



# Post-implementation Reviews: Required

## Note

Responsibility for post-implementation review (PIR) monitoring and evaluation has been transferred to the Australian Centre for Evaluation (ACE). Queries regarding PIR status should be directed to ACE ([evaluation@treasury.gov.au](mailto:evaluation@treasury.gov.au)).

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

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

As of 22 May 2024, eighteen PIRs are yet to be completed. Of these, six are currently non-compliant as they have not been completed in the required timeframe.

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

Please note that all Department and Agency names in this report reflect their name at the time that the PIR requirement came into effect.

The [post-implementation review guidance note](#) (updated 30 March 2020) provides advice on the preparation of PIRs and compliance with the Government's requirements.

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

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# PIR status and compliance

Figure 1. PIR status and compliance

PIR Status	Required not yet due <sup>a</sup>	Overdue/Non-compliant <sup>b</sup>	Total
Not yet completed	12	6 <sup>c</sup>	18

a Measures that have not yet been fully implemented remain compliant under the PIR process and are indicated throughout this document in blue.

b Under the March 2020 Australian Government RIA system, non-compliant IAs are referred to as 'insufficient'. These insufficient IAs are included in the non-compliant tally.

c Measures that have been implemented but are non-compliant under the PIR process are indicated throughout this document in yellow.

## PIRs Required

### Attorney-General's Department

Figure 2. Attorney-General's Department

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

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

## Department of Agriculture, Water and the Environment

Figure 3. Department of Agriculture, Water and the Environment

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due date	PIR compliance
<p><b>Nature Repair Market<sup>e</sup></b></p> <p>This voluntary market would establish and allow the trading of Biodiversity Certificates, for undertaking successful projects that provide biodiversity outcomes such as the regeneration of landscapes, and the protection and enhancement of remnant vegetation and habitats for native species.</p>	Agency commitment	Feb 2022	Feb 2027	Compliant

<sup>e</sup> Note that this replaces the requirement for the PIR for the 'Pathway to a National Voluntary Biodiversity Stewardship Market'

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

Figure 4. Department of Climate Change, Energy, the Environment and Water

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due date	PIR compliance
<p><b>Expansion of functions and powers of the Australian Energy Market Operator (AEMO)</b></p> <p>Energy Ministers agreed the Government will expand the functions and powers of AEMO under the National Gas Law to ensure it can address east coast gas system reliability and supply adequacy issues ahead of Winter 2023.</p>	E/c	Oct 2022	Dec 2025 <sup>f</sup>	Compliant
<p><b>Reforms to the Safeguard Mechanism</b></p> <p>Changes to the Safeguard Mechanism to support Australia's largest industrial greenhouse gas emitters to gradually and predictably reduce their emissions, delivering on an election commitment within the Powering Australia plan. The reformed Mechanism will help Australia achieve a 43 per cent reduction of emissions on 2005 levels by 2030 and net zero emissions by 2050. Under the three proposed options, Safeguard covered emissions take on a proportional share of the national emissions target to 2030 and reach net zero by 2050.</p>	Substantial Impact	May 2023	May 2028	Compliant

f Due date has been updated from October 2024 to December 2025.

## Department of Communication and the Arts

Figure 5. Department of Communication and the Arts

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due date	PIR compliance
<b>Convergence Review<sup>g</sup></b> Decision not to issue spectrum or broadcast licenses for a fourth 'free to air' television network.	E/c	Mar 2013	Mar 2015	Non-compliant
<b>Changes to media ownership and control rules<sup>h</sup></b> Remove the '75 per cent audience reach rule' and the '2 out of 3' cross-media control rule. Introduce new local programming obligations for regional commercial television broadcasting licensees in the event of a merger.	Substantial Impact	Oct 2017	Oct 2022	Non-compliant
<b>Resale Royalty Right for Visual Artists Bill 2008<sup>i</sup></b> Establishes an inalienable resale royalty right for visual artists.	Non-compliance	Jun 2010	Jun 2013	Non-compliant

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

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

g,h,i Responsibility for these PIRs has subsequently moved to Department of Infrastructure, Transport, Regional Development, Communications and the Arts, following the machinery of Government changes bringing communications and the Arts into that Department in July 2022.

## Department of Employment and Workplace Relations

Figure 6. Department of Employment and Workplace Relations

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due date	PIR compliance
<b>Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill</b> A package of measures that implemented enterprise bargaining outcomes from the Australian Jobs and Skills Summit by amending the Fair Work Act (2009).	Substantial Impact	Dec 2022	Dec 2027	Compliant

## Department of Foreign Affairs and Trade

Figure 7. Department of Foreign Affairs and Trade

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due date	PIR compliance
Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) Create preferential supply chains with TPP parties.	Substantial Impact	Dec 2018	June 2024 <sup>j</sup>	Compliant
Australia-United Kingdom Free Trade Agreement Comprehensive FTA that drives increased trade in goods and services, two-way investment, economic growth and job creation.	Substantial Impact	Dec 2021	Dec 2026	Compliant

<sup>j</sup> Due date has been updated from December 2023 to June 2024.

## Department of Home Affairs

Figure 8. Department of Home Affairs

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due date	PIR compliance
Customs and AusCheck Legislation Amendment (Organised Crime and Other Measures) Act 2013 <sup>k</sup> A package of measures to combat organised crime and strengthen security on the waterfront.	Non-compliance	May 2013	<sup>l</sup>	Compliant
Protecting Critical Infrastructure and Systems of National Significance regulatory reforms Establishes a Positive Security Obligation for critical infrastructure, including a risk management program, to be delivered through sector-specific requirements, and mandatory cyber incident reporting.	Substantial Impact	<sup>m</sup>	Feb 2028	Compliant

<sup>k</sup> Responsibility for this PIR was transferred from the Attorney-General's Department to the Department of Home Affairs.

<sup>l</sup> Some elements were implemented in May 2013, for which a post-implementation review has commenced. Others are still to be implemented.

<sup>m</sup> The sector-specific requirements of this proposal are yet to be implemented.

## Department of Industry, Science and Resources

Figure 9. Department of Industry, Science and Resources

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due date	PIR compliance
<b>ADGSM – Refining the Australian Domestic Gas Security Mechanism</b> Reforms to enable 1) activation to be considered every three months 2) all LNG exporters in a shortfall market to share the shortfall liability equally and 3) export permissions to be made tradable.	Substantial Impact	Oct 2022	Oct 2027	Compliant

## Department of Infrastructure and Regional Development

Figure 10. Department of Infrastructure and Regional Development

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due date	PIR compliance
<b>Qantas Sale Amendment Bill 2014<sup>n</sup></b> Remove foreign ownership and other restrictions on Qantas	E/c	Aug 2014	Aug 2016	Non-compliant

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

<sup>n</sup> Responsibility for this PIR has subsequently moved to Department of Infrastructure, Transport, Regional Development, Communications and the Arts, following machinery of Government changes in July 2022.

## Department of the Treasury

Figure 11. Department of the Treasury

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due date	PIR compliance
<b>Removing the preferential tax treatment for Offshore Banking Units (OBUs)</b> Reform Australia's Offshore Banking Unit (OBU) regime to avoid Australia's continued designation, by the OECD and European Union, as having a harmful tax regime.	E/c	Sep 2021	Sep 2023 <sup>o</sup>	Non-compliant
<b>Foreign Investment Review Reforms</b> Ensure Australia's foreign investment screening framework keeps pace with emerging risks and global developments, whilst maintaining Australia as an attractive destination for foreign investment	Substantial Impact	Nov 2020	Oct 2025	Compliant

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due date	PIR compliance
<b>Options for Energy Price Relief<sup>p</sup></b> A combination of three Commonwealth responses to address the problem of high energy prices: a mandatory code of conduct for the wholesale gas market, a temporary 12-month gas price cap, and bringing forward commencement of reforms to the Australian Domestic Gas Security Mechanism (ADGSM)	Substantial Impact	Dec 2022	Dec 2027	Compliant
<b>Reducing tax concessions on superannuation balances exceeding \$3 million</b> The Australian Government will reduce the tax concessions available to individuals whose total superannuation balances exceed \$3 million at the end of the financial year, commencing on 1 July 2025.	Insufficient	Jul 2025 <sup>q</sup>	Jul 2027	Compliant

o The PIR has been completed but is awaiting procedural steps prior to publication.  
 p Joint PIR with Department of Climate Change, Energy, the Environment and Water.  
 q To be confirmed.  
 E/c Exceptional circumstances were granted by the Prime Minister.