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Submission into inquiry into regulatory burden

This inquiry fails at the outset. Best practice according to COAG begins by “establishing a case for action before addressing a problem.” No case has been made, no problem established. Instead we have vague assertions, beliefs and assumptions.

The discussion paper admits that, “there is a lack of conclusive Australian data on the burden of regulation imposed by Government, and no direct measurement of the cost of regulation in Queensland.” This inquiry should not exist. To propose reducing regulatory burdens without a shred of evidence that the current regulatory ‘burden’ is duplicative or ineffective simply makes no sense.

Similarly, the Queensland Government objective of reducing regulation by 20% is unjustified and unjustifiable. It appears to be a number fabricated from thin air – once again no case is made for this particular action.

This discussion paper virtually ignores environmental issues. It misstates (and obviously doesn’t understand) the concept of ecologically sustainable development. ESD is not a concept predicated on promoting further economic development while balancing environmental issues. It is a concept based on integrating economy, environment and social issues. The difference is significant.

While virtually every environmental indicator in Australia is going backwards, and has been for some time, economic development and growth have consistently trumped any other consideration in Queensland. The decline in environmental indicators is not simply an academic problem – water, soil, biodiversity are indicators of the health of life support systems. Pretending that they don’t underpin economic and community health is a dangerous delusion.

No mention is made in the discussion paper of the COAG agreement, driven by the Business Council of Australia, to pass environmental powers back to the states and streamline environmental approvals. It suggests that decisions regarding ‘red tape reduction’ have already been made and that in any real sense this inquiry is a sham, a fig leaf behind which big business hopes to have government eliminate any impediment to their profits and ensure that the public will continue to pay the costs of their polluting activities.

The suggestion of regulatory offsetting is not ‘novel’ – it’s insane. Again, what is the evidence that we suffer from regulatory excess? What is the evidence that for every bit of new legislation we must eliminate some other and will somehow improve our society and community and environment? This suggestion is playground logic (one for you and one for me...) and makes massive assumptions that are neither justified nor supported. Perhaps the inquiry that needs to occur is to spend some time evaluating the impacts of and costs (all of them – including externalities) of legislation and the lack of legislation, including voluntary codes and co-regulation. Until this is done, the entire exercise stinks of a process driven by big business.

Best practice. It is extraordinary but true that despite years of promoting deregulation or voluntary codes, there has never been an audit or assessment of the efficacy and value of voluntary measures in lieu of regulation. Equally extraordinary is that it is estimated (and no one knows the actual numbers) that there are around 30,000 voluntary codes in Australia and NO EVIDENCE THAT ANY OF

THEM WORK! Where work has been done on specific areas, it is clear that voluntary measures don't work, don't produce desired outcomes, except to insulate big business from taking responsibility for the harm they cause.

Rather than this mystical devotion to the shibboleth of reducing regulatory burdens on behalf of industry, it might be of benefit to the people of Queensland for this committee to examine whether current environmental and agricultural regulation is currently succeeding in accomplishing its objectives.

This paper and Inquiry are an embarrassment.

I would like the opportunity to testify at any hearings.

Jeremy Tager



Recommendations: Before even considering reducing regulation, research is clearly needed:

1. Examine actual costs to business that are the result of duplication and government imposed delays on business;
2. Examine the extent to which environmental regulations are preventing environmental harms and reversing current environmental trends and indicators;
3. Examine the effectiveness of non-regulatory mechanism in achieving environmental objectives;
4. Analyse the full extent and costs of externalities created by developments and currently borne by the public.