



Tuesday, 17 August, 2010

Regulatory Burdens: Business and Consumer Services
Productivity Commission
GPO Box 1428
CANBERRA CITY ACT 2601

Email: regulatoryburdens@pc.gov.au

Annual Review of Regulatory Burdens on Business: Business and Consumer Services – Draft Research Report

Thank you for the opportunity to comment on the Productivity Commission's draft research report.

As the major organisation representing property owners and managers, with members who control over \$320 billion worth of assets, the Property Council is well positioned to reflect upon the regulatory burdens borne by our industry.

We thank the Commission for considering the content of the Property Council's previous submission in the drafting of its report.

The Property Council broadly supports the Commission's recommendations.

However, we feel that some issues should be further considered before the final report is released.

Government Consultation and Regulatory Impact Assessment

The Property Council commends the Productivity Commission for addressing industry concerns about consultation, regulatory assessment and the RIS process.

However, we do not believe the Commission's draft recommendations go far enough to improve the way regulation is developed.

As the Property Council outlined in our earlier submission, the machinery of regulatory assessment is broken.

Departments have repeatedly shown an unwillingness to consult on and assess new regulation in an open and transparent manner.

To ensure more scrutiny of proposed new rules, the role of conducting regulatory assessment must be removed from the departments developing the regulation.

The Property Council recommends that Recommendation 2.1 be redrafted to include a specific recommendation that the Office of Best Practice Regulation be given responsibility for managing and overseeing all aspects of the RIS process.

The Voice of Leadership

LEVEL 1, 11 BARRACK STREET, SYDNEY NSW 2000
PH 02 9033-1900 - FAX 02 9033-1966
Email info@nat.propertyoz.com.au - www.propertyoz.com.au



Streamlined Reporting

We recognise that the issue of streamlined reporting has been dealt with in previous reports by the Commission.

However, despite assurances to the contrary, the reporting load for businesses continues to increase, particularly on environmental matters.

The Property Council urges the Commission to recommend a moratorium on further environmental reporting requirements, and a stronger effort to streamline existing reporting schemes.

Property Law Reform

The Property Council welcomes the Productivity Commission's draft recommendation 4.5, that the COAG Business Regulation and Competition Working Group (BRCWG) take up the task of creating uniform national property laws.

It is vital that all state governments engage with the process of property law reform, to remove the unnecessary imposition on businesses working across jurisdictions.

The Property Law Reform Alliance, an industry coalition pursuing uniform property laws, has been developing a Uniform Torrens Title Act.

The Commission should recommend that the BRCWG meet with the Alliance in the near future to discuss how the two groups could work more closely to deliver reform.

Environmental Protection

The Property Council acknowledges that the Government has yet to respond to the Hawke Review of the Environmental Protection and Biodiversity Conservation (EPBC) Act, and that it is unclear what shape any reforms would take.

In light of this, we believe that the Commission should recommend that Government work closely with all stakeholders, including the property industry, to ensure a balanced approach to environmental protection.

Conclusions

The Property Council believes that the Review of Regulatory Burdens on Business could be an important mechanism for recognising the shortcomings of regulatory processes.

Approaching the final year of the review, the Commission should be seeking to focus on the development and assessment of regulation, rather than picking 'winners' and 'losers' in relation to specific policies.

The Commission should continue to promote existing reform agencies such as COAG's Business Regulation and Competition Working Group to examine and reform regulatory duplication and cut red tape.

It should also seek to recommend new ways to develop and assess regulation, so that jurisdictions do not merely use the RIS process as an excuse to rubber-stamp new laws.

The Property Council of Australia is willing to work with the Productivity Commission to improve the development and review of new regulation in Australia's parliaments.

Yours sincerely,

Paul Waterhouse
Executive Director, National Policy