

16 November 2005

Regulation Task Force
PO Box 282
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Refer: Call for Submissions: Reducing the Regulatory Burden on Business

Response from the

Australian Spatial Information Business Association (ASIBA)

The peak industry body representing the spatial information industry

The industry and its concerns

The spatial information industry includes, among others, businesses and professions engaged in the practice of land surveying. Surveyors commonly experience the burdensome effects of complex regulatory regimes and overlapping commonwealth and state legislations when property developments are proposed.

These complexities arise particularly in environmental management; in this case, the issue causing some concern is habitats and species protection.

The Regulation and the Agency

ASIBA's contention is that current commonwealth legislation in the main duplicates existing state/territory laws and regulations: that is, property development applications already have to traverse a substantial system of checks and balances via a raft of local rezoning regulations, structure planning and subdivision approvals, without imposing additional and unnecessary compliance burdens at the commonwealth level.

The Department of Environment and Heritage, however, applies an additional layer of 'approval' at what is not only a late stage in the process but one that also means inevitable and unnecessary delays to the development's progress. This hindrance is predicated on automatic presumptions that *any proposed subdivision will inevitably pose a significant threat* to a species or habitat; and that any matter referred to the Department of Environment and Heritage must *ipso facto* require a "control action". In fact, this presumption does not only apply to peripheral land and subdivisions but to developments within existing built environs as well.

If indeed the Department determines that a development proposal requires a "control action", the consequential processes usually imply a lengthy federal approval process; and this can have significant deleterious financial effects on the landowner and/or developer.

Objective vs Duplication

We agree and acknowledge that it is important to evaluate thoroughly and consistently any risk to protected habitat and species.

Information to bring about this essential research and investigation is already available to state and territory agencies for their own evaluation processes. When the Department of Environment and Heritage effects an informed assessment about developing a subdivision, it likely and usually draws the information from the existing data the states and territories *already hold*. Thus, it is duplicating the process by drawing on the same information that the state and territory agencies have already used in order to make *their* assessments.

Such duplications will delay decisions; delays and duplications prove costly to both the developer(s) and to the consumers and the community, who are the inevitable losers since the developers pass their costs on to their clients.

We concede that some developers may ignore regulations relating to the protection and/or preservation of endangered habitats or species; but adding layers of commonwealth regulation is unlikely to succeed where state/territory regulation has failed.

Alternatives and Solutions

It is apparent to ASIBA that those agencies that possess the greater understanding are best equipped to evaluate the potential impact on protected species and habitats. The local state and/or territory agencies already collect the necessary data; have a deep understanding of the local issues; and are arguably in a better position to make sound judgments than are disconnected federal officers stationed in a geographically distant commonwealth department.

A firm enforcement regime by the appropriate state/territory regulators would give far greater effect to compliance than would an additional layer of regulation that duplicates a process already applied.

If the government intends to hold public forums and/or discussions in WA, ASIBA has representatives in Perth who would like to speak to the review panels.

Yours sincerely

David Hocking
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