



WESTERN AUSTRALIA POLICE FORCE

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Inquiries:

Ms Analena Gilhome
Assistant Director, Inquiries
Economic Regulation Authority
Level 4, 469 Wellington Street
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Dear Ms Gilhome,

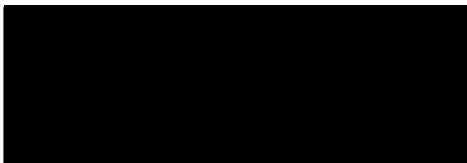
ERA BUSINESS LICENSING REFORM INQUIRY: DRAFT REPORT CONSULTATION

Thank you for the opportunity to respond to the Draft Report into reform of business licensing in Western Australia. The Western Australia Police Force (WA Police Force) broadly supports the intent of the inquiry, and sees value in reducing the regulatory burden and other economic costs of state government business licensing in Western Australia.

I note that the report includes nine draft recommendations and eleven requests for further information. In the accompanying submission, comment has been reserved for those matters specific to the WA Police Force.

Should you have any inquires relating to this matter please contact Ms Karen McFarland, Assistant Director, Policy Development Telephone: 6229 5538; Email Karen.mcfarland@police.wa.gov.au.

Yours sincerely



FRANK PASQUALE
EXECUTIVE DIRECTOR

20 November 2018

Submission by the Western Australia Police Force on the Draft Report *Inquiry into reform of business licensing in Western Australia.*

Recommendation 9:

Agencies should assess licensing schemes that have not been reviewed in more than 10 years, to determine whether a major review is required.

The Western Australia Police Force (WA Police Force) does not object in principle to the review of the stated licences. The following is noted:

- If implemented, Recommendations 1 to 7 will establish a structure and the resources to ensure that reviews are streamlined, targeted, efficient and effective.
- There appears to be little value in proceeding to review the identified licenses in the absence of this structure and resourcing.
- Proceeding without benchmarks and the specialist resources to guide and inform the review process is unlikely to achieve the desired outcome.
- Responsibility for the timelines of business licensing reviews currently rests with parliament as a mechanism of the respective legislation or through Ministerial direction. Proceeding with an unscheduled review ahead of any shift in authority may exceed our mandate.

Request 9:

Is harm being caused to the community, economy or environment because licensing conditions and requirements are not stringent enough? Please provide examples.

- Stringency is difficult to balance (for the types of licences that the WA Police Force administer) given the competing priorities of consumers and the community. This is evident in the contrasting expectations between the community and a consumer, to obtain a firearm or to be certified for a security licence.
- The WA Police Force submits that significant work is required to evaluate community, economic or environmental outcomes, particularly around the efficacy of occupational licences, and that it is not currently resourced or mandated to undertake this work.
- The WA Police Force is continually reviewing the operation of firearm legislation to ensure that the appropriate balance between legitimate use of firearms and the protection of the community is maintained. The agency has previously put forward suggestions to further strengthen the legislation to mitigate harm to the community from the unauthorised use of firearms. A number of these reforms are the subject of recommendations contained in the WA Law Reform Commission's Final Report of October 2016 of their Review of the *Firearms Act 1973*. These recommendations are currently under active consideration by Government.

Submission by the Western Australia Police Force on the Draft Report *Inquiry into reform of business licensing in Western Australia* – continued.

Request 11:

Could the recommendations be implemented with existing resources, and are there obstacles to implementing the recommendations?

- A comprehensive analysis of the resources required to deliver on the recommendations has not been undertaken. This is complicated by a lack of clarity on the support that agencies would be able to draw on from the proposed Licensing Evaluation and Reform Unit and the expected deliverables of individual agencies.
- Notwithstanding, it is contended this work could not be performed within existing resources or capabilities.
- The role of continuous improvement, ongoing review, consumer engagement and implementation of review outcomes is outside the scope of what the WA Police Force Licensing Enforcement Division is currently funded and resourced to deliver.
- The skill set required for effective review, reform and consumer engagement is significantly different to the skills required to deliver the current administrative and compliance tasks. The introduction of these will come at a cost that is yet to be determined.

General Comment:

It is requested that *National Police Certificate* (NPC) be removed from the scope of the review/reform as it does not meet the definition of a business licence.

- The NPC is not a certification, but rather an information report.