



GAP CONGRESS ON REGULATORY AFFAIRS

"OPPORTUNITIES FOR BUSINESS"

25 - 26 September 2008

Melbourne, Victoria

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DISCLAIMER: This Report represents a wide range of views and interests of the participating individuals and organisations. Statements made during discussions are the personal opinions of the speakers and do not necessarily reflect those of the organisers and sponsors of the Congress.

EXECUTIVE SUMMARY

The GAP Congress on Regulatory Affairs, held at Parliament House of Victoria on 26 September 2008, brought government, business and industry experts together to discuss how companies can best adapt and respond to new regulation by embracing the commercial opportunities it provides.

The Congress, organised by Sydney-based policy network Global Access Partners (GAP), championed a forward thinking approach to how Australian businesses can use regulation to their advantage. The need for government to rationalise overlapping and outdated regulation and examine the cumulative effect and cost of new laws was also highlighted.

Prominent Australian and international keynote speakers outlined how a flexible regulatory environment and the active participation of industry and citizenry in the pre-legislative consultation process can contribute to a stronger, more productive economy and a more informed and innovative society.

Addressing the Congress at lunch, **The Hon. Lindsay Tanner MP**, Minister for Finance and Deregulation, said businesses should be in "continuous conversation" with the government, via traditional consultation methods and emerging Web 2.0 technologies. He revealed the Australian Government's plans to launch an experimental blog on regulatory reform within two to three months (*see page 18*).

The centrepiece of the Congress was the presentation by **Dr Ian Watt AO**, Secretary of the Department of Finance and Deregulation, on the "Second Track" Process - a new method of government consultation through which previously ad hoc mechanisms for informal stakeholder engagement may become part of the normal approach to policy development and regulation (*see pages 8-9*).

Key points arising from the Congress included:

- ▶ Technological innovation and the dissolving of national boundaries in cyberspace render traditional approaches to its regulation irrelevant. Despite the problems this raises, technology offers great benefits in citizen-centric service delivery which should not be stymied by the hyping of privacy concerns not shared by the majority of citizens.
- ▶ 'Cloud computing' has the ability to revolutionise business computing, but requires safeguards and incentives to promote its adoption. Web 2.0 social networks and their ubiquitous adoption by 'Generation Y' create new challenges for businesses in controlling the dissemination of sensitive information.
- ▶ The Australian Competition & Consumer Commission (ACCC) plays an important and wide-ranging role in Australian regulation and sees itself in the vanguard of promoting reform while safeguarding the public interest. However, telecommunications regulation requires radical reform to encourage the major investment necessary to modernise Australia's inadequate broadband provision.
- ▶ 'Responsive' regulation, which seeks to deal with issues at a low level before they develop into serious problems, should be employed to prevent crises which inevitably invite heavy-handed over-regulation. Self-regulated standards can be used as an effective alternative to 'black letter' legislation in many areas.
- ▶ The experience of British Columbia demonstrates that, when driven by political will and clear rules, regulatory reform can encourage investment and economic activity by reducing the burden of 'red tape' on businesses and individuals. The "Second Track" process has a useful role to play in fostering novel solutions to regulatory problems, and the current government is committed to a process of continual regulatory reform with a view to increasing economic efficiency and national harmony.

(for the full Report of the Congress' proceedings, see pages 7-26)

PARTNERS & SPONSORS

The GAP Congress on Regulatory Affairs 2008 was coordinated by **Global Access Partners Pty Ltd** – a proactive and influential not-for-profit network that initiates high level discussions on global issues, encouraging the sharing of knowledge, progress and policy change (*see App. 3, page 40*). GAP structures each initiative around the desired business outcomes of its partners and sponsors.

In the lead up to the Congress, GAP staged a number of executive roundtables on the topic of regulation and regulatory affairs, including the 2007 **Forum on Victoria's National Innovation Agenda "Creating a Better Regulatory Environment for Innovation"**, the 2008 task forces on **"Regulating in Technology Rich Environments"** and **"Urban Water Pricing"** (in association with the Allen Consulting Group) and the seminar **"Open Government: Future Trends"** (in association with Cisco).

At the beginning of September 2008, **Open Forum** (www.openforum.com.au) - a web-based collaborative think tank moderated by GAP - launched an online discussion forum on "Regulation as a Business Opportunity and Driver of Innovation" and published a number of blogs by the Congress speakers and delegates.

Post-Congress, Open Forum was chosen by the Hon. Lindsay Tanner MP, Minister for Finance and Deregulation, as a platform for his **Better Regulation** 'live blog' on 13-17 October 2008.

The Congress was co-sponsored by GAP's partners whose role extends beyond the event through membership in the **Australian Government Consultative Committee on Knowledge Capital (AGCCKC)**. Established in 2003 by the Australian Government Information Management Office (former NOIE) in collaboration with GAP, the AGCCKC operates as a forum for high-level discussion to explore opportunities for the strategic development of the Australian economy in the area of knowledge economics.

Our thanks go to the following organisations (listed in alphabetical order) for their contribution and foresight:

- **An Australian Government Initiative - Standard Business Reporting**
- **Citrix Systems**
- **Department of Innovation, Industry & Regional Development, Government of Victoria**
- **Department of the Premier & Cabinet, Queensland Government**
- **Symantec Australia**
- **Telstra Corporation**

(for more information on the sponsors and partners of the GAP Congress on Regulatory Affairs, see App. 3, pages 37-44)

KEYNOTE SPEAKERS

The GAP Congress on Regulatory Affairs took place over two days (*for a full programme, see App. 1, pages 29-30*). Day One included the opening dinner (25 September 2008, Sir Redmond Barry Room, Investment Centre Victoria), while Day Two consisted of two morning and two afternoon plenary sessions (26 September 2008, Legislative Assembly Chamber, Parliament House of Victoria) under the following headings:

- ▶ **'Cutting-Edge Regulation': Regulating for innovation and business opportunities**
- ▶ **Australian regulation from a global perspective. Best practice regulation**
- ▶ **Australia's regulatory regime and its critics. The challenge of regulatory reform**
- ▶ **A Way Forward: Australia as a regulatory 'pacesetter'**

Each session began with thought provoking addresses from the keynote speakers and continued as a dialogue between delegates in a 'think tank' mode. The keynote speakers and session chairs of GAP Congress on Regulatory Affairs were (in alphabetical order):

The Hon. Neil Batt AO

Executive Director
Australian Centre for Health Research

Mr Alan Bennett

Industry Leader, Government & Defence
EDS Australia & New Zealand

Mr Keith Besgrove

First Assistant Secretary
Telecommunications, Network Regulation & Australia
Post Division, Department of Broadband,
Communications & the Digital Economy
Australian Government

Mr John Braithwaite

Founder, Regulatory Institutions Network
Australian National University

Mr Malcolm Crompton

Managing Director, Information Integrity Solutions

Mr Martin Duursma

CTO Office Chair, Vice President
Advanced Products Group, Citrix Systems

Mr Peter Fritz AM

Group Managing Director, TCG Group
Managing Director, Global Access Partners

Ms Gail Greenwood

Special Advisor, Standards & Regulations
TILMA, British Columbia

Mr John Martin

Commissioner, Australian Competition &
Consumer Commission (ACCC)

Ms Jane Niall

Deputy Secretary, Policy & Coordination
Department of Innovation,
Industry & Regional Development,
Government of Victoria

The Hon. Victor Perton

Director, A Regulatory Affair
Transport Accident Commission, Victoria

Mr David Quilty

Group Managing Director, Public Policy &
Communications, Telstra Corporation

Mr Craig Scroggie

Vice President & Managing Director
Symantec Australia & New Zealand

The Hon. Lindsay Tanner MP

Minister for Finance & Deregulation
Australian Government

Mr John Tucker

Chief Executive Officer
Standards Australia

Mr Patrick Vidgen

Deputy Director-General, Governance
Department of the Premier & Cabinet
Queensland Government

Dr Ian Watt AO

Secretary, Department of Finance & Deregulation
Australian Government

(for speakers' profiles, see App. 2, pages 31-36)

REPORT OF THE CONGRESS PROCEEDINGS

The key points made by each speaker are outlined below. Full transcriptions of the speeches are available on request from GAP.

OPENING DINNER – 25 September 2008

Ms Gail Greenwood
Special Advisor, Standards & Regulations
Trade, Investment & Labour Mobility Agreement
British Columbia (BC)

Ms Gail Greenwood addressed the opening dinner on the British Columbia Regulatory Reform Initiative and the Trade, Investment and Labour Mobility Agreement between BC and Alberta.

Sworn into office in June 2001 after a decade in opposition, the new Government of British Columbia aimed to boost the sluggish local economy by relieving the burden of over-regulation imposed by the previous regime. During the election campaign they had pledged a one third reduction in the regulatory burden and once in office every regulation in every department was counted towards that target. Every change in external compliance and internal administrative requirements was tracked and reported to the public quarterly and to the Cabinet every month.

BC adopted a qualitative, as well as a quantitative approach, with the cabinet establishing 10 criteria by which all legislation was to be developed with the imperative of not regulating unless a cast iron business case for it could be made. Regulations had to be results-based, use scientific evidence and, where feasible, employ market incentives to achieve compliance and regulatory objectives. Competitive analysis must demonstrate that their benefits outweigh their costs, they must be based on the principles set by the Organisation for Economic Co-operation and Development (OECD) and the Asia-Pacific Economic Cooperation forum (APEC), and expressed in plain language.

For the first time the officials developing regulations were required to assess and minimise their impact on those being regulated. Ministries developed more cost-effective, results-based, responsive and flexible regulations to promote economic growth while preserving the statutory requirements which demonstrably protected the public interest. By reviewing legislation in order to improve it, less legislation was required.

The new government repealed the *Regulatory Impact Assessment Act* to eliminate gatekeepers. The responsible Minister must now sign-off all new or amended legislation and defend his or her proposal in terms of the agreed criteria. The Premier sets performance measures for Ministers with 10% of their salary withheld, if their targets are not achieved.

The Government succeeded in achieving a 37 percent reduction in regulatory requirements after three years and fundamentally shifted the regulatory culture across government. In 2004 it set a new target of zero net increase in regulatory requirements, establishing an environment of continuous improvement. Any new regulation must be counterbalanced by the removal of an outdated requirement.

In 2006, the Premiers of BC and Alberta signed the *Trade, Investment and Labour Mobility Agreement between British Columbia and Alberta* (TILMA), to create a seamless western economic region and remove barriers to trade, investment and labour mobility. The Conference Board of Canada reports that this agreement could add \$4.8 billion to real gross domestic product (GDP) and create 78,000 new jobs in BC alone. TILMA is unique in assuming that everything is covered by it unless specifically raised as an exception, such measures including those relating to Aboriginal peoples, water, revenue and fees, social policy, minimum wages, labour standards, social assistance benefits and worker's compensation. The agreement has a dispute resolution mechanism and a \$5 million fine for non-compliance. Efforts are being made to

mutually recognise or otherwise reconcile standards between the two provinces in transportation, the environment and energy. By 2009 there will be full labour mobility and barriers to trade, investment and labour mobility will be eliminated. The economy of British Columbia is now the second fastest growing economy in the country. An increase in commodity prices has helped, but the reduction in red tape has allowed development to keep pace with demand. BC created 65,500 jobs between July 2007 and July 2008, an increase of 2.9 percent.

Businesses welcomed the updating of administrative and compliance policy and the removal of legislation duplicating federal requirements. Chambers of commerce, business and industry associations have continued to support the reforms, with the Canadian Federation of Independent Business reporting in **“Rated R: Prosperity Restricted by Red Tape”**: *“the regulatory reform program that started in BC in 2001 is arguably one of the most promising in Canadian history. It has all the essential ingredients for success: political leadership, public accountability and constraints on regulators. To date, regulatory requirements in the province have been cut by 40 per cent without harming public health, safety or environmental objectives.”*

PLENARY SESSION DAY – 26 September 2008

Session 1 - “Cutting-Edge Regulation’: Regulating for innovation and business opportunities”

**Dr Ian Watt AO
Secretary, Department of Finance &
Deregulation, Australian Government**

Dr Ian Watt addressed the meeting on the “Second Track” process. He outlined the form such processes take, how they might improve regulation and why this would interest the Department of Finance and Deregulation.

“First” or “main” track processes involve government’s existing forms of interaction with business, academia and the community, from Green and White Papers to less formal, but still familiar methods of broad stakeholder consultation. The “Second Track” complements, but does not risk the formal machinery of government. It is characterised by informality in private, rather than public, consultations and seeks to “engage the right people”.

It is not a novel concept. Since the mid 1990s, the Association of Southeast Asian Nations has used the Council for Security Cooperation, a non-government organisation (NGO) which fosters “unofficial” dialogue without undermining official diplomatic channels. It is one of many “Track 2” processes in the global diplomatic community. Domestically, CSIRO’s Sustainable Communities Initiative, under way since 2006, uses a “Second Track” process to foster collaboration between federal, state and local governments, private enterprise and NGOs to help communities address local sustainability challenges.

In June 2008, the Australian Public Service Commission hosted a seminar examining Canada’s involvement of the public in policy development. Lessons learned from such consultation in New Brunswick suggested the Government must learn to be “convener, facilitator, enabler and partner”. As a *convener*, the Government must bring stakeholders, citizens and communities to the table. As a *facilitator* it must help them recognise, articulate and accept their role in making change happen. As an *enabler*, it must use its authority in new and innovative ways to encourage collaboration. The Government must also be a *partner* with its citizens.

The Australian Minister for Finance and Deregulation, Lindsay Tanner, is looking at novel ways to consult industry and the community in developing, implementing and reducing regulation. In his speech to the Sydney Institute on 26 February 2008, he said he was developing a forum in which to informally meet business leaders. The two meetings he has held since then with an informal advisory board of business leaders, characterised by informal discussions without

notes or minutes, has helped the Government identify opportunities for reform.

For 75 years budgetary and economic advice came from the Treasury. In 1976 Prime Minister Malcolm Fraser decided Cabinet should receive what could now be described as an informal "Second Track" of economic, budgetary and financial advice. He split the Department, leaving a reduced Treasury responsible for macroeconomic, international, revenue and broader economic issues, while the new Department of Finance provided an expenditure and financial perspective. The Department of Finance and Deregulation has since expanded well beyond its initial focus. It is responsible for the Australian Government Information Management Office (AGIMO), which is working to increase government's engagement with the community. AGIMO's report, "*Consulting with Government - online*" (June 2008), however, showed many participants wished to promulgate their own point of view without much "willingness to engage in a debate with others who have different views." Minister Tanner is also exploring blogging and Web 2.0 initiatives to increase engagement.

"As Government officials tend to make liberal use of technical terms and obscure acronyms, the rules of any "Second Track" engagement should be clearly set out in plain English. Consultation is not easy, but designing and implementing regulations and policy will be even harder if attempted without it."

Dr Ian Watt AO

One person's necessary and desirable regulation is another's "red tape". Some see regulation as a threat to profitability, investment and competitiveness, while others view it as essential for a just and fair society. Regulatory processes can become adversarial as a result, and a roundtable "Second Track" process could help cut through the "sound and the fury" of public positions to find mutually acceptable solutions. Knowing the context for regulation is vital and understanding its value and impact cannot be achieved by rehearsing the formal public position

of traditional stakeholders or taking superficial perspectives on complex issues.

"Second Track" processes should be assessed for "fitness for purpose". There are some issues in which consultation is not possible, while in other cases it will be beneficial, but its form will be an issue. The "Second Track" could not be used where disclosure of information could unfairly advantage participants or break confidentiality, as in the announcement of a tax measure in the Budget.

The inherent danger in "Second Track" is that, in choosing the "right" people to consult, an uneven playing field of access may be created. Furthermore, government officials are always subject to Ministerial and Parliamentary oversight and may not be able to maintain the confidentiality implicit in such frank discussions. However, Commonwealth officials must ensure their processes are efficient, effective and ethical, as set out under section 44 of the *Financial Management and Accountability Act 1997*, and when the costs of consultation are weighed against its benefits, the "Second Track" proves its worth. As government officials tend to make liberal use of technical terms and obscure acronyms, the rules of any "Second Track" engagement should be clearly set out in plain English. Consultation is not easy, but designing and implementing regulations and policy will be even harder if attempted without it.

Dr Watt saw innovations such as the *Australia 2020* Summit and Community cabinets as embodying elements of "Second Track" and said his department continued to explore better consultation methods through AGIMO and online. The process was continuing to evolve and he welcomed further input to the debate.

Mr John Braithwaite
Founder, Regulatory Institutions Network
Australian National University (ANU)

Mr John Braithwaite considered the effectiveness of regulation in tackling juvenile delinquency to highlight the inadequacies of regulatory norms in general. He observed that young people can engage in a disturbing range of criminal activities without fear of consequences for a long time, encouraging them to escalate their behaviour until a serious incident provokes severe

consequences. The young person then feels unjustly penalised, having gone unpunished in the past, and feels himself to be a victim, rather than perpetrator of wrongdoing.

Parents tend to deal with behavioural problems at an early stage by “nattering” ineffectively, rather than confronting unacceptable behaviour to nip it in the bud backed by the threat of punitive action. Restorative justice, which brings together criminal, parents and police in an attempt to moderate an offender’s behaviour has proved relatively successful and can be seen as a ‘Second Track’ process.

Mr Braithwaite saw the current global financial crisis as a result of a similar failure by the authorities to confront lax lending practices in the past. Business regulation also oscillates between ‘nattering’ about problems and ignoring abuses until a crisis invites heavy handed and counter productive over regulation. The responsive regulation he favoured as an alternative would aim to continuously improve objectives while reducing their burden on the regulated. Regulation should be targeted at the ‘base’ of the ‘regulatory pyramid’, which should itself be tailored through consensus for each different sector. There should be clarity about the increasing consequences of failure to conform, with real sanctions at the peak encouraging more effective co-operation at a lower level.

The regulation of business structures could also be seen in a pyramid. Markets were the preferred solution, but if proved inadequate, the system could escalate to self-regulation and then ‘black letter’ legislation with ‘command and control’ at its peak. Diplomatic relations could be seen in this context as well, with pyramids of sanctions and support characterising international disputes. Mr Braithwaite favoured escalating ‘support’ rather than sanctions to improve conditions in nursing homes through the use of inspectors offering praise and advice at an early stage to encourage best practice.

He advocated privatising the process of regulatory investigation through public transparency.

Regulators often lack the information necessary to root out abuse while the mandatory publication of tax returns of companies, for example, would allow people to scrutinise false claims through the false claims act. Private bounty hunters would be prohibited if firms were open with the regulators, who would in turn respond in a non-punitive manner.

Discussion

Dr Ian Watt, in answer to a question from the floor, saw several problems in striking the correct balance between vision and incentives in terms of regulation. Governments see regulations as ‘laundry’ to be undertaken at the end of a process, rather than as an integral part of it. There can be a lack of connection between policy makers and regulators. Better regulation is an imperfect science and it is hard to ascertain the costs and impact of regulation before its implementation. Regulation and incentives are often thought of as opposites, rather than two sides of the coin. If governments want better regulations, they must be serious about measuring their effects, costs and benefits and aim to achieve good outcomes, rather than merely preventing things through hurried, heavy handed regulation.

A speaker noted that Australia has two entirely different regulatory regimes for private hospitals and nursing homes. Nursing homes are regulated federally and are subject to government inspection, while private hospitals are regulated at a state level and through peer to peer third party accreditation standards. The New South Wales Government had one set of standards for public hospitals and another for private institutions, and so were prepared as the regulator to require something of another party that they did not require of themselves.



The next speaker said his work in CSIRO's Sustainable Communities Initiative embodied a model that brings together organisations from the public, private, not-for-profit and research sectors to work with communities around the country to address local sustainability issues. This cross-sector partnership also delivered benefits to the participating organisations. The difficulty lay in drawing lessons and insights which could be shared with policymakers to tackle wider problems and encourage participants to see the big picture. People tended to bring their own solutions and seek to convince others of their merit, rather than listen to other perspectives. He hoped that governments could act as enablers at the beginning of a process, as well as funding solutions at its end.

The following speaker saw the "Second Track" process as walking a narrow line between talking to everyone, and achieving nothing, and becoming a closed 'boys club' of backroom deals. He asked what general guidelines might keep it on the "straight and narrow".

Dr Ian Watt saw it as a broad, but not infinitely wide track steering between the two risks of becoming a 'First Track' process and a closed deal making club. He believed it should avoid giving informational advantages to those involved and that public servants would maintain their professed high ethical standards within it.

A speaker asked if a layer of local or state government might usefully be removed in a country of only 20 million people, particularly as corruption and incompetence appear rife in both.

Mr John Braithwaite saw an inevitable trade-off between the benefits of local governance and the incidence of corruption. Local government is more in touch with the electors, but is vulnerable to corruption due to the lack of accountability mechanisms common in high level, high profile politics. He believed other countries, even such states as Indonesia, have been doing a better job of corruption enforcement in recent years, using undercover operations to root out malpractice. Mr Braithwaite believed that state government

was the most disposable level, but such radical change was unlikely to happen.

It was observed that governments have, on occasion, used the threat of regulation to pressure the telecom industry to agree on co-regulatory arrangements.



Another speaker believed the sheer volume of people in the public sector ensures excessive interference. The numbers employed by the Commonwealth increased over 2% per annum under the Howard Government. There are six and a half thousand health bureaucrats in the Commonwealth in Australia, despite it not running a single hospital.

Dr Ian Watt thought much of the growth had been in the security services after 9/11, but agreed that bureaucrats and regulations go together and hoped that better regulations would lead to fewer bureaucrats and, in turn, less legislation. The Howard Government attempted to cut red tape, but systemic and continuous pressure through regulatory budgeting was needed to reduce it.

A speaker noted that most regulation, from the seemingly trivial of Companion Animals Regulation in Victoria through to financial services regulation, tended to place financial and administrative burdens on 95% of law abiding people, while failing to change the behaviour of the less scrupulous 5% it was aimed at.

Another speaker agreed, offering the ban on more than one peer passenger in a car as an example. This tackled a problem confined to a very small group of young male drivers by constraining young women and the vast majority of responsible young men.

It was noted that the pharmaceutical industry is probably the most regulated industry in the country. Giving the example of the withdrawal of Bio-X by Merck, the speaker said that improved diagnostic testing might help identify the small percentage of the population which might suffer adverse affects from drugs beneficial to the vast majority, and asked how to address a public concerned over damage inflicted in the past when the degree of risk going into the future has been reduced.

The following speaker observed that the Congress was confusing law and 'black letter' legislation with a wider palette of regulatory tools that aim to change behaviour through markets, incentives, contracts and transparency. He hoped for more governance with less government in the future.

Another delegate contrasted Australia's long standing tendency towards heavy handed legislation against New Zealand's less prescriptive approach, offering Civil Aviation as an example.

It was observed that the 'First Track' process was flawed, with business interests predominating and little more than lip service paid towards consultation with consumers, and that it should be reformed before 'Second Track' processes were pursued.

Mr John Braithwaite agreed that highly prescriptive regulations are a problem. He said the commission into the Three Mile Island nuclear accident in the USA had found an overreliance on a morass of rules and protocols, rather than principles, contributed to the failure to deal with the problem when it arose at the power plant. He believed the pharmaceutical industry suffered from a lack of public trust, partly due to its own questionable activities in the 1970s in bribing officials in developing countries and shoddy safety testing of new drugs. The industry reformed itself in the 1980s but, in his opinion, the 1990s saw some standards slip again in a climate of deregulation. He believed a 'Second Track' process involving consumer advocacy groups and

other stakeholders could revitalise support for the industry once again.

Dr Ian Watt agreed that more thought needs to be applied to the distribution of costs and benefits of regulation and that the 'something must be done' philosophy was still predominant. He concurred with the view that the 'First Track' process is flawed, with consultations in Canberra often held in inverse proportion to the importance of the issue. He believed 'First Track' processes could be improved while using 'Second Track' forms to good effect as well.



Session 2 - Australian regulation in an international perspective. Principles of best practice regulation

Mr Keith Besgrove
First Assistant Secretary - Telecommunications, Network Regulation & Australia Post Division
Department of Broadband, Communications & the Digital Economy, Australian Government

By way of introduction, Session Chair Mr Keith Besgrove noted the plethora of international challenges posed for regulators by the Internet. Nationally based regulatory structures are irrelevant in the face of botnets mounting criminal and other malicious attacks in cyberspace across national boundaries.

He attended the OECD Ministerial meeting on the Future of the Internet in June 2008 and heard Vivian Reading, European Union (EU) commissioner, discuss the pivotal importance of co-regulation with industry based on a clear recognition of consumer rights. At the

same time, the EU has demonstrated a strong willingness to intervene where it cannot achieve effective collaboration with industry - the regulation of global roaming charges being a controversial case in point.

At the same meeting Josh Silverman from Skype underlined the significance of the periodic emergence of game changing technologies. There is strong technological momentum for information to become free, but the creators of Skype were as surprised as anyone when it became ubiquitous - with 300m subscribers and around 5 per cent of all global calls at the time. In this extraordinary global environment, a well-intentioned regulator cannot anticipate problems thrown up by technology. Regulation is almost always reactive in nature. Silverman believed it should protect the best interests of consumers regarding privacy and fraud and aim to boost consumer confidence in the system for the benefit of all.



Mr Martin Duursma
CTO Office Chair & Vice President
Advanced Products Group
Citrix Systems, Inc.

Mr Martin Duursma introduced the transformative concept of “cloud computing”. The “Cloud” envisages computing resources being provided, much like any other homogenised utility, available on demand and paid by usage, as discussed in *“The Big Switch”* by Nicholas Carr. As its adoption will change notions of data security, a regulatory framework should be established by Australian businesses to balance its appealing productivity gains against the risks inherent in its use.

In *“Rewriting Australian Privacy Law for the Information Age”*, the Australian Law Reform Commission (ALRC) said the “implementation of technology-neutral privacy principles” should be “supported by a technology-aware regulatory framework.” It argued that “an agency or organisation that transfers personal information outside the country remains accountable for it, except in certain specified circumstances”, but Mr Duursma advocated the establishment of an even broader range of controls.

Google offers the ‘Application Engine’, while Amazon has the ‘Elastic Compute Cloud’ and hundreds of smaller specialist providers offer cloud computing to consumers and businesses. IBM supplies services in China, Singapore is establishing itself as a market leader and, closer to home, the NSW Department of Education will replace one of the world’s largest installations of Microsoft Exchange with 1.3 million Google mail accounts to save costs.

Cloud computing offers businesses lower computing costs, increased flexibility, improved resilience and instant scalability. The cloud makes leading-edge technology available at a far lower cost than on-premise computing solutions. Theoretically, the cloud provides all the functionality, but none of the headaches, of an in-house state of the art IT infrastructure. The cloud becomes an effort free computing resource, enabling rapid innovation and growth. This will help Australian startups achieve global scale quickly with minimal growth pains when Australian businesses have traditionally struggled to access global markets. SmugMug.com exemplifies a startup that has achieved success on a shoestring budget. This photo-sharing site has attracted 300 thousand paying customers worldwide by employing 30 staff using cloud based computing.

Despite its potential, some government and enterprise IT departments are hesitant to move to the cloud due to concerns over security, control, management and integration. There are ongoing privacy issues regarding the swathes of personal information accumulated by Google and other web companies about people’s interests, buying habits

and social interactions, and cloud providers will soon have the same level of information about Australian companies and their customers. These cloud providers are likely to be international and use computers in multiple jurisdictions, exposing users of their services to regional regulatory differences and, potentially, unwanted intrusions of privacy.

Canada and France restrict public sector use of American and British hosting services due to the rights of their security services to review data in the wake of 9/11, while the Society for Worldwide Interbank Financial Telecommunication (SWIFT), a bank-transfer consortium, has announced plans to build a data centre in neutral Switzerland so that data collected in Europe cannot be subpoenaed by the United States Government. The regulation of intermediaries is no longer effective at transactional bottlenecks such as banks, cable and phones companies and Australia needs its own regulatory response to these new issues to ensure data security.

Analysts at Merrill Lynch (now Bank of America) forecast that by 2011 the cloud computing market could amount to \$160 billion, including \$95 billion in business and productivity applications and \$65 billion in online advertising. As cloud computing allows geographically remote market players in Australia to operate on a level playing field and new businesses to rapidly establish viability for a relatively low cost of entry, the Government should assist its development with startup grants, tax breaks for investors, research initiatives and by becoming a consumer itself.

In conclusion, Mr Duursma recommended the establishment of a committee to track and review regulatory measures put in place by OECD members. This committee would work with government to evolve appropriate Australian regulatory frameworks for cloud computing vendors. The recent Cutler innovation report (*"Venturous Australia - building strength in innovation"*) encouraged Australia to exploit global innovations to increase productivity. Mr Duursma recommended a regulatory strategy to

encourage Australian businesses to "leverage the Cloud".



Mr Craig Scroggie
Vice President & Managing Director
Symantec Australia & New Zealand

Mr Craig Scroggie addressed the Congress on managing risk in a Web 2.0 world. He characterised Web 2.0 as interactive, rather than passive, and saw it as an opportunity to embrace innovation, rather than a reason to scare users over security concerns.

The federal government has just released a report on the review of National Innovation System (*"Venturous Australia - building strength in innovation"*). One of its 72 recommendations was a call for a committee of Web 2.0 practitioners to advise governments as they experiment with Web 2.0 technologies.

Research undertaken by Symantec shows that Australians are embracing the "Web 2.0 world", with 47 percent of adults and 54 percent of children using social networking sites. Web 2.0 embodies an exchange of information in public on a vast scale, with huge social networking sites and hundreds of millions of blogs in operation. As the information posted is freely visible, it may not always be used in the way the writer intended.

Baby boomers are beginning to leave the workforce in greater numbers than Generation Ys are coming through to fill the void, but as younger workers enter employment they bring with them a fresh set of attitudes to technology. Two thirds of "Millennials" use social networks every day and regard the blocking of these sites in the workplace as

unreasonable. The “Millennials” deep affinity to social networking tools, loyalty to mobile devices over corporate equipment and instinctive sharing of information poses challenges to business today, although many organisations are developing their own virtual worlds to deliver education and information in new and engaging ways.

Research by Applied Research-West shows that 75% of responding organisations had policies restricting corporate data on personal devices. However, 69% of ‘Millennials’ used applications, devices or technologies regardless of source or corporate policies and were inclined to store corporate data on their own PCs, USB drives, personal hard drives, online collaboration mediums and smart phones.

Criminal gangs use malware and keyloggers to steal identity details which are then used in credit card and online fraud, while portable music devices and USB sticks now have huge hard drives which, using fast connections, can copy all the data on a PC in a matter of seconds. The players are ubiquitous and seemingly innocent, yet would allow any employee to walk out of the office with whatever information they wanted. This threat can be countered by new technology such as Data Loss Prevention (DLP), but social networks offer people so many avenues to share information that complete security is impossible.

96% of data breaches are accidental or inadvertent, rather than malicious. Companies have accidentally e-mailed their database to their customers, while prisoner and police records have gone missing on memory sticks. Laptops, phones, CDs and DVDs all get lost and stolen, and although a combination of policy and technology can minimise such problems, nothing can save every scenario in which someone acts foolishly or prevent people inadvertently leaking information using Web 2.0. It will become ever harder to secure information in the future, and organisations will have to strike a balance between controlling risks and offering choice, flexibility and maximising productivity.

The current Privacy Act is 20 years old and predates technologies like the Internet, e-commerce and social networking. E-medical records, online banking and social networking are revolutionising the relationship between public databases, individual privacy and third party users. Several states in the USA now have laws enforcing the disclosure of the loss or breach of private data, and Australia is considering similar legislation. Symantec welcomes such mandatory notification because it creates a powerful educational imperative for businesses, individuals and policy makers to secure themselves against criminal and accidental data breaches in the Web 2.0 environment.

The legislative framework could still be improved. Australia's cybercrime legislation is strong at federal level, but lacks the buttress of complementary State laws covering unauthorised access to computers and computer-related fraud and forgery. Australian anti-spam laws could usefully be amended to prevent commercial communications being sent to any consumer who had not opted to receive them.

In conclusion, Mr Scroggie said that regulation, education and common sense will allow Australia to take advantage of the extraordinary opportunities technology offers, whilst managing risk, complexity and compliance in a hyper connected world.

Discussion

It was noted that Microsoft and Google are offering personal health information records which patients could download and take to a hospital or doctor on a USB stick. The hospital may well refuse to use this data, citing incompatible technology or restrictive laws, and the patient may suffer as a result.



Mr Craig Scroggie believed most people emphasise the risks of having their data lost or stolen, rather than ignored by health professionals.

One speaker wondered if stand alone computers could be used to print the patient's e-health record for clinicians to use in these circumstances.

Another delegate pointed out that future legislation would be written by today's 'Millennials', a group happy to share information online. The increasing pace of technological change left lawmakers floundering in its wake.

Mr Craig Scroggie agreed that young people were far less concerned about sharing information than older generations, despite the fact that a name and date of birth were all that were needed to apply for a credit card online. Those leading the regulatory reform debate today should be wary of imposing their concerns on younger people who are far more accepting of change.

Mr Martin Duursma said a 'Second Track' process should examine the business and regulatory impact of 'technology waves' in a proactive manner.



A speaker from the floor commented on the paucity of Web 2.0 advice on the web for health professionals. He believed individuals should take the initiative, rather than leave it to large companies such as Microsoft, which he thought would produce unwieldy and expensive systems. He pointed out that 'Generation Y' workers believe they have a right to access social networks at work and will not be deterred from sharing information by rules they perceive as old fashioned and out of touch. He believed such

people should be allowed to responsibly self regulate their actions, just as many industries and professions are allowed to do.

Mr Craig Scroggie saw data security being threatened by sophisticated criminal gangs in China, Russia and Latin America, rather than home grown teenagers with pre-packaged malware. Unsophisticated individuals on the internet are particularly at risk, with users in Queensland sending \$250,000 overseas every week as victims of scams and hoaxes. Developing countries often have good broadband facilities, but little legislation or policing controlling its misuse. He pointed out that Australia has, of necessity, been a leader in overcoming the 'tyranny of distance' in the past with the Royal Flying Doctors Service and could be so again through the internet and ICT.

A speaker pointed out that most legislation is enacted after a problem has occurred, creating political pressure for action. He lamented the inability of individuals to choose the level of protection they desired in privacy legislation and the amount of money wasted in checking compliance in law abiding companies. He championed the use of a tiered regulatory framework, in which adverse events would impose a higher level of scrutiny, to encourage rational risk management.

Mr Craig Scroggie noted the large amount of personal data held by commercial and public entities and the impossibility of removing information from the internet once it is recorded by search engines. He noted the unregulated nature of virtual economies in multi-player games such as "World of Warcraft" or "Second Life".

One speaker believed that new technology did not alter the nature of crimes such as fraud, theft and abuse of identity, just as terror legislation was unnecessary when tackling crimes punishable under long established common law. Attempting to 'catch up' with technology was futile as it would always change quicker than new regulation could be passed. He supported the notion that Australia is heavily over regulated compared to New Zealand or British Columbia, with burdensome regulations focusing on process rather than outcomes.

Mr Martin Duursma offered the global, cross jurisdictional nature of technology as a reason it required special legislation, a point agreed on from the floor.

One delegate wondered whether 'Millennials' who were now unconcerned about sharing private information might have a different attitude in twenty years time and might then appreciate legislative protection they did not currently desire.

Another speaker agreed with the difficulty of legislating for novel technologies in fast evolving environments. He believed legislation in various countries would neither work on a national basis nor be internationally compatible. He wondered if the market was itself a better regulator, and whether cloud computing was viable if it required a deal of new legislation to protect its users.

The following speaker noted the contribution Web 2.0 social networking sites could make to self policing and community action. Vast numbers of people voluntarily link themselves to altruistically solve problems in ways which were previously unfeasible and unthinkable.

Mr Martin Duursma believed groupings of countries, such as the OECD, should co-operate on creating common or cross border legislation. He held that certain new technologies did create new risks and so demanded new legislation.

Mr Craig Scroggie said research and anecdotal evidence showed that older generations were as addicted to the internet and communication technology as the 'Millennials'. Technology is ingrained in everyday life. The issue of child protection ranked with that of cyber crime, but this was complicated by the fact that many young people maintained two identities and sets of surfing habits for private enjoyment and family consumption. The internet is a decentralised system which affords anonymity to predators and continues to pose serious challenges in this area.

The next speaker thought it would be easy to introduce legislation which served only to impede technological progress, partly because legislators did not understand all the issues and technologies

involved. He said legislators had to define the nature of the public interest their regulations were seeking to benefit.

The following speaker asked delegates to imagine that everything they had written as teenagers had been recorded and made public, as that was the situation facing teenagers today with possibly severe consequences on their future prospects.

It was observed that the demand for services such as HealthVault was significant, with the Microsoft project overcoming the problems of fragmentation and the inability to share information using Web 2.0 to empower its users. The service was free and had been designed in partnership with privacy advocates and patient lobby groups.



It was also noted that the US Patent Office was in crisis because of its readiness to give patents to software. The different standards of protection afforded to software around the world is creating confusion and disharmony.

Mr Martin Duursma played down the risks to future 40 year olds were their current teenage indiscretions revealed. He said that companies such as his took out software patents as a protection against litigation but, in principle, wished to share intellectual property and licence technology to foster innovation.

Mr Craig Scroggie encouraged members to watch the 'Shift Happens' video on YouTube and use Twitter to experience Web 2.0 for themselves. He offered himself as a source of information regarding data breach disclosure notification laws and Symantec's work with the Office of the Privacy Commission and the ALRC.

Lunch Session

The Hon. Lindsay Tanner MP Minister for Finance & Deregulation Australian Government

As the first Australian Minister for deregulation, The Hon. Lindsay Tanner said he aimed to continuously improve regulation in Australia, noting that the pattern of the past tended to be inertia followed by regulatory hyperactivity, followed by more stasis. He was pursuing regulatory harmonisation through the Council of Australian Governments (COAG) to remove expensive and frustrating interstate irregularities and red tape in 'bread and butter' areas from motoring to plumbing. Ever more economic activity is interstate in nature, and legislation must be harmonised between States and Territories to produce more efficient outcomes.

Reform is being pursued in the federal government, with expensive disclosure statements being simplified and other regulations rationalised with a view to a 'one in, one out' rule for new legislation. For every new piece of legislation, a redundant set of rules would have to be abandoned, preventing the previously inexorable rise of the regulatory burden. Common start dates were another target.

The UK and Netherlands are world leaders in regulatory reform. Initiatives in those countries are being monitored with a view to introducing them in Australia where applicable. Ministers would be allocated a 'regulatory budget' which they would have to cleave to.

Minister Tanner concluded by conceding that government has been slow to embrace the opportunities offered by information technology and sought huge improvements in this area to foster transparency and efficiency. Small businesses, for example, would be offered a single portal to lodge a series of information returns to government.

Emerging technologies in Web 2.0 networks allow for continually updated processes utilising feedback from the community. Minister Tanner

pledged to trial government blogging and internet interaction, allowing for the constraints on time and resources. He used the example of an open notice board at his former gym as an example of how community conversations could prove useful for all.



Session 3 - Australia's regulatory regime and its critics. The challenge of regulatory reform

Mr Alan Bennett Industry Leader, Government & Defence EDS Australia & New Zealand

Mr Alan Bennett addressed the Congress on privacy and citizen centric service delivery. He believed that Australia stood ready to seize the full opportunities of ICT to improve services, efficiency and communication, but argued that privacy concerns were often exaggerated in an unrealistic manner to stymie their adoption. While technology enables new ways to collect and share information, it does not create new privacy concerns and perceived privacy issues could impede a range of citizen-centric service delivery reforms to the detriment of society.

A series of reviews has shown that ICT offers the Government new opportunities to streamline the delivery of health, tax, child protection, employment and human Services. EDS is involved in the Australian Government Online Service Point (AGOSP) which, on completion in 2010, will allow citizens to visit multiple government websites using a single sign-on at "*australia.gov.au*" and offer an advanced online forms capability, a multi-agency change of address notification service and a National Government Services Directory providing a comprehensive list of all government services.

The privacy debate can elicit “knee jerk” reactions that undermine proposed reforms that involve agencies sharing data amongst one another, leading to the abandonment of worthwhile initiatives. Reform is needed in welfare, health care and taxation, but for these reforms to be successful, privacy issues need to be identified early, addressed and managed appropriately. Privacy can be a red herring used by certain interest groups to promote a ‘do-nothing’ approach, and the hysteria that privacy concerns can generate in the media does not seem to be matched by public opinion.



A study into Community Attitudes to Privacy undertaken by the Office for the Privacy Commissioner in 2007 suggests the Australian population is increasingly supportive of data sharing. The risks of identity theft and inappropriate disclosure of information are real, but if appropriate controls and security are in place then the benefits of connected service delivery clearly outweigh the negatives.

Government should be in a better position to manage privacy concerns than the private sector. Positive community attitudes to government stand in stark contrast to rising community concerns about the use of information by businesses. As the Government considers Sir Peter Gershon's report, the National Health and Hospitals Reform Commission and the Tax Review, it is important to identify and manage real and perceived impediments to change. In addition to the Privacy Act, there are innumerable pieces of individual portfolio and agency-specific legislation that restrict agency data sharing that stand in the way of reform. These should be closely reviewed, with the following set of simple questions used as

the benchmark for the effective management of privacy:

1. Is the person aware of the information being collected?
2. Have they consented to its collection and the uses of that information?
3. Can they access, change and revoke their consent for the use of that information?
4. Is that information protected so that it is only accessible to those that need to access that information?

E-Health has revolutionized health care in Veteran's Affairs hospitals in the USA and there is no technological impediment to a similar system being adopted here. Errors in administering medication in these hospitals have dropped by around 90% and males aged 65 years and older receiving care have a 40% lower risk of death than those in other publicly funded care. “Vista” is supported by a robust privacy framework, and a rigorous informed consent process ensures that patients are knowledgeable participants.

The technology is readily available to any Australian health system. The challenge lies in getting all stakeholders, health groups, and federal and state governments to agree on a way forward. The benefits from this ICT-enabled, citizen-centric service delivery clearly outweigh any potential privacy concerns.

**Mr John Tucker
Chief Executive Officer
Standards Australia**

Mr John Tucker briefed the Congress on the use of standards as alternative instruments of regulation. An Australian Standard sets out specifications to ensure that a material, product, method or service is fit for its purpose. The federal government recognises Standards Australia as the nation's main non-government standards development and approval body. Many Australian Standards are adoptions or adaptations of International Standards, and Standards Australia is Australia's member of the International Organization for Standardization (ISO).

Such standards cover everything from consumer products and services, construction, engineering, business practices, information technology, human services to energy and water utilities and the environment. They are consensus-based, voluntary documents enabling self-regulation. Compliance with a Standard is not mandatory, unless the Standard is incorporated into law or called up in contractual arrangements. Modern standards tend to be performance-based, containing principles of required performance, rather than specific prescriptions regarding how they should be attained.



Government figures looking to reduce the burden of 'red tape' fail to understand the role standards can play. COAG jurisdictions are often unaware of how Australian Standards operate in a wide range of industries. Self-regulatory standard based approaches can be used in areas that traditionally have been the subject of 'black letter' regulation. The current COAG initiative on business deregulation, like many previous reviews, talks about the need to look at alternative regulatory approaches, and standards should play their part in a risk-based approach to regulation. Ministers and public servants should apply solutions that best match the risk faced by the community.

The Australian Chamber of Commerce and Industry estimated in 2005 that regulation cost the Australian economy around \$86 billion a year, 10% of GDP, and that figure did not include all forms of regulation. The Government should apply the best regulatory solution from day one, rather than over-regulate first and deregulate

later, however, governments will not always be able to resist political and public pressure to opt for detailed 'black letter' regulation.

The Commonwealth Office of Best Practice Regulation identifies a number of potential benefits associated with self-regulation, quasi-regulation and co-regulation compared with explicit government regulation. These include:

- lower government administration costs with the arrangements being developed, and often administered, by business;
- lower business compliance costs;
- innovative inducements for compliance and sanctions for non-compliance;
- targeted rules tailored to specific needs;
- improved credibility and enhanced flexibility, responsiveness and speed of implementation and modification;
- greater responsiveness to consumer demands based on additional information gained from the complaints mechanism.

Restrictive regulation can prevent the take up of new technologies and innovative processes while performance-based Standards encourage business to seek new ways of achieving the required Standard. Standards Australia is itself adopting rigorous arrangements for assessing new proposals for their net benefit to the community and has introduced new accreditation processes for alternate pathways to ensure it remains on the cutting edge.

Discussion

One speaker offered the World Intellectual Property Organisation as a good source of information.

Another speaker said that governments had to establish a business case as to why intervention is needed and ensure duplication was eradicated by, for instance, eradicating state acts and adopting national standards. Companies needed to be able to operate in multiple jurisdictions under the same rules.

The following speaker disagreed with any supposition that central agencies were not interested in better regulation. He believed they were keen to investigate new models, provide incentives and draw on the experience of others.

Mr John Tucker clarified his point regarding central agencies, praising the civil and constructive discussions he had had with them, but fearing the impact of the 6,000 Australian standards and 30,000 international standards organisations were expected to comply with.

Mr Alan Bennett pointed out the tendency for simple precepts and national rules to accrete ever more complicated or localised regulations. He offered the examples of complexity within Coles supermarkets and in Medicare & Medicaid in the USA. A non-profit NGO may have to complete 14 inches of application forms to obtain funding across 23 state, federal and multiple agencies to deliver services to citizens. There are rare opportunities for the Commonwealth to force radical change in reducing the burden of regulation on business and these should be seized upon.

A speaker said he was involved in setting up the National Electronic Conveyancing System, a regulatory regime which aimed to offer the citizen a seamless service regardless of jurisdiction. He questioned whether that was possible in a system where the states, rather than the Commonwealth, were responsible.

Mr Alan Bennett noted that jurisdictions have huge investments in 'legacy systems' they cannot afford to modernise, while modern practice demands service orientated architectures. Web 2.0 techniques will allow such legacy systems to operate in new environments. Such systems are coming into use in state health care and social welfare, allowing different public and private organisations to communicate in an 'ecosystem' with single entry points for citizens.

In answer to a question he laid out some of the problems slowing e-health technology in Australia, highlighting the incompatible technology and data

bases used by a host of separate entities. He believed the system would have to evolve, linking the legacy environments with Web 2.0 adaptors, rather than be planned and built from scratch. The focus should be on improving patient outcomes, rather than building the most impressive new systems.

One delegate highlighted the costs borne by stakeholders in meeting regulation which did not benefit them.

Mr Alan Bennett praised British Columbia's revenue collection specification, a five page document inviting solutions to a business problem, and a clear contrast with Australia's four volume RFP requirements.



Mr John Tucker related his experience to security camera harmonisation after 9/11 and the London Terrorist bombings. The Attorney-General's Department understood that private infrastructure should be empowered through standards rather than regulation, and this had proved a successful and exportable approach.

Chairman **Malcolm Crompton** closed the session by commenting that regulation should always be set at the minimum necessary level. He believed more attention should be paid to how rules were implemented, rather than what those rules should be. He praised New Zealand's habit of choosing the best standard from around the world, rather than Australia's tendency to waste time and money creating new standards which merely left their businesses unable to compete in world markets.

Session 4 - A Way Forward: Australia as a regulatory 'pacesetter'

Mr John Martin
Commissioner
Australian Competition & Consumer Commission

Mr John Martin gave his presentation on 'Australia as a Pacemaker: Regulating for Competitive Outcomes'. He began by noting that regulation that fosters market competition will benefit business opportunities, while market arrangements that cultivate cartels are anathema to innovation. The *Trade Practices Act 1974* (TPA) is unique in setting a low intervention framework for policing anti-competitive arrangements and unfair trading practices to protect individuals and businesses.

The ACCC adopts a determined and strategic enforcement approach, utilising its strong evidence gathering powers, complemented by rigorous economic, legal and technical analysis. It can also approve anti-competitive arrangements where they produce net public benefits. In recent years efforts have been made to render its activities more transparent and accountable and to ensure the protection of confidential information.

Mr Martin focused on the Commission's expanding role in energy, communications, transportation and water. Australia has regulated natural monopoly infrastructure to foster competition for little more than a decade, yet this period has seen a transformation. The energy sector has seen substantial restructuring from vertically integrated, state owned energy businesses to disaggregated businesses with a mix of ownership structures. Victoria and South Australia have privatised their electricity supply industries, and most of the gas supply sector is in private hands, competition has been introduced into the generation and retail sectors and the national electricity market (NEM) is now well established.

After the introduction of access regulation in the transmission and distribution sectors and the establishment of the Australian Energy Regulator

in 2005, the regulatory environment continues to evolve, with the ACCC aiming to apply best practice regulatory principles by adapting regulations to current conditions, balancing competition with investment and remaining technologically neutral. It aims to remain consistent with relevant legislation, make decisions for the long term benefit of end-users and look to adopt approaches used in other countries when applicable in local conditions. The ACCC is prepared to wind back regulation where it is no longer necessary. Its decisions should be based on detailed empirical data, that it must consult widely, ensure its decisions able to withstand legal challenge and consider issues of future concern.



The Commission must ensure that the costs imposed by regulation do not exceed its benefits and review the impact of regulation on investment decisions. It has adopted internal mechanisms and external networking arrangements to facilitate consistent and transparent analytical techniques, regulatory practices and stakeholder consultation to promote regulatory consistency. COAG has also agreed to establish a simpler and consistent approach to economic regulation of significant infrastructure by ensuring that all third party access regimes include consistent regulatory principles and timeframes for making regulatory decisions. The question is whether a regulatory regime is *effective* in constraining undue market power, rather than it being 'light touch' or 'heavy handed'.

Controversy arose regarding Telstra's 2006 withdrawal from discussions with the ACCC about the proposed fibre to the node (FTTN) network upgrade. Telstra estimated the capital costs of this investment at around \$4 billion and held the major stumbling block to be the ACCC's unwillingness to

recognise the actual costs the company incurs in providing its services. The ACCC always accepted that Telstra should be entitled to recover its actual costs arising from the FTTN upgrade and that Telstra's risk should be reflected in the cost of capital used to calculate access prices. The FTTN experience in no way alters the ACCC's conviction that its regulation of infrastructure does not stifle or chill investment. This conviction is supported by recent evidence of strong investment in the energy sector.

Regulatory decision making should be timely, accountable and subject to appropriate review. Statutory timelines of six months are increasingly being introduced, although their value is problematic in some circumstances. A balance needs to be struck between accountability in decision making and timeliness. Multiple levels of review can hamstring the decision making process for years as the delay over the declaration of airside services at Sydney airport has shown. COAG has moved to streamline the review process by limiting merit review of regulatory decisions to the information submitted to the regulator.

Mr Martin offered four detailed case studies of the ACCC's role in meeting challenges in the transportation of coal and iron ore, advising ministers on the regulation of water charges in the wake of the Water Act of 2007, the establishment of the Australian Energy Regulator and the National Broadband Network.

The 2008 ACCC conference acknowledged that a competitive market remains the best means of processing the complexity of information needed to achieve efficiency gains and growth but, in natural monopolies, regulation may be required to create competition in upstream or downstream markets. Regulatory economics has developed a significant body of research, but the practice of regulation remains considerably more complicated in reality and theory needs to be enriched by experience and context. The experience of the past decade has achieved a measure of stability, but challenges will be faced in the future as regulators attempt to find the 'right' trade-offs between competing interests.

Mr David Quilty
Group Managing Director
Public Policy and Communications
Telstra Corporation

Mr David Quilty observed that competition regulation in Australian telecommunications, the subject of his presentation, has been characterised by fevered disputes, the outlay of vast amounts of money for little discernible benefit and a total lack of communication between those who "play the game" and the wider community.



Today's telecoms sector is very different from July 1997 when the communications regime was put in place, virtually all services were delivered over the fixed network and mobiles were still in their infancy. There was dial-up internet, but no broadband, few competing firms, high prices and a focus on the importance of fixed voice services. Eleven years on, there are more than 100 carriers and many more service providers. Prices have fallen in virtually all segments while exchanges covering over 90% of the population have ADSL broadband, and there are more mobile than fixed lines.

Despite this revolution in technology, the regulatory regime has remained virtually static. The findings of its one serious review, by the Productivity Commission in 2001, were largely ignored, and despite minor adjustments to assuage various industry criticisms, one of the fastest-moving sectors in the economy continues to operate under a mid-1990s regime as we approach 2010.

There is consensus regarding the need for investment in national high-speed broadband infrastructure, with provision falling behind global standards despite

Australia's strong economy and proud record of early technology adoption. The growth in capital communications expenditure has slowed substantially over the last decade while Capex growth in other sectors has increased. Whether the regulatory regime is to blame for this lack of investment is a moot point, a regulatory regime that encourages this investment is required.

Telstra offered its FTTN proposal within the scope of the regime, but could not reach agreement with the regulator on either costs or prices, while Optus has used the regime to buy access to Telstra's fixed network. In the mobiles market, which has remained largely immune from the regime, competitive infrastructure investment has continued apace, providing real choice and resulting in Australia taking the technology lead, rather than being a laggard.

The current telecoms regulatory regime places almost unfettered power and discretion in the hands of a regulator that controls both the rules and their enforcement. In the case of declaration and price setting by way of arbitration, the two most critical points, there is no merit review of the regulator's decisions. When too much power is centralised in one regulatory body without a clear set of rules or other checks and balances, the regulator and industry players themselves come to see regulation as a substitute for normal market behaviour.

The "*Regulating in Technology Rich Environment*" Taskforce established by GAP sought to explore ways to reform the regulatory regime to encourage investment and provide certainty for all involved while guaranteeing fair and open access to bottlenecks and a safety net to prevent anti-competitive behaviour.

21st century best practice demands a clear separation of the tasks of setting policy; converting policy into rules and implementing and enforcing those rules. In Australia's energy sector, for example, the Federal/State Ministerial Council on Energy sets the national policy framework, the Australian Energy Market Commission turns those policies into a clear set of

rules and these are then implemented by the Australian Energy Regulator, a constituent part of the ACCC. A similar differentiation of the policy-making, rule-making and implementation functions is desirable in telecoms to provide greater clarity, transparency, predictability and accountability.

Declaration lies at the heart of any access-based regulatory regime because it determines the scope of third party access. In the economy-wide Part IIIA, there is a clear set of hurdles that must be met before a declaration can be made. The tasks of recommending and make a decision on declaration are separated, and declaration decisions are subject to merits review. None of this currently is the case in telecoms regulation. Furthermore, in such a fast-moving sector, it is highly desirable that declarations are time-limited and are revoked at the end of their life, unless it can be affirmed that all of the hurdles continue to be met.

One of the most pronounced deficiencies of Part XIC of the *Trade Practices Act* is its lack of guidance regarding how regulated prices should be set. This stands in stark contrast to Part IIIA, which was amended in 2006 to include a set of pricing principles which require that regulated prices cover the efficient costs of providing access, including a return commensurate with regulatory and commercial risk.

The scope to submit industry-wide Undertakings was one of the key parts of the 'architecture' of the Hilmer reforms, designed to reduce disputation, increase the efficiency and timeliness of outcomes and provide upfront certainty to all participants. Unfortunately, the Undertaking route has been spectacularly unsuccessful. The reasons for this include the lack of clear pricing principles or guidance on costs and the near absolute discretion of the regulator in deciding whether an Undertaking is reasonable or not, with no requirement to rely on well-established principles, reasoning or weighting of the various relevant factors. Additionally, the lack of any merits review of arbitrations provides an incentive to reject Undertakings.

A number of reforms are urgently required to benefit both access providers and access seekers. There is a need for more specific rules regarding Undertakings and a presumption that an Undertaking is reasonable if consistent with established pricing principles. There is a need to fix the flaws in the upfront Undertaking and Exemption provisions so they provide regulatory certainty to would-be investors, and to create a system of merits review of arbitrations. There should be a requirement upon the regulator and the Tribunal to provide clear reasons why they have rejected an Undertaking, plus clear guidance on what they regard as "reasonable" and how particular failings could be rectified in a future Undertaking.

Taken as a whole, these reforms would lead to a regime that is less intrusive, more predictable, efficient and accountable and, most importantly, better attuned to the imperative of efficient investment in telecoms infrastructure. They would maintain the strong anti-competitive behaviour protections of Part XIB as well as the operational separation requirements on Telstra. Part XIB is much stricter than the generic *Trade Practices Act*, because it carries a much reduced burden of proof for the regulator.

Mr Quilty commended these reforms to the Congress with the assertion they would open up opportunities for real choice and differentiation for consumers in a new era of strong, market-based competition.

Discussion

Mr David Quilty reiterated his point that the telecommunications sector of today is very different from that of ten years ago when the current regulatory regime was created. The imperative now was to encourage the multi billion dollar investments required to modernise Australia's broadband network through regulatory reform which encouraged investment and offered certainty.

Mr John Martin pointed out that the ACCC merely administers laws, rather than creates them. It was willing to play its role in any future reforms

One speaker questioned the assumption that energy regulation embodied best practice. He believed states pushed for regulation for political, rather than rational reasons, often in conflict with wider policy and competition objectives. He referred to recent re-regulation and government prescribed re-monopolisation in contestable metering and data services supplied to energy retailers and lamented the loss of innovative technology suppliers this had caused. The Government have prescribed technology outcomes, rather than objectives, in regard to smart metering and chosen monopoly suppliers and regulated prices without demonstrating market failure. The speaker asked if the ACCC would seek to guide state governments to avoid local political decisions overriding wider objectives such as competition, deregulation and innovation.

Mr John Martin said his brief in the ACCC did not cover state laws and regulations.

Mr David Quilty saw structural separation as an academic article of faith in some quarters, but questioned how it could be applied to a complex and intricate network such as Telstra's and what benefits this might generate. He repeated Telstra's pledge to provide open access on the proposed new broadband network.



The issue of trust between the regulator and the regulated firm was raised by the following speaker. Regulation could be simplified if such trust existed, while its absence fermented litigation, cost and unhappiness for all concerned.

It was noted that while the price of individual telecom services are now lower, the total amount paid by consumers for their multiple mobile, fixed line and ADSL services has increased. Telecommunications have taken a larger percentage of people's income as their use has mushroomed.

Mr David Quilty agreed that people are using a much wider array of communication services today than 10 years ago. He observed that consumers were dependent on firms investing in infrastructure to provide such services, which was in turn dependent on those firms receiving a reasonable rate of return. He thought the debate around the National Broadband Network had become bogged down in issues of regulation and competition, forgetting the significant economic and social benefits it would bring.

In closing the Congress, **Mr Peter Fritz AM** thanked the steering committee, sponsors, keynote speakers and organisers. He said that a National Consultative Committee on 'Second Track' processes would be created to carry on the Congress' recommendations and expressed the hope that self interest would motivate individuals to participate.

Conclusion

The GAP Congress on Regulatory Affairs advocated urgency in reconsidering the approach to regulation in order to become more flexible and responsive to stakeholder needs in today's fast changing technological and competitive environment. The current government is committed to a process of continual regulatory reform and seeks to streamline its legislative process by adopting a more responsive and service oriented mindset. Reform requires grassroot engagement to produce concrete solutions, and the active participation of industry and citizenry in the pre-legislative consultation process is strongly encouraged via both traditional and more informal methods, including "second track" processes and emerging web 2.0 technologies.

THE STEERING COMMITTEE

The Steering Committee of government and business executives and regulatory experts worked over a year on the Congress' programme, goals and objectives, topics for discussion and a continuity strategy, to ensure outcomes are achieved beyond the event.

The members of the Steering committee for the GAP Congress on Regulatory Affairs 2008 were (in alphabetical order):

Mr Keith Besgrove

First Assistant Secretary
Telecommunications, Network
Regulation & Australia Post Division
Department of Broadband,
Communications & the Digital Economy
Australian Government

Mr Patrick Callioni

Division Manager
Australian Government Information
Management Office (AGIMO)
Department of Finance & Deregulation

Mr Bill Dimopoulos

Marketing Manager, Pacific Region
Symantec (Australia)

Mr Martin Duursma

CTO Office Chair
Vice President Advanced Products Group
Citrix Systems, Inc.

Dr Nick Gruen

Chief Executive Officer
Lateral Economics

Mr Peter Fritz AM

Group Managing Director, TCG Group
Managing Director
Global Access Partners (GAP)
Chair, Australian Government Consultative
Committee on Knowledge Capital

Ms Julie King

Manager, Strategic Policy & Reporting
NSW Department of Lands

Mr Paul Madden

Programme Manager, Standard Business
Reporting Management Group
The Treasury, Australian Government

Mr Marc Mowbray-d'Arbela

Branch Manager, Legislative Review Branch
Financial Framework Group
Department of Finance & Deregulation
Australian Government

The Hon. Victor Perton (Chairman)

Director, A Regulatory Affair
Transport Accident Commission, Victoria

Mr David Quilty

Group Managing Director
Public Policy and Communications
Telstra Corporation

Dr Diane Sydenham

Director, Strategic Policy
Policy & Coordination
Department of Innovation,
Industry & Regional Development
Government of Victoria

PARTICIPATING ORGANISATIONS

Participation in each GAP Congress is by invitation only. The Congress is attended by the top echelon of government and industry.

Delegates from the following 69 organisations participated in the GAP Congress on Regulatory Affairs 2008 (for the full list of delegates, see App. 4, pages 45-48):

- ▶ A Regulatory Affair
- ▶ Asia-Pacific Centre for Philanthropy & Social Investment, Swinburne University
- ▶ Australian Centre for Automation & Field Robotics
- ▶ Australian Centre for Health Research
- ▶ Australian Competition & Consumer Commission
- ▶ Australian Government Consultative Committee on Knowledge Capital
- ▶ Australian Government Information Management Office, Department of Finance & Deregulation
- ▶ Australian Institute for Commercialisation
- ▶ Better Regulation Office, NSW Department of Premier and Cabinet
- ▶ Cisco
- ▶ Citrix Systems
- ▶ Cooperative Research Centre for Spatial Information
- ▶ CSIRO
- ▶ Department of Broadband, Communications & the Digital Economy, Australian Government
- ▶ Department of Finance & Deregulation, Australian Government
- ▶ Department of Innovation, Industry & Regional Development, Government of Victoria
- ▶ Department of the Environment, Water, Heritage & the Arts, Australian Government
- ▶ Department of Premier and Cabinet, Government of Victoria
- ▶ Department of the Premier and Cabinet, Queensland Government
- ▶ EDS Australia & New Zealand
- ▶ Evans & Peck Pty Ltd
- ▶ Federal Labor Business Forum, Australian Labor Party
- ▶ GlaxoSmithKline
- ▶ Global Access Partners
- ▶ Hitwise
- ▶ Independent Pricing and Regulatory Tribunal of NSW
- ▶ Information City Australia
- ▶ Information Integrity Solutions
- ▶ Integrated Wireless
- ▶ Joint Technology Partners
- ▶ Know Compliance
- ▶ Lavinus Pty Ltd
- ▶ MBF Foundation
- ▶ Microsoft Australia
- ▶ Monash Centre for Regulatory Studies
- ▶ Monash Institute of Health Services Research
- ▶ Monash University
- ▶ National Consultative Committee on Security & Risk National e-Conveyancing Project
- ▶ Navy Health
- ▶ NSW Branch, Australian Computer Society
- ▶ NSW Department of Lands
- ▶ NSW Department of Premier & Cabinet
- ▶ Office of Senator Stephen Conroy, Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate
- ▶ Office of the Hon. Lindsay Tanner MP, Minister for Finance & Deregulation
- ▶ Open Forum
- ▶ Origin Energy
- ▶ Pacrim Consulting
- ▶ Productivity Commission
- ▶ Queensland Office for Regulatory Efficiency, Queensland Treasury
- ▶ Regulatory Institutions Network, Australian National University
- ▶ SansGov
- ▶ South Pacific Consulting Group
- ▶ StanCert
- ▶ Standard Business Reporting Management Group, The Treasury, Australian Government
- ▶ Standard Business Reporting, Australian Taxation Office
- ▶ Standards Australia
- ▶ Stephen Alford Consulting
- ▶ Storm Consulting
- ▶ Sydnovate, University of Sydney
- ▶ Symantec Australia
- ▶ TCG Group of Companies
- ▶ Telstra Corporation
- ▶ TFG International
- ▶ Trade, Investment and Labour Mobility Agreement (TILMA), Government of British Columbia
- ▶ The FNK Group
- ▶ Transport Accident Commission, Victoria
- ▶ TRUenergy Pty Ltd
- ▶ Vedere Consulting

APPENDICES

PROGRAMME

Day One - Thursday, 25 September 2008

Sir Redmond Barry Room, Investment Centre Victoria
Level 46, 55 Collins St, Melbourne

6:30pm _____ *Pre-Dinner Drinks, Registration*

7:00pm _____ *Dinner*

Welcome and Introduction

Ms Jane Niall

Deputy Secretary, Policy and Coordination
Department of Innovation, Industry and Regional Development
Government of Victoria

Keynote Address

Ms Gail Greenwood

Special Advisor, Standards and Regulations
Trade, Investment and Labour Mobility Agreement (TILMA)
British Columbia

Vote of Thanks

Mr Patrick Vidgen

Deputy Director-General, Governance
Department of the Premier and Cabinet
Queensland Government

10:30pm _____ *Close*

Day Two – Friday, 26 September 2008

Legislative Assembly Chamber
Parliament House of Victoria, Spring St, Melbourne

8:30am _____ *Registration*

9:00am _____ **Session One**

'Cutting-Edge Regulation': Regulating for innovation and business opportunities

Welcome from the Session Chair

The Honourable Victor Perton

Director, A Regulatory Affair
Transport Accident Commission, Victoria

Dr Ian Watt AO

Secretary, Department of Finance and Deregulation
Australian Government

Mr John Braithwaite

Founder, Regulatory Institutions Network
Australian National University

10:05am _____ *Discussion*

10:30am _____ *Morning Tea*

11:00am	<p>Session Two</p> <p>Session Chair</p>	<p>Australian regulation in an international perspective. Principles of best practice regulation</p> <p>Mr Keith Besgrove First Assistant Secretary - Telecommunications, Network Regulation and Australia Post Division Department of Broadband, Communications and the Digital Economy, Australian Government</p> <p>Mr Martin Duursma CTO Office Chair and Vice President Advanced Products Group, Citrix Systems, Inc.</p> <p>Mr Craig Scroggie Vice President and Managing Director Symantec Australia and New Zealand</p>
11:40am	Discussion	
12:45pm	<p><i>Lunch</i></p> <p>Introduction</p> <p>Keynote Address</p>	<p>Queen’s Hall, Parliament House</p> <p>The Honourable Neil Batt AO Executive Director, Australian Centre for Health Research</p> <p>The Honourable Lindsay Tanner MP Minister for Finance and Deregulation Australian Government</p>
2:00pm	<p>Session Three</p> <p>Session Chair</p>	<p>Australia’s regulatory regime and its critics. The challenge of regulatory reform</p> <p>Mr Malcolm Crompton Managing Director, Information Integrity Solutions</p> <p>Mr Alan Bennett Industry Leader, Government and Defence EDS Australia and New Zealand</p> <p>Mr John Tucker Chief Executive Officer, Standards Australia</p>
2:40pm	Discussion	
3:15pm	<p>Session Four</p> <p>Session Chair</p>	<p>A Way Forward: Australia as a regulatory ‘pacesetter’</p> <p>The Honourable Victor Perton Director, A Regulatory Affair Transport Accident Commission, Victoria</p> <p>Mr John Martin Commissioner, Australian Competition and Consumer Commission</p> <p>Mr David Quilty Group Managing Director, Public Policy and Communications Telstra Corporation</p>
3:50pm	Discussion	
4:40pm	Closing remarks/Vote of thanks	<p>Mr Peter Fritz AM Managing Director, Global Access Partners (GAP) Group Managing Director, TCG Group</p>
4:45pm	<i>Close</i>	

Appendix 2 – Speakers’ Profiles



The Hon. NEIL BATT AO
Executive Director
Australian Centre for
Health Research

Neil Batt joined the ACHR as Executive Director upon launch. In a distinguished political career, he is a former Tasmanian Deputy Premier, Treasurer and Ombudsman for Tasmania and was the National President of the Australian Labor Party. As former Resident Director of TNT Ansett Group in Western Australia and TNT in Victoria, and a former Chairman of Heine Management Limited and CSL as well as General Manager Victoria of the Australian Health Insurance Association, he has also had a notable executive career. Mr Batt is currently an independent Director of Netwealth Investments Limited.



Mr ALAN BENNETT
Industry Leader
Government & Defence
EDS Australia & New Zealand

Alan Bennett is responsible for leading EDS’ growth and setting strategy to optimise new opportunities for the company within the Government and Defence Industry Group across the region. Alan will focus on leveraging EDS’ local and global credentials to further grow our business within these industries across the region, with particular emphasis on driving new business in applications development, system integration and shared services capabilities across Defence and within state and federal government. Alan moves into the role with a wealth of government and commercial experience, having secured some of EDS’ largest contracts in EMEA and Asia Pacific and having spent over two decades working within or for government clients. Over his years at EDS, Alan has led the sales organisation across Asia Pacific and the UK and was acting president of EDS Japan in 2001/2. His success in helping secure many of EDS’ major outsourcing contracts, such as Australian Customs Service, Australian Taxation Office, Bumiputra-Commerce Bank and Vodafone has resulted in him winning multiple EDS Inner Circle Awards for sales performance. Alan started his career in the federal government in Canberra with the

Australian Bureau of Statistics and Attorney General’s Department and understands the environment well. Previously, Alan was a Vice President of Sales within EDS’ UKIMEA region where he played a major role in securing some of the company’s largest contracts in Asia Pacific and UKIMEA.



Mr KEITH BESGROVE
First Assistant Secretary
Telecommunications, Network
Regulation & Australia Post
Division, Department of
Broadband, Communications
& the Digital Economy
Australian Government

Keith Besgrove provides advice to the Australian Government on strategic, legal and regulatory issues relating to communications and the information economy. His responsibilities include spectrum policy and planning, domain names, spam, consumer issues and broadband. Keith has been involved in various international groups including the OECD, APEC and ITU, and is the current chair of the OECD Working Party on Information Security and Privacy (WPISP). In recent years, he has also been responsible for research into the impact of ICT in improving productivity in Australia. Keith holds a Bachelor of Arts in Political Science from the University of Sydney. He is also a graduate of the Wharton School’s Advanced Management program, and has completed an Australian Government Research Fellowship into innovation programs in Israel and Singapore.



Mr JOHN BRAITHWAITE
Founder, Regulatory Institutions
Network, ANU

John Braithwaite is an Australian Research Council Federation Fellow and Founder of RegNet (the Regulatory Institutions Network) at the Australian National University. He has embarked upon a 20-year comparative project on Peacebuilding and Responsive Governance with Hilary Charlesworth, Valerie Braithwaite and Leah Dunn. His book with Peter Drahos, *Global Business Regulation*, won several prizes including the Grawemeyer Award for Ideas for Improving World Order. His most recent book is *Regulatory Capitalism: How it Works, ideas for Making it Work Better* (2008).

Between 1983 and 1987 he served as a member of the Economic Planning Advisory Council which was chaired by the Prime Minister, was a Part-time Commissioner with the Trade Practices Commission between 1985 and 1995 and served as a member of the Council on Business Regulation (1994-1996) which reported directly to Cabinet on a review of all laws which impose a regulatory impact on business.



Mr MALCOLM CROMPTON
Managing Director
Information Integrity Solutions

Malcolm Crompton is Managing Director of Information Integrity Solutions Pty Ltd, providing high level advice to private sector

and public sector organisations on building trust through excellent data governance, particularly in their collection and use of personal information. He is also Director of Bellberry Limited, a private not-for-profit organisation that provides health ethics committee services in accordance with the NHMRC Statement on Ethical Conduct in Research Involving Humans and is the Asia Pacific based Director of the International Association of Privacy Professionals (IAPP). He recently led the establishment of the Australia New Zealand affiliate of IAPP and is its foundation President. He was Australia's Privacy Commissioner for five years until April 2004. He led the implementation of private sector privacy law that commenced in 2001. He has established a global reputation for his forward thinking on the handling and governance of personal information and has been the invited speaker at many events in North America, Europe and Asia as well as Australia. Malcolm has advised APEC regularly on implementation of the APEC privacy framework, including leading seminars held in Hong Kong and Korea in 2005 and Australia in 2007. He has also consulted to the OECD, leading technology companies, Australian financial institutions and government agencies. He is also a member of the Microsoft Trustworthy Computing Academic Advisory Board, the global External Advisory Board of the IBM Privacy Institute, the Reference Group for the Privacy and Identity Management for Europe (PRIME) project and the Expert Advisory Committee on Information Technology of the Australian Medical Association. He has been a member of a number of international privacy award judging panels. While Commissioner, Malcolm was also a member of the National Health Information Management Advisory Council; the Review of the DNA

forensic procedures under Part 1D of Commonwealth Crimes Act 1914; and the Advisory Committee to the Joint ALRC/AHEC Inquiry into Protection of Human Genetic Information. He hosted the 25th International Conference of Data Protection & Privacy Commissioners in Sydney in 2003. Between 1996 and 1999, he was Manager of Government Affairs in Canberra for AMP Ltd. In the previous 20 years, Malcolm held senior executive positions in the Federal Department of Finance, served as both a superannuation scheme trustee and scheme founder and worked in the Transport and Health portfolios. He started his career as a research scientist. Malcolm's work was recognised in 2004 when he was awarded the inaugural Chancellor's Medal for distinguished contribution to the Australian National University. He has degrees in Chemistry and Economics.



Mr MARTIN DUURSMA
CTO Office Chair, Vice President
Advanced Products Group
Citrix Systems

Martin Duursma is the CTO Office Chair for Citrix Systems, Inc. and Vice President of the Citrix Advanced Products

Group. In this dual capacity, Martin Duursma is tasked with day to day running of the CTO Office, which is responsible for educating and evangelizing technology directions, trends and standards within Citrix as well as cross group technology governance. In his role as VP Advanced Products, Martin is chartered with conceiving and producing creative products, components and technologies crucial to the company's success. His global responsibilities include development groups located in Cambridge, UK, Redmond, USA, and Sydney, Australia which pioneer and review new technologies with a two to three-year horizon. Ultimately these technologies become part of the Citrix product portfolio. Additionally the group is responsible for stimulating innovation inside Citrix via running an internal ideation process.



Mr PETER FRITZ AM
Group Managing Director, TCG Group
Managing Director Global Access Partners
Chair, Australian Government Consultative Committee on Knowledge Capital

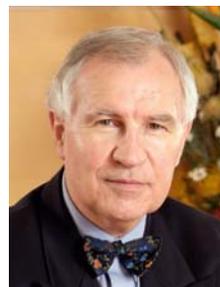
Peter Fritz is Managing Director of GAP, and Group Managing Director of TCG - a diverse group of companies which over the last 37 years has produced many breakthrough discoveries in computer and communication technologies. In 1993, some of the 65 companies in the group were publicly floated on the Australian Stock Exchange as TechComm Group Limited (now called Utility Computer Services UXC), with great success. Another former TCG company floated on the New York Stock Exchange in November 1997 for US\$600m, making it the largest technology company to be established in Australia until that time. Peter's innovative management style and corporate structuring has led to the creation of a business model which is being copied by many successful entrepreneurs, and has become part of university undergraduate and masters programs in business management in Australia and around the world. Peter Fritz also chairs a number of influential government and private enterprise boards and is active in the international arena, including having represented Australia on the OECD Small and Medium Size Enterprise Committee. He is the holder of six degrees and professional qualifications, is a recipient of the Order of Australia, and has received many other honours.



Ms GAIL GREENWOOD
Special Advisor Standards and Regulations Trade, Investment and Labour Mobility Agreement (TILMA), British Columbia

British Columbia removes barriers to trade, investment and labour mobility. Gail Greenwood has worked for the Government of British Columbia since 1989 working in various economic ministries in corporate policy, planning, and legislation. Most recently she was Executive Director of the Regulatory Reform Office and is now working with the Ministry of Technology,

Trade and Economic Development. She is leading an initiative to mutually recognize or otherwise reconcile standards and regulations between the provinces of British Columbia and Alberta, an obligation under Article 5: Standards and Regulations of the Trade, Investment and Labour Mobility Agreement (TILMA) between British Columbia and Alberta signed by the premiers of both provinces. The agreement was developed to address barriers to trade, investment and labour mobility creating one seamless western economic region, the second largest in Canada. The agreement came into effect April, 2007 with a two year transition period because of the breadth and depth of the obligations under the agreement. For more information on TILMA, please see www.tilma.ca. TILMA is a priority for government to achieve its economic development goals. When sworn into office in June 2001, government set an aggressive agenda for regulatory reform and made a commitment to reduce regulatory burden by one-third within three years. This commitment was a key component of government's strategy to increase British Columbia's economic and business competitiveness. Through a focused and responsible approach British Columbia is moving toward a modern regulatory system that encourages prosperity, innovation and opportunity, at the same time, preserving those regulations that are demonstrably effective in protecting public health, safety and the environment.



Mr JOHN MARTIN
Commissioner Australian Competition & Consumer Commission (ACCC)

John Martin was appointed as Commissioner of the Australian Competition and Consumer Commission (ACCC) in June 1999 with special responsibilities for small business related matters. Commissioner Martin is Chairman of the Commission's Transport Committee, a member of the Enforcement and Adjudication Committees and is responsible for health-related issues. Mr Martin is also the Chairman of the International Air Services Commission. Mr Martin was Executive Director of the Australian Chamber of Commerce and Industry from 1989 until his appointment to the ACCC. Mr Martin was a member of the Board of Standards Australia for over 5 years and represented Australia on the Business and Industry Advisory Committee (BIAC) to the OECD.



Ms JANE NIALL
Deputy Secretary
Policy & Coordination,
Department of Innovation,
Industry & Regional
Development, Government
of Victoria

Jane Niall was appointed as the Deputy Secretary for Policy and Coordination in June 2008. Jane has had extensive experience working at senior levels in government, holding positions in the former Department of Management and Budget, Department of Premier and cabinet, Conservation and Natural Resources, and Natural Resources and Environment. Prior to the appointment to her current position Jane was Deputy Secretary Business Development, and previously Executive Director, Science and Technology in DIIRD, leading the team responsible for the government’s initiatives in science, technology and innovation from 1998. Jane is a member of the Executive Board and Vice-President Asia Pacific, of the Micro and Nano Technology Commercialisation Education Foundation, MANCEF. Jane has also worked in academia, and spent two years in the private sector as an investment manager with a venture capital firm. Jane holds a Master of Agricultural Science from the University of Melbourne. She is also a member of the Australian Institute of Company Directors.



The Hon. VICTOR PERTON
Director, A Regulatory Affair
Transport Accident
Commission, Victoria
Chair GAP Congress
Steering Committee

Victor Perton is a company director & advisor, barrister and regulatory affairs advocate. Victor is an Independent Director on the Boards of the Transport Accident Commission (TAC), the Bensons Property Group and Austhink Consulting. He is the Director of the regulatory affairs practice, A Regulatory Affair. He is also an adviser to MCS Digital. His advisory work focuses on corporate governance, corporate social responsibility, and the regulatory side of communications technology, good regulation and regulatory compliance. With a Diploma of Chinese Law from Peking University, Victor has expertise in the risks

of doing business in China. Victor has a strong background in technology issues. He served as Shadow Minister for Technology & Innovation and was the first Australian MP with a website. He chaired the Victorian Government’s Multimedia Committee, Data Protection Advisory Council and the Electronic Commerce Framework Group. Victor is the TAC Director on the Governing Committee of the IT Shared Services venture of the TAC and Workcover. He also has a strong interest in the environment and environmental sustainability having served as Shadow Minister for the Environment. Victor’s philanthropic work includes human rights advocacy, democracy movements and support for good governance. For over ten years, he has published the Australian Human Rights and Civil Rights Index. He has recently joined the Steering Committee on Education and Training in Philanthropy of the Asia-Pacific Centre for Philanthropy and Social Investment. He is the Co-Chair of the Forum for a Democratic China. Victor’s passion for public-private partnerships in regulation drafting and review was honed and harnessed as Chair of the Victorian Scrutiny of Acts and Regulations Committee and the Victorian Law Reform Committee.



Mr DAVID QUILTY
Group Managing Director
Public Policy & Communications
Telstra Corporation

David Quilty was appointed to Group Managing Director, Public Policy and Communications, on 1 September 2008.

Most recently, David held the position of Director of Government Relations and headed up a team responsible for representing Telstra’s policy and political interests with federal and state governments. David joined Telstra in January 2006 when he was recruited to the company as General Manager, Government Relations. Prior joining Telstra, David worked as a Senior Adviser in the Cabinet Policy Unit from September 2003 to December 2005. David was Chief of Staff to the Minister for Communications, Information Technology and the Arts from May 1997 to September 2003. Prior to that, David worked in a number of political advisory roles, including a position of Senior Adviser to the Prime Minister and an Adviser to the Leader of the Opposition. David holds a Bachelor of Arts and a Graduate Diploma in Industrial Relations.



Mr CRAIG SCROGGIE
Vice President & Managing Director, Symantec Australia & New Zealand

Craig Scroggie is the vice president and managing director of Symantec in the Pacific region encompassing Australia, New Zealand and the Pacific Islands. Craig is responsible for driving Symantec's sales and business development in the region and serves as a senior leader for the overall Symantec business in Pacific. Previously the senior director of business development for Asia Pacific and Japan, Craig was responsible for leading enterprise business development for Symantec's fastest growing region. He was also the sales director for Veritas Software Australia and New Zealand, responsible for sales, support, strategy, planning, renewals and operations. Craig was previously the national sales manager at Computer Associates; national channels manager for EMC Corporation; sales and marketing manager of the telecommunication and technology group for Fujitsu; national sales manager of Yamaha's computer and multimedia products division; and the IT manager of Allans/Brash's retail chain in Australia. Most recently, Craig served as a judge in the Office of the Federal Privacy Commissioner's 2008 Australian Privacy Awards. He supports the Australian Council for Education and Research and participates in a number of programs including Principal for a Day in New South Wales and Victoria. As part of the Australian Government's e-security national agenda, Craig also partners with the Department of Broadband, Communications and Digital Economy to actively promote National E-Security Awareness programs. Craig is a graduate and fellow of the Australian Institute of Company Directors, a fellow of the Australian Institute of Management, a fellow of the Australian Sales & Marketing Institute and serves on its National Advisory Committee. He is also a trustee for the Committee for Economic Development of Australia, and is a non-executive director and board member of the Storage Networking Industry Association (SNIA). Craig is a graduate of the University of Southern Queensland and holds post graduate qualifications in Information Technology and Management.



The Hon. LINDSAY TANNER MP
Minister for Finance & Deregulation
Australian Government

Lindsay Tanner has been a member of the Australian House of Representatives since March 1993, representing the seat of Melbourne. In 2005, after his re-election to the Opposition front bench, Mr Tanner was appointed Shadow Minister for Finance and retained this portfolio after the 2007 elections (the title was changed to include deregulation when Prime Minister Kevin Rudd selected his first ministry). Mr Tanner began his career as an articled clerk and solicitor at Holding Redlich Lawyers in Melbourne. In 1985, he became an electorate assistant to Labor senator Barney Cooney. He was Assistant State Secretary of the Federated Clerks' Union 1987-88, and State Secretary from 1988-1993. In March 1993 he was elected to the House of Representatives as MP for the seat of Melbourne. After the Keating government lost the 1996 election, Tanner was promoted to the Shadow Ministry and appointed Shadow Minister for Transport. In 1998, he was moved to the portfolios of Finance and Consumer Affairs. In the reshuffle after the party's 2001 election loss, Mr Tanner became Shadow Minister for Communications; and in January 2004, was appointed to the new portfolio of Community Relationships, in addition to his existing responsibilities. Mr Tanner is the author of *The politics of pollution* (with P Russ, 1978), *The last battle* (1996) and *Open Australia* (1999) in which he explored ways then emerging information technology could be used to enhance social justice and economic equality.



Mr JOHN TUCKER
Chief Executive Officer
Standards Australia

In June 2004, John Tucker joined Standards Australia as Chief Executive Officer. John has had a diverse career path traversing public and private sectors, political advising and has held CEO positions in the fields of injury management, OHS risk management and industry association management. John has a background in health surveillance, occupational hygiene and industrial

relations. His qualifications include a Bachelor of Applied Science in Environmental Health. John is an experienced company director, having formerly held statutory appointments in the fields of health, OHS and workers' compensation, including: memberships of Australia's National Occupational Health and Safety Commission and the NSW Health Minister's Quality Reference Group; and directorships of the NSW WorkCover Authority, Coal Mines Insurance Pty. Ltd. and the NSW Mines Rescue Service Standards Australia was established in 1922. It is a company limited by guarantee, recognised by the Australian Government as the peak non-government standards development and approval body in Australia. Standards Australia represents the nation on the International Organization for Standardization [ISO], the International Electrotechnical Commission [IEC], and the Pacific Area Standards Congress [PASC].



Mr PATRICK VIDGEN
Deputy Director-General
Governance, Department of
the Premier and Cabinet
Queensland Government

Patrick Vidgen is the Deputy Director-General, Governance, Department of the Premier and Cabinet. In this role, he is responsible for leading the delivery of executive and corporate support services by the department. Patrick has previously held various senior positions within the Department of the Premier and Cabinet in the areas of Constitutional and Administrative Law Services, Security Planning and Coordination and State Affairs. He currently represents the Queensland Government on a range of State and Australian Government boards and committees.



Dr IAN WATT AO
Secretary
Department of Finance
& Deregulation
Australian Government

Dr Watt has been Secretary of the Department of Finance and Deregulation (formerly the Department of Finance and Administration) since January 2002. He was previously Secretary of the Department of Communications, Information Technology and the Arts. Prior to that, he was Deputy Secretary of the Department of the Prime Minister and Cabinet and Executive Coordinator of the Economic, Industry and Resources Policy Group until March 2001. Dr Watt was First Assistant Secretary of Economic Division, Department of the Prime Minister and Cabinet, between March 1994 and November 1996. Prior to that he was Minister (Economic) at the Embassy of Australia in Washington for two-and-a-half years. Dr Watt completed the Advanced Management Program at the Harvard Business School from September to November 1999. Dr Watt is the current chair of the Organisation for Economic Co-operation and Development's (OECD's) Working Party of Senior Budget Officials.

Appendix 3 – Sponsors’ Profiles

Current reporting requirements impose a significant burden on business — a burden that the Australian Government is committed to reducing.



An Australian Government Initiative
Standard Business Reporting



Standard Business Reporting (SBR) is a multi-agency program that will reduce this burden by:

- removing unnecessary and duplicated information from government forms;
- utilising business software to automatically pre-fill government forms;
- adopting a common reporting language, based on international standards and best practice;
- making financial reporting to government a by-product of natural business processes;
- providing an electronic interface to enable business to report to government agencies directly from their accounting software, which will provide validation and confirm receipt of reports; and
- providing business with a single secure online sign-on to the agencies involved.

SBR is being co-designed by Australian, State and Territory Government agencies in partnership with business, software developers, accountants, bookkeepers and other business intermediaries from across Australia.

Led by the Australian Treasury, the agencies participating in SBR are the Australian Bureau of Statistics (ABS), Australian Prudential Regulation Authority (APRA), Australian Securities and Investments Commission (ASIC), Australian Taxation Office (ATO) and all State and Territory Government revenue offices (SROs).

Australian business will save around \$800 million per year when SBR is fully implemented.

SBR is focussing on financial reporting first, since this affects most businesses. Examples of the 95 forms within the scope of the SBR program include the Business Activity Statement (ATO), Quarterly Business Indicators Survey (ABS), Financial Statement (ASIC), and Payroll Tax (SROs).

SBR won't just make business-to-government reporting easier, it will also enable the streamlining of the movement and use of financial information along the entire reporting chain — from business and intermediaries through to analysts, investors and regulators.

XBRL (eXtensible Business Reporting Language) is increasingly being adopted as 'the' preferred means for sharing financial information in a computerised form by accounting and financial reporting industries globally.

Many governments — including US, Japan, UK, Netherlands, China, and (most recently) New Zealand — have announced plans to introduce XBRL for financial reporting.

Australia is building on the lessons learnt from the Netherlands Taxonomy Project (NTP), which was aimed specifically at reducing regulatory reporting burden (NTP is three years ahead of the Australian SBR Program).

For more information

SBR's website (www.sbr.gov.au) provides further information about the SBR program, including information that has been tailored for the business community, accountants, book keepers, tax professionals and other business intermediaries, software developers, and participating government agencies.

To find out how you can be involved in the design of the SBR program, email sbr@treasury.gov.au

Citrix Systems, Inc. (NASDAQ:CTXS) is the global leader and the most trusted name in application delivery infrastructure. More than 215,000 organisations worldwide rely on Citrix to deliver any application to users anywhere with the best performance, highest security and lowest cost. Citrix customers include 100 percent of the Fortune 100 companies and 99 percent of the Fortune Global 500, as well as hundreds of thousands of small businesses and prosumers. Citrix has approximately 8,000 partners in more than 100 countries. Annual revenue in 2007 was \$1.4 billion.



Regulatory Compliance

Government and industry regulations have created a greater need for organisations to control information access, monitor business activities and ensure accurate financial reporting. Appropriate controls must be in place so that secure and well-managed access to business information wherever it lives is protected, trusted and ensured. Information-technology (IT) controls are needed to assure the reliability of automated systems used in the collection and reporting of financial information. These requirements cannot be accomplished without prudent use of technology and information security.

Citrix Solutions That Reduce the Costs and Complexity of Regulatory Compliance

Citrix application delivery solutions help IT take on a new role in managing business risk, leveraging technology to proactively monitor and manage regulatory compliance. Citrix application delivery infrastructure benefits IT groups by providing them with a very high degree of control that can be leveraged throughout an organisation, from the datacentre to the endpoint, whatever the endpoint might be and wherever it might be found. This level of control corresponds to significant compliance requirements for internal IT controls and business processes.

With Citrix solutions, IT executives and their teams can balance information security with business productivity and cost-efficiency, optimising controls with extremely high granularity but also great flexibility. This includes an exceptional capability to limit critically sensitive information solely to the right people, in the right context, at the right time, facilitating compliance with the mandates of regulations for industries across the globe.

The Department of the Premier and Cabinet supports and advises Premier Anna Bligh and the Cabinet, provides leadership across government and advances government policy priorities.

At a crucial time in Queensland's development, the department is a key driver in the task of managing the state's growth and ensuring greater prosperity and quality of life for all Queenslanders.

The department supports the Premier in administering her legislative duties as well as managing policy and executive governance in Queensland.

The Premier requires legislative support for her roles as parliamentary leader of the Government, Chair of Cabinet, Chief Adviser to the Governor and a Member of the Council of Australian Governments.

The department collaborates with all Queensland public service agencies to ensure the government receives considered, balanced and timely advice on all issues important to the good governance of Queensland. Professional advice and services are also provided to the Premier and Cabinet on constitutional, legislative and intergovernmental matters.

In addition, the department is the lead agency for multicultural issues, providing specific advice to the Premier and other government agencies, and delivering services to selected communities.

The department's key functions include:

- Providing policy advice and coordination for the Premier and Cabinet
- Detailed briefings for the Premier on all matters before Cabinet
- Corporate support to Executive Government
- Ensuring community members are involved in decision-making
- Communicating the government's key messages and priorities
- Business services to ensure maximum efficiency
- Freedom of Information

For more information about the Department of the Premier and Cabinet visit www.premiers.qld.gov.au.

For more information about Premier Anna Bligh and her priorities for Queensland's future in the areas of economy, environment, education, health and community visit www.thepremier.qld.gov.au.



Converting global issues into business opportunities

GAP is a proactive and influential not-for-profit network which initiates high-level discussions at the cutting edge of the most pressing commercial, social and global issues of today. Through conferences, missions, advisory boards and the online think tank, Open Forum (*openforum.com.au*), we facilitate real and lasting change for our stakeholders, partners and delegates, sharing knowledge, forging progress and creating input for government policy.



GAP promotes Australia's capacity to find novel solutions to the challenges facing the global community, and translates these innovative solutions into business opportunities. We focus on practical economic outcomes for government and business, and offer a landmark opportunity for those involved in the GAP process to discuss Australia's future in a high powered environment.

Moving from rhetoric to action

GAP's reputation for excellence is founded on its strong record of successful high-level national and global initiatives covering a wide range of industries and issues.

In seeking to foster the links between government, business, industry and academia, GAP has developed its unique model of an interactive multidisciplinary task force. Each GAP project, be it a national round table or an international symposium, constitutes the beginning of a process. One of the major outcomes is the formation of Australian Government Consultative Committees, which work to ensure the recommendations flowing from each GAP initiative become reality.

"Any survival is the result of cooperation"

Global Access Partners is part of the TCG[®] Group of Companies – an Australian-owned group of independent, mutually supportive private enterprises. We have been in the business of building businesses for over 30 years.

GAP INITIATIVES

2010

- *GAP Congress on the Digital Economy*

2009

- *GAP Congress on Valuing Intangibles*
- *GAP Congress on Australia's Health Reform*

2008

- *GAP Congress on Regulatory Affairs: Opportunities for Business*

2007

- *Open Forum*
- *GAP Congress on Wellness and Ageing*

2006

- *Virtual Opportunity Congress IV: Identity & Access*
- *GAP Forum on Commercialising Nanotechnology*
- *GAP Forum on Leveraging Networks in Business*

2005

- *GAP Congress on Knowledge Capital*
- *Australian National Consultative Committee on Electronic Health*
- *Australian National Committee on Business Building Sustainable Cities*

2004

- *GAP Forum: Better Health Care Through Electronic Information*
- *GAP Forum on Ecological Sustainability*
- *National Consultative Committee on Security & Risk*

2003

- *Virtual Opportunity Congress III: Security and Risk*
- *GAP Forum on Informatics in Biology and Medicine*
- *Australian Government Consultative Committee on Knowledge Capital*
- *Australia/Central Europe Entrepreneurial Study Mission*

2002

- *Vendor Management & Outsourcing Forum*

Open Forum is an online collaborative think tank, which invites people from all walks of life to log on and express their ideas on the issues that matter to them. We operate as a totally independent non-for-profit organisation, and our key goal is to increase the participation of people of all ages and backgrounds in the formation of government policy.



Having grown organically, we have already attracted the participation of a significant number of business people, government policy makers, academics and private citizens.

Our registration-based service enables participants to make connections, share their opinions and concerns, test their ideas, raise and discuss specific topics, suggest solutions and ultimately contribute to policy development, as well as to the democratic process in general.

This user-generated content then allows us to identify areas which might be relevant to the creation of government policy and can be used as the basis of briefing notes to government departments or agencies.

Currently sponsored by the NSW Department of Lands, Lenovo, Australian Business Foundation, BRW, Department of Broadband, Communications & the Digital Economy, MBF Foundation and VeriSign Australia, who form the Open Forum Advisory Board, the forum has identified several topical issues for discussion, including Spatial Data, Innovation, Business Regulation and Productivity, Work/Life Balance and Health and Wellbeing.

Unlike other similar websites, Open Forum has no political affiliations. We operate as a non-partisan body and work to ensure that the debates on our site canvass a wide range of views from business, academia, social and community organisations as well as private individuals. We believe this independence is fundamental to the success of any web-based policy development forum.

Regulation as a Business Opportunity and Driver of Innovation – “Topic of the Month”

In the lead up to the GAP Congress on Regulatory Affairs, Open Forum has launched an online discussion “Regulation as a Business Opportunity and Driver of Innovation” at www.openforum.com.au/regulatory-affairs.

Follow this link to read regulatory blogs by the GAP Congress’ keynote speakers and delegates as well as articles recommended by the Steering Committee as background reading.

Symantec is a global leader in providing security, storage and systems management solutions to help businesses and consumers secure and manage their information. Headquartered in Cupertino, Calif., Symantec has operations in more than 40 countries.



Symantec was founded in 1982 and now employs more than 17,500 people around the world.

The company has a number of Security Operations Centres and Security Response Labs that provide 24x7 information security expertise. It also has more than 25 Support Centres globally, helping individuals and enterprises with their security and availability needs.

Symantec helps protect an organisation's physical systems, operating environments, and applications – across all tiers of its infrastructure.

Symantec also protects a broad range of information types – from email to business documents to digital photos to audio and video files – and ensures that the interactions are all protected, too.

Industry Leadership

As a recognized industry leader, Symantec helps enterprises and consumers keep their infrastructures up and running 24x7. Symantec helps customers access information anytime and anywhere by keeping their critical systems up and running all the time. One of the ways Symantec achieves this is through Symantec DeepSight Alert Services which provide early warning of potential security threats. Delivered via email, SMS, voice, fax and a secure website, these alerts are designed to help an enterprise maintain business continuity and improve adherence to emerging security regulations – all at a fraction of the cost of building a customised in-house solution.

Technology Overview

At our research and development facilities, more than 3,500 Symantec engineers build solutions to help individuals and enterprises assure the security, availability and integrity of their information. Symantec has more than 400 patents in its global patent portfolio, addressing security, systems management, and storage needs for consumers, small businesses, and enterprises.

Telstra is Australia's leading telecommunications and information services company, with one of the best known brands in the country. Telstra is the only communications company in Australia that can provide customers with a truly integrated telecommunications experience across fixed line, mobiles, broadband (BigPond®), information, transaction and search (Sensis®) and pay TV (FOXTEL).



Telstra's **Next G network** is Australia's largest and fastest National Mobile Network. Our vision is to do for customers what no one else has done: create a world of 1 click, 1 touch, 1 button, 1 screen, 1 step solutions that are simple, easy and valued by individuals, businesses, enterprise and government.

Telstra is one of the largest corporate sponsors in Australia, investing in sponsorships that touch Australians from communities right across the country. The London Benchmarking Group evaluated Telstra's contributions to the community at almost \$19 million last financial year.

Victoria is a dynamic, diverse and internationally focused economy, equivalent in size to Singapore, or Ireland, and accounting for a quarter of Australia's Gross Domestic Product.

As the Victorian Government's lead economic development agency, the **Department of Innovation, Industry and Regional Development (DIIRD)** works to deliver the right conditions for sustaining and expanding this strong performance.



And DIIRD does so in a way that also secures Victoria's highly acclaimed quality of life and ensures all Victorians have an equal opportunity to contribute to and benefit from the State's growth and prosperity.

DIIRD includes the ministerial portfolios of Industry and Trade, Industrial Relations, Information and Communication Technology, Innovation, Tourism and Major Events, Major Projects, Regional and Rural Development, Small Business, Skills and Workforce Participation and oversees a range of statutory authorities and other economic development bodies including Film Victoria, Office of the Small Business Commissioner, the Melbourne Convention and Exhibition Trust and the Victorian Government Business Office international network.

DIIRD focuses on the key economic drivers for advanced economies competing in a global environment. This includes a strong skills base and wide workforce participation, an investment-ready and business-friendly environment and removing barriers to growth for strategic Victorian industries such as advanced manufacturing, biotechnology, environmental technologies, financial, professional and technical services, education and tourism.

The Department's key objectives are to:

- Develop better skilled, more productive and innovative people, businesses and industries;
- Connect Victorians and Victorian businesses to local, national and international businesses and markets and governments;
- Promote Victoria as a great place to live, work, invest, visit and learn;
- Shape the economic development policy agenda; and
- Strengthen Departmental capability.

Bringing together all these responsibilities within one department gives DIIRD a cross-sectoral approach to meeting all the key economic opportunities and challenges for Victoria's future, and the ability to offer a wide and interlinked range of assistance and advice services for individual businesses and industry bodies.

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Appendix 4 – List of Delegates

Mr Stephen Alford

Principal, Stephen Alford Consulting

Ms Christine Andison

AGIMO Representative
Standard Business Reporting Team
Australian Taxation Office

Mr Drew Andison

Director, Authentication / Gatekeeper
Australian Government Information
Management Office, Department of Finance &
Deregulation, Australian Government

Mr Robert Antich

Assistant Secretary, Deregulation COAG Branch
Department of Finance & Deregulation
Australian Government

Mr Shaun Bagley

Assistant Director, Legislative Review Branch
Department of Finance & Deregulation
Australian Government

Ms Danika Bakalich

Government Relations Manager
NSW State Manager
Australian Institute for Commercialisation

The Hon. Neil Batt AO

Executive Director
Australian Centre for Health Research

Mr Ken Baxter

Director, TFG International

Ms Georgina Beattie

Assistant Director, Better Regulation Office
NSW Department of Premier and Cabinet

Mr Alan Bennett

Industry Leader, Government & Defence
EDS Australia & New Zealand

Mr Keith Besgrove

First Assistant Secretary, Telecommunications,
Network Regulation and Australia Post Division
Department of Broadband, Communications &
the Digital Economy, Australian Government

Mr Mark Bezzina

Managing Director, StanCert

Mr Steve Blume

Managing Director, Lavinus Pty Ltd

Mr John Braithwaite

Regulatory Institutions Network
Australian National University

Dr Neil Byron

Commissioner, Productivity Commission
Australian Government

Mr Peter Carruthers

Regulatory Manager, Policy
TRUenergy

Mr Jeffrey Colby

Metering Policy & Strategy
Origin Energy

Dr Kate Cornick

Telecommunications Policy Adviser
Office of Senator Stephen Conroy
Deputy Leader of the Government in the Senate,
Minister for Broadband,
Communications & the Digital Economy

Prof David Cousins

Professor of Law, Monash University

Mr Jim Cox

Chief Executive Officer
Independent Pricing and
Regulatory Tribunal of NSW

Mr Malcolm Crompton

Managing Director
Information Integrity Solutions

Mr Robert Crompton

Executive Director
Information City Australia

Dr David Dembo

Leader, Health and Human Services
Public Sector Group
Microsoft Australia

Mr Bill Dimopoulos

Marketing Director, Pacific Region
Symantec Corporation

Ms Andra Dundon

Principal, Vedere Consulting

Mr Martin Duursma

CTO Office Chair, Vice President
Advanced Products Group
Citrix Systems

Dr Sharn Enzinger

Acting Director, Economic Policy Branch
Department of Premier and Cabinet
Government of Victoria

Mr Peter Fritz AM

Group Managing Director
TCG Group; Managing Director
Global Access Partners (GAP)

Mrs Catherine Fritz-Kalish

General Manager
Global Access Partners (GAP)

Prof Michael Georgeff

Director, e-Health Research
Monash Institute of Health Services Research

Mr Michael Gill

Director, Internet Business Solutions Group
Cisco Systems

Dr Stan Goldstein

Medical Director, MBF Foundation

Ms Alison Gordon

Manager, Client Services
Global Access Partners (GAP)

Mr Alex Gosman

Director, Government & Corporate Affairs
GlaxoSmithKline

Ms Gail Greenwood

Special Advisor
Standards and Regulations
Trade, Investment and Labour
Mobility Agreement
(TILMA), British Columbia

Ms Sandra Hanchard

Senior Analyst, Hitwise

Dr Graeme Hodge

Director, Monash Centre
for Regulatory Studies

Dr James Horne

Deputy Secretary
Department of the Environment,
Water, Heritage & the Arts, Australian Government

Ms Julie King

Manager, Strategic Policy & Reporting
NSW Department of Lands

Ms Annette Lancy

Advisor on Deregulation
To the Hon. Lindsay Tanner MP
Minister for Finance & Deregulation,
Australian Government

Mr Simon Libbis

Chief Executive Officer
National e-Conveyancing Project

Dr Michael Liffman

Director, Asia-Pacific Centre for
Philanthropy and Social Investment
Swinburne University

Mr Robert Lippiatt

Principal Consultant, South Pacific Consulting Group

Mr Paul Madden

Programme Manager,
Standard Business Reporting
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The Treasury, Australian Government

Ms Eleanor Mak

Manager, Queensland Office for Regulatory
Efficiency, Queensland Treasury

Mr John Martin

Commissioner
Australian Competition & Consumer Commission

Mr Peter McKenna

Director, Queensland Office for
Regulatory Efficiency, Queensland Treasury

Ms Fiona McKersie

Principal, The FNK Group

Ms Lisa Middlebrook

Director, Federal Labor Business Forum
Australian Labor Party

Ms Chloe Munro

Executive Director
Innovation Projects for the Digital Future
Public Policy & Communications, Telstra
Corporation

Ms Jane Niall

Deputy Secretary, Policy & Coordination
Department of Innovation, Industry &
Regional Development, Victoria

Ms Mei Ling Perry

Director, Know Compliance

The Hon. Victor Perton

Director, A Regulatory Affair
Transport Accident Commission, Victoria
Chair GAP Congress Steering Committee

Mr Les Pickett

Chief Executive Officer, Pacrim Consulting

Mr David Quilty

Group Managing Director
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Telstra Corporation

Mr John Rashleigh

Managing Director, Navy Health

Mr John Rimmer

Partner, Joint Technology Partners

Mr John Robinson

Deputy Secretary, Economic Infrastructure
Department of Innovation, Industry & Regional
Development, Victoria

Mr Sean Rooney

Director, Sustainable Communities Initiative
CSIRO

Ms Sally Rose

Blogger-in-Chief, Open Forum

Ms Olga Sawtell

Chief Executive, Australian Centre for
Automation and Field Robotics

Mr Craig Scroggie

Vice President and Managing Director
Symantec Australia & New Zealand

The Hon. Carl Scully

Principal, Evans & Peck Pty Ltd

Dr Isaac Shariv

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Mr James Shaw

Director, Government Relations
Telstra Corporation

Mr Leo Silver

Managing Director, Integrated Wireless

Dr Diane Sydenham

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Department of Innovation, Industry &
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Mr Peter Thomas

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Mr John Tucker

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Mr Matthew Tukaki

Director & Head of Government Policy
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Deputy Director General, Governance
Department of Premier & Cabinet
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Dr Ian Watt AO

Secretary
Department of Finance & Deregulation
Australian Government

Mr Rod Wiese

Principal, Storm Consulting

Mr Anthony Wong

Chairman, NSW Branch
Australian Computer Society

Dr Peter Woodgate

Chief Executive Officer
Cooperative Research Centre for
Spatial Information