Brief comments received

No.	Comment
1	This is a comment not a submission on the reference to the Commission to "undertake an inquiry into opportunities to improve the efficiency and value of non-financial business reporting requirements in Australia". The thrust of the reference seems to be to limit the time and costs to business of reporting. That is fair enough. My comment emphasises the other side - as to the value of non-financial (and financial) reporting and the data thereby made available. **Law reform** In most law reform,[1] without relevant data, we are in danger of enacting law that is ill directed or counter-productive. I refer to an IMF Working Paper - The Use of Data in Assessing and Designing Insolvency Systems - which warns of that danger, the danger of "legislating in the dark".[2] For example, in my submission [47] on the barriers to business dynamism, I discuss that we do not know how successful, if at all, are the statutory 'voidable transaction' provisions under the Corporations Act or the Bankruptcy Act in terms of recovering funds available for creditors. Some evidence is that, if moneys are recovered, much only goes to recoup the practitioner's and lawyer's unmet remuneration: see 2023 PJC Report on Corporate Insolvency at [13.11]. If that is the case, we may need to re-think the purpose and indeed the retention of such law; we may also need to rethink how insolvencies are funded.[3] The only ones who can provide data on that are the insolvency practitioners themselves. They don't and there has been no move from them to do so. They have a statutory or general responsibility to act commercially. There is little if any public data beyond gross funds recovered, creditors paid, costs incurred;[4] to some extent AFSA obtains this from bankruptcy trustees and publishes gross annual figures.[5] I would have expected there would be internal firm data on the costs of various types of recoveries pursued by trustees, and results obtained. More generally, Assistant Treasurer Dr Andrew Leigh has often spoken of the need for and use of data to better inform policy choices, allowing us to "move from anecdotes and prejudice to analysis and pathways";[6] or, as it has also been explained, to ensure reform is not based on "unsystematic data, such as bureaucratic value-judgments, anecdotal data or information based on expert opinion", pursued by bureaucrats with their "whiteboards".[7] **The Professions** The professions have significant legal status, and protection. A particular point I make is that insolvency practitioners are professionalised, have significant legal status, and protection, and while your reference concerns mere "business" reporting, we should expect purported professionals to respond positively. Insolvency practitioners are not unreasonably calling for reform of the insolvency system. Good data, which we don't have at present, is needed for that.

No.	Comment
	Business As to business itself, it will often complain about the time and costs of providing requested data. That may be so but they may also complain about laws that impact or protect them which they say are misdirected or effective, or unduly onerous. Perhaps because the laws did not have adequate data to support them. The ill informed response of "red-tape" to the need for data might be said, by some, in some cases, to be an indicator of the low level of education in Australian business. Also, reporting requirements can in many cases impose a beneficial rigour on a business which itself is also benefited by the data that it extracts. When it was first introduced, the GST law is said to have imposed beneficial financial rigour on businesses, and ability to track the businesses' operations. In fact, in any business, there should be internal tracking of various performance indicators - sales, clients, revenue, etc which may coincide with data demanded by government. **Overall point** My overall point is not to forget (nor should business) the benefit, even necessity, of data; and in particular, those with some professional status should not resist reasonable demands for information. As to that, a final point is that AI will probably extract much of this data anyway and that extraction will "just happen" in the same way that it is proposed that tax payments will be paid: see ATO Capability Review, at page 10, and other such obligations enforced. Please let me know if I can clarify or add more. *Footnotes:* *1 And in all fields.* *2 Garrido et al, IMF Working Paper - The Use of Data in Assessing and Designing Insolvency Systems, February 2019.* *3 See submission 54 to the business dynamism inquiry and M Murray & J Harris, 'Rebuilding the structure of the* *Australian insolvency system' (2022) 22(1&2) INSLB 14.* *4 See for example https.//www.wlpr.eom.au/* *5 AFSAAdministration Statistics* 6 http/ /ministers.treasury.gov.au/mInislers/andrew-leigh-2025/speeches/address-maximizing-use-linked-and-integrated-administrative 7 K Bennetts, Bankruptcy Reform: The Significance of Systematic Data and Consultative Processes in Developing Our Bankruptcy Law (1997) Flinders Journal of Law Reform 199. See also https:l/murrayslegal.com.au/blog/2025/06/29/legislating-in-the-dark-continued-imf-report/