Productivity Commission Review of MRA and TTMRA

With regard to the Mutual Recognition Legislation Review of 1998, I have been unable to establish that the reported recommendations for the development of national arrangements for product recalls and product safety bans were received by Council. Accordingly, Council has not developed specific national coordination arrangements as a result of the Review recommendations. Nevertheless, MCCA has sponsored the development and implementation of a national products recalls website (at www.recalls.gov.au) which posts all voluntary product recalls notified under the Trade Practices Act. This website is working very well and benefits suppliers, consumers and regulators. In addition MCCA has sponsored agreed operational and communication protocols in respect of all product recalls in Australia within the MCCA jurisdiction. These arrangements are also working effectively.

Notwithstanding the above possible gap in communications, the Council also acts as a forum for the development of national of product safety regulation. All proposed Trade Practice Act product regulations are submitted for agreement by members of Council and consideration for adoption in all jurisdictions. State and Territory product regulations developed by individual jurisdictions are also circulated in Council for consideration by all jurisdictions.

The MRA and TTMRA are considered successful in reducing impediments to the mobility of goods. We are not aware of problems being raised by industry about the implementation of the MRA. It is noted, however, that some national suppliers appear to have a policy of not taking advantage of the MRA principles, rather they supply goods nationally that meet the most onerous State/Territory product regulations.

Council has reviewed product safety regulations in relation to the TTMRA, and concluded that most can be subject to mutual recognition. Only one regulation, specifying safety requirements for child restraints for motor vehicles, remains subject to special exemption under the TTMRA pending further consideration by Australian and New Zealand motor vehicle safety authorities.

Council is satisfied with the scope and implementation of the arrangements, which to date have encompassed all issues encountered relating to product regulation. The resolution of regulatory differences under the TTMRA can be complex when a number of authorities are involved in the administration of certain regulations, but this is probably unavoidable and necessarily has to be resolved by the parties.

Regarding consideration of MRA and TTMRA issues in product regulation, the Office of Regulation Review may wish to give these more prominence in its *Guide to Regulation*.

No new requests for temporary exemptions have been referred to Council since the establishment of the TTMRA.