

ENGAGING WITH THE INQUIRY- HAVING YOUR SAY

Robert Fitzgerald, Productivity Commission

Robert Fitzgerald:

I am joined up here by Philip Whitecard, who is one of the other Commissioners from the Inquiry. And Philip has got a number of inquiries for the Commission and he is based down here in Melbourne. And Ian Gibbs is an Assistant Commissioner and heads up the staff team, which as I have indicated is in Canberra.

The whole purpose of this particular forum or workshop is for you to be able to present to us, thoughts, ideas, reflections and comments. And so in the spirit of that, we are not going to be talking much at all. Happy to respond on some issues, but really we would like to get your comments.

Now I don't know how many comments you have got, but I would just say let's assume that there is a few, and therefore we can keep them fairly short. And as I've indicated previously, there are numerous other opportunities to participate in this inquiry, both through written submissions and public hearings.

So unlike other sessions where you know you wait for the first question, I hope that we don't have to wait at all, and that people will have comments. Now there are microphones, and as I said, "It is your session and we will listen and we may or not respond to certain aspects". But just keep it reasonably concise, I think that that right Philip?

Simon Smith:

Simon Smith from Humanie(?). Listening to you before Rob, I was inclined to take a bit of historical perspective, because you painted a very wide brief, and I thought you were suggesting that you were going to be the Henderson Inquiry on Poverty, the Sackville Inquiry on access to justice and then a bit of Stan Wallace flying in on financial services. And it is almost a question of how long is a piece of string. But I think for me the elephant in the lounge room here that no-one really talks about, is the fact that we have a conservative government. In the last ten years the erosion of consumer advocacy groups and consumer policies has really been directly a result of that.

When one looks back on history, we see the Trade Practices Act, we see Legal Aid, we see all the initiatives that have occurred in Australia, are really only ever when we have a labour government in power.

So I suppose my cynicism of this exercise is that, if we have a conservative government going into next year, your review will probably sink a bit like a stone and there will be a few incremental changes. If there is a change of government, this could well be a blueprint for the future. So in that spirit my contribution really is that if I was to give you three things to do, they would be first of all, establish a consumer direct telephone information system, such as the UK, because one of the things we need in this country is a consistent way of delivering information and that would drive up standards from all the consumer offices and fair trading operations around Australia. There would be one number and anyone in the country could ring that and you could still do it at the local level, but it would be a consistent thing.

The second thing I would do is take the first C out of ACCC and move it across to a National Consumer Policy Commission and bring under that product safety, perhaps the TGA and others things that really don't get a look in, because the ACCC is really competition centric. And while it remains competition centric, those other things won't get any light of the day. And that would important.

And the other thing I would do is there is a screaming need as Tanya Sorby(?) said before, for academic research into consumer policy. And we do need a National Consumer Research Centre. It needs to be attached to a University. Once you get those institutional changes made, all of a sudden you have got a bit of framework which can sort of drive discussions - drive debate, very much like it happens in the UK because they do have a better balance of institutional framework. So that is my tuppence worth.

Jenny Buckin:

Jenny Buckin from University of New South Wales - one of these under funded researchers. My comment is, I ought to be blonde to make this comment, an apology to all of you blondes in the room. When I first saw Productivity Commission, I thought, even though I have spent such a long time wallowing around in franchising and that's clearly a consumer issue, I thought, oh that doesn't apply to me. I don't need to make a submission. Now obviously that is completely incorrect, so maybe you should be pushing the spy line Consumer Policy Framework pretty strongly, because when I read consumer policy framework of course, then I re-engage and realise of course that does apply to me. So it would be a shame as the title productivity commission loses input from people who genuinely could make a useful input.

Robert Fitzgerald:

Just when comment on that, the terms of reference are Consumer Policy - it is not Consumer Protection, it is not Consumer Regulation, so it is wider. All that aside, we need to make some decisions about how far we go and taking the first comment's point, you are right, this could take us down a 1,000 different rabbit holes, and we have to be a bit careful, but you are quite right, Jennifer, it is a Consumer Policy Framework, not just consumer regulation, although the vast majority of attention will probably end up on the regular tree or quasi-regulatory side.

Karen Charmer-Scott:

Robert, I am Karen Chalmer-Scott, and I am here wearing my Commonwealth Consumer Affairs Advisory Council Hat. I have a question for you about how you are going to ensure that you get good grass-roots information from consumers and their representatives to balance the plethora of submissions that you are going to get from Industry Associations and those who are well resourced, to be able to do submissions. We have a lot of people, and John Mumford said, "He doesn't have the time to write submissions". But people like John, people like the people at CALC, who have really good input, but they are largely purpose funded and we're interested in what resources you might have available, such that perhaps a consumer submission could be written, or several consumer submissions could be written. I should declare, I am not looking for work. But I am interested in how we get this information from the front line to you, because this is the real consumer day to day stuff.

Robert Fitzgerald:

A couple of comments on that - two or three things. The first thing is that we are relying on the organised consumer advocacy consumer bodies, including consumer and credit law

centres and so on, that will be providing information to us, and we have met with a large range of those already. I have to say that by and large that is of a high quality, and we would expect that those organisations are reflecting the views of the constituent group that they represent, and they represent different groups. So that is the first thing. The second thing in fairness is that the... particularly the State Fair Trading Offices have a very strong consumer focus. I have to say that, they are very active in trying to protect the right of consumers as well. So we get a fair degree of feedback, through those State and Territory instrumentalities. Now you will say that there is an issue.

The third thing is that I am not sure that we will get over-burdened with business submissions. Now we won't know that until May. But you may be surprised in this area, that in fact it is not as unbalanced as you might think. Now I don't know the answer, I am not sure. What I can't say is that we don't have any mechanism to do what you have just said. To independently go off and speak to consumers, other than to offer the range of avenues, that I have indicated previously. But we don't have any way by going to... directly to consumers ourselves or initiating consumer submissions. We really are reliant on the existing players to be able to do that.

Philip Whitecard:

I might just add that as one who has to read all the submissions, bricks that are 100 of pages long are not particularly welcome. One page, one paragraph, one sentence submissions, even submission in handwriting are read. And any consumer and any individual can make a submission, or come to the public hearings. So I guess obviously resourcing these things and getting resources to put points of view in a coherent and concise way is an issue, I understand. But we try to make ourselves as accessible as possible. We are going to every State and Territory and individuals can get access in that manner.

Jan Whittaker:

Jan Whittaker. I say I am with the Australian Privacy Foundation, because that is why I am here. But I will also say that in regard to the issue of making a submission, I have actually written mine from a consumers perspective, rather than an affiliated organisation and intend to provide it to you in that way. So there will be a lot of anecdotal information and there was a question asked... this is one point, there was a question asked if that was regarded as important input to the process. So I guess, the Panel is that the kind of thing you won't to know what people are actually experiencing on the ground and problems and those sorts of things. I am seeing nodding heads, so that is great.

The second point is that I think the rhetoric around the whole discussion yesterday and today brought it... to mind some interesting things, like even the phrase, 'Consumer Regulation', is a bit weird, because you are not regulating consumers, you are regulating business practices. So I think there is importance in the meaning of the words, just as the colleague here said about, that even calling it a Productivity Commission puts off consumers because the meaning to a person in the street is going to be it has to do with how businesses produce things, not how consumers consume things.

And the last point I will make was that I read the paper, and I know this is not you - I know this is out of the Treasurer's Department, which I assume so, I hope so, and that is I was really disheartened to see the emphasis on words like, specifically... the very first key consideration was to ensure that consumers and businesses including small businesses are not burdened by unnecessary regulation of complexity. Whenever those kinds of ideas come up, it is a red flag

to consumers that once again because it is a conservative government we are being short changed in terms of what the decisions are they're going to be mad. And then another example in the scope of the inquiry is things like... the question I raised in the last presentation was more effective use may be made of self regulatory co-regulatory processes. And I think that those kinds of considerations are harmful to the process, if that is the mindset by which the report is going to be written. It needs to be broader as you said, Robert, in terms of policy and wider views than some of these more specific micro ideological perhaps perspectives on how the processes are going to work.

Robert Fitzgerald:

Philip I have got a comment. Just a couple of thoughts, thanks for that input. Firstly all views are valued by the Commission. The Commission genuinely tried to take on board individual circumstances and it is often very valuable is that anecdotal stuff is very important. And if you look at some of the inquiries that we have done, for example the Gambling Inquiry, it was very much based on the personal experience of those affected through gambling.

The second point I would make is there has been a lot of controversy about the terms 'reference'. I would just ask you to read them in totality. Yes they are the Government's terms of reference, but I think they give us ample scope to look broadly at the issues that I have outlined. Yes we are looking to see whether or not there is unnecessary regulation that exists. Yes we are looking at the suite instruments that sit within consumer policy - that is market forces, self regulation, co-regulation, black letter law regulation.

I can say to you with absolute honesty from our point of view, we don't have a prejudice or bias towards or against any of those instruments. What we are very keen to do, is that they be used appropriately. So I am not trying to defend the terms 'reference'. I am just simply saying I think they are sufficient wide for us to do a very good job of walking in a balanced way across that. I wouldn't at all come to the view, that we are taking a prejudiced approach, but there is one factor that is clear. If you are proposing black letter regulation, or co-regulation, you do have to pass the threshold test of proving that is it necessary; that it is beneficial; that the costs are not undue; and that is a test that you have to meet. I think people universally understand now that regulation does need to pass certain threshold tests to get into the mix or the suite. Certainly that is the whole purpose of the gate keeping. I just want to assure you that I think there is another scope to do a very balanced job.

Delia Rickard:

Hi my name is Delia Rickard, I am from ASIC, so I guess I am making these comments in my personal capacity and as someone who has worked in this area for the last 17 or so years, both at the ACCC and at ASIC. And we're all sort of gossiping about what you are looking at, what you are seen to be looking at favorably or not. And one of the things that people have been talking about is the concept of National Consumers Council, which is terrific. But it got me thinking about what is it that we really need in terms of consumer input, and we have a consumer advisory panel (CAP), which consists of consumer reps from a lot of sectors. And it is incredibly invaluable to us. And what I have seen over the last 17 years, is that most of the good work the ACCC or ASIC has done particularly in relation to disadvantaged consumers, has bubbled up through consultation with the community sector, because they are at the coal-face; they see the problems - these are people who are not going to come directly to the ACCC or ASIC. But the really big difference between maybe the first decade of work and the most recent part, has been in the ability of the consumer sector to actually put together the information they're seeing. Because of funding restrictions, policy officers are no longer

funded in most of the community sectors, they are busy doing the casework, not getting the stats. Now at CAP, we have... our consumer advisory panel has a research budget, we try and put money into the sector to get the research done, but often the message we get back is look... and this is from research projects that have come from the community sector themselves, the financial councils or whoever will come back and say, "Look we just haven't got the time to go through our data to get the stats which we know would be incredibly valuable".

So, whilst I think it is terrific that you are looking at the idea of a National Consumer Council and that that is all to be encouraged. Without actually getting some policy skills and some policy capability back into the community sector, the same people we see at everything, who are stretched beyond belief, will be trying again... and it is just an unreasonable ask for us. I think that it is really important that that aspect is looked at in conjunction with the whole consumer consultation side of things.

Robert Fitzgerald:

Thanks for that. Just on that we are looking, when... we are very keen to look at the whole area of consumer advocacy and consumer rights services, if you want to use that expression. We will be looking at the National Consumer Council model in the UK - we will actually going over there, and alternative models throughout the World. And we would certainly like input as to how we better design the Consumer Advocacy World - if I can use that poor expression. So thanks for that contribution.

But we do need you to be telling us what you think would work. It is very important. So if you believe that we should be concentrating resources in one area or another, we need to know that. Because at the end of the day there are going to be scarce resources, governments by nature will have to allocate those resources in a particular way. Do they allocate it more to the legal services end? Do they allocate it to the systemic advocacy end? Do they allocate it to the consumer tribunals if you have them in your jurisdiction? Where do they allocate that? Now you are going to say, "Well they need to do it all?" I suspect what we would like to say, "That is fine, but where do you concentrate the effort, is there a nice mix or blend". Others?

Kerry Connors:

Kerry Connors from the Consumer Utilities Advocacy Centre. I was a bit surprised and a little bit concerned to see that utilities is one of the areas that the Productivities Commission will be looking into in the scope of the Inquiry. Mainly because there is actually a substantive process underway in Building and Consumer Protection Framework around energy and gas and moving from State to National regulation of those matters. So I guess it was in the process of refining what we do tell you and how we sort of convey our concerns, is how does this process sit with... as I said this substantial process that is underway... and how does... you see the Productivity Commission intervening on these issues.

Robert Fitzgerald:

Consumer Police in relation to utilities is part of the terms of reference broadly, because the terms of reference don't exclude anything. Our interest in the utilities Area is firstly the Nationally significant areas. Secondly there is a lot of work already been done, we want to just look at that; we want to learn from that. Thirdly, we have already been advised by a number of groups, that the people have concerns about various aspects and so on.

The level of our examination of say electricity and gas will purely depend on what we find. Now it may well be that we have very little else to add. Maybe that we can add no value at all in that area. It maybe however, there are issues on which we would want to comment, or we can take and use elsewhere.

In relation to Telecommunications, very much the same comments. So at this stage we don't have any pre-conceived agenda, but utility is a big area. We are extremely interested in what's been done. We do want to look at it as a case study, and the extent to which we comment on or otherwise will really depend on what we see.

But I just want to make... why I mentioned it today is within the purview, it doesn't change any of the current processes, they just continue on, but we will certainly be looking at that.

Listen in all of these areas, there is stuff happening. In every single area of Consumer Policy, things are occurring. So we just want to look at that. Sorry you have got a query?

Unknown female speaker:

I guess it was, yes there are processes underway. I don't think in other sectors we are actually looking at building a consumer protection framework, which is happening on electricity and gas. I would also be interested too in what concerns your hearing. As I said give us an indication of how you are focusing on those issues, or focusing on that sector. Is it in relation to generic versus sector specific regulation? Is it in relation to other aspects of consumer policy?

Robert Fitzgerald:

A couple of things. One is the issue about generic versus industry specific is very interesting. But it is quite clear that in relation to energy and gas and potentially water, there will be industry specific. The national regulator approach will create that. So we are not talking about industry specific to say it is bad and shouldn't be there. We are saying, 'When should you apply it? How should you develop it, and that is a particular model'.

So it is very unlikely that we would recommend for example, that you do away with utility specific for consumer protection measures; that is very unlikely. Having said that, I can't go any further, because we just don't know until we really look at it. Very early days. I mean all I want to do is to flag it amongst... I am pleased I have, you should be aware that we are going to look at it.

The other thing to, it might be in the utilities area you have a very interesting network of ombudsmen, and one of the things we are very interested in, is how is that working in terms of a quick and easy dispute resolution procedure. Whether they be statutory ombudsmen or Industry ombudsmen, and we are very interested in seeing how that is working. So even if we just looked at that aspect alone, that is why utilities would come into the picture.

But I can't give you a sense of how far we will go, because we simply don't know at this stage.

Ian Kine:

Ian Kine from Consumer Affairs Victoria, also wearing my hat as Chair of the National Consumer Credit Card Management Committee. So I am very pleased to hear that one of the other focuses will be financial services and credit. A little bit taking up on your most recent

comments just then, Robert. I was a bit curious as to whether or not you see the utility, no pun intended, of looking at consumer credit in financial services, particularly in terms of you know the general versus specific argument, for instance with credit – it might be credit going over to the Commonwealth, lots of us have talked about that. You could also use it to look at things like the Uniform Credit Laws Agreement and how well that has worked. So I suppose what I would... I am curious to know whether you have got any sort of incipient judgments about that. But I would certainly be urging that there is a whole range of perspectives that would be valuable in the course of this Inquiry and so I am hoping that you will use credit across those spectrum of issues.

Rob Fitzgerald:

A couple of reasons for entering the area. One is that we want to actually look at, for example the uniform credit code, and say well this is a model that has been developed - what can we learn from it? Is it a good model? Can it be applied elsewhere? The second thing is that the whole issue of financial lending in particular is an issue that is of primary concern, to nearly all of the consumer groups that we speak to and indeed to government itself. Now again, we are not going to replace or redo the Wallace Inquiry, which basically says we are going to transfer from the ACCC to ASIC and what have you. What we do want to look and see is how effective ASIC is delivering. We do want to look at the inter-relationship between ASIC and ACCC. We do want to look at the relationship between the Commonwealth and the States. We do want to look at whether or not there should be a change in responsibilities for some or all of the financial lending arrangements. We certainly do want to look at why we have a range of exemptions in the consumer credit area, which is allowing people to cherry pick and redefine themselves in and out of schemes. But we have absolutely no agenda. In other words they are the issues we are looking at. What the right solution is for any or all of those - it is an open... it is a blank sheet.

But financial lending in particular has already emerged and logically would emerge. The other point is in the terms of reference you will see there is specific reference to ASIC, and if you look at ASIC you will have to start to look at...

Philip Whitecard:

I think the only thing I would add is that we are already aware of... probably in reality only a small proportion, but a very large amount of work, whether it is in utilities or in credit, that has already gone on in these areas. We are not going to try and replicate that. We will hopefully draw upon that. And in some of these areas, it looks like there is complete unanimity as to do what should be done. The only issue is actually doing it. And if we can add some impetus behind that, then maybe we've served our purpose well.

Robert Fitzgerald:

The other point too, is in financial lending particularly consumer credit, clearly the issue around disadvantaged and particularly vulnerable people is at the front and centre of that. So it is an important area to look at for those reasons, as well as being an area of some contention at the moment. It maybe as Phil said, "We come up with nothing new other than directing the process of getting what has already been recommended implemented". But it is too early to tell at this stage. Again your comments, your thoughts are invaluable in that sort of area. Okay other?

John Munford:

John Munford, Financial Council at Wanthaggi, again. I guess my real issue is, I am not certain how many people from rural areas are actually represented at the Congress overall. I haven't met too many. So I guess one of my real concerns will be how will we ensure that the voice of rural consumers is heard in this process. And I guess if I could make a couple of quick comments at the same time. The capacity issue and the lack of resources is really difficult, I mean even if I decide to come to a hearing in Melbourne, there is the cost of travel, depending on how long it is, there could be accommodation and those sorts of things. We just don't have the funds or the capacity. But perhaps on a positive note, I take heart that you are encouraging people to put submissions in even if it is only a one pager. I have done that in the utilities issues for years, it does two things...

John Mumford(?):

...get the voices of rural consumers heard in this debate?

Philip Whitecard:

I understand the issue. I should say in previous inquiries National Competition Policy for example, where we sensed there was an issue, we had a round table, at least one round table in one of the rural areas. And certainly in previous inquiries I have been involved in, we have taken a number of submissions and had people present at hearings by phone hook-ups.

So we will try to make ourselves as accessible as possible. We can't overcome the tyranny of distance entirely, but we will certainly endeavour to try to receive input and people don't need to travel necessarily, if they really want to make an appearance at hearing. They can do so by the phone.

Elizabeth Wentworth:

Hello Elizabeth Wentworth from the Banking and Financial Services Ombudsman. Just in relation to external dispute resolutions scheme. I just really wanted to ask, what sort of information are you particularly interested in receiving about them, and what kind of format? Where could it come from?

Robert Fitzgerald:

Okay, clearly from our point of view, one of the central issues is the availability of people to be able to exercise their rights. And so what we are trying to do is to look at those arrangements that allow people to access the means to exercise the right. What is very clear is with the growth of both industry specific and more general ombudsman roles and external dispute resolution procedures that have been introduced in some areas. We see that is a very important element in to be able to have issues resolved. Now you can call it rights, you can have it issues resolved or whatever it might be, but we think that is very important. What we would like to know is how well they are working? Are there particular models that work better than others? Are there essential elements in it that make it work? Now what I am not interested in is sort of the good practice of how you be an ombudsman. I used to be a deputy ombudsman myself. We are really trying to look at the framework of the structural of issues. And so it is in that sort of sense, you know where are the gaps? What is the right approach? What models work, what models don't work? Are industry-sponsored ombudsmen the right way to go? Should they have a statutory underpinning? - those sorts of general issues.

But we see dispute resolution as a very important element in the exercising of rights. It also relates to whether or not those functions should continue to reside say in the Offices of Fair Trading, or whether they should be externalised. Does the model now where the Office of Fair Trading are in fact the complaint handlers, regulators, sometimes policy makers, is that an appropriate response. Is the ACCC effective in dealing with disputes, or should that be externalised in some way.

So it is those sort of broad issues, rather than, you know these are the twenty five points to being, you know a good ombudsman. It is really about the framework issues I think. I think that is how I would express it. But we are pretty open on that? Others?

Simon Smithkin:

Simon Smithkin - just a point of clarification. Is part of your remit to examine whether Consumer Affairs should stay within Treasury or return to Attorney Generals'?

Philip Whitecard:

It is possible. One of the things we are required to do is look at the framework. And one of the framework issues is policy, and the issues about the separation of policy from regulator and that is an issue for us. So in many senses it is within our terms of reference to be able to look at and recommend anything both at State and Commonwealth level. The answer is could we do that? Yes we could do that. One of the things we are interested in is whether or not at Commonwealth, you do have the separation between policy and regulator. In some of the States you do, in other States you don't. We certainly need looking at that. But to answer your question, it is within the possibility of us making recommendations. Right at this moment I will be honest, it hasn't arisen; people seem to be at this stage satisfied that policy is separated from regulation at the Commonwealth. And at this stage we have heard no views that say it should be moved out of Treasury. Your question is – could we look at it? Well we could. But it hasn't arisen to this moment. But the broader issue of policy - where it sits is an issue for us at the moment.

consumer and a competition body, and you raised that in your opening comment. And I understand that David Cousins in his speech on Wednesday night raised those issues also. We will have a look at that - again, it maybe that we come to a very quick conclusion that what we have got is good. It may be that we decide that in fact we need to go much deeper and suggest something in the alternative. But it is within the terms of reference to look at all of those issues, if we choose.

Elissa Freeman:

Hi Elissa Freeman from the Public Interest Advocacy Centre. A few weeks ago the Federal Treasurer announced his attention to potentially introduce new legislation that would limit the capacity of consumers to undertake boycotts around products. Obviously from a point of view, this limits the capacity of consumers to actively participate in the market place, and I guess it limits consumer rights. I am wondering whether that is something that you would be interested in looking at and potentially hearing submissions about.

Philip Whitecard:

You are saying the Federal Treasurer, is going to restrict boycotts by consumers. I am not aware of it. The answer is, if it is a consumer issue it is within the terms of reference, I must say I am not familiar with that. I don't know whether Steven can shed any light on that. I am

not aware of that, to be honest. So if you have any more information, I would welcome it. But I don't know. If it were being proposed, yes we could look at it. But I don't know anything about it.

Robert Fitzgerald:

Others? Just comments, we have got about five minutes I suspect, because they haven't come up the lifts yet, so any other thoughts? Yes.

Unknown Female Speaker:

I have a left field question and it came up when Graeme was doing his speech. Since much of what we do as consumers and members of the community are interactions with governmental service provision, is there anything in the purview to comment about how all these issues relate to government provided services as well as private sector. You talk about uniformity, it is really difficult, if those two don't match in terms of consumer expectation, that is my issue.

Robert Fitzgerald:

Your suggesting there are issues in relation to consumers of government provided services. To be honest I have not contemplated that, and I am not sure it does fit within the purview of the framework that we are talking about. I would have thought the terms of reference are slightly more narrow on that. I will have a look at that. But that hasn't arisen to date.

But just a question on this: to what extent are government agencies bound by any of these pieces of legislation – the Trade Practices Act and the Fair Trading Acts and what have you? I am not sure, I should know that, but I don't know the answer to that, because in some laws, the government itself is in fact bound by those provisions. In this area, I am not absolutely certain as to whether they are or not.

Unknown male speaker:

Trade or Commerce deals with that in the Trade Practices Act. I am not a lawyer, but I would guess that government bodies would not be judged by a Court to the in trade of commerce.

Robert Fitzgerald:

I don't know Jenny might have a view.

Jenny:

My understanding on (indistinct) case, which means that the government is bound by the TPA, but I can't give you the case name.

Unknown male speaker:

I think where the government is operating in competition with the private sector, then the TPA would apply, but my understanding is in the general government sector, more narrowly than the case is known.

Unknown female speaker:

It depends to the extent to which the government is acting, in an administrative function or is deemed to be in some kind of business or trading activity. I think there is actually a case up at

the High Court right now about the extent to which there is some kind of government immunity, but I really don't have any further details.

Robert Fitzgerald:

Well I can say this, to the extent that... if government is covered by any of those Acts because they are in trade and commerce, then we cover it generically. If you are talking about government services that you define as an administrative, then the answer would be there wouldn't be enough terms of reference. I think we are very much focussed on those consumer issues that relate to trade and commerce. I think I could say that with some certainty.

Unknown female speaker:

Robert if I could just add to that, the phrase in the legislation section 2A for memory, is the government is bound to the extent that it is carrying on a business. So there is issues around that interpretation of that phrase.

Unknown male speaker:

Certainly State and Territory Governments consider themselves bound by the Consumer Credit Code and there are actually exclusions in the code right now, for instance in relation to a Queensland housing service. So that is the answer in the world of consumer credit.

Robert Fitzgerald:

Any other final questions, comments? Any other reflections? Again as I just made the comment to you, as Philip has rightfully indicated, we are prepared to receive submissions in any form and in any nature. There are public hearings if you wish to attend. There will be public hearings again after.