

REGULATION - THE IMPACT

LIVEXforum 2016

CLAYTON UTZ

Dr Michael Maxwell, Clayton Utz

(mmaxwell@claytonutz.com, (08) 9426 8295)

27 October 2016

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Is regulation good?

What does good regulation look like?

What outcomes / impacts should good regulation aspire to?

TYPICAL INFLUENCES ON REGULATION

Not necessarily bad - good regulation is dynamic (but predictably so)

Industry
Competitiveness

Industry
Size / Resources

Community
Expectations

Political / Other
Influences

Technological
advances

Cultural
Differences

HOW GOOD REGULATION ACCOMMODATES INFLUENCES

Achievable /
legitimate
goals

Predictable
&
Proportionate

Accommodate
change
v
Vulnerable to
influence

Cultural
differences
(complex
balance)



How should factors influence regulation?

- ▶ Cannot "set & forget" - revisit / refine (sunset clauses)
- ▶ Changing laws
 - » Parliament - accountable
 - » Evidence based
- ▶ Regulatory approach / oversight
 - » Guidance notes
 - » Regulatory discretion - the good & bad
- ▶ Reform options
 - » PC submissions (LiveCorp)
 - » Legislative review (stage 2 improvements - 2020)

IDEOLOGY V LEGITIMATE GOALS



<http://TheFunnyPlace.net>

IDEOLOGY V LEGITIMATE GOALS



Conservation
v
Safety
v
Animal rights

- ▶ Emotive issues
- ▶ High stakes risks
- ▶ Uncertain science
- ▶ Public ignorance

The Sydney Morning Herald
NEWS SITE OF THE YEAR

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*Roy Morgan (Mar 2016)

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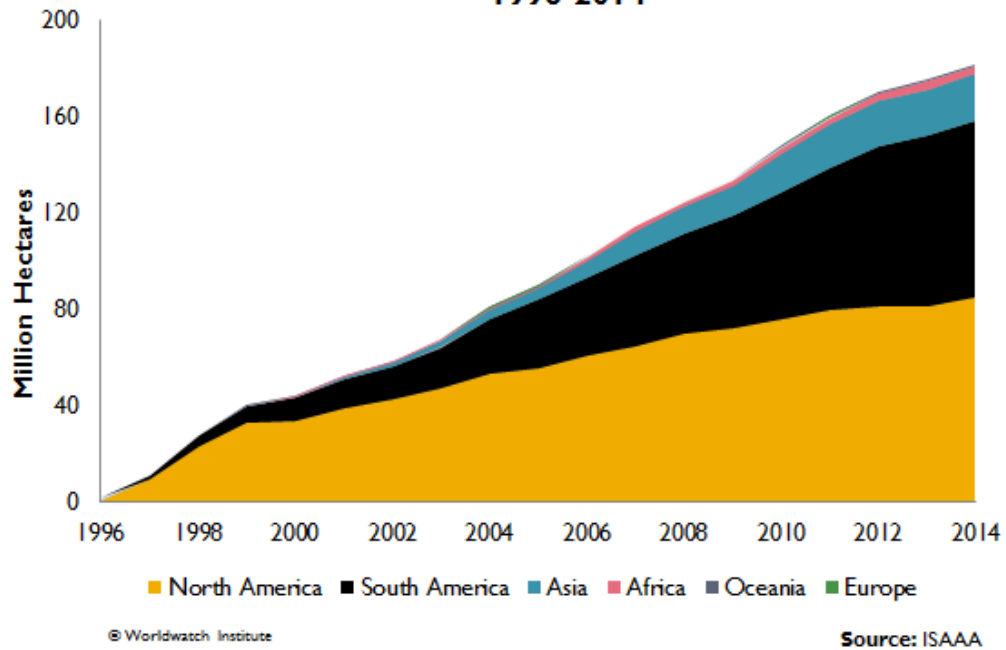
COMMENT OCTOBER 7 2016 SAVE PRINT LICE

How on earth did sharks become the new dolphin?

Garry Linnell

GM CROPPING

Figure 1. | **Global Area of GM Crops, by Continent, 1996-2014**



Community expectation / Social licence

- ▶ What is it?
 - ▶ Diverse, complex and changeable
 - ▶ Special interest v broad population
- ▶ How does anyone measure it?
 - ▶ Geographic differences
- ▶ Social licence: is it real / important
 - ▶ Is it different for export industries?
 - ▶ What are the traps?
- ▶ What is the role / impact of good regulation?

HOW DO WE PRIORITISE / COMPARE?

"I have been in this cage for 13 months ... Why should all these women and children ... be in this cage? What have we done? Where should we seek justice? Who should we talk to and tell our story?"

Aren't we human beings? ... Animals in Australia have more rights than we have! They worth more than we do."

THE CONVERSATION

Academic rigour, journalistic flair

Q Search

Arts + Culture Business + Economy Education Environment + Energy Health + Medicine **Politics + Society** Science

In Australia, animals have better rights than asylum seekers

June 13, 2014 6:35am AEST



The Courier

Thursday October 20, 2016

News | Local News

Aa Larger / Smaller

Asylum seekers treated 'worse than animals': former refugee

Brendan Gullifer

17 Dec 2010, 2:29 p.m.

the Woomera centre in 2002: 'Animals in Australia have more rights than we have!' one wrote. AAP/Tom Miletic

POOR REGULATION IMPACTS

Inefficient / inappropriate micro-management

Unreasonable / unpredictable expectations

Regulatory creep

Overly sensitive to "risk appetite"

Direct cost impacts for industry and government

Challenges to regulator

COMMON TRAPS: HIGHLY REGULATED BUSINESS



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