

05 September 2025

Alex Robson, Deputy Chair
Productivity Commission
Commissioner, National Competition Policy Analysis

Via email

Re: National Competition Policy Analysis 2025 Commissioned Study.

Dear Mr Robson,

The ACTU welcomes the opportunity to provide additional comment following the publication of your interim report relating to this commissioned study. It is the view of the ACTU that occupation entry requirements and standards, both legislated and non-legislated, are critical guarantors of worker and public health as well as consumer protection. We reject the notion that these safeguards can be meaningfully replaced with less effective measures such as 'competition' and voluntary industry standards.

In general, it appears that the Commission has, in its report, largely focussed on costs to business as the only 'real' costs and treats both the costs to workers and the public from the removal and lowering of standards and the benefits delivered to workers and broader public by those standards as illusory. It is unsurprising, based on this premise, that the interim report therefore recommends a number of changes that will undermine occupational entry requirements and our standards system. As we made clear in our initial submission, Australian unions reject this premise and hope that the Commission will take this opportunity to genuinely consider the alternative view.

I would like to take this second opportunity to provide comment to reiterate many of the issues we raised in our initial submission – issues which appear to have played little role in the Commission's consideration of this matter to date. These issues included:

- Our support for harmonisation of licensing requirements when it raises standards.
- The importance of licensing as a safety measure in high-risk industries.
- Our opposition to the presentation of safety and quality measures as 'barriers' to labour mobility.
- The clear poor outcomes of rushed attempts at licensing reform such as the Automatic Mutual Recognition scheme.
- Our deeply held concerns about harmonisation with international standards where it lowers our standards or compromises domestic training pipelines.

I encourage you to revisit our initial submission for more detail on these matters.

In addition to this, we have a number of additional comments regarding the reports' findings with relation to Australian standards. Firstly, we note the reports' finding that 40% of legislated or mandated standards are outdated, superseded or withdrawn. The report appears to regard this with great concern and uses the fact to cast legislated standards as potentially unnecessary when the vast majority of these cases are likely simple drafting issues where legislators have listed a specific standard rather than that standard or its latest iteration. This requires a review to update these references – but not a review with the aim of reducing the number of legislated standards.

Secondly, the interim report refers to the existence of a large number of Australian standards, and other non-standard 'barriers to trade', which have no international equivalent and recommends that they be reviewed to ensure they are required.

The report specifically mentions that many of these are in the areas of food safety and biosecurity. It is concerning that the Commission, upon discovering the existence of these standards and non-standard 'barriers', could arrive at any conclusion other than their utter necessity. It should go without saying that the mere fact of Australia having a standard that others do not have should not imply that the standard is unnecessary or requires review.

In fact, it is our view that high standards, particularly in food safety and biosecurity, are significant positives for Australian workers and consumers and act to protect the public and our unique natural environment. Any review of these should be initiated on the basis of, and based on, sound science and health information rather than a nebulous desire to achieve minimal regulation.

While we do not share the Commission's attitude towards standards, we are not opposed in-principle to their regular review and coherence with existing international standards where those standards meet Australian benchmarks and where they are appropriate for Australia. It is our view that undertaking this review through individual regulators, outside of the existing standards review process, has the potential to undermine Australia's consensus-driven approach to standards and may result in standards being changed with insufficient buy-in from industry. It would be our suggestion that the regular standards review process be updated to require consideration of whether it is appropriate to align the standard with an existing international standard.

Unions do however fully support the recommendation in the report regarding greater access to standards. Standards often represent a significant cost for workers in some industries as well as unions and teaching institutions like TAFEs.

I hope that these comments are of use to you in shaping your final report.

Yours faithfully

Liam O'Brien
Assistant Secretary
Australian Council of Trade Unions