

2022 CONFERENCE

REGULATORY REFORM

supporting business
investment and growth



INSTITUTE OF
PUBLIC ADMINISTRATION
AUSTRALIA

IPAA
ACT

16-17 FEBRUARY 2022

HYATT HOTEL, CANBERRA AND ONLINE

TRANSCRIPT OF EVENT

2022 CONFERENCE | REGULATORY REFORM: SUPPORTING
BUSINESS INVESTMENT AND GROWTH

DAY 2 – 17 FEBRUARY:

HIGHLIGHTS, CLOSING REMARKS

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Jeremy Hirschhorn:

Hope everybody's enjoyed the masterclasses and found them very insightful. I had the benefit of listening to Agriculture, and it just reminded me of the phrase "there's no such thing as a fish," in that the regulatory challenge of each of us is so different, and that sometimes there are no blanket rules. Each regulator has to really think deeply about their own challenges, because they are all so different.

Dr Steven Kennedy PSM:

We're very happy to partner with PM&C to bring this conference together. It was fantastic. It's exactly the type of event we like to support. It supports the professionalisation of Public Service in the broad and really also emphasises and celebrates what a great job public servants do. The structure of our markets, how we apply regulation and how they adjust is absolutely crucial to that outcome. It will either hold it back or it will enable it, which is why such a conference, is why this type of work, is so important and fantastic. As I said, hats off to PM&C for bringing it together.

Dr Steven Kennedy PSM:

A point that apparently has been drawn out in your conversations is how the pandemic has emphasised the degrees of flexibility that can be achieved in our regulation. I frankly thought our regulators in the Treasury portfolio, and I'm sure beyond, was superb in COVID in the way they immediately embraced the flexibility that was always available to them, but perhaps never more evident than in a pandemic, and use their judgement while acting of course within the law, and their responsibilities, and it is a real lesson about what can be done in a world in which we're not facing such a crisis, but it illustrates the great flexibility and the pragmatism that our regulators can show, while of course absolutely undertaking all their roles in an appropriate way.

Dr Steven Kennedy PSM:

No one would be surprised to hear that there are many opportunities though where we can improve the way we both... what we regulate, when we regulate, why we regulate. All those questions that are incredibly important need to be constantly asked, partly because of how rapidly, frankly, the economy and society is changing. I find in Treasury I usually get a pretty clear steer from the business community about the value of regulation and whether it's working or not, but I would say to you it's worth listening carefully to those views. No one will understand better how things are working than those who are actually being regulated in some form or of another. There'll be genuine insights there, and I understand you heard those and there was a great panel discussion and a number of comments about the business perspective on the regulatory environment.

The Hon Ben Morton MP:

Thank you to everyone that's made a very important contribution. It was always something that we spoke about. We have tried a few times to have this conference about the need to bring both regulators, academics and business together to talk about in-depth these issues to inspire our thoughts about how we need to make sure that regulatory reform is something that continues at all levels of government, but done so in a way in which respects the roles, responsibilities of all of those elements within our economy. That's why the speakers that we have listened to have come from business. They've come from regulators. They've come from policy departments like PM&C and Treasury, and we've been able to share those perspectives and expertise as well.

The Hon Ben Morton MP:

One of the things that I first asked for when I was a minister was a list of all of the different regulatory functions within the Commonwealth. I will receive that one day, and that's not a criticism. That's not a criticism of PM&C at all, and I probably have received it, Sandra, but you'll remind me of that when I get down off here.

The Hon Ben Morton MP:

One of the things that I thought about was, it's easy for some regulators to know that they're a regulator, because it's pretty plain. There would be some members of the Australian Public Service that are making regulatory policy that may not even truly understand that they are a regulator. There would be members of our Public Service who are making decisions as regulators within policy departments, that may not truly understand that they are a regulator as well, and so I think that this will be the first of many conferences where we can share those very important discussions about how regulators need to respond quickly and flexibly, as we've seen during the pandemic.

The Hon Ben Morton MP:

We need to discuss, like I understand Secretary Atkinson's discussed with you about risk and where that balance is right, and Steven, you made a point very delicately. I might even take it a bit further. It's not easy for regulators to think about risk properly with the threat of some politician throwing them under a bus when something goes wrong, and that's something that my lot up on the Hill, regardless of if we're in government or opposition, have got to be conscious of our actions in responding to issues, in particular regulatory areas in a... regulator's responsibilities, how that may have greater consequences for how that regulator will see their role within that industry, and how a tightening of their decision making in that area could have profound effects in relation to our economy. I think Steven was right to reflect on a greater call of regulation from the loudest of voices, increasing over the last few years, and it's a very difficult place for parliamentarians as well.

The Hon Ben Morton MP:

I'm using this opportunity, you've heard from academics and regulators and business people, and I just want to share your perspective from a parliamentarian. We are often presented with terrible stories, heartbreaking stories, heartbreaking stories in relation to sometimes decisions that we could make to protect people that result in life and death, and regulators in that space have a very difficult area of work. But we have to balance that risk as well with understanding that if we remove risk from our economy entirely, we remove the reward from effort that actually drives our economy, and getting that balance right is something that's going to be very difficult, and that's where conferences like this are able to appropriately and respectfully talk about these issues and get a clear understanding of how we deal with these issues going forward.