

Regulation for Australia's Federation in the 21st Century

Gary Banks

Productivity Commission

Presentation to the Melbourne Institute/The Australian

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Common regulatory problems

- Unclear or questionable objectives
- Failure to target the regulation at the ‘problem’
- Undue prescription and complexity
- Overlap, duplication and inconsistency
- Excessive reporting and paperwork
- Unwarranted differentiation from international standards.

Compliance snakes & ladders



| | | | | | |
|---|---|--|--|---|---|
| <p>(6) 20/10/95 Application for Assistant's Licence</p> | | <p>(18) Undated letter from DCNR advising issue of Commercial Wildlife (Wildlife Demonstrators) Licence</p> | | <p>(16) 23/11/95 Letter to DCNR re notice sent re payment of Wildlife Demonstrators Assistance Licence</p> | |
| <p>(5) 16/10/95 Application for DCNR Export permit to return snakes to SA</p> | <p>(7) 23/10/95 Letter from VS to DCNR advising talk time and place and re wildlife demonstrators licence</p> | <p>(17) 23/12/95 Letter from DCNR re necessity to lodge returns when already do it in SA</p> | | <p>(14) 17/11/95 Final notice for payment of Assistants licence for Bradley Oliver</p> | <p>(15) 17/11/95 Assistants licence for Bradley Oliver</p> |
| <p>(4) 16/10/95 Application to DENR to import snakes back from VIC</p> | <p>(3) 16/10/95 Application for export permit from DENR</p> | | <p>13) 10/11/95 DCNR Import Permit</p> | <p>(12) 8/11/95 Letter from DENR confirming my bone fide and conditions under which snakes can be transferred to and from VIC from SA</p> | |
| | <p>(2) 16/10/95 Application for DCNR Import permit to take snakes to VIC</p> | | <p>(9) 6/11/95 DCNR export permit to return snakes to SA</p> | | <p>(11) 7/11/95 Commercial Wildlife (Wildlife Demonstrators) Licence</p> |
| <p>(1) 15/10/95 Application for a Commercial Wildlife Licence Application</p> | | <p>(8) 26/10/95 Letter from DCNR advising they must interview me and inspect our premises before granting demonstrators permit</p> | | | <p>(10) 6/11/95 Letter from VS to DCNR requesting acceptance of DENR rather than submit to inspection in SA by DCNR officers.</p> |

The paper burden (a small business perspective)



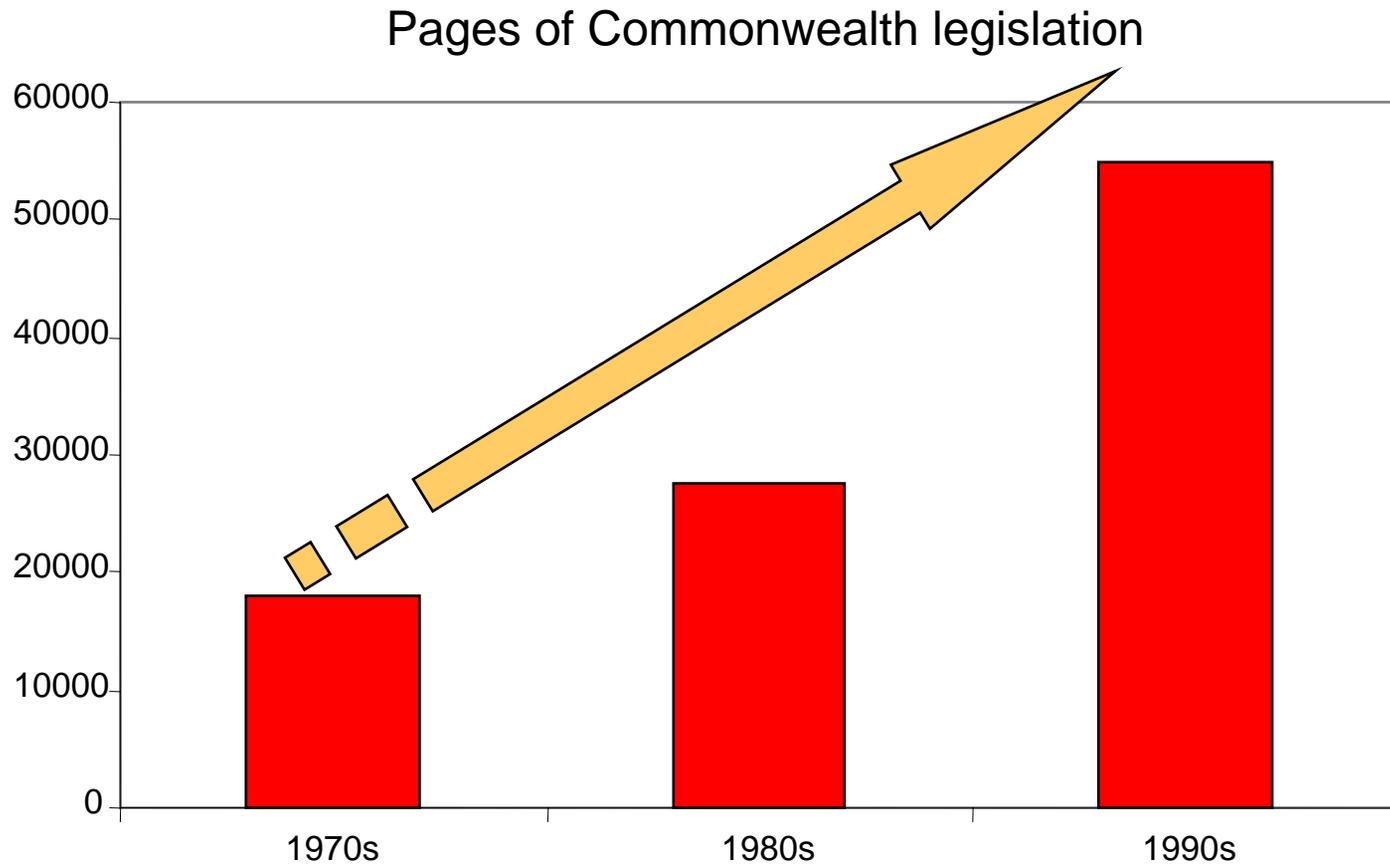
Who should regulate what?

- The scale of the activity
- The extent of jurisdictional ‘spillovers’
- The degree of differentiation in circumstances
- The ease and costs of administration
- The state of knowledge about the best regulatory approaches

Mechanisms for achieving national consistency

- Referral of powers
- Cooperative joint national standards
- Mutual recognition

The rising 'volume' of legislation



Why do problems arise and persist?

- A 'regulate first' culture
- Inertia, turf protection and vested interest

Four areas to focus on

- Regulation-making processes within jurisdictions
- Regulation-making processes *across* jurisdictions
- Reviews of interjurisdictional problem areas
- Ensuring that all regulations remain 'fit for purpose'

Completing our Federation's regulatory reform agenda

- Strengthen/extend agreed best practice processes to apply in each jurisdiction
- Do the same for Ministerial Councils and national standard-setting bodies
- Ensure interjurisdictional reviews are coordinated, effective and *followed through*
- Adopt in-built review mechanisms for all new regulation
- Employ fiscal incentives to think 'national'
- Establish independent monitoring against clear milestones

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