the Arts considered a body of evidence from: consultation findings, a cost-benefit analysis and findings from previous reviews of the Transport Standards. Following analysis of all available evidence, a preferred option has been identified for each reform area. The rationale for each preferred option is intended to inform a decision by governments, balancing the regulatory impacts of new or updated requirements against the overarching goal of the *DDA* and the Transport Standards.

## Heavy Vehicle Charges

Figure 4. Infrastructure, Transport, Regional Development, Communications and the Arts

Decision Date	Compliant at consultation	Compliant at decision	Final IA published
8 May 2023	Yes	Yes	1 December 2023

The heavy vehicle cost base has increased and is expected to exceed the heavy vehicle charges revenue, leaving an expected revenue gap, including a gap of \$575.8 million in 2022-23. This means that charges do not fully recover the share of road construction and maintenance costs that can be allocated to heavy vehicles.

The D-RIS outlines a range of options for setting heavy vehicle charges that would apply from 2022–23 onwards. At the December 2021 Infrastructure and Transport Ministers Meeting (ITMM), ministers identified a preference for increasing heavy vehicle charges by 2.75 per cent in 2022-23. At the same meeting, ministers also decided that they would again consider heavy vehicle charges in late 2022, including the possibility of a multi-year price path. The supplementary paper to the D-RIS outlines options for setting heavy vehicle charges from 2023-24 onwards for consideration by ministers. At the April 2023 ITMM, ministers agreed to a proposal to set charges for a three-year period, rising by six per cent each year.

## Department of Industry, Science and Resources

### Country of Origin Labelling for Seafood in Hospitality Settings

Figure 5. Industry, Science and Resources

Decision Date	Compliant at consultation	Compliant at decision	Final IA published
25 November 2023	Yes	Yes	28 November 2023

Consumer access to country of origin information for seafood in hospitality settings currently relies on businesses' willingness to voluntarily provide this information, either through signage on menus, display boards or in response to customer queries. This lack of easily accessible and consistently displayed

information means consumers may be unable to make educated or informed purchasing decisions for seafood in hospitality settings in line with their personal preferences.

The D-RIS considers options for standardising seafood Country of Origin Labelling (CoOL) in hospitality settings.

- Option 1: Maintaining the status quo.
- Option 2: Australian / Imported / Mixed (AIM) model.
- Option 3: Country model.

For Option 1, hospitality business may voluntarily inform consumers of seafood origin.

For Option 2 the AIM model, a new information standard is proposed under Australian Consumer Law (ACL) requiring hospitality businesses to indicate, for each dish on their menu that contains seafood, whether the seafood in that dish is: Australian (A), Imported (I), or Mixed (M).

For Option 3, under ACL hospitality businesses would be required to indicate the country of origin for each dish on their menu that contains seafood - for example, Barramundi (Thailand).

The D-RIS recommends Option 2 as the option having the greatest net benefit and most likely to achieve the objectives of seafood CoOL.

## National Transport Commission

### Heavy Vehicle National Law (HVNL) High-Level Regulatory Framework

Figure 6. National Transport Commission

Decision Date	Compliant at consultation	Compliant at decision	Final IA published
4 August 2023	Yes	Yes	7 August 2023

The limitations of the current Heavy Vehicle National Law (HVNL) present a barrier to an effective, flexible regulatory regime and an impediment to improved safety and productivity. In this D-RIS, the National Transport Commission (NTC) identifies 6 key issues in the heavy vehicle regulatory environment stating it:

- Does not adequately facilitate a risk-based approach to regulation.
- Fails to keep pace with rapidly changing external environments and dynamic contexts to manage changes to risks for safe operations in the industry
- Does not reflect and support the diversity of the heavy vehicle industry.
- Could more actively encourage parties to improve safety management and invest in more advanced safety technologies by recognising new technologies and systems within the compliance framework.
- Does not adequately support changing technologies, data systems and business practices
- Does not adequately support the NHVR in its role as a modern regulator.

The NTC considers that all policy recommendations should be agreed for adoption in the future HVNL. It is recommended that they be implemented as a package to deliver a modern foundation for ongoing improvements to the regulatory framework.

## Food Standards Australia New Zealand

### Primary Production and Processing Requirements for Horticulture (Berries, Leafy Vegetables and Melons)

Figure 7. Food Standards Australia New Zealand

Decision Date	Compliant at consultation	Compliant at decision	Final IA published
12 August 2022	Yes	Yes	20 November 2023

Fresh fruit and vegetables are an important part of a healthy diet, and horticultural produce in Australia is generally considered safe. However, in Australia and internationally, foodborne illness, deaths, product recalls and other food safety incidents continue to be associated with fresh horticultural produce. Foodborne illnesses can be reduced through appropriate food safety measures.

The D-RIS prepared by FSANZ considered the following four options for reducing food safety risk in the berries, leafy vegetables and melons sectors:

Option 1: maintaining the status quo such that the current food safety management environment for primary production and processing of horticultural products would continue;

Option 2: regulatory measures only. In this option, the proposed regulatory measures would take the form of three primary production and processing standards in the Australia New Zealand Food Standards Code (one standard each for berries, leafy vegetables and melons);

Option 3: regulatory and non-regulatory measures. This option is an extension of option 2 (regulation only), and would also include development of non-regulatory measures through collaboration between government and industry. Proposed non-regulatory measures include guidelines, fact sheets, animations, webinars and face-to-face meetings created by FSANZ in consultation with jurisdictions and peak industry bodies;

Option 4: non-regulatory measures. This option would recommend non-regulatory measures only, the same as those outlined in option 3.

Option 3 was agreed. The new standards affect primary production and processing standards for berries, leafy vegetables and melons and will take effect from 12 February 2025. The standards aim to strengthen food safety management on-farm and during initial processing to reduce food safety risks along the supply chain. New regulatory measures are focused on primary production and processing activities strongly linked to food safety risk of each of the berries, leafy vegetables and melon sectors. The regulations are expected

to better protect consumers and empower the government food regulators to support Australia’s primary producers and processors and productively manage food safety. Regulations apply a nationally consistent set of requirements and are intended to help reduce outbreaks, illness, death and recall incidents for berries, leafy vegetables and melons.

## Safe Work Australia

### Prohibition on the use of engineered stone

Figure 8. Safe work Australia

Decision Date	Compliant at consultation	Compliant at decision	Final IA published
13 December 2023	Yes	Yes	14 December 2023

Silicosis is a serious, irreversible lung disease that causes permanent disability and can be fatal. Between 2010-11 and 2021-22, there were 551 accepted workers’ compensation claims for silicosis in jurisdictions covered by the model Work Health and Safety (WHS) laws. A disproportionate number of silicosis cases are in engineered stone workers, and silicosis in these workers is associated with a shorter duration of exposure, faster disease progression and higher mortality compared to workers exposed to silica from natural sources.

On 28 February 2023, WHS ministers considered the recommendations of the previous D-RIS: Managing the risks of respirable crystalline silica at work and agreed to the three recommendations put forward. In line with one of these recommendations, WHS ministers requested Safe Work Australia undertake further analysis and consultation on the impacts of a prohibition on the use of engineered stone under the model WHS laws. In response, this D-RIS: Prohibition on the use of engineered stone (Prohibition D-RIS) was prepared by Safe Work Australia. It was provided to Commonwealth, state and territory WHS ministers in August 2023 for their consideration.

The Prohibition D-RIS considers the following options:

- Option 1: Prohibition on the use of all engineered stone
- Option 2: Prohibition on the use of engineered stone containing 40% or more crystalline silica

As for option 2, with an accompanying licencing scheme for PCBUs working with engineered stone containing less than 40% crystalline silica.

All three options allow for exemptions for certain work, including removal, repair and minor modifications of engineered stone already installed, provided the PCBU is licensed.

The Prohibition D-RIS recommends WHS ministers prohibit the use of all engineered stone (Option 1).



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## IAs prepared for consultation in 2023-24

The following consultation IAs have been published for consultation in 2023-24.

### **Decision-making body: Australian Building Codes Board**

#### **Increasing the Stringency of the Commercial Building Energy Efficiency Provisions in the next edition of the National Construction Code**

Closing date: 1 July 2024

The rationale for minimum energy efficiency standards is based on the proposition that industry would not make socially optimal energy efficiency decisions in commercial buildings without government intervention. That is, there are energy efficiency opportunities where the benefits to the community (including public benefits) outweigh the associated costs that would not be taken up in the absence of regulation. This is often referred to as the 'energy efficiency gap'.

The Australian Building Codes Board (ABCB) leads the work to scope potential changes for commercial buildings in the next edition of the National Construction Code (NCC). As part of the NCC development process, the ABCB engaged the Centre for International Economics (CIE) to develop this C-RIS assessing the costs and benefits of proposed changes in energy efficiency requirements in the NCC.

The C-RIS canvasses the options: maintaining the status quo (no policy change option); a non-regulatory option; and three new policy options of varying energy efficiency stringency.

There is a mandatory requirement on EV charging under all options. The proposed provisions will also be fuel and technology neutral under all options.

### **Decision-making body: Australian Energy Market Commission**

#### **Accelerating Smart Meter Deployment - draft determination**

Closing date: 30 May 2024

The Australian Energy Market Commission (the Commission) undertook the Review of the Regulatory Framework for Metering Services (2023). The Review found a range of issues across the current metering framework: misaligned incentives between stakeholders to install smart meters, slowing their adoption; process inefficiencies in smart meter deployments, leading to higher costs; poor customer outcomes in the transition to smart meters, damaging customers' experiences with retailers and the energy system; a lack of access to the data provided by smart meters, constraining the benefits that smart meters offer; and a slower roll out speed than required to achieve the potential benefits and support the energy system's transition.

In response to the Review, the Commission has released a Draft Determination which proposes: mandatory 100% roll out of smart meters by 2030; better access to power quality data from smart meters; improving customer safeguards to protect customers from potential cost risks Improving the customer experience

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around smart meter installation and operation; Reducing barriers to the installation of smart meters; and Improving meter testing and inspections.

## **Decision-making body: Department of Climate Change, Energy, the Environment and Water**

### **Televisions, computer monitors and digital signage display - GEMS energy efficiency requirements**

Closing date: 7 July 2023

Australia's and New Zealand's minimum energy performance standard (MEPS) levels are lagging behind prevailing international standards. There are a combination of regulatory and market failures for the energy efficiency of televisions, computer monitors and digital signage displays that are contributing to unnecessary electricity use in Australia and New Zealand. Reductions in electricity consumption can lower greenhouse gas (GHG) emissions and help to meet government GHG emission commitments. Reduced electricity use can also reduce stress on electricity grids and reduce the risk of load shedding and blackouts, as well as reducing energy costs for end users.

The C-RIS sets out a range options to improve the energy efficiency of electronic screens supplied in Australia and New Zealand and analysis of the likely effect of each option. The options are separated by televisions and computer monitors, and digital signage displays. Each category is considering the following four sub-options: MEPS, energy testing and label rating algorithm, test method for MEPS and energy rating labelling implementation

## **Decision-making body: Department of Health and Aged Care**

### **Improving the composition of the food supply in relation to industrially-produced trans fats**

Closing date: 15 September 2023

Trans fats intake is strongly associated with increased risk of coronary heart disease and related mortality. Trans fats have no proven health benefits. Compared to consumption of other fats, trans fats elevate the body's level of LDL (bad) cholesterol and reduce HDL (good) cholesterol, and increase the ratio of total cholesterol to HDL cholesterol which is a strong predictor of risk of coronary heart disease.

The C-RIS outlines policy options and seeks feedback from stakeholders on eliminating or reducing industrially-produced trans fats to the lowest level possible in the Australia and New Zealand food supply, particularly to protect population groups more vulnerable from the harmful effects of trans fats.

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## Decision-making body: Department of Industry, Science and Resources

### Seafood country of origin labelling

Closing date: 3 August 2023

Consumer access to origin information for seafood in hospitality settings currently relies on businesses' willingness to voluntarily provide this information, either through signage or in response to customer queries. This lack of easily accessible and consistently displayed information means consumers may be unable to make educated or informed purchasing decisions for seafood in hospitality settings in line with their personal preferences.

The consultation paper seeks to gather feedback on introducing a form of 'country of origin' labelling for seafood products in the hospitality industry. The Department of Industry, Science, and Resources has prepared two options to solve the identified problem through the creation of an ACL Information Standard.

## Decision-making body: National Transport Commission

### Heavy Vehicle National Law (HVNL) – Reform Package

Closing date: 24 November 2023

The review of the HVNL led by the NTC identified a series of foundational changes to the HVNL as critical to accommodate in the current and future needs of Australia's heavy vehicle industry. At the June 2023 ITMM ministers endorsed the 14 recommendations detailed in the HVNL High-Level Regulatory Framework D-RIS. The NTC published D-RIS that outlined high level changes to the HVNL regulatory framework, principally the primary law, to create a modern platform for future reforms to HVNL policy. The C-RIS is part of the next phase of the HVNL reform program and focuses on ITMM reform package policy areas that were not considered in the previous D-RIS (2023), including fatigue management, access and enhanced operator assurance.

The purpose of the C-RIS is to seek feedback and comment from stakeholders on the problems identified, the options considered and the preliminary assessment of the options. The C-RIS will inform policy changes to the updated HVNL with public consultations on three key policy areas scheduled between 9 October 2023 and 24 November 2023.

The C-RIS aims to address several issues within the HVNL, including:

- existing limitations to the HVNL contributing to ineffective fatigue management;
- current general access limits to the road network creating administrative burden and corresponding impacts on freight industry productivity; and
- lack of consistency or recognition between accreditation schemes and a regulatory environment where operators are faced with multiple and duplicative assurance audits.

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## Decision-making body: Nursing and Midwifery Board of Australia

### Endorsement for Scheduled Medicines - Designated Registered Nurse Prescriber

Closing date: 28 July 2023

An ageing population, an increase in chronic health and comorbidities, and the COVID-19 pandemic have exacerbated the inequities in access to timely, safe and appropriate quality healthcare. The impact of these inequities are particularly evident in rural and remote areas, aged care, hospital settings and in settings with communities who do not always access mainstream services. Reduced access to quality healthcare contributes to individuals experiencing, in general, poorer health outcomes. There is considerable scope for innovative approaches to improve healthcare delivery that make better use of the skills and knowledge of Australia's nursing workforce.

The proposal considers options to allow appropriately trained and supported nurses to prescribe within their scope of practice across healthcare settings is likely to reduce the pressure on Australia's healthcare system and increase timely access to patient care and medicines.