

Australia's legislation, regulation and policy overload: why a national, state and local government reviews are urgently needed, an opinion piece John O'Donnell 15 April 2026

1 Introduction

It is recommended that reviews of all Australia legislation, regulation and policies needs to be undertaken across Australia, including that of federal, state and local governments. Further detail in relation to this is outlined in Section 2 of this Opinion Piece.

The author accepts that there are examples of effective legislation, regulation and policies in some cases, including safety, competition and fair trade, although this may vary.

Useful information on governance and legislation in Australia is outlined within the following documents:

- Three levels of government: governing Australia Source: Parliamentary Education Office <https://share.google/Q0gaN1LitaFJIDgzh>
- Source: Parliament of Australia Infosheet 7 - Making laws <https://share.google/YHAKl8zsysPPBk1Jt>
- Source: Federal Register of Legislation <https://share.google/0lfePDRh5y1eoEQcK>
- Source: Thomson Reuters <https://share.google/TbnSWaPueYl4emWtZ>
- Source: Wikipedia Australian legal system <https://share.google/GgwfR5l6OwyY1RDY6>
- Source: National Library of Australia The legal system <https://share.google/zjOaJBqvBZS1LawRN>

2 Why a review of Australia federal, state and local legislation, regulation and policies is urgently needed

Australia is drowning in legislation, regulation and policy. Across federal, state and local governments, the sheer volume of legislation, regulations, policies and compliance frameworks has expanded far beyond what many citizens consider reasonable, practical or economically sustainable.

Reviews of legislation, regulation and associated policies are necessary because of the extent of overzealous regulation, cost of regulation, impacts on productivity, regulatory creep, regulatory duplication, outrageous regulation penalties, poor to very poor policy approaches, one sided actioning approaches, poor use of alternatives to regulation, long timeframes for compliance actioning, varying standards and licencing and inadequate science checking processes.

In many cases the consequences of these approaches include serious damage to Australia's primary industry sector, impacts on regions, ongoing decreases Australian manufacturing sector, impacts on businesses, loss of investment and confidence, large regulation costs, impacts on productivity, slowing planning, slow approvals, increased supermarket purchase prices, increasing imports, decreasing trade, overlapping requirements, duplication, excessive reporting, increased lock up land management, loss of active/ adaptive, loss of multiple use management, minimal prescribed burning and increasing disastrous bushfires, often repeat bushfires.

The author is of the opinion that the extent of legislation, regulation and policies is not nation building, but in many cases is nation burdening and a comprehensive, independent review of all current legislation across Australia is no longer optional, it is essential.

Indeed, a new parliamentary petition launched has been launched by Queensland farmers noting Queensland households are unwittingly paying the price for layers of red and green tape through higher food costs and weakened regional economies. The Queensland Productivity Commission is being requested to conduct an independent inquiry into whether the science behind environmental regulations actually aligns with measurable real-world outcomes.

The purpose of legislation should be to protect citizens, support economic activity and strengthen national, state and local resilience, yet many laws today appear to do the opposite. There is an urgent

need to assess all current legislation for each area of government and determine whether it is fit for purpose and does it provide adequate value for money.

This alone exposes a major gap in Australia's governance, legislation, regulation, policies and regulatory creep are regularly created, but rarely reviewed in relation to need, justification, effectiveness, actual land management and fire outcomes and cost of administration and cost impacts on communities.

The result is a sprawling, inconsistent and often contradictory regulatory environment that undermines national productivity, discourages investment and erode public trust.

3 Individual concern areas in relation to legislation, regulation and associated policies

A number of concern areas are outlined below.

3.1 Large cost impacts of regulation

Mandala Partners (2025) estimates that federal regulation costs Australian businesses \$160 billion annually, approximately 5.8 per cent of Australia's GDP, marking a significant increase from the \$65 billion (4.2 per cent of GDP) estimated in 2013. They note rapid growth in cost, the cost of compliance with federal regulation has more than doubled in the last decade and a drag on Productivity: The report identifies this regulatory burden as a major hindrance to productivity, investment and innovation. They also note the time spent by company boards on compliance has doubled, rising from 24 per cent to 55 per cent over the past decade and scaringly note that since 2000, the volume of federal legislation has increased by 142 per cent, with pages of legislation growing by 190 per cent. Also noted is labour productivity in Australia remains below that of leading G7 economies, around 23 per cent lower than the United States. Despite Australia's productivity problems, Australia's regulatory regime is more burdensome in comparison to its peers. When benchmarked against G7 countries, Australia ranked second-highest in administrative and regulatory burdens behind Japan.

Another industry suffering is the sheep industry in WA, with government imposed cutbacks now having big impacts on that industry, towns, regions, industries and exports.

3.2 Economic and productivity impacts

Excessive compliance requirements, unpredictable regulatory changes and inconsistent enforcement all contribute to declining productivity across key sectors.

Primary industries such as agriculture, forestry, fisheries, mining have been hit particularly hard, both in terms of closures, closed opportunities and regulation. These concerns reflect a growing sentiment in regional Australia that in many cases, policy is being shaped by ideology rather than practicality.

The Productivity Commission (2025) outlines new estimates of housing construction productivity tell a story of decades of poor performance and indicate that over the past 30 years the number of dwellings completed per hour worked by housing construction workers has declined by 53% (physical productivity) and the gross value added per hour worked (a more comprehensive measure that controls for quality improvements and increases in the size of housing) has declined by 12% (labour productivity). The Productivity Commission also note that labour productivity in the broader economy has increased by 49% over the same period.

Productivity Commission (2008) issued a detailed Annual Review of Regulatory Burdens on Business: Manufacturing and Distributive Trades, Research Report, Canberra. The Forward of this report notes that the reduction of unnecessary regulatory burdens has become an increasingly important part of the economic reforms to improve the competitiveness of business and the overall performance of the Australian economy.. In undertaking this review, the Commission focused on identifying those regulatory burdens placed on businesses in the manufacturing and distributive trades sectors which were unnecessary within the current policy settings and put forward proposals for reducing these burdens, as well as for the better design of future regulatory frameworks affecting these sectors. It is hard to ascertain what has been achieved since that time, 18 years ago.

Manufacturing has also suffered. Australia faces an ongoing decrease in the manufacturing sector, driven in part by regulatory burdens that make domestic production uncompetitive. Australian manufacturing as a share of Gross Domestic Product is now down to 5.1 %, refer to the attached link:

- <https://www.facebook.com/share/16zHxFHLwn/>

3.3 Cost of living, inflation and community impacts

Legislation, regulation and associated policies carry a cost, often passed directly to consumers. It is important that reviews of legislation, regulation and associated policies examine laws that increase cost of living, drive up inflation or impose greater administration costs and fees on families and businesses. These impacts are rarely acknowledged when legislation is introduced, yet they accumulate over time, contributing to the affordability crisis Australians now face.

There is also a growing concern about laws that restrict freedoms, particularly freedom of speech. Legislation, regulation and policy reviews need to assess any restriction of individual freedoms of speech or opinions.

3.4 Regulatory creep and duplication

One of the most pressing concerns is the unchecked growth of legislation, regulation, regulation creep and poor policy implementation. There is a need to assess ongoing regulatory and policy creep, including scientific committees and to identify duplication across jurisdictions. Australia's federal system already creates natural overlap, but decades of layering new rules on top of old ones has produced a labyrinth that businesses, farmers, councils and likely even government agencies struggle to navigate.

This duplication is not harmless, it increases costs, delays approvals and creates uncertainty, conditions that drive investment offshore and weaken Australia's competitiveness.

3.5 Environmental regulation and green tape

Environmental legislation is one of the most contentious areas of regulatory expansion, including regulatory creep concerning biodiversity, conservation lock ups and associated impacts on communities and other concerns. Many of these frameworks were created with good intentions but have evolved into rigid, bureaucratic systems that delay projects, reduce landholder autonomy, and sometimes produce outcomes that are neither scientifically sound nor environmentally effective.

3.6 Inadequate science checking and evidenced based science processes

In the main, legislation, regulation and associated policy is not based on adequate, evidenced based science and often driven by activist science.

In addition there are no science checking processes in Productivity Commissions and Audit Offices and such processes do not appear to be assessed by public account committees.

3.7 Disaster management isn't going forward

The scale of disaster and productivity impacts is large considering one area alone, bushfires and minimal mitigation such as prescribed burning. We as a country do not learn the lessons and repeat bushfires keep occurring.



A stark scene between Kiandra to Adaminaby, dense understory fuels with dead timber fuels represent a major fire hazard after repeat intense, severe and long duration bushfires.

The same applies with floods and other disaster types.

And then there the 30 % of Australia under conservation by 2030, there is still another 39 Million hectares to get to the 30 % and already there are calls for more. One obvious question, would a landholder like to be a neighbour to these areas considering weed, pest and fire concerns.

3.8 Disaster mitigation, a massive missed opportunity

One of the strongest arguments for legislative reform lies within disaster management. There is compelling evidence across the world that sound early investment in disaster preparation and mitigation saves bushfire suppression, impact and recovery costs. Yet Australia continues to spend disproportionately on disaster recovery rather than mitigation. Swanek (2024) noted: *Each \$1 invested in disaster preparation saves \$13 on average in economic costs, and reduces damage and cleanup after a disaster.* Similarly, the American Progress Organisation (2019) found: *Every dollar spent on disaster preparedness can save \$4 in disaster response and recovery. In Colorado, a few million dollars in fire breaks and prescribed fires saved almost \$1 billion in property during the 2018 Silverthorne wildfire.* Porter et al. (2021) reported even higher ratios in Canada: new builds (30:1), retrofitting (14:1), and national programs (4:1). (References are outlined in the attached document).

Current laws often hinder proactive land management, including prescribed burning and fuel reduction. Boer et al (2009) in Western Australia highlight that prescribed burning pronouncedly changed the spatial distribution of fuel age in the study area and has significantly reduced the incidence and extent of unplanned bushfires.

As well, in relation to floods, the cost of inaction is enormous, as seen in the more than \$3.7 billion impact of the 2022 Northern Rivers floods in NSW.

4 Suggested review areas of all current federal, state and local government legislation, regulation and associated policy, a broad initial assessment

Over 60 areas of all current legislation, regulation and associated policy considered for review is outlined below, a broad initial assessment.

Note. In this review, legislation is used to assess legislation, regulation, regulatory creep and policies and guidelines.

Assessment of fitness for purpose and adequate value for money of the all current legislation, regulation and associated policy

1. Assess all current legislation for each area of government, federal, state and local government.
2. Assess the current scale of legislation and regulation across Australia and states.
3. Assess what all legislation offers, is it substantive, is it needed or is it value for money.
4. Assess legislation brought in to address green issues/ vote pandering requirements.
5. Assess if there is duplication of legislation and regulation federally, across states and in local government.
6. Assess ongoing regulatory and policy creep, including scientific committees.
7. Assess barriers to investment from legislation and regulation.
8. Assess costs of all legislation and regulation to the economy.
9. Assess if any legislation is not fit for purpose/ not effective and overzealous in approach.
10. Assess if any legislation is providing/ funding media bias and activism.
11. Assess if any legislation is providing/ funding one sided environmental outcomes.
12. Assess if legislation is effectively integrated across all locations.
13. Assess if legislation and regulation allows regular review existing regulations to ensure they remain relevant, effective, and efficient.

Assessment of the alternatives to current legislation, regulation and associated policy

1. Assess non-legislative alternatives to legislation.
2. Assess better ways than legislation where warranted.

Assessment of the impacts of legislation, regulation and associated policy on productivity impacts

1. Assess if applicable legislation, regulation and associated policy that worsens Australia's productivity.

Assessment of the impacts of legislation, regulation and associated policy on primary industry, industry and manufacturing

1. Assess what legislation, regulation and associated policy results in serious damage to all sectors of Australia's industry.
2. Assess what legislation, regulation and associated policy decreases Australian manufacturing sector.
3. Assess legislation, regulation and policies that diminish prime agricultural land, or place it under foreign ownership.

Assessment the extent of legislation, regulation and associated policy is or has scared off business investment in Australia

1. Assess if any legislation, regulation and associated policy results in scaring off business investment in Australia.

Assessment of the impacts of legislation, regulation and associated policy on debt impacts

1. Assess legislation, regulation and polices that add extensively to government debt.

Assessment of the impacts of legislation, regulation and associated policy on community, business, cost of living and inflation impacts

1. Assess what legislation, regulation and associated policy increases cost of living.
2. Assess what legislation, regulation and associated policy increases taxes for Australian's.

3. Assess what legislation, regulation and associated policy drives up inflation.
4. Assess what legislation, regulation and associated policy commits families and business to greater administration costs and fees.
5. Assess if any legislation restricts individual freedoms of speech or opinions.
6. Assess and evaluate laws, regulation and associated policy that protect consumers, such as product safety standards, online fraud protection and fair trading.
7. Assess the adequacy of laws, regulation and associated policy related to data protection, cyber security, and AI, particularly in a digital economy.
8. Evaluate whether enforcement of legislation, regulation and associated policy is proportional to the risks involved rather than a one-size-fits-all approach.

Assessment if legislation, regulation and associated policy is based on evidenced based science and includes effective ongoing science checking processes

1. Assess if legislation, regulation and associated policy is based on adequate, evidenced based science.
2. Assess if legislation, regulation and associated policy is based on adequate and sound ongoing science checking.
3. Assess if any areas of science are unjustifiably receiving greater shares than others and review those areas.

Assessment of the impacts of legislation, regulation and policy on disaster impacts, fatalities and opportunities for better ways

1. Assess if current legislation, regulation and associated policy reduces bushfire, flood and other disaster risks.
2. Assess if there is adequate funding of disaster management, noting the economic opportunities for government to reform natural disaster funding arrangements, which are inefficient, inequitable, and unsustainable. Capture significant budget savings. The 2022 Northern Rivers floods impacts were estimated at more than \$3.7 billion.
3. Assess if current disaster mitigation utilises cost saving principles to make savings in budget costs. Swanek (2024) noted: *Each \$1 invested in disaster preparation saves \$13 on average in economic costs, and reduces damage and cleanup after a disaster.* Similarly, the American Progress Organisation (2019) found: *Every dollar spent on disaster preparedness can save \$4 in disaster response and recovery. In Colorado, a few million dollars in fire breaks and prescribed fires saved almost \$1 billion in property during the 2018 Silverthorne wildfire.* Porter et al. (2021) reported even higher ratios in Canada: new builds (30:1), retrofitting (14:1), and national programs (4:1). In Australia, mitigation can save at least \$2 for every \$1 spent, without even counting broader social and economic benefits.
4. Assess the current costs of bushfires and other disasters and repeat disasters and assess all areas of legislation, regulation and policy to assess areas where budget can be saved.
5. Assess the application of minimum standards should be established for bushfire and flood mitigation. For example, states could be required to conduct prescribed burning on 5–8% of forests annually, with cumulative targets over five years (25–40%). Flood-prone towns and cities should have mandated, co-funded mitigation strategies with clear timelines and accountabilities across all levels of government and insurers.
6. Assess the effectiveness of current fire intervals on repeat intense bushfire avoidance, ecosystem safety, community safety and fire fighter safety.

Assessment of the impacts of legislation, regulation and associated policy on industry and business

1. Assess if any legislation, regulation and associated policy places more burdens on small business owners.
2. Assess if any legislation, regulation and associated policy restricts the ease of doing business in Australia, including the complexity of administrative processes, starting a business, obtaining licenses and handling taxes.

3. Assess if any legislation, regulation and associated policy allows fair competition laws that prevent monopolization and encourage market openness.
4. Assess legislation, regulation and associated policy in relation to labour and employment laws and regulation, including employment contracts, minimum wages and worker safety.
5. Determine if legislation, regulation and associated policy imposes minimal burdens on businesses and citizens (red tape) while achieving its objectives.
6. Assess legislation, regulation and associated policy in relation to intellectual property protection, including trademarks, patents and copyright.

Assessment of the impacts of legislation, regulation and associated policy on the environmental sector legislation, regulation and regulatory creep

1. Assess all environmental law, reviewing all laws, regulations and regulatory creep concerning biodiversity, conservation, fish management, waste management, pollution control, and environmental impact assessments for new projects, identifying opportunities to remove excesses, unnecessary legislation and regulations, regulatory creep, poor policies and any other identified areas.
2. Assess the ongoing push for handing control of private land to government under the guise of conservation.
3. Assess irrigation water cut backs and Water Act Review in relation to the future of Australia's food security and thousands of regional jobs.
4. Assess ongoing increases in legislation, regulation, policy and licencing in relation to red and green tape.

Assessment of the impacts of legislation, regulation and associated policy cumulative impacts

1. Assess if any legislation, regulation and associated policy increases cumulative impacts of past decisions.
2. Assess if any legislation, regulation and associated policy reduces multiple use land and forest management.
3. Assess what legislation, regulation and associated policy increases regular ongoing regulatory creep and the extent of impacts.

Assessment of legislation, regulation and associated policy in relation to sound consultation measures and actioning submission issues

1. Assess if there has there been adequate consultation in relation to progression of legislation, regulation and associated policy and addressing submissions, including evidence for this.
2. Assess formal processes for public consultation and whether the views of stakeholders are considered in rule-making.
3. Assess if the processes for legislation, regulation and associated policy development adequately allow for reasonable submission timeframes and incorporating sensible submission advice.

Assessment of the impacts of legislation, regulation and associated policy on regulatory burdens and risk profiles

1. Assess what legislation, regulation and associated policy commits Australia to any international agreements of which the Australian People have not had an opportunity to vote on.
2. Assess what legislation, regulation and associated policy increases risks to Australia, including disaster risks.
3. Assess what legislation, regulation and associated policy reduces risks to Australia, including disaster risks and the use of such approaches.
4. Assess what legislation, regulation and associated policy increases bushfire risks and doesn't adequately address mitigation.
5. Assess what legislation, regulation and associated policy increases risks of death.

6. Assess what legislation, regulation and associated policy increases sovereign risk to Australia.

Assessment of cost of administration of legislation, regulation and associated policy

1. Assess the extent of additional public servants required for administration of legislation, regulation and policy and opportunities for review

Assessment of the impacts of legislation, regulation and policies on exports and imports

1. Assess what legislation, regulation and associated policy reduces exports from Australia.
2. Assess what legislation, regulation and associated policy increases imports to Australia.
3. Assess what legislation, regulation and associated policy makes Australia less independent and more reliant on other nations.

Assessment of anti-corruption measures provided across legislation, regulation and associated policy

1. Assess anti-corruption measures, including the effectiveness of laws combating corruption, which impacts the transparency of the regulatory environment.

Assessment of accountability measures provided across legislation, regulation and associated policy

1. Assess accountability measures for poor legislation, regulation and associated policy and outcomes.

A large number of assessment review areas across legislation, regulation and associated policy are proposed, over 60 plus review areas.

5 Conclusion

Australia's legislative system has become bloated, inconsistent and increasingly disconnected from the realities faced by citizens, businesses, primary industry sectors and regional communities.

Its certainly not nation building, exactly the opposite.

A full review is overdue, considering better ways, reducing unnecessary burdens, restoring productivity and ensuring that legislation, regulation and policies serve the nation rather than hindering it. Australia needs a structured, transparent assessment to evaluate whether legislation, regulation and policies are necessary, effective, efficient and aligned with national interests.

A large number of assessment review areas across legislation, regulation and associated policy are proposed in this Opinion Piece, over 60 plus review areas.

The author recommends that national, state and local government legislative, regulation and policy reviews must be independent and free from political influence and activist agendas, likely best by Productivity Commissions. Reviews must be comprehensive covering federal, state and local legislation, regulation and policies. Importantly, reviews must be evidence-based and grounded in sound science and economic analysis and reviews must be focused on outcomes.

References

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