

TOWARDS A SEAMLESS NATIONAL ECONOMY
COAG'S BUSINESS REGULATION AND COMPETITION WORKING GROUP
ANNUAL REPORT CARD – MARCH 2009

Current Status	COAG status as at end-2007	Key milestones reached during 2008	Work for 2009 onwards
1. Occupational Health and Safety (OH&S)*			
Nationally uniform OH&S laws, comprising a model Act, model regulations and model codes of practice			
Broad agreement reached on way forward; important implementation decisions still to be made	In-principle agreement reached to a harmonised (but not nationally uniform) OH&S system.	<p>Intergovernmental agreement (IGA) signed formalising the commitment to move to nationally <i>uniform</i> OH&S laws.</p> <p>Workplace Relations Ministers' Council (WRMC) received first report of the National Review into Model OH&S Laws at its meeting in November 2008.</p> <p>Legislation establishing Safe Work Australia passed by the House of Representatives but defeated three times by the Senate and subsequently withdrawn from Parliament.</p>	<p>Establish Safe Work Australia, the new national body to lead and improve OH&S and workers' compensation arrangements in Australia, as an Executive Agency prescribed under the Financial Management and Accountability Act 1997.</p> <p>The Workplace Relations Ministers' Council received the second report of the National Review into Model OH&S Laws at its meeting in February 2009. The report includes recommendations regarding the scope and coverage of a model OH&S Act, workplace consultation, participation and representation, enforcement and compliance and the roles of OH&S regulatory agencies.</p> <p>Model OH&S Bill exposure draft and draft Regulatory Impact Statement (RIS) to be released for public comment by end-May 2009.</p> <p>WRMC to agree model OH&S Bill by end-September 2009.</p>

* COAG Hot Spot

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			All jurisdictions to enact model Bill and regulations and complete all related transitional arrangements by December 2011 (a year earlier than original 2007 election commitment).
2. Environmental Assessment and Approvals Processes* An efficient system of environmental assessment and approval			
All deadlines met; opportunities for new agreements being investigated	Agreement reached to finalise outstanding assessment bilateral agreements as a priority and to develop a proposal for a more harmonised and efficient system of environmental assessment and approval.	All bilateral assessment agreements between the Commonwealth and each State and Territory have been agreed.	All jurisdictions to deliver implementation plans on opportunities for approvals bilateral agreements and strategic assessments by mid-2009. Monitor ongoing progress with bilateral approvals agreements and strategic assessments.
3. Payroll Tax Harmonisation Consistent administration of payroll tax by 1 July 2012			
All stage 1 reform decisions made	Commonwealth Government's response of 15 August 2006 to the Report of the Taskforce on Reducing Regulatory Burdens on Business, <i>Rethinking Regulation</i> , (the Banks Report) agreed to the recommendation that COAG should develop measures to harmonise the tax base and administrative arrangements of payroll tax regimes across the States and Territories.	All jurisdictions except WA completed the first stage of harmonisation relating to the adoption of common definitions and common treatment of various employee allowances and lodgement dates. NSW and VIC delivered all stage 2 reforms and are now fully harmonised.	WA legislation implementing stage 1 reforms will commence on 1 July 2009. SA is implementing legislation on stage 2 reforms which is expected to take effect from 1 July 2009. QLD and TAS are to deliver the second stage of reforms by mid-2010, along with WA and NT should they agree to the reforms. States and Territories to complete reforms by 30 June 2012.

* COAG Hot Spot

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	Item had not been added to COAG agenda but States and Territories were working together on harmonisation.		
4. Licences of Tradespeople Establish a national trade licensing system			
Agreement reached on need for a national system; industry-specific decisions yet to be made	<p>The Commonwealth and the States and Territories had established mutual recognition of licences issued for a number of different trades and mutual recognition arrangements were being finalised for others.</p> <p>Multiple licences still required when moving between jurisdictions.</p>	<p>Agreement reached to seven initial occupational areas to which the national licensing system will be applied, removing the need for multiple licences.</p>	<p>IGA to be considered by COAG early in 2009.</p> <p>All jurisdictions to agree draft legislation by 2009.</p> <p>Host jurisdiction to enact legislation by June 2010 and all other jurisdictions to enact legislation by late 2010.</p> <p>New national licensing body to be established by 1 January 2011.</p> <p>New national licensing system to commence on 1 July 2012.</p>
5. Health Workforce Agreement A national registration and accreditation scheme for health professionals			
All reform decisions made and implementation underway	<p>COAG agreed in July 2006 to a package of reforms in response to the Productivity Commission's report, <i>Australia's Health Workforce</i>, but reforms had not been finalised.</p>	<p>IGA signed formalising the commitment to establish a national registration and accreditation scheme for health professionals.</p>	<p>QLD to enact legislation and all other jurisdictions to enact referencing legislation by end-2009.</p> <p>Commonwealth to amend relevant legislation by late 2009.</p> <p>Registration and accreditation scheme to be implemented by 1 July 2010.</p>

* COAG Hot Spot

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6. National System of Trade Measurement* The establishment of a national system of trade measurement funded and administered by the Commonwealth			
All reform decisions made and implementation underway	Agreement reached to establish a national system of trade measurement funded and administered by the Commonwealth.	Commonwealth legislation establishing a national system of trade measurement passed by Parliament.	All jurisdictions to finalise regulations by August 2009. National Measurement Institute to complete all related transitional arrangements by April 2010. Commonwealth scheme to commence operation by 1 July 2010.
7. Rail Safety Regulation* Nationally consistent rail safety legislation and associated regulation			
All reform decisions made and implementation underway	Agreement reached to develop a nationally consistent rail safety regulatory framework.	NSW, VIC and SA enacted model rail legislation.	QLD, WA, TAS, ACT and NT to enact legislation by end-2009.
8. Consumer Policy Framework A new national consumer policy framework, which includes a national generic consumer law, enhanced consumer law enforcement and more efficient consumer policy development and decision-making processes			
All reform decisions made and implementation underway	Commonwealth Government's 2006 response to the Banks Report agreed to the recommendation that COAG, through the Ministerial Council on Consumer Affairs (MCCA), should initiate an independent public review into Australia's consumer protection policy framework and its	Agreement reached to a new consumer policy framework with a single national consumer law based on the <i>Trade Practices Act 1974</i> , to include reforms recommended by the Productivity Commission and, where agreed, best practice in State and Territory consumer laws. Specific	Information and consultation paper on the Australian Consumer Law released on 17 February 2009. IGA on the national policy framework (incorporating the national product safety framework – see item 9) to be agreed by end-June 2009. Commonwealth to undertake public consultation on the final draft of the national law and administrative arrangements April - June 2010.

* COAG Hot Spot

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	administration but item had not been added to MCCA agenda.	reforms in the new law to include a provision regulating unfair contract terms, new enforcement powers and remedies and a new product safety system (see item 9 below).	RIS for the national law to be completed by end-June 2010. Commonwealth to enact and commence principal legislation and all other jurisdictions to enact and commence application legislation for a national consumer law by end-2010.
9. Product Safety* A consistent national product safety regime			
All reform decisions made and implementation underway	Agreement reached to develop a uniform approach to consumer product safety.	Agreement reached to the Commonwealth assuming greater responsibility for regulating product safety by assuming responsibility for the making of permanent product bans and standards under the <i>Trade Practices Act 1974</i> and the Australian Competition and Consumer Commission and the State and Territory offices of fair trading sharing responsibility for enforcement of the product safety law.	IGA on the national policy framework (incorporating the national product safety framework – see item 8) to be agreed by end-June 2009. Commonwealth to enact principal legislation for national consumer law (see item 8 above) including agreed provisions on product safety by end-2010. States and Territories to introduce application Acts (see item 8 above) which includes agreed provisions on product safety by end-2010. All jurisdictions to commence enacted product safety provisions by end-2010.
10. National Regulation of Trustee Corporations The implementation of a national regulation for the licensing and supervision of trustee corporations			
All reform decisions made and implementation underway	Not on COAG agenda but the Standing Committee of Attorneys-General (SCAG) had agreed that a working	Agreement reached for the Commonwealth to assume responsibility for the regulation of trustee	National framework for regulation of trustee corporations to be developed by April 2009. Commonwealth legislation to be introduced and all

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	group be formed to develop nationally consistent regulation for trustee corporations and a single or mutual recognition scheme for their licensing.	corporations.	other jurisdictions to enact referencing legislation and complete all related transitional arrangements by mid-late 2009. National Commonwealth regulation to be implemented from late 2009.
11. National Regulation of Mortgage Broking To provide an effective and national approach to consumer protection regulation for mortgage broking			
All reform decisions made and implementation underway	Not on COAG agenda although MCCA had established a working group to develop a uniform regulatory regime for finance and mortgage brokers and NSW had developed a draft model Finance Broking Bill for the proposed national reform to the finance broking industry.	Agreement reached for the Commonwealth to assume responsibility for the regulation of mortgage broking.	Commonwealth legislation for Phase One of the consumer credit regulation reforms [items 11 to 13 and 27 are being progressed as a package] to be in place by mid-2009, consisting of the following steps/milestones: <ul style="list-style-type: none"> • a national framework for the regulation of consumer credit to be developed by April 2009; • States and Territories to pass referral of powers legislation by May 2009; • Commonwealth legislation to be introduced by May 2009; and • Commonwealth regulation to commence from July 2009. Phase 2 will comprise the regulation of remaining areas of consumer credit, including pay-day lending (for example, pawnbrokers), credit cards, store credit, investment and small business lending, and personal loans, so that the reform package is completed in the first half of 2010.

* COAG Hot Spot

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12. National Regulation of Margin Lending To provide an effective and national approach to consumer protection regulation for margin lending			
All reform decisions made and implementation underway	Not on COAG agenda.	Agreement reached for the Commonwealth to assume responsibility for the regulation of margin lending.	As for item 11 above.
13. National Regulation of Non-Deposit Lending Institutions To provide an effective and national approach to consumer protection regulation for non-deposit lending institutions			
All reform decisions made and implementation underway	Not on COAG agenda.	Agreement reached for the Commonwealth to assume responsibility for the regulation of non-deposit lending institutions.	As for item 11 above.
14. Development Assessment* Improved development assessment processes which will provide greater certainty and efficiency in the development and construction sector			
Reform decision outstanding	Agreement reached to develop options to streamline and harmonise development assessment processes within jurisdictions.	Agreement reached that all levels of government should continue moving to streamline planning and approval processes. Agreement reached to examine further planning and zoning policies and processes from a competition perspective as recommended by the Australian Competition and Consumer Commission's inquiry into grocery prices and the Productivity	All jurisdictions to agree to recommendations from the Local Government and Planning Ministers' Council on proposals for expediting development assessment reform by early 2009. Options on considering competition issues in planning and zoning processes to be developed. States and Territories to agree to an implementation program and agreed benchmarks against which progress can be assessed by end-July 2009.

* COAG Hot Spot

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		Commission's inquiry into retail tenancy leases.	
15. National Construction Code (NCC)* A nationally consistent approach to on-site building and plumbing regulation			
Major reform decisions made; detailed implementation decisions on content of code yet to be made	<p>The Building Code of Australia endorsed as an instrument for setting out the statutory standards and policies for building rules consent and the new accountability measures, reporting requirements and gate-keeping mechanisms for implementing further building regulation reform encapsulated within the Australian Building Codes Board IGA on building codes.</p> <p>Agreement reached to identify further possible reforms of building regulation.</p>	<p>Agreement reached to develop a NCC on building, plumbing, electrical and telecommunications standards with the first stage being for building and plumbing standards.</p>	<p>Consultation RIS to be finalised by April 2009.</p> <p>NCC to be released by May 2010.</p> <p>New IGA, governance and funding arrangements to be agreed by June 2010.</p> <p>All jurisdictions to complete legislative amendments and all related transitional arrangements by January 2011.</p> <p>NCC referenced in each State and Territory legislation and implementation to be completed by October 2011.</p>
16. Regulation of Chemicals and Plastics* Reduction in the compliance burden in the regulation of chemicals and plastics, while maintaining appropriate OH&S, public health and environmental protections			
Major reform decisions made; minor decisions on content yet to be	<p>Agreement reached to establish a ministerial taskforce to develop measures to achieve a streamlined and</p>	<p>Agreement reached to a package of early harvest regulatory reform measures developed by the Ministerial</p>	<p>Complete remaining early harvest reforms by first half of 2009, with reform number 18 (regarding industry reforms for regulating hard surface disinfectants for hospital, industrial and domestic use) to be completed</p>

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made but implementation underway	harmonised system of national chemicals and plastics regulation, but taskforce had never met.	<p>Taskforce on Chemicals and Plastics Regulatory Reform.</p> <p>Agreement reached on a new governance structure for chemicals and plastics reform, including to the establishment of a COAG Standing Committee on Chemicals.</p> <p>Response by COAG to recommendations in the Productivity Commission's research report into Chemicals and Plastics Regulation.</p>	<p>by December 2009.</p> <p>BRCWG to report to COAG on progress in implementing other reforms.</p>
17. Registering Business Names* A national system for registering business names			
All reform decisions made and implementation underway	Agreement reached to develop a model that delivers a seamless, single online registration system for both Australian Business Numbers and business names.	Agreement reached to the necessary referral of powers to the Commonwealth to enable it to implement the online registration system, which will also deliver online business information services and improve ongoing interactions between government and business.	<p>IGA and/or Memorandum of Understanding on business names registration and related online services to be agreed by June 2009.</p> <p>States and Territories to introduce legislation to repeal or amend existing State and Territory business names legislation and refer powers by September 2010.</p> <p>Commonwealth to introduce referral of powers acceptance and national business names legislation into Parliament by September 2010.</p>

* COAG Hot Spot

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			<p>Online services system to be released by September 2010.</p> <p>Commonwealth to enact business names legislation by early 2011.</p> <p>New national business names registration system to be operating by end-March 2011.</p>
18. Personal Property Securities (PPS)* Establishment of a national personal property securities system			
All reform decisions made and implementation underway	In-principle agreement reached to the establishment of a national system for the registration of PPS to commence operation in 2010.	IGA signed formalising the commitment to the reform of Australia's PPS laws and the establishment of a single online national system governing the registration and regulation of securities held against personal property.	<p>Commonwealth to introduce PPS legislation by mid-2009.</p> <p>States and Territories to enact referring legislation and consequential amendments by October 2009.</p> <p>All jurisdictions to complete migration of data from State and Territory registers and all related transitional arrangements by May 2010.</p> <p>National PPS system to commence by May 2010.</p>

* COAG Hot Spot

19. Standard Business Reporting (SBR)			
Simplified business-to-government reporting including the creation of a single online facility			
<p>All reform decisions made and implementation underway</p>	<p>Commonwealth Government's 2006 response to the Banks Report agreed to the recommendation that the Commonwealth should develop and adopt a business reporting standard within the Commonwealth sphere by 2008 and that COAG should consult with state and territory Governments but item had not been added to COAG agenda.</p>	<p>Support for Commonwealth-initiated SBR endorsed by all jurisdictions and SBR implementation plan endorsed.</p> <p>A prototype reporting definition (Version 1) was released in March 2008.</p> <p>A reporting definition for the Tax File Number (TFN) Declaration form was developed and released in preparation for a pilot of SBR capabilities in early 2009.</p> <p>Version 2 of the SBR reporting definition (taxonomy) was released in October 2008.</p>	<p>The TFN Declaration Pilot is currently being trialled.</p> <p>Full production release of the TFN Declaration to commence on 30 June 2009.</p> <p>By 31 March 2010, all transactions and interactions in SBR scope to be publicly available in preparation for 1 July 2010 start date.</p> <p>SBR program to be fully implemented from 1 July 2010 (with take-up by business escalating over the subsequent three years).</p>

* COAG Hot Spot

20. Food Regulation			
Reform of legislation, governance arrangements, uniform enforcement and setting or modifying food standards			
Reform decision outstanding	<p>Commonwealth Government's 2006 response to the Banks Report stated that the Commonwealth would commission an independent public review and that the findings of this review could be reported to COAG in December 2006 alongside findings from the review of the Food Regulation IGA.</p> <p>However, the review was not finalised in this timeframe and the item had not yet been added to COAG agenda.</p>	<p>Agreement to develop options to improve:</p> <ul style="list-style-type: none"> • food labelling law and policy; • voting arrangements of the Australia and New Zealand Food Regulation Ministerial Council (the Ministerial Council); and • national consistency in the setting, monitoring and enforcement of food standards. 	<p>All jurisdictions to bring forward a proposal for the development of options and costs to improve national consistency in monitoring and enforcement of food standards in early 2009.</p> <p>All jurisdictions to bring forward a proposal to reform the voting arrangements of the Ministerial Council in early 2009.</p> <p>The Ministerial Council to commence a review of food labelling law and policy with a progress report to COAG by July 2009.</p> <p>The Ministerial Council to finalise the review of food labelling law and policy for final report to COAG by July 2010.</p> <p>Legislation to be developed and finalised and agreed reforms to be fully implemented by December 2010.</p>
21. National Mine Safety Framework (NMSF)			
A nationally consistent mine safety regime			
Reform decision outstanding	<p>Not on COAG agenda although the Ministerial Council on Mineral and Petroleum Resources (MCMPR) had established a NMSF Steering Group.</p>	<p>Agreement reached to MCMPR developing options for reform in national mine safety regulation.</p> <p>Agreement reached by MCMPR to recommendations in the NMSF Implementation Report including:</p> <ul style="list-style-type: none"> • a nationally consistent 	<p>MCMPR to provide reform options to COAG in early 2009.</p> <p>National Enforcement Implementation Guidelines to be developed by November 2009.</p> <p>Inaugural national regulators' forum to be established by late 2009.</p> <p>National Mine Safety Database to be developed by 2010.</p>

* COAG Hot Spot

		legislative framework; <ul style="list-style-type: none"> • a competency support strategy; • a compliance support strategy; • a nationally coordinated protocol on enforcement; • consistent and reliable data collection and analysis; • effective consultation mechanisms; and • a collaborative approach to research. 	National guidance material to be developed from early 2010.
22. A National Electronic Conveyancing System A single electronic system for completing real property transactions and lodging land title dealings for registration in Australia			
All reform decisions made and implementation underway	Commonwealth Government's 2006 response to the Banks Report agreed to encourage SCAG to work towards harmonising conveyancing laws across jurisdictions, including through the establishment of a national electronic land register but item had not been added to SCAG agenda.	Agreement reached to establish a new national electronic conveyancing entity that will establish the electronic conveyancing system.	COAG to agree the form of the new legal entity for an e-conveyancing system by mid-2010. Subject to States and Territories settling funding, new entity to be established and new Board appointed by September 2010. Nationally uniform business processes to be agreed by September 2010. Any legislative changes to be enacted and all related transitional arrangements completed by early 2011. New electronic conveyancing system to commence by end-2011.

* COAG Hot Spot

23. Oil and Gas Regulation			
Reduction in the regulatory burden on the upstream petroleum industry			
Reform decisions outstanding	Not on COAG agenda.	Agreement reached to commission a Productivity Commission report on the regulation of crude oil and natural gas projects that involve more than one jurisdiction. Draft Productivity Commission report subsequently released in December 2008.	Productivity Commission to complete final report by April 2009. All jurisdictions to agree implementation plan by late 2009. COAG to consider report by second half of 2009.
24. Maritime Safety Regulation			
Nationally consistent approach to regulation of some vessels and operators			
All reform decisions made and implementation underway	Not on COAG agenda though the Australian Transport Council (ATC) had agreed to establish a Steering Committee to guide the review and development of consistent maritime safety standards, legislation, policies and practices.	Agreement reached that the ATC will report on implementing a single national approach to maritime safety for commercial vehicles.	ATC to report to COAG in the first half of 2009 on the outcomes of the RIS process, including financial implications and a proposed way forward (including timing of the IGA and legislation). IGA to be agreed in 2009.

* COAG Hot Spot

25. Wine Labelling			
Better align domestic and export wine labelling requirements			
All reform decisions made and implementation underway	Not on COAG agenda.	Agreement reached to expedite bringing the World Wine Trade Group's Agreement on Requirements for Wine Labelling into force by all jurisdictions enacting legislative amendments, and NSW completed the reform.	All remaining jurisdictions to enact necessary amendments in 2009.
26. Directors' Liability			
A consistent and principled approach to the imposition of personal criminal liability for corporate fault			
Reform decisions outstanding	Commonwealth Government's 2006 response to the Banks Report agreed to the recommendation that COAG should initiate a review to identify reforms to achieve more nationally consistent regulation of personal liability for company directors but item had not yet been added to COAG agenda.	Agreement reached that three reform principles be referred to the Ministerial Council for Corporations (MINCO) for advice on their adequacy for reforming Commonwealth, State and Territory provisions, and that MINCO conduct an audit of Commonwealth, State and Territory provisions to identify areas for reform, relating to areas other than workplace health and safety and environmental protection legislation.	MINCO to agree the principles by end-March 2009. MINCO to finalise audit of Commonwealth, State and Territory provisions and identify areas for reform including recommendations by mid-2009. All jurisdictions to enact legislation by end-December 2010.

* COAG Hot Spot

27. A National System for Remaining Areas of Consumer Credit

A more efficient approach to regulation of financial services, not captured by the early action areas in the mortgage credit and advice, margin lending and non-deposit taking institutions above

All reform decisions made and implementation underway	Not on COAG agenda.	Agreement reached for the Commonwealth to assume responsibility for the regulation of the remaining areas of consumer credit (such as pay-day lending, credit cards, store credit, investment and small business lending, and personal loans).	See item 11 above.
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