

# COUNCIL OF AUSTRALIAN GOVERNMENTS'

## MEETING

29 NOVEMBER 2008

### BUSINESS REGULATION AND COMPETITION WORKING GROUP

Details of outcomes in areas of regulatory reform from the COAG meeting of 29 November 2008 are set out below. (See Communiqué discussion of *Seamless National Economy*).

#### **14. Development Assessment**

COAG has agreed to the BRCWG undertaking a targeted consultation process to further examine concerns raised on competition issues associated with planning and zoning policies and processes in the Report of the ACCC Inquiry into the competitiveness of retail prices for standard groceries and in the Productivity Commission's report, *The Market for Retail Tenancy Leases in Australia*.

COAG has requested the BRCWG to report back to COAG in early 2009 on the outcome of these consultations.

#### **16. Regulation of Chemicals and Plastics**

COAG has agreed to the new governance structure, set out in Attachment A, to oversee chemicals and plastics regulatory reform in response to the Productivity Commission's Research Report into Chemicals and Plastics Regulation, including the establishment of a COAG Standing Committee on Chemicals.

COAG has directed the Ministerial Taskforce to develop the Memorandum of Understanding establishing the COAG Standing Committee on Chemicals for consideration by COAG in the first half of 2009.

COAG has agreed to the proposed interim COAG response to the recommendations of the Productivity Commission's Research Report into Chemicals and Plastics Regulation (Attachment B).

COAG also welcomed advice and implementation plans received from various ministerial councils and requests further implementation plans and progress reports for consideration at the first COAG meeting in 2009.

COAG has welcomed progress on implementing the 18 early harvest reforms (Attachment C) and requested a further progress report for consideration at the first COAG meeting in 2009.

#### **20. Food Regulation**

COAG has agreed that the BRCWG, in consultation with the Food Regulation Taskforce and the Australia and New Zealand Food Regulation Ministerial Council (the Ministerial Council), will bring forward in early 2009 a proposal to reform the voting arrangements of the Ministerial Council.

COAG has agreed that the BRCWG, in consultation with the Food Regulation Taskforce and the Ministerial Council will bring forward a proposal in early 2009 for developing options and costs to improve national consistency in monitoring and enforcement of food standards, including where the Commonwealth could undertake work in this area where it can be done on a national basis.

COAG has also agreed that the Ministerial Council undertake a comprehensive review of food labelling law and policy which will consider options to reduce the regulatory burden in labelling, using an evidence based approach and without compromising public health and safety, and provide a progress report back to COAG, through the BRCWG, by July 2009.

## **22. A National Electronic Conveyancing System**

COAG has agreed to the implementation of a national electronic conveyancing system that will establish a single electronic system for completing property transactions and lodging land title dealings.

## **26. Directors' Liability**

COAG has agreed to increased harmonisation of the imposition of personal criminal liability for corporate fault and in order to progress this refers to the Ministerial Council for Corporations (MINCO) the following principles:

- where companies contravene statutory requirements, liability should be imposed in the first instance on the company itself
- personal criminal liability of a corporate officer for the misconduct of the corporation should generally be limited to situations where the officer encourages or assists the commission of the offence (accessorial liability)
- in exceptional circumstances, where there is a public policy need to go beyond the ordinary principles of accessorial liability, a form of deemed liability could be imposed on a corporate officer only using a 'designated officer' approach (for minor offences) or a 'modified accessorial' approach (for more serious offences)

for advice on their adequacy for reforming Commonwealth, State and Territory provisions, apart from provisions in environmental protection and workplace health and safety legislation.

COAG has requested that the MINCO conduct an audit of Commonwealth, State and Territory provisions, apart from provisions in environmental protection and workplace health and safety legislation, and identify areas for reform.

COAG has requested that the MINCO report back to COAG, through the BRCWG, following its meeting in early 2009 and report with its recommendations for reform by mid-2009.

## **Regulatory Reform**

COAG has agreed that the BRCWG continue to examine opportunities to further develop and enhance existing processes for regulation making and review with the objective of improving the efficiency of regulation. These processes would continue to have regard to the regulatory management principles agreed by COAG in April 2007 as part of the National Reform Agenda initiatives and subsequently endorsed by the BRCWG.