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Performance Benchmarking Australian Business Regulation
Productivity Commission
PO Box 1428
Canberra City ACT 2601

by email: ohs@pc.gov.au

Dear Sir/Madam

**PERFORMANCE BENCHMARKING OF AUSTRALIAN BUSINESS
REGULATION: OCCUPATIONAL HEALTH AND SAFETY - ISSUES PAPER**

We refer to the Issues Paper on Performance Benchmarking of Australian Business Regulation: Occupational Health And Safety.

This submission is provided on behalf of the Australian Finance Conference (AFC) and the Australian Equipment Lessors Association (AELA). The AFC is the national finance industry association AELA is the national association for the equipment leasing and financing industry. The AFC and AELA together represent more than 100 financial service organisations. Our Members include finance companies, banks, building societies and leasing companies providing various types of finance, including term loans, commercial hire purchase facilities, finance leases, operating leases and chattel mortgages.

We made a submission into the National Review into Model Occupational Health and Safety laws supporting the harmonisation of OHS laws across Australia, the development of a model OHS Act (supported by regulations and codes of practice), inclusion of "passive financier" provisions in OHS laws and expressing concern at the uncertainty for plant and equipment financiers under current OHS laws. We attach a copy of that submission and ask that it be taken into account in the Performance Benchmarking Study, as contemplated at the bottom of page 5 of the Issues Paper.

We recently consulted our members about their concerns about the compliance burden created for financiers by inconsistencies in current OHS laws and the risks placed on financiers of plant and equipment in jurisdictions which do not have "passive financier" provisions. Members have confirmed that this remains a concern and would be a factor in making a decision about providing finance in some jurisdictions and about the cost of finance. In some cases, the financier

may not provide finance at all, such as for high risk transportation vehicles used to transport dangerous or explosive substances, waste management and health services equipment.

If you have any questions, please contact me on (02) 9231 5877.

Yours faithfully

Catherine Shand
Corporate Lawyer