



Australian Government Regulation Impact Statement status - by agency

2012-13

The Office of Best Practice Regulation (OBPR) is required to publish Regulation Impact Statements (RIS) and the OBPR's assessment of RISs on its website as soon as practicable from the date of the regulatory announcement, in consultation with the agency. Consequently, the RIS status in aggregate and by agency is also reported 'live' in the following tables.

Stage	2009-10		2010-11		2011-12		2012-13	
	ratio	%	ratio	%	ratio	%	ratio	%
Decision-making stage	63/75	84	47/63	75	69/78	88	64/66	97
Transparency stage ^a	59/74	80	45/63	71	70/78	90	62/66	94
Exceptional circumstances		4		14		5		8

a The number of RISs required at the transparency stage can be lower than at the decision-making stage because some regulations were subject to multiple decision-making processes. For example, RISs are required for treaties at two separate decision-making stages



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Agriculture, Fisheries and Forestry

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Biosecurity Legislation			
<i>Provides the legislative basis for managing biosecurity risks.</i>	Yes	Yes	No
Horticulture Export Regulation			
<i>Removes conditions placed on horticultural produce exported from Australia.</i>	Yes	Yes	No
Olive Levy			
<i>Introduces an olive levy to fund research and development and mitigate biosecurity risks.</i>	Yes	Yes	No

Attorney-General's Department

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Consolidation of Commonwealth Anti-discrimination Laws			
<i>Consolidates five current anti-discrimination acts into a single act.</i>	Yes	Yes	No
Amendments to the Sex Discrimination Act			
<i>Prohibits discrimination on the basis of sexual orientation, gender identity and intersex status.</i>	Yes	Yes	No
Mandatory Data Breach Notification			
<i>Requires organisations to notify individuals of a data breach where they face a real risk of serious harm.</i>	Yes	Yes	No
Banning the Importation of Unauthorised Psychoactive Substances			
<i>Instituting a 'reverse onus of proof' scheme to prohibit the importation of psychoactive substances unless they are authorised as safe and legal.</i>	No	No	Yes

Australian Communications and Media Authority

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Telecommunications Consumer Protection Code			
<i>ACMA registers a new Telecommunications Consumer Protections Code (C628:2012).</i>	Yes	Yes	No
Opportunity Cost Pricing in the 400MHz Band			
<i>ACMA increases apparatus licence taxes to a new opportunity cost price for high density areas of the 400MHz band.</i>	Yes	Yes	No
Digital dividend auction lot size			
<i>Determines the size of lots to be auctioned in the 700MHz and 2.5GHz spectrum.</i>	Yes	Yes	No

Australian Fisheries Management Authority

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Managing interactions with Dolphins in the Gillnet Hook and Trap Sector of the Southern and Eastern Scalefish and Shark Fishery			
<i>A continuation of measures contained in previous temporary orders, aimed at protecting dolphins from commercial fishing activity.</i>	Yes	Yes	No
Managing Interactions with Australian Sea Lions in the Gillnet Hook and Trap Sector of the Southern and Eastern Scalefish and Shark Fishery			
<i>A two year continuation of closures, aimed at protecting Australian Sea Lion in the Southern and Eastern Scalefish and Shark Fishery.</i>	Yes	Yes	No

Australian Prudential Regulation Authority

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Implementing Basel III capital reforms in Australia			
<i>Implements measures intended to raise the quality and level of capital of Australian financial institutions.</i>	Yes	Yes	No
Superannuation Prudential Standards			
<i>Introduces eleven new prudential standards for registrable superannuation entities.</i>	Yes	Yes	No
Superannuation Reporting Standards			
<i>Prescribes new reporting obligations for responsible entities of regulated superannuation funds.</i>	Yes	Yes	No
Basel III Disclosure Requirements: Composition of Capital and Remuneration			
<i>Enhancing public disclosure by authorised deposit-taking institutions in Australia regarding capital position and remuneration practices.</i>	Yes	Yes	No

Australian Securities and Investments Commission

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Short Sale Tagging			
<i>Obligates market participants to specify the quantity of sell orders that are short sale.</i>	Yes	Yes	No
Suspicious Activity Reporting			
<i>Obligates market participants to notify ASIC when they become aware of suspicious trading activity.</i>	Yes	Yes	No
Australian Equity Market: Further Proposals			
<i>New rules and guidance to address risks associated with automated and high-frequency trading, and trading in 'dark pools'.</i>	Yes	Yes	No
Future of Financial Advice: Best Interests Duty and Related Obligations			
<i>Provides guidance for financial advisers on complying with the statutory best interests duty.</i>	Yes	Yes	No
Hedge Funds: Improving Disclosure			
<i>Defines hedge funds and enhances disclosure to investors.</i>	Yes	Yes	No
Managed Investments: Constitutions – Updates to Regulatory Guide 134			
<i>Update to Regulatory Guide 134 (Managed Investments: Constitutions) to remove redundant or superseded information and provide more specific guidance on certain matters.</i>	Yes	Yes	No
Policy on Platforms: Update to Regulatory Guide 148			
<i>Updates guidance on financial, corporate and disclosure requirements for investment platform operators.</i>	Yes	Yes	No
Financial Requirements for Custodial or Depository Service Providers			
<i>New guidance on the minimum financial requirements for custodial or depository service providers.</i>	Yes	Yes	No

Broadband, Communications and the Digital Economy

Title of regulatory proposal			
Description of regulatory proposal	RIS adequate	RIS published	PIR required
Convergence Review			
<i>A range of measures including the introduction of Australian content requirements; a decision not to issue spectrum or broadcast licenses for a fourth free-to-air television network; and the repeal of the "75 per cent reach rule".</i>	E/c	E/c	Yes
Digital Dividend Auction Revised Competition Limits			
<i>Revises the competition limits for spectrum to be auctioned in the 700MHz band.</i>	Yes	Yes	No
Trans-Tasman Mobile Roaming			
<i>Providing greater powers to the ACCC in respect to Trans-Tasman mobile roaming to undertake regulatory measures, if necessary.</i>	Yes	Yes	No
Changes to Identity Verification Requirements for Prepaid Mobile Services			
<i>Phased introduction of identity verification at point of activation only.</i>	Yes	Yes	No

E/c Exceptional circumstances were granted by the Prime Minister

Civil Aviation Safety Authority

Title of regulatory proposal			
Description of regulatory proposal	RIS adequate	RIS published	PIR required
Mandating Aircraft Avionics Equipment for Satellite-Based Navigation			
<i>Introduces safety improvements in avionics equipment which are carried on turbine powered commercial aircraft to detect and resolve potential conflict situations between aircraft.</i>	Yes	Yes	No
Flight Crew Licensing			
<i>Introduce new standards to align Australia with International Civil Aviation Organisation requirements.</i>	Yes	Yes	No
Review and Amendment of Flight Crew Regulation			
<i>New flight crew fatigue management arrangements to take into account advancements in the science of fatigue and evidence of accidents and near misses.</i>	Yes	Yes	No

Education, Employment and Workplace Relations

Title of regulatory proposal	RIS adequate	RIS published	PIR required
Amendment to the transfer of business provisions in the Fair Work Act 2009			
<i>Requires businesses taking over state or territory public sector organisations to remunerate employees under the same conditions as their previous employer (Fair Work Amendment (Transfer of Business) Act 2012).</i>	E/c	E/c	Yes
First Tranche Response to Fair Work Act Review			
<i>Alignment of the time limit for lodging unfair dismissal applications and general protections claims for termination of employment.</i>	Yes	No ^a	No
Default Superannuation Funds in Modern Awards			
<i>Changes to the listing of default Superannuation funds in Modern Awards.</i>	Yes	No ^a	No
Amendments to the Fair Work Act 2009			
<i>Assist families with flexible working arrangements and workers subjected to workplace bullying.</i>	E/c	E/c	Yes
Amendments to the Fair Work Act 2009			
<i>Amendments to bargaining for greenfields agreements and the right of entry provisions, as well as amendments to the modern awards objective.</i>	E/c	E/c	Yes

a This RIS was published on the OBPR website but is not included in the explanatory memorandum that was tabled in parliament.

E/c Exceptional circumstances were granted by the Prime Minister

Health and Ageing

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Clinical Registers for High Risk Implantable Medical Devices			
<i>An in-principle agreement for the development of clinical registers for high risk implantable medical devices.</i>	Yes	Yes	No
Australian and New Zealand Sunscreen Standard AS/NZS 2604: 2012			
<i>Adoption of new requirements for sunscreens listed in the Australian Register of Therapeutic Goods.</i>	Yes	Yes	No
Aged Care Reform Accommodation Payments			
<i>Introduction of three tiered pricing methodology for accommodation payments for entry to an aged care home.</i>	Yes	Yes	No
Revision of the Australian Code of Good Manufacturing Practice for human blood and blood components, human tissues and human cellular therapy products			
<i>Align manufacturing requirements of human cellular therapy products with industry practice and international regulation.</i>	Yes	Yes	No
Clinical Registers for High Risk Implantable Medical Devices			
<i>Development of clinical quality registers for specific implantable devices and the establishment of a national patient contact register for implantable devices.</i>	Yes	Yes	No
Cosmetic Sunscreen Standard			
<i>Adoption of the revised Sunscreen Standard for cosmetic sunscreen products.</i>	Yes	Yes	No

Immigration and Citizenship

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Reforms to the Temporary Work (Skilled)(Subclass 457) Visa Program			
<i>Several measures to tighten foreign temporary skilled work visa obligations.</i>	No	No	Yes
Sponsorship Obligation Amendments			
<i>Amends existing regulations to change certain subclass 457 visa sponsorship obligations.</i>	Yes	Yes	No
Migration Amendment (Offshore Work and Other Measures) Bill 2013			
<i>Extends the coverage of the migration zone to vessels which are not attached to the seabed.</i>	Yes	Yes	No
Labour Market Testing for 457 Visa Sponsors			
<i>Introduces labour market testing requirements for prospective 457 visa sponsors.</i>	E/c	E/c	Yes

E/c Exceptional circumstances were granted by the Prime Minister

Industry, Innovation, Climate Change, Science, Research and Tertiary Education^a

Title of regulatory proposal	RIS adequate	RIS published	PIR required
Australian Government response to recommendations from the Climate Change Authority Review of the Renewable Energy Target scheme			
<i>Agree to the Climate Change Authority's recommendations to retain the key design features of the Renewable Energy Target, and to implement minor changes to contain costs and improve scheme efficiency.</i>	Yes	Yes	No
Invoking the Crown use provisions for a patented invention			
<i>Amendments to provide certainty about the scope of Crown use and improve transparency and accountability.</i>	Yes	Yes	No
VET FEE-HELP Redesign			
<i>Redesigns the VET FEE-HELP scheme to improve the up-take by vocational education students.</i>	Yes	Yes	No
Changes to the anti-dumping regime			
<i>Changes to Australia's anti-dumping regime to improve timeliness of investigations.</i>	Yes	Yes	No
Electricity Meters			
<i>Removal of exemption from pattern approval and verification for a subset of electricity meters.</i>	Yes	Yes	No
Strengthening Australian Industry Participation			
<i>Requires all projects over \$500 million in value to undertake an Australian Industry Participation Plan.</i>	Yes	Yes	No
Interim Partial (One-Way) Link between the Australian Carbon Pricing Mechanism and the EU Emissions Trading System			
<i>Enables Australian businesses to use European Union allowances to help meet liabilities under the Australian CPM.</i>	Yes	Yes	No
Auctions for Carbon Units: Auction Schedule, Frequency and Collateral			
<i>Design features of carbon unit auctions, namely the auction schedule, the carbon unit limit, the frequency of auctions, and collateral requirements.</i>	Yes	Yes	No
Phase out of the solar credits mechanism			
<i>To phase out the solar credits mechanism on 1 January 2013, six months earlier than scheduled.</i>	E/c	E/c	Yes

E/c Exceptional circumstances were granted by the Prime Minister

a On 26 March 2013, the Department of Climate Change and Energy Efficiency was abolished, with climate change functions transferred to the new Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education and energy efficiency functions transferred to the Department of Resources, Energy and Tourism.

Infrastructure and Transport

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Implementation of Cape Town Convention			
<i>Accession to the convention will provide Australian airlines increased access to cheaper asset financing and provide financiers with increased certainty around applicable insolvency laws in Australia with regard to aircraft.</i>	Yes	Yes	No
International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances (HNS) by Sea			
<i>Establishes a liability and compensation regime covering damage arising from the carriage of HNS by ship as cargo.</i>	Yes	Yes	No

Murray-Darling Basin Authority

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Murray-Darling Basin Plan			
<i>Sets out new water-sharing and management arrangements, including the establishment of sustainable diversion limits on surface water.</i>	Yes	Yes	No

Private Health Insurance Administration Council

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Outsourcing Standard for Private Health Insurers			
<i>Establishes minimum best practice requirements for outsourcing arrangements for registered private health insurers.</i>	Yes	Yes	No

Reserve Bank of Australia

Title of regulatory proposal			
Description of regulatory proposal	RIS adequate	RIS published	PIR required
Regulatory framework for the EFTPOS system: final reforms			
<i>Reviews access and fee arrangements for the EFPOS debit card system.</i>	Yes	Yes	No
New Financial Stability Standards: final standards			
<i>Establishes new financial stability standards for central counterparties and securities settlement facilities.</i>	Yes	Yes	No

Resources, Energy and Tourism^a

Title of regulatory proposal			
Description of regulatory proposal	RIS adequate	RIS published	PIR required
Improving Australia's Liquid Fuels Data			
<i>Introduction of mandatory reporting of petroleum statistics in the Australian fuel supply chain.</i>	Yes	Yes	No
Not extending the Energy Efficiency Opportunities Program to Energy Networks			
<i>The decision means that energy networks will not be required to undertake energy savings audits.</i>	Yes	Yes	No ^b
Extending the Energy Efficiency Opportunities Program to Major New Developments and Expansion Projects			
<i>Requires large construction projects to undertake energy savings audits at the design stage.</i>	No ^c	Yes ^c	Yes

a On 26 March 2013, the Department of Climate Change and Energy Efficiency was abolished, with climate change functions transferred to the new Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education and energy efficiency functions transferred to the Department of Resources, Energy and Tourism.

b A RIS was required for the decision (announced by the Prime Minister on 10 July 2011) to extend the Energy Efficiency Opportunities (EEO) program to energy networks and major new developments and expansion projects. As a RIS was not prepared, the OBPR advised that a PIR was required. However, the subsequent decision (with a RIS) announced by the Minister for Resources and Energy on 19 June 2013 (the RIS was subsequently posted on the OBPR website on 11 July 2013) that the EEO program would not be extended to energy networks, means that a PIR is not required on this measure.

c The decision and announcement to extend the EEO program to major new developments and expansion projects were undertaken without an adequate RIS. The decision was reported as non-compliant in 2011–12. As a result the non-compliance is not included in the 2012–13 summary of compliance. An implementation RIS was prepared for the subsequent decision (announced by the Minister for Resources and Energy on 19 June 2013) on the detailed final package of how the proposal to extend the EEO program to major new developments and expansion projects would be implemented. The implementation RIS was assessed as adequate by the OBPR and published on the OBPR's website.

Sustainability, Environment, Water, Population and Communities

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Fuel Standard: Ethanol (E85) Automotive Fuel			
<i>Sets specifications for fuel parameters and testing methods to be followed.</i>	Yes	Yes	No
New fishing activities of size and scale unprecedented in Commonwealth marine areas			
<i>Extension of legislative powers available under the Environment Protection and Biodiversity Conservation Act 1999.</i>	E/c	E/c	Yes
Greater Protection for Water Resources			
<i>Amending national environmental law to require federal assessment and approval of coal seam gas and large coal mining developments that have a significant impact on a water resource.</i>	E/c	E/c	Yes

E/c Exceptional circumstances were granted by the Prime Minister

Treasury

Title of regulatory proposal	RIS adequate	RIS published	PIR required
A New Regulatory Framework for Financial Planners Providing Tax Advice			
<i>This measure will bring financial planners who provide tax advice under the Tax Agent Services Act 2009.</i>	Yes	Yes	No
Insurance Key Facts Sheet			
<i>Prescribes content, presentation and provision requirements for a one-page Key Facts Sheet on home building and contents insurance.</i>	Yes	Yes	No
Government's interim response to the Low Value Parcel Processing Taskforce Report			
<i>Examines ways to improve the efficiency of low value parcel processing.</i>	Yes	Yes	No
Unfair Terms in Insurance Contracts			
<i>Provides consumers with remedies for unfair terms in insurance contracts.</i>	Yes	Yes	No
Addressing avoidance of the National Credit Code			
<i>Expands coverage of the National Consumer Code to include 'credit-like' transactions which are currently excluded.</i>	Yes	Yes	No
Credit for investment purposes			
<i>Strengthens protections for consumers who borrow money to invest.</i>	Yes	Yes	No
Small business credit			
<i>Addresses predatory lending practices which exploit small business borrowers in financial distress.</i>	Yes	Yes	No
G-20 Over-the-Counter Derivatives Ministerial Determination			
<i>Introduces reporting requirements for over-the-counter derivatives.</i>	Yes	Yes	No