

# **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 April 2011, Safe Work Australia (SWA) completed a four month consultation period on its model regulations and codes of practice. SWA is currently working through submissions, and considering amendments to the draft model regulations and model codes of practice arising from the public comment process.

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)

To date, Queensland has passed the model Work Health and Safety Act, New South Wales has passed the model legislation with minor amendments and South Australia has introduced the legislation into its parliament. All jurisdictions are on track to have the legislation passed by 1 January 2012, the milestone for completion of the national occupational health and safety reform.

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

This reform is now operational, as assessed by the COAG Reform Council in its 2009-10 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.

### **3. Payroll tax**

At the request of COAG, BRCWG undertook a comprehensive review of the extent to which jurisdictions have achieved uniformity of payroll tax definitions and administrative provisions.

The review found that common payroll tax provisions and definitions have been adopted and that where there are differences, these are minor and will not impact significantly on businesses that operate across jurisdictions. Minor exceptions are Western Australia which has decided not to amend its legislation in five areas (contractor provisions; employment agent exemptions and portable long service leave and redundancy funds) and the ACT which has

decided not to provide an exemption for employment agents who on-hire staff.

All jurisdictions are undertaking additional work to ensure continued harmonisation of administrative arrangements under the Payroll Tax Harmonisation Committee.

COAG has agreed that the objectives of this reform, to achieved uniform legislation across jurisdictions, have largely been met and that this reform is now operational.

#### **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, Queensland, South Australia and Tasmania, with the Northern Territory expected to pass its legislation shortly.

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

This reform is now operational. 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 is now operational. 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 every day to be accurate and fit-for-purpose. These measuring instruments, and the Licensees who service the instruments, are now regulated under one national regime meaning that businesses no longer have to deal with different regulators in each jurisdiction and different compliance and enforcement regimes.

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

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

## **8. Consumer policy framework**

This reform is now operational. The Australian Consumer Law (ACL) commenced 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 is now operational. 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 reform can be accessed at [www.productsafety.gov.au](http://www.productsafety.gov.au)

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

This reform is now operational. A national regime for the licensing and supervision of trustee corporations commenced on 6 May 2010 and is now fully operational.

The reform has put in place a national market for traditional trustee company services, replacing the eight separate State and Territory regimes which previously existed. The new regime increases consumer protection, cuts red tape for trustee companies conducting business in more than one jurisdiction, and lowers barriers to entry, promoting competition in the industry.

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

Phase One of consumer credit reforms is now operational, with the establishment of a national regulatory framework for consumer protection regulation for mortgage broking, margin lending and non-deposit taking institutions on 1 July 2010.

COAG agreed to amend the Implementation Plan to defer the remaining aspects of this reform by six months, to provide additional time to finalise the national law and referral and repeal legislation. These amendments also respond to the COAG Reform Council's recommendation that milestones for this reform be better sequenced to provide clear timeframes for interim steps, making it easier to track reform progress.

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

Development assessment reforms that are now operational include:

- implementation of code based assessment for single residential dwellings that has been implemented in all States and Territories;
- national planning system principles that have been agreed and implemented by all States and Territories; and
- a framework has been developed to measure the benefits of current and future planning reform initiatives and all jurisdictions have agreed to use this methodology to assess the benefits of any new national reform initiatives.

The Housing Supply and Affordability Reform Working Party of the Standing Council for Federal Financial Relations will report to COAG, through the Standing Council for Federal Financial Relations, in mid 2011 on the remaining Seamless National Economy DA reforms as they relate to enhancing housing supply and affordability.

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

COAG welcomes the consolidation of building and plumbing regulations into the National Construction Code (NCC), which was made publicly available on 1 March 2011.

The majority of States and Territories have formally adopted the NCC into their legislation. The reform is expected to be operational in all jurisdictions ahead of the October 2012 milestone.

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

Enhanced reporting by the Standing Committee on Chemicals (SCOC) continues to help drive chemicals and plastics regulation reform momentum and facilitate scrutiny by stakeholders.

SCOC reports on reform progress are publicly available and can be found at:  
<http://www.innovation.gov.au/INDUSTRY/CHEMICALSANDPLASTICS/SCOC/Pages/default.aspx>

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

COAG agreed to defer the commencement of the business names reform to 28 May 2012, in acknowledgment of the complexity of the reform and to allow jurisdictions sufficient time to pass legislation through their Parliaments. The business names reform is currently on track to be delivered by the revised commencement date. This reform establishes a national system for business names registration, enabling businesses to register for business names and Australian Business Numbers in one place.

#### **18. Personal Property Securities (PPS)**

The PPS reform is on track for commencement in October 2011. The reform will establish a single national PPS law and PPS Register that will: increase certainty for those creating, dealing with and enforcing secured lending arrangements; increase competition among secured finance providers; and assist business to secure finance against property.

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

This reform is now operational. SBR has been operational since 1 July 2010, 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)

## **20. Food regulation**

COAG welcomes the commencement of a centralised interpretive advice function in Food Standards Australia New Zealand on 1 July 2011. This function will enable a nationally consistent approach to the way in which food standards are interpreted and enforced by jurisdictions.

New Zealand has not agreed to further reform of Australia and New Zealand Food Regulation Ministerial Council (ANZFRMC) voting arrangements and as a result this reform cannot be taken any further. COAG has agreed that the milestones under the food regulation reform stream have now been completed, to the extent possible, by all jurisdictions.

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

National mine safety reform is continuing to progress, with a nationally consistent occupational health and safety regime in the Australian mining industry expected to be in place by 1 January 2012.

An online compliance repository comprising the various pieces of mine safety legislation in each State and Territory as well as associated regulations, codes of practice, guidance material and any other relevant compliance information, went live (<http://www.mirmgate.com/index.php?gate=compliancegate>) on 4 March 2011, to assist duty holders to meet their obligations.

## **22. E-conveyancing**

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

COAG agreed to defer the commencement of the NECS by 12 months to December 2012 to allow time for the National E-Conveyancing Development Limited to develop and implement the e-conveyancing platform; States to finalise and implement the national law and State registrars to develop and adopt national operating requirements and participation rules pursuant to the national law.

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

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

Oil and gas regulation reform is progressing well. On 25 May 2011, the Commonwealth released its final response to the Report of the Montara Commission of Inquiry (Montara Inquiry). A number of SNE NP Implementation Plan milestones which were delayed pending the outcomes of the Montara Inquiry are now expected to be completed in mid 2011.

COAG agreed new SNE NP Implementation Plan milestones to give effect to the establishment of a national regulator and national offshore petroleum and greenhouse gas storage titles administrator. These new milestones are in response to the remaining five recommendations made by the Productivity Commission in its *Annual Review of Regulatory Burdens on Business: Primary Sector* (2007).

### **24. Maritime Safety**

COAG agreed to sign the intergovernmental agreement to establish the Australian Maritime Safety Authority as the single national regulator for 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.

### **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**

At COAG's request, BRCWG undertook an extensive review of directors' liability reform, examining in particular concerns raised in the COAG Reform Council's 2009-10 report on SNE NP performance, that COAG's harmonisation objectives for the directors' liability reform were unlikely to be achieved.

On the basis of the BRCWG's review, COAG has agreed to revise the SNE NP Implementation Plan for this reform, to include new milestones for all jurisdictions to re-audit their laws against the COAG agreed principles and to amend legislative provisions to reflect a truly national approach to directors' liability. COAG has agreed that in addition to re-auditing existing legislation, jurisdictions will apply the principles to all new legislation, where directors' liability provisions apply.

### **27. Phase Two Consumer Credit reforms (see 11, 12, 13 and 27 above)**