

# KELLEHERS AUSTRALIA

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## In-House Memorandum

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### *Reducing Green Tape*

The Federal Government plans to engage in a consultative process with business, the not-for-profit sector and the community in an audit of environmental legislation. It seeks to identify “unworkable, contradictory or incompatible ‘green tape’”<sup>1</sup>.

However, robust legislative and regulatory schemas are an important part of a functioning commercial setting. Often regulation creates and enhances new business opportunities. Certainly, regulation should never be viewed solely as burdensome.

Examples of effective and innovative environmental regulation include energy efficiency rating schemes that directly created Energy Rating industries producing lighting, home entertainment, heating, refrigeration and air conditioning, industrial equipment, water heating systems and whitegoods<sup>2</sup>. The development of a significant Australian recycling industry grew from legislative requirements to prevent contamination seeping from landfills and the dumping of used polluting items such as fridges, televisions and batteries. Environmental weeds legislation protects Australia’s all-important agricultural industries. Water law provides the background of irrigation-based industry.

Well-targeted environment regulation has led to private environmental initiatives. The *Victorian Conservation Act 1972* created Trust For Nature that has facilitated conservation in perpetuity of some 47,000ha of privately owned land and establishment of a major private fund for purchase of environmentally significant land, which is conservation covenanted, before on-sale for profit.

It is simplistic to view any regulation, particularly environmental regulation, solely as a burden. A more thoughtful approach applies cautious market-oriented measures with clear up-front guidelines that business and other stakeholders can readily understand. By contrast, careful limit of subjective or highly discretionary bureaucratic, Ministerial or quasi-judicial discretion reduces commercial uncertainty.

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Cameron Algie  
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<sup>1</sup> <http://www.liberal.org.au/boosting-productivity-and-reducing-regulation>

<sup>2</sup> Commonwealth of Australia, 2009, Equipment Energy Efficiency Program, Achievements 2008/9, December. Similar sequelae were found from health safety regulation Braithwaite, 2005, For public social science, The British Journal of Sociology, Vol.56, Iss.3, 345-353.

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