

Impacts and Benefits of COAG Reforms  
Productivity Commission  
GPO Box 1428  
Canberra City ACT 2601

Dear Sir / Madam,

In response to the discussion paper entitled 'Impacts of COAG Reforms: Business Regulation and VET discussion draft', I would like comment on Part A 'Business Regulation by chapters', chapter 2 'Consumer law and product safety'.

To make things easier for businesses that have complex safety obligations to comply with, and so these businesses only need to refer two or three laws at the most, could effort to include laws about:

- conduct of a business,
- provisions about safety (for consumers),
- safety regarding approvals of devices, and
- licensing

in new occupation-specific national laws able to be adopted by States specifically for:

- electrical occupations,
- plumbing and gasfitting occupations,
- refrigeration and air conditioning occupations, and
- building occupations.

The reason for the suggestion is that these occupations all require approval for safety of devices, have specific safety obligations apart from general occupational health and safety laws, need safeguards about rectification for defective work, need investigators to enter workplaces, involve the use of standards and codes to state how to safely and correctly do the work for consumers and the safety of the community and workers, and some form of licensing.

Given that each State has applied the Australian Consumer Law to apply in those States, in the *Fair Trading Act 1989* (Qld), *Fair Trading Act 1987* (NSW), *Fair Trading Act 1999* (Vic), *Australian Consumer Law (Tasmania) Act 2010* (Tas), *Consumer Affairs And Fair Trading Act* (NT), *Fair Trading Act 1987* (SA) and *Fair Trading Act 2010* (WA), it disapplication of these general laws for those occupations would enhance certainty by reducing the number of laws the people in these occupations need to comply with.

Also, the licensing of the four occupations should not be included in the national licensing scheme to reduce complexity.

Further, compliance with the proposed new national laws should not also require compliance with the occupational health and safety laws.

If common licences, standards, penalties, investigative powers, qualifications, consequences for not following the standards, requirements to rectify defective work,

occupation specific safety requirements, approval of devices, review rights in relation to consequences, references to non-legislative requirements were enacted in one instrument,, and if those documents with non-legislative requirements were made available for free, it would give businesses certainty.

The best approaches, I believe would be repeals by each state of every section other than those that establish the bodies monitoring those occupations, then

- implementing new Acts applying the national laws covering the matters listed above, or
- States referring under the Constitution, section 51(xxxvii), the power to pass laws about the occupations.

Kinds regards

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