

Strategic policy, legal and  
executive services

# Regulatory Simplification Plan

Abridged version, February 2011

### **Reviews of legislative requirements**

*A legislative requirement is an obligation imposed under any legislative instrument which, for the purposes of this initiative, includes primary and subordinate legislation and quasi-regulation. Quasi regulation includes instruments such as codes of conduct, standards or policies containing requirements. Legislative requirements impose burdens on those regulated and those that regulate.*

<b>Initiative</b>	<b>Purpose/Objective</b>	<b>Review Period</b>	<b>Targeted Implementation Date</b>
COAG: National Occupational Health and Safety Framework	<p>The National Occupational Health and Safety (OHS) Framework will provide nationally consistent legislation which will reduce compliance costs, avoid confusion for businesses and provide consistent safety standards and rights for all workers throughout Australia.</p> <p>The development of model OHS laws (Acts, Regulation, Codes of Practice) has been subject to extensive consultation with State and Territory governments, key social partners and the public.</p> <p>The model legislation will ensure that businesses can comply with one set of consistent laws regardless of which State or Territory they are operating in. This critical regulatory reform will reduce the costs borne by business in complying with inconsistent OHS laws. Instead of spending time developing systems to comply with each jurisdiction's requirements, multi-state businesses will be able to focus on developing and implementing effective company-wide prevention strategies.</p>	2008-2011	January 2012
COAG: National Licensing System (Electrical)	Currently there is a lack of portability of electrical licences across Australian jurisdictions. This means that licensed electrical trades persons moving or working interstate are often required to apply for an	July 2008 – July 2011	July 2012

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	<p>electrical licence in that jurisdictions.</p> <p>The reform of electrical trade licensing will deliver a single national licensing system to facilitate a more mobile workforce and remove existing barriers for both employers and employees. This system will ensure that licences issued under the authority of a national licensing body allow licensees to operate in all Australian jurisdictions. It will promote national consistency in licensing structures and policy across comparable occupational areas.</p> <p>The introduction of this reform will remove existing inconsistencies across State borders, thereby reducing barriers to both employers and employees in the electrical trades sector.</p> <p>The national licensing scheme for first wave occupations will commence in July 2012.</p>		
National Electrical Equipment Review	A national review of the Electrical Equipment Safety System was recently undertaken. The review recommended that the system be underpinned by nationally consistent performance-based legislation in each jurisdiction and comprehensive scheme rules. It is proposed that this system should contain an appropriate mixture of pre-market registration and post-market enforcement. The proposed regulations aim to address risks associated with electrical equipment and relate specifically to equipment classification, access to information on approved equipment and suppliers, uniform approval rules and improved safety surveillance.	December 2008 to January 2011	July 2011 to July 2014 (staged implementation)

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	<p>It is proposed that the new Electrical Equipment Safety System be underpinned by nationally consistent performance-based legislation in each jurisdiction. A reclassification of electrical equipment based upon a risk assessment is anticipated to create significant savings for suppliers of electrical equipment due to the anticipated reduction in the number of 'high risk' items.</p> <p>This will save industry the cost of obtaining a test from an external approved laboratory rather than relying on their own testing regime to have these items approved, and would speed up the process of getting these electrical items to market.</p> <p>It is also proposed that post-market enforcement is made consistent and harmonised across jurisdictions to avoid duplication of the regulatory efforts of individual Australian jurisdictions. Nationally consistent penalties for cases of unsafe, unregistered or incorrectly registered equipment are also proposed to be introduced. Under this scheme, any jurisdiction would be enabled to act on behalf of all jurisdictions with respect to recalls, bans and imposition of penalties.</p>		
Queensland Civil and Administrative Tribunal (QCAT) (Justice)	QCAT was established to reduce the number of tribunals in the State of Queensland. It provides a one stop shop for Queenslanders exercising their legal rights in a tribunal context. QCAT provides an independent, efficient, expert, accessible and flexible body to meet Queensland's civil and administrative tribunal needs.	March 2008 – November 2009	Completed (December 2009)

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	<p>To create QCAT, over 200 pieces of legislation were reviewed and amended, including Acts and regulations. Four Acts were repealed. Eighteen tribunals were amalgamated into a single body, and part of the jurisdiction of five other bodies were amalgamated into QCAT.</p> <p>QCAT is expected to generate savings over the longer term resulting from better use of members and staff and the creation of a structure that new jurisdiction could be added to at lesser cost than creating more stand alone tribunals.</p> <p>QCAT reduces confusion for consumers by creating one point of entry for a number of jurisdictions.</p>		
Victims of Crime Review	<p>The new scheme focuses on victim recovery by paying for, or reimbursing the costs of goods and services that the victim requires to help them recover from the physical and psychological effects of an act of violence. It aims to provide a tailored, needs-based response and allows for earlier intervention in the victim's recovery, rather than providing a general award of compensation based on the type of injury suffered.</p> <p>Under the new scheme a victim can apply to the government assessors in the Department of Justice and Attorney General as soon as the act of violence occurs rather than waiting for the conviction of the offender and then applying to the courts. This reduces court time in the Supreme, District and Children's Courts.</p>	March 2008 – November 2009	Completed (December 2009)

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	<p>The scheme includes new categories of victims, i.e. parents who are injured as a result of their child being injured by an act of violence, and victims who witness an act of violence. The scheme also expands the types of primary victims eligible for assistance, e.g. victims of acts of violence dealt with in Magistrates Courts by way of dispute resolution and juvenile justice conference.</p> <p>Victims save money and time because they no longer have to engage a lawyer represent them in court, or pay for court filing fees and medical reports.</p>		
<p>Review of the civil and criminal justice system in Queensland (the Moynihan Review)</p>	<p>In July 2009, the Queensland Government announced major reforms to the State's civil and criminal justice system based on a 2008 review on the increasing volume and complexity of demands on the State's civil court system, and the potential for a greater number of less serious offences to be finalised in the Magistrates Court.</p> <p>These legislative reforms are to be implemented in two stages, and will focus on delivering critical efficiencies and improvements to Queensland's justice system. Stage 1 included:</p> <ul style="list-style-type: none"> <li>• expansion of the jurisdiction of the Magistrates Courts to determine indictable offences in the Criminal Code and the <i>Drugs Misuse Act 1986</i></li> <li>• an increase in the general criminal jurisdiction of the District Court from offences with a maximum penalty of 14 years or less, to those</li> </ul>	<p>July 2008 – December 2008</p>	<p>Stage 1 completed (2010) Stage 2 – 2012</p>

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	<p>with a maximum penalty of 20 years or less</p> <ul style="list-style-type: none"> <li>• simplification of prosecution disclosure provisions and increased compliance measures</li> <li>• streamlining the committal process and the management of matters in the Magistrates Courts which proceed by way of ex-officio indictment</li> <li>• increases in the monetary limit for civil disputes in the District Court to \$750,000 and in the Magistrates Court to \$150,000.</li> </ul> <p>These reforms will give magistrates the authority to deal with a wider range of indictable offences and reduce the number of committal hearings, enabling many cases to be resolved earlier. As a result, victims will see justice done sooner and defendants will spend less time waiting for trial. The reforms to the criminal jurisdiction of the District Court and Magistrates Court will also free up time for the Supreme Court to deal with major and complex cases more efficiently.</p> <p>The reforms to civil limits will increase access to justice given the numbers of Magistrates Courts across Queensland. It also costs litigants less to make or defend a claim in the Magistrates and District Courts. The new limit of \$25,000 for minor civil disputes in the Queensland Civil and Administrative Tribunal will also increase Queenslanders' access to efficient, effective and affordable justice in a less intimidating setting.</p> <p>The second stage of legislative reforms will involve the development of a new Criminal Justice Procedure Act and uniform criminal procedure rules and forms to consolidate, modernise and streamline criminal justice</p>		

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	procedure in Queensland.		
Referral of Queensland's private sector industrial relations power to the Commonwealth	<p>Under this initiative Queensland referred private sector industrial relations power to the Commonwealth. The aim of this initiative was that these parties would be regulated by the <i>Fair Work Act 2009 (Cwlth)</i>. Queensland's public sector and local government sector continue to be regulated by the <i>Industrial Relations Act 1999</i>.</p> <p>The referral has improved the regulatory environment for employers who operate in more than one State because they now only have to comply with one regulatory scheme, regardless of where they are based in Australia, rather than multiple regimes. The national scheme has removed jurisdictional confusion for business and employees.</p>	November 2009	Completed (December 2009)
Directors' Liability (COAG Reform)	<p>The review of Directors' Liability is aimed at developing nationally consistent principles to increase certainty for executive officers and rationalise the imposition of liability in cases where a director or other corporate officer is held criminally liable for corporate fault.</p> <p>The ability to prosecute executive officers in appropriate circumstances will be maintained, with the intention that the liability does not unreasonably affect entrepreneurship and growth of corporate wealth. The intention of the review is to ensure an appropriate balance between accountability and the need to ensure people are willing to serve as directors and take appropriate business risks.</p>	November 2008 – 2011	Ongoing. Waiting for COAG to set further milestones.



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Trustee Companies (COAG Reform)	<p>In May 2010 national regulation of licenced trustee companies commenced, with responsibility for the regulation of trustee companies transferred from the States and Territories to the Commonwealth. Previously, trustee companies that operated in more than one jurisdiction had to comply with multiple regulatory regimes.</p> <p>Commonwealth regulation of trustee companies is anticipated to have the advantages of:</p> <ul style="list-style-type: none"> <li>• providing modern, efficient and effective supervision of the trustee companies</li> <li>• removing unnecessary regulatory burden associated with the inconsistencies in the regulatory requirements and the duplicate licensing and reporting requirements across jurisdictions</li> <li>• freeing up market entry mechanisms and promoting greater competition</li> <li>• providing for better information and access to a more cost effective and timely alternative dispute resolution mechanism.</li> </ul> <p>There are efficiencies in the Commonwealth regulating the companies as financial services licence holders.</p> <p>There may be further (Stage 2) amendments which ‘tidy up’ remaining State laws affecting trustee companies.</p>	<p>March 2008 -end 2009 (Stage 1)</p> <p>March 2008 – end 2009 (Stage 2)</p>	<p>Stage 1: completed (May 2010)</p> <p>Stage 2: milestone yet to be set by COAG - possibly 2012</p>
Legal Profession Regulation (COAG Reform)	The objective of the legal profession regulation reform is to develop a nationally uniform system of regulation and rules of practice that will reduce the regulatory burden and minimise compliance costs for firms	2009 – 2012	1 July 2012

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	<p>and lawyers.</p> <p>Draft legislation was released for public consultation in May 2010. Public consultation ran for a period of three months.</p> <p>This reform also aims to provide consumers of legal services with more transparent billing and complaints handling procedures. The legal profession will also benefit as a result of this reform through reduced compliance costs and a more efficient regulatory structure. The government will benefit from the legal profession meeting the costs of its own regulation.</p>		

**Administrative process improvements**

*Administrative processes (including fees and charges that are the subject of this initiative) are those that support business, community and government in accessing government regulatory information, satisfying compliance, and administering and enforcing regulatory requirements.*

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Occupational Health and Safety (OHS) Business Improvement Strategy	<p>The impending introduction of nationally harmonised OHS laws will require all jurisdictions to move toward common enabling systems, definitions and data dictionaries through a national safety system solution.</p> <p>If supported and funded, this national technology safety solution will save</p>	May 2009	2012 (following model laws)

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	<p>millions of dollars relative to each jurisdiction building or buying their own solution, and may provide a state-of-the-art solution providing secure access to services and uniform data sets anywhere anytime.</p> <p>The implementation of this system will result in improved business efficiencies, more efficient use of resources resulting in a better customer experience, and a reduction in administrative costs. The primary benefit is to provide a national system solution that helps OHS leaders and on-the-ground inspectors apply the law consistently irrespective of jurisdictional boundaries. Consistency and efficiency in national reporting will be another benefit of this national system.</p>		
Incident Reporting Review	<p>The purpose of this review is to streamline the administrative arrangements for health and safety incident reporting in Queensland. This will mean businesses will only need to report a particular type of incident to one government regulator and the relevant regulator is then responsible for coordinating and referring incidents to appropriate agencies.</p> <p>The consolidation of Incident Reporting Arrangements will reduce and clarify health and safety incident reporting obligations to multiple regulatory agencies, especially for large, complex high risk businesses.</p> <p>This initiative will result in net savings through a reduction in the administrative burden to business as they will be required to report health and safety incidents only once.</p>	March 2009	end 2011

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Safety Management Systems (SMS)	<p>Under a SMS, employers may be required to develop safety objectives and systems and procedures to demonstrate that these objectives are being met and maintained. A SMS may also impose a legislative requirement on the employer to prepare a safety report that demonstrates that risk is at an acceptable level.</p> <p>Queensland jurisdictions currently impose different requirements regarding complexity, reporting and regulation of the SMS. This inconsistency imposes costs and compliance issues for employers in having to implement potentially five different SMSs in Queensland. Introduction of a SMS that meets requirements of all Queensland's safety legislation would therefore reduce these compliance costs currently faced by employers.</p> <p>JAG will consider ways to harmonise the existing SMS in Queensland OHS laws and introduce a SMS that meets the requirements for all Queensland's safety legislation.</p>	March 2009	end 2011
National Electrical Equipment Review (online payment options)	<p>The introduction of online options for application lodgement and the payment of associated fees will reduce the costs associated with the current administrative process impacting on business and industry.</p> <p>Currently, applicants seeking approval of prescribed electrical equipment in Queensland are required to do so by manually completing a hardcopy form and lodging either by facsimile, mail or in person. Similarly, payment</p>	December 2008 – July 2010	2010-2011

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	<p>options are currently restricted to either cash or cheque or by manual processing of credit card payments from information supplied. In many cases, applicants are located either interstate or overseas with attendant delays in the mail system impacting the speedy processing of both applications and payments.</p> <p>Significant savings are likely to accrue for remote business users of the scheme, as it will eliminate delays associated with the lodgement of payments by mail or in person.</p> <p>The combined effects of reductions in government processing costs and delayed processing for business can result in a commensurate reduction in the unit cost of the product to consumers.</p>		
Electrical Contractors Self Assessment Package	<p>In 2009, a self assessment audit package was developed to help electrical contractors better understand their electrical safety obligations and provide a means to self assess how effectively their work systems are meeting their legal responsibilities. After undertaking a self assessment audit, electrical contractors are able to make any necessary changes, enhancing their own safety and that of their workers.</p> <p>This package benefits electrical contractor businesses by providing practical information to help them better understand their key electrical safety obligations, and foster safety improvements. Overall, this package aims to deliver benefits for employers and their workers by helping to eliminate the human cost to individuals, families and the community, by</p>	December 2008 – March 2009	2010-2011

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	<p>reducing the risk of death and injury from electricity by supporting improvements in electrical safety.</p> <p>The original self assessment audit package project has been extended to include the development of two additional resources. The first is a new printed self assessment audit, which contains 54 questions relating to electrical safety and is the second in the series of the printed packages. A PDF version of this package is also to be made available online for download. The second is an online interactive multiple choice self assessment questionnaire, containing 43 questions. Both of these new self-audit resources are due to be completed in late December 2010. Both new resources should be available online from January 2011.</p>		
Online Information Strategy	<p>The Department will increase its utilisation of the Internet channel to deliver improved services to the Queensland public and the legal and industrial sectors – providing an effective and efficient self-service enabler, and improving response times.</p> <p>JAG's Online Strategy provides an opportunity for the department to achieve its strategic aim of delivering best practice online systems and processes, and achieve a more open, accountable, responsive and efficient department, and deliver an effective online channel that supports the department's business needs.</p> <p>The community and businesses will benefit from this strategy because information will be more accessible and usable, there will be reduced time frames, an ability to share ideas and further develop staff expertise,</p>		2010 (strategy documented) 2014 (fully implemented)

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	<p>and a culture of online innovation will be built. The Government will benefit from sharing ideas and further developing staff expertise and potential cost savings.</p>		
<p>Forward publication of compliance/education initiatives</p>	<p>This project involves the planned forward publication of Workplace Health and Safety Queensland's (WHSQ) compliance/education initiatives.</p> <p>This process of forward publication builds on existing communication and awareness mechanisms such as industry alerts and industry focus groups already put in place by WHSQ. In addition, WHSQ is currently promoting appropriate campaigns on a number of sources, including the department's internet site, direct mailing and/or E-Safe newsletters.</p> <p>This initiative will benefit businesses because it will provide certainty and assist them in the development of their own internal audit programs. Further the publication of this information can be viewed as an open, transparent and forward looking approach designed to assist in compliance, improve industry relationships, promote best practice and reduce compliance costs for both business and WHSQ.</p> <p>The Government will benefit from the initiative because government agencies will be able to undertake forward planning in terms of their own internal audit programs. For WHSQ, the publication of upcoming compliance and education initiatives may assist in promoting compliance with health and safety laws even before an inspector visits the workplace.</p>		<p>January 2011</p>

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	<p>This initiative will result in net savings through a reduction in the administrative/time burden in terms of improved business efficiency for forward business plans.</p>		
<p>State Penalties Enforcement Registry's SMS reminders to debtors</p>	<p>The State Penalties Enforcement Registry will send a range of reminder messages to a range of debtors via SMS where a valid mobile phone number is known for the debtor.</p> <p>The SMS are being sent in three categories:</p> <ul style="list-style-type: none"> <li>i. where a debtor is about to have Driver Licence Suspension activated</li> <li>ii. where the debtor's instalment plan is about to default</li> <li>iii. where the debtor's credit card being used for an instalment plan is about to expire</li> </ul> <p>SMS does not replace any written notification the debtor would ordinarily receive in (i) and (ii) above. No notification is required to be sent by SPER in (iii) however this was identified as an opportunity to improve business processes.</p> <p>SMS notification is being conducted as a limited trial to ascertain if it can be used as an effective method of notification to debtors.</p>		<p>Trial to be conducted in 2010</p>