

### **PRIORITY REGULATORY REFORM AREAS**

At the Council of Australian Governments (COAG) meeting on 10 February 2006, all jurisdictions committed to identify and address as a priority those areas where inconsistent and unnecessarily burdensome regulatory regimes are impeding economic activity. COAG agreed to make a 'down payment' on regulatory reduction by taking action to address six specific 'hot spots': namely, rail safety regulation; occupational health and safety; national trade measurement; chemicals and plastics; development assessment arrangements; and, building regulation.

COAG has agreed to pursue further regulatory reform in the following areas.

#### **Business Registration**

The registration of Australian Business Numbers (ABN) and business names are separate processes that involve registration by various means (that is, on-line, over the counter or by post), at two levels of government. They require a business to provide the same or similar details on a number of occasions. For business, the complexity of the existing processes results in:

- a compliance burden associated with the separate registration for ABN and business names; and
- confusion surrounding the protection rights afforded to business and company names.

COAG has agreed that the Small Business Ministerial Council is to develop a model that delivers a seamless, single on-line registration system for both ABN and business names, including trademark searching and report back to COAG with its recommendations, cost implications and a proposed timeline for implementation by the end of 2006.

#### **Development of Bilateral Agreements under the *Environment Protection and Biodiversity Conservation Act 1999***

COAG agreed in 1997 to the Heads of Agreement on Commonwealth/State Roles and Responsibilities for the Environment. The Commonwealth put key aspects of the agreement into effect through the revision of Commonwealth environment legislation and the consolidation of a number of Acts into the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). The EPBC Act allowed for the making of bilateral agreements with the States and Territories to accredit their environmental assessment and environmental approvals process.

Assessment bilateral agreements are in place with Queensland, Western Australia, Tasmania and the Northern Territory but yet to be completed with the remaining States and the ACT. Finalising the outstanding assessment bilateral agreements will provide certainty for business by ensuring that proposed developments are assessed under the relevant jurisdiction's legislation, without duplication by the Commonwealth, and will in turn provide a stepping stone to the conclusion of approval bilateral agreements.

COAG has agreed that Senior Officials, working closely with officials from environmental agencies, report back to it by the end of 2006 with strategies further to improve and streamline environmental approvals processes, within the existing architecture of the EPBC Act.

## **Personal Property Securities**

Personal property securities are broadly defined as interests in personal property that a creditor has the right to take or keep possession of, or otherwise deal with, on default by a debtor. There are presently 77 separate acts governing personal property securities in Australia, administered by a range of Commonwealth, State and Territory government agencies and involving three ministerial councils. In Australia, different registration requirements and priority rules apply depending upon the form of the property offered as security and the State or Territory in which relevant legislation was developed and implemented. Not all forms of personal property are covered by existing legislation, and the multiplicity of legislative regimes has created legal uncertainty and high transaction and compliance costs, particularly in relation to personal property which moves between States and Territories. The inability to register a wide range of personal property as security also means that certain types of businesses are at a competitive disadvantage. A national system facilitating the registration of all types of personal property as security would have tangible economic benefits in terms of business investment and reduced transaction costs.

COAG endorsed the development by the Standing Committee of Attorneys-General (SCAG) of an efficient and effective national personal properties registration system for security transactions and has asked SCAG to report to it by the end of 2006 on progress with developing options and timeframes for implementing a national system, including identifying any cost and associated consumer protection data implications.

## **Product Safety Regulation**

The consumer product safety system consists of the product safety provisions contained in the *Trade Practices Act 1974* (the TPA) and equivalent provisions in State and Territory fair trading legislation, along with the administration and enforcement of these provisions. The system also includes other, non-regulatory, activities conducted by governments to achieve consumer product safety objectives. The Ministerial Council on Consumer Affairs (MCCA) has been reviewing the Australian consumer product safety system. The review commenced in August 2004, with the release by MCCA of a public discussion paper, followed by consultations with key business and consumer groups. A Productivity Commission (PC) report on the operation of Australia's current consumer product safety system and impact of the reform options outlined in the MCCA discussion paper was publicly released on 7 February 2006. The PC found that a strong case exists for national uniformity in the regulation of consumer product safety and that current regulatory inconsistencies across jurisdictions create impediments to trade in consumer products and impose a wide range of costs on businesses, consumers and governments.

COAG has requested the MCCA to develop options for a national system for product safety regulations without increasing the regulatory burden and report back to it with a recommended approach by the end of 2006.