

## **BRCWG Report Card on progress of deregulation priorities**

### **National Partnership Agreement to Deliver a Seamless National Economy (SNE NP)**

#### **1. Occupational Health and Safety**

In December 2010, Safe Work Australia released model regulations and codes of practice for a four month consultation period together with an issues paper, and in January released the associated COAG consultation regulatory impact statement. These documents can be accessed at

[www.safeworkaustralia.gov.au/Legislation/PublicComment/Pages/PublicComment.aspx](http://www.safeworkaustralia.gov.au/Legislation/PublicComment/Pages/PublicComment.aspx)

COAG remains committed to delivering this important reform and New South Wales and Western Australia continue to remain engaged in the reform process.

#### **2. Environmental Assessment and Approval Processes**

This reform has been delivered, as assessed by the COAG Reform Council in its recent report on jurisdictions' performance against SNE NP milestones.

Environmental assessment and approval processes have been streamlined by implementing:

- bilateral assessment agreements between the Commonwealth and each of the State and Territories to provide for a single environmental assessment process of developments which would otherwise require the assessment of both the Commonwealth and the relevant State or Territory; and
- strategic assessments which allow for large-scale complex projects with multiple natures to be assessed once rather on a case by case basis.

Bilateral assessment agreements and strategic assessments are now being used by jurisdictions to speed up assessments. Strategic assessments have been used for Commonwealth-managed fisheries and State and Territory land-use planning in growth areas such as Western Sydney.

Future opportunities to streamline environmental assessment and approval processes will be considered in the context of the Commonwealth Government's response to the Independent Review of the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth).

#### **3. Payroll tax**

This reform has been largely completed, with all jurisdictions now harmonised in Stage One and Two areas with the exception of Western Australia. Western Australia is harmonised in all Stage One areas and 8 out of 13 Stage Two reform areas. Western Australia has decided not to adopt the remaining five uniform definitions and administrative provisions.

COAG has asked BRCWG to review the extent to which jurisdictions have achieved uniformity of definitions and administrative provisions, with a report back to COAG in the first half of 2011 on findings and any recommended actions.

#### **4. Licences of Tradespeople**

This reform is progressing well. From 1 July 2012, specified tradespeople including electricians and plumbers will be able to obtain and pay for one licence which will enable them to practice their trade in any State or Territory.

The *Occupational Licensing National Law Act 2010* (the national law) was introduced in the Victorian Parliament and received assent on 28 September 2010. Since then, the national law has been adopted in New South Wales and Queensland and all other jurisdictions (with the exception of the ACT) have or will shortly introduce legislation to adopt the national law.

The national law established the National Occupational Licensing Authority (NOLA) on 1 January 2011. Once fully operational in mid-2011, the NOLA will develop policy and administer the system.

#### **5. Health Professional Registration and Accreditation**

This reform has been delivered. From 1 July 2010, the Australian Health Practitioner Regulation Agency (AHPRA) has been responsible for regulating each of the following professions - chiropractors, dental care, medical practitioners, nurses and midwives, optometrists, osteopaths, pharmacists, physiotherapists, podiatrists and psychologists. The Scheme replaced over 85 health profession boards governed by 66 Acts of Parliament.

#### **6. Trade Measurement**

This reform has been delivered. From 1 July 2010, a single national trade measurement system was established and is fully operational, replacing eight State and Territory trade measurement systems. Petrol pumps, retail scales and weighbridges are all measuring instruments that the public and business rely on everyday to be accurate and fit-for-purpose. These measuring instruments as well as the Licensees who service the instruments are now regulated under one national regime.

#### **7. Rail Safety**

This reform has been delivered, with model legislation and associated regulations established in all relevant jurisdictions. This will facilitate more consistent safety outcomes for the rail industry and reduces the compliance burden on rail operators in meeting different rail safety regimes.

#### **8. Consumer policy framework**

This reform has been delivered. COAG welcomes the commencement of the Australian Consumer Law (ACL) on 1 January 2011. The ACL provides for a national consumer protection framework, replacing provisions in at least 20 different and overlapping Commonwealth, State and Territory laws.

The ACL is estimated to benefit the Australian economy by \$1.5 billion to \$4.5 billion a year. Further information on the ACL can be accessed at <http://www.consumerlaw.gov.au/>

## **9. Product safety**

This reform has been delivered. On 1 January 2011, a new national product safety regime commenced as part of the Australian Consumer Law. A single set of nationally consistent product safety laws now applies in all States and Territories, resulting in reduced compliance costs and improved certainty for businesses.

Further information on the product safety can be accessed at [www.productsafety.gov.au](http://www.productsafety.gov.au)

## **10. National Regulation of Trustee Corporations**

COAG welcomes the commencement of the national regime for the licensing and supervision of trustee corporations on 6 May 2010 which is now fully operational. This reform created a national system for the licensing and supervision of trustee corporations, which reduces the regulatory burden on trustee corporations.

## **11, 12, 13 and 27 National Consumer Credit Regulatory Regime**

COAG welcomed the completion of Phase One reforms with the establishment of a national regulatory framework for consumer protection regulation for mortgage broking, margin lending and non-deposit taking institutions from 1 July 2010.

COAG also agreed to the following reforms to be delivered as part of Part One Phase Two by mid-2011:

- Credit card regulation reforms aimed at addressing the risk of consumers becoming over indebted and to increase consumer awareness in their use of credit cards, including by requiring credit card providers to allocate payments to the highest interest bearing portion of the debt and to provide clear and comparable information on how interest is calculated and the implications of only making minimum payments on their credit card balances;
- Reforms to the regulation of reverse mortgages, including requiring providers to comply with responsible lending conduct obligations and provide enhanced disclosure to customers; and
- Reforms to the regulation of leases, changes to extend the scope of the products regulated by the *National Consumer Credit Protection Act 2009*, and a number of enhancements to provisions of the Act.

## **14. Development Assessment (DA)**

COAG has welcomed the completion of a number of DA milestones, including:

- Implementation of code based assessment for single residential dwellings has been implemented in all States and Territories;
- National planning system principles have been agreed and implemented by all States and Territories;
- A framework has been developed to measure the benefits of current and future planning reform initiatives and all jurisdictions have agreed to use methodology to assess the benefits of any new national reform initiatives; and
- The first National Report on Development Assessment Performance 2008-09 has been

delivered (at Attachment A).

COAG agreed to refer remaining DA reforms, including extension of code based assessment to industrial and commercial development and multi-unit development to the Ministerial Council for Federal Financial Relations in line with COAG's 19-20 April 2010 decision that the Ministerial Council will examine all current and future work in other COAG processes that will impact on housing supply and affordability. The Ministerial Council will review the merits of remaining DA reforms as they relate to enhancing housing supply and affordability, and will report back to COAG in mid 2011 on the best way of ensuring a cohesive national approach to further development assessment reform.

### **15. National Construction Code**

COAG welcomes the consolidation of building and plumbing regulations into the National Construction Code in December 2010, in advance of its scheduled public release in February 2011, and its formal adoption in May 2011.

### **16. Chemicals and plastics regulation**

COAG welcomes the completion of the majority of the remaining chemicals and plastics Early Harvest Reforms. Three remaining reforms are anticipated to be completed shortly.

COAG agreed to six updated chemicals and plastics implementation plans (Attachment B) which set out clearer, more specific milestones necessary to implement the reforms recommended by the Productivity Commission (PC) in its *Research Report on Chemicals and Plastics Regulation* (2008) and agreed to steps to accelerate the delivery of the remaining two implementation plans.

COAG further agreed to enhanced reporting arrangements for the Standing Committee on Chemicals (SCOC) to help drive momentum, facilitate reporting by the CRC and scrutiny by stakeholders. The SCOC will report to each meeting of the BRCWG on progress against each of the PC recommended reforms, the extent to which reform outcomes have or are being achieved and, where appropriate, will make recommendations aimed at resolving implementation issues and/or ensuring reform outcomes are achieved. Information provided on reform progress will be released publicly after each meeting to enhance transparency.

### **17. Registering Business Names**

COAG notes that the task of agreeing complex national legislation in an environment of elections at both the State and Commonwealth levels will delay implementation of this reform beyond April 2011. COAG acknowledged the complexity of the reform, which requires the agreement of all jurisdictions to primary legislation and referral of powers and passage of legislation through nine parliaments.

COAG committed to delivering the reform as soon as practicable and directed BRCWG to provide advice on a firm timetable for delivery to the next meeting.

## **18. Personal Property Securities**

COAG agreed to defer the commencement date for PPS reform from May 2011 to October 2011 in response to requests from industry to enable more time to prepare for changes.

## **19. Standard Business Reporting (SBR)**

This reform has been delivered. COAG welcomed the commencement of SBR which from 1 July 2010, has been open for business, offering Australian businesses, accountants, bookkeepers, tax agents and payroll professionals a quicker and simpler way to complete and lodge reports for government. More information is available at [www.sbr.gov.au](http://www.sbr.gov.au)

SBR is estimated to provide savings to Australian business estimated at \$800 million per year once fully operational in 2014.

## **20. Food regulation**

COAG agreed an Intergovernmental Agreement (Attachment C) establishing a new centralised interpretative advice function in Food Standards Australia New Zealand (FSANZ) from June 2011 to enable a nationally consistent approach to the way in which food standards are interpreted and enforced by jurisdictions.

COAG agreed that amendments to Australia and New Zealand Food Regulation Ministerial Council (ANZFRMC) voting arrangements will, subject to the resolution of discussions with New Zealand, be made through changes to the Food Regulation Agreement and the Australia New Zealand Food Treaty.

COAG further noted the public release on 28 January 2011 of the Report of the Independent Review of Food Labelling Law and Policy (the Review) and asked relevant Commonwealth, State and Territory Ministers responsible for food to provide a progress report to COAG through BRCWG by June 2011 on the development of a response to the Review.

## **21. National Mine Safety Framework**

COAG welcomes the agreement by the Ministerial Council on Mineral and Petroleum Resources (MCMPR) on 28 May 2010 to the model mine safety regulations which are to be adopted by all jurisdictions.

COAG agreed to the inclusion of a new milestone in the SNE NP Implementation Plan to track progress against MCMPR's decision to prepare additional 'non-core' drafting instructions for New South Wales, Queensland and Western Australia and ensure their consistency and to defer two milestones relating to the National Regulators Forum and the National Mine Safety Database to October 2011 and December 2011 respectively. This will allow the Forum to address the outcomes of national mine safety framework and model work health safety legislation processes, and allow sufficient time for technical issues associated with the establishment of the database to be resolved.

## **22. E-conveyancing**

Progress is being made toward the establishment of a National E-conveyancing system, with an IGA being finalised by States and Territories to provide a governance framework for the reform. Drafting of the National Electronic conveyancing Law is also underway.

The National E-Conveyancing Development Limited (NECDL), established in January 2010, has agreed a business plan and has commenced the process for acquiring relevant intellectual property. An IT solutions partner is now being sought to begin work on developing the electronic system.

Further information can be found at <http://www.nationaleconveyancing.com.au/>

## **23. Oil and Gas Regulation**

Oil and gas regulation reform is progressing well and is on track to be completed on schedule. The Report of the Montara Commission of Inquiry (Montara Inquiry) and the Commonwealth's draft response was tabled in the Commonwealth Parliament on 24 November 2010. A number of milestones which were delayed pending the outcomes of the Montara Inquiry are now expected to be completed in early 2011.

COAG has agreed to remove the milestone relating to implementation of block graticulation reforms on the advice of the MCMPR that there is no longer expected to be a net benefit to the community of such a reform.

## **24. Maritime Safety**

COAG is committed to the implementation of this important reform which will establish a nationally consistent approach to maritime safety standards and a single national maritime safety regulator by January 2013. COAG has agreed that the Australian Maritime Safety Authority will become the national regulator, and has committed to signing a National Partnership Agreement in 2011 that will formalise this reform.

## **25. Wine Labelling**

Wine labelling reforms have been delivered. All States and Territories have harmonised their wine labelling requirements with effect from 1 July 2009.

Australian wine producers now have greater choice in how they meet labelling requirements for standard sized wine containers destined for domestic and export markets. This reform is expected to deliver savings of approximately \$25 million per annum to the wine industry.

## **26. Directors' liability**

COAG notes that jurisdictions are working to finalise Directors' Liability reforms as soon as possible with legislation expected to be passed in jurisdictions in early 2011 (with the exception of ACT where legislation has been passed).

COAG has asked BRCWG to review progress to date to determine whether COAG's harmonisation objectives are likely to be met, and if not, what further action is required, and report back to COAG by 30 June 2011.

<b>27. Phase Two Consumer Credit reforms (see 11, 12, 13 and 27 above)</b>
--