



Economic Regulation Authority
WESTERN AUSTRALIA

Inquiry into reform of business licensing in Western Australia

Final report

22 FEBRUARY 2019

Address

Economic Regulation Authority
Level 4, Albert Facey House
469 Wellington Street Perth WA 6000

Postal Address

Economic Regulation Authority
PO Box 8469
Perth BC WA 6849

Telephone 08 6557 7900**Email** info@erawa.com.au**Website** www.erawa.com.au

CONTENTS

Executive summary	4
Chapter 1: Why this inquiry is important	12
Chapter 2: A governance framework for business licensing	19
Chapter 3: Evaluating licensing schemes	29
Chapter 4: Reforming licensing schemes	46
Chapter 5: The costs of licensing schemes	60
Chapter 6: Introducing new licensing schemes	71
Appendices	77
Appendix A: Analytical framework and existing resources	78
Appendix B: Business licensing assessment tools	81
Appendix C: Business licensing schemes not reviewed in more than 10 years	102
Appendix D: Business licensing schemes with outstanding review recommendations	105
Appendix E: Business licensing schemes to prioritise for ICT investment	109
Appendix F: Regulatory policy governance frameworks in Australia	126
Appendix G: Submissions on specific licensing schemes	138
Appendix H: List of state government business licensing schemes	141
Appendix I: Terms of reference	159
Bibliography	160

EXECUTIVE SUMMARY

In November 2017, the Treasurer asked the Economic Regulation Authority to undertake an inquiry into options to reduce the regulatory burden and other economic costs of state government business licensing in Western Australia.

Licensing imposes rules and requirements on businesses and professions, usually governing activities that could harm people, the environment or the economy if not regulated. State government business licensing includes licences, registrations, notifications, authorisations, accreditations, permits, approvals and certifications.

Western Australia has about 700 different state government business licensing schemes. Forty-three state government agencies have business licensing functions. Every industry in Western Australia is regulated by at least one business licensing scheme. Business licensing in Western Australia is varied and far-reaching, for example covering driving, teacher registration, kangaroo shooting and cat breeding.

If licensing schemes are not carefully designed and properly enforced, the objectives of the schemes will not be achieved. For example, while the principal cause of the 2008 Varanus Island gas explosion was external corrosion rupturing a pipeline, a parliamentary inquiry found that poor regulation, including a prescriptive and inadequate pipeline licensing scheme, contributed to the disaster.¹ The explosion reduced the State's gas supply by 30 per cent for almost two months and is estimated to have cost the State's economy up to \$3 billion.²

Licensing creates costs and delays for businesses, so government should impose these costs only where there is a justifying community benefit. One business claims that it took almost five years to obtain licences for a large iron ore project in Western Australia.³ Delays to water licensing reform mean application processing times for water licences are 30 per cent longer

than necessary, slowing the development of water-using industries.⁴

There are many examples of poorly operated and administered business licensing schemes, for which administration costs are unnecessarily high. The enabling legislation for some schemes still requires applicants to give notice of their intention to apply for a licence in the newspaper.⁵ Paper-based processes are still used for many business licensing schemes.⁶ For more than 200 schemes, information about each scheme is not available on the responsible agency's website, and/or applications cannot be completed or paid for online.⁷

Since at least the introduction of National Competition Policy in the mid-1990s, and often before, governments have been aware that poorly conceived, designed and/or administered regulation can create economic costs and actually disadvantage the community. But despite the risks of poor regulation being well known, and regular reviews calling for reform, governments sometimes struggle to reform or remove unnecessary or harmful licensing schemes. Rather than re-stating familiar arguments for reform, the ERA has sought in this inquiry to identify and address the reasons why reform can be difficult for agencies and legislators, and to propose ways to address those reasons.

Licences are not just a cost on society. Licensing schemes are established to provide economic, social and environmental benefits and protections. Licensing schemes are assets, much like other government assets, such as public infrastructure. The total stock of licensing schemes can be thought of as a portfolio of assets, some providing greater benefits and protections than others.

1 Bills, K. and Agostini, D., *Offshore Petroleum Safety Regulation: Varanus Island Incident Investigation*, June 2009, p. xx.

2 Senate Standing Committee on Economics, *Matters relating to the gas explosion at Varanus Island, Western Australia*, 2008, pp. 2, 5-6.

3 Roy Hill Holdings Pty Ltd, *How much is too much? Reducing the regulatory burden*, Submission to the Senate Select Committee on Red Tape, 2017, p. 7. The Department of Mines, Industry Regulation and Safety told the ERA that 89 per cent of the applications submitted to the agency for the Roy Hill project were finalised within target times (Department of Mines, Industry Regulation and Safety submission, p. 7).

4 Department of Water, *Regulatory Impact Statement for Water Resources Management Reforms*, 2013, p. 20.

5 For examples, see: section 4(2)(c) of the *Cremation Act 1929* and section 11 of the *Pawnbrokers and Second-hand Dealers Act 1994*.

6 Department of Health, Department of Local Government, Sports and Cultural Industries, Department of Biodiversity, Conservation and Attractions, Department of Primary Industries and Regional Development responses to ERA information request.

7 ERA analysis of application processes for all state government business licensing schemes found 124 schemes without any information about the scheme on responsible agency websites and a further 79 schemes that do not support online applications or payment.



The ERA has used the concept of licences as assets to guide its analysis of the State's business licensing schemes. The ERA has considered what government can do at each stage in the life cycle of individual schemes – introduction, operation, review and improvement/peel – to ensure that schemes are operated efficiently and meeting the government's objectives. Similarly, the sum of the State's business licensing schemes can be considered as a portfolio of assets. At best, these work together in a complementary way to benefit and protect people and the environment. But where there is duplication or overlap between different schemes, or gaps in regulation, then the overall benefits that business licensing delivers may diminish even if individual schemes are managed well. Several stakeholders argued that the cumulative burden of complying with many schemes is often unreasonable, even when the requirements of individual business licences seem justified.

The terms of reference for this inquiry required the ERA to identify opportunities to improve business licensing in Western Australia. The ERA has identified common or significant problems in the way agencies manage state government business licensing, and systemic barriers to effective

management of business licensing, rather than assessing the content and effectiveness of each of Western Australia's more than 700 business licensing schemes.

The ERA has identified three broad problems with business licensing in Western Australia.

First, there is no consistent culture across agencies of active management and continuous improvement in business licensing. There are examples of good practice in business licensing, but also examples of poor practice. While agencies use the established Regulatory Impact Assessment program when introducing new business licensing schemes, there is no systematic framework to govern the management of established schemes. Agencies take different approaches to administering, monitoring and improving business licensing. There is no central register of all state government business licensing schemes that allows government to easily assess the stock of schemes, and how this changes over time. Each agency has to develop for itself the motivation, capability and initiatives to improve business licensing schemes, without the benefit of cross-government coordination and capability building.

Second, legislators and agencies may recognise that review and reform of business licensing could be beneficial, but it is seldom a high priority. For example:⁸

- Nearly 60 per cent of business licensing schemes that are more than 10 years old have not had the policy problem they address and their terms and conditions considered in a legislative review in the past 10 years.
- Nearly 70 per cent of business licensing schemes have not had enforcement and compliance reviewed since 2013, and about 60 per cent have not had administration reviewed.
- Only 10 per cent of business licensing schemes reviewed since 2013 were checked for whether industry participation and competition are limited by locking out new market participants.
- Forty per cent of business licensing schemes reviewed since 2013 have not yet had any review recommendations implemented.

The ERA recognises that review and reform of business licensing schemes should properly compete for government and Parliament attention against other important matters. However, the government's ability to make good decisions on prioritising reforms to business licensing has been hampered by a lack of whole-of-government information on business licensing.

Third, licences typically impose conditions on businesses, and the general public may not be aware of the effects these conditions have on the cost, quality and choice of the services they receive. Agencies use the Regulatory Impact Assessment program when introducing and changing business licensing schemes, but documentation of this is rarely made public. This means that licensees and the community may not be fully aware of the costs and benefits of business licensing. Consumer input is often missing from discussion on reform of business licensing schemes, which can allow well-informed, better-resourced interest groups to dominate debate. Licensed businesses also say that when they raise concerns with agencies about business licensing, those concerns are not always addressed.

The ERA's recommendations to address these problems are listed at the conclusion of this summary.

The ERA's recommendations work together to create a governance framework for business licensing that aims to bring about accountability and cultural change at all stages of the licensing lifecycle and at the ministerial and agency levels of government. Some past licensing reform initiatives have been ineffective or only partially successful because the initiatives have focused on a particular level of government or part of the licensing lifecycle. The ERA's proposed business licensing governance framework contains complementary measures at different levels of state government, because reform of only part of the system is less likely to be effective.

The recommendations aim to assist policy-makers and agencies to address barriers to managing business licensing schemes effectively at different stages of the licensing lifecycle. The intent is to improve the practices agencies use to manage licensing schemes, but also suggest changes that would assist agencies to improve the content of schemes when problems are identified. The recommendations address impediments to improvement that exist within agencies (such as capability gaps) and those that are outside agency control, such as Parliament's prioritisation of time for making legislative changes.

The ERA recommends that agencies manage business licensing schemes as public assets. Together, these assets form a portfolio of schemes that mutually reinforce other regulatory tools to benefit and protect Western Australia's people, economy and environment. However, an agency, or the minister responsible for that agency, is only able to assess the performance of schemes that are their responsibility. To ensure that all of the State's business licensing schemes are treated as a regulatory portfolio, the ERA recommends that a senior minister be assigned responsibility for business licensing. The minister will implement and review the business licensing governance framework, and assess duplication, regulatory gaps, the cumulative regulatory burden and the overall performance of the licensing system.

The ERA's recommendations are designed to work with, and enhance, the existing regulatory policy framework, rather than duplicate or replace it. Several agencies and units already have responsibility for reviewing and improving regulatory practice and the State's

⁸ ERA analysis of agency questionnaire responses. Figures throughout the report exclude licensing schemes contained in state government legislation but administered by local governments or national bodies.

regulations. These existing agencies and units could undertake the new functions the ERA recommends. Similarly, the ERA identifies areas where measures to improve business licensing are consistent with, and complement, the recommendations of the state government's Service Priority Review, the public sector Roadmap for Reform and Streamline WA. While the ERA's recommendations assign certain roles to central agencies, it is a regulatory agency's commitment to managing business licensing schemes as public assets that will bring about the most benefits for Western Australian businesses, workers and consumers.

If the ERA's recommendations are implemented, agencies will be able to fix problems with business licensing schemes faster, as unnecessary prescription is removed from primary legislation through regular omnibus bills and improving business licensing becomes a higher government priority.

Agencies will have access to expert guidance and assistance in evaluating and improving business licensing schemes, and be able to better gather input from licensees and consumers about their experiences of business licensing. The resources agencies need to devote to reviewing business licensing schemes will reduce, as they will rely on more regular but lighter touch performance monitoring to identify problems. Business licensing schemes will be improved by making frequent incremental changes, rather than through large, periodic reform.

Licensee experiences of engaging with agencies will improve. The administrative burden will be lower, for example because more services such as licence applications will be available online. Licensees will have better information on how business licensing affects them, and the improvements that agencies are making. Licensees will also have more opportunities to contribute to decisions about business licensing scheme reform by accessing a central consultation website.

Consumers will have more confidence that the rules and requirements intended to protect the community, environment and economy are effective, because agencies will be regularly checking that this is the case. The central website for consultation will also make it easier for individuals and community groups to participate in

discussions about business licensing reform.

Government will identify and fix problems with business licensing schemes more quickly, leading to better outcomes for licensees, consumers and the environment.

The ERA thanks everyone who provided views and information throughout the inquiry to help develop this report. The information provided by stakeholders greatly enhanced the ERA's understanding of the issues affecting business licensing in Western Australia.

Recommendations

Recommendation 1: Responsibility for cross-government business licensing policy, monitoring and performance improvement should be assigned to a senior minister. This minister would be accountable for implementing and reviewing the governance framework for business licensing, assessing duplication, regulatory gaps and the cumulative regulatory burden, and the overall performance of the licensing system.

This senior minister will seek to raise the priority given to improving business licensing in Cabinet and Parliament, help create a culture of continuous improvement and ensure that business licensing schemes are treated as a regulatory portfolio. This role would complement the existing responsibility for particular business licensing schemes that would remain with the ministers for the relevant portfolio agencies.

Recommendation 2: State government agencies should manage business licensing schemes as public assets and continually manage and improve these schemes. To support agencies to do so, and also to hold these agencies to account, a governance framework for business licensing should be implemented. This governance framework comprises the reporting, review, consultation, transparency and oversight measures outlined in the recommendations in this report. The government should review the effectiveness of the framework every five years.

Recommendation 3: The governance framework should include a mechanism that requires agencies to treat business licensing schemes as public assets and continually manage and improve these schemes. The Streamline WA steering committee should consider which mechanism would be most effective. Options include direct communication from Streamline WA to agency heads, instruction from the Premier, senior minister or Public Sector Commissioner, amending chief executive officer performance agreements, or legislation.

Recommendation 4: When agencies report on reform activities under Streamline WA, that reporting should include:

- Improvements to business licensing schemes that the agency intends to implement in the next 12 months.
- Changes to business licensing schemes made in the previous 12 months.

Under Streamline WA, this reporting will be presented as an annual Economic Reform Statement by the Treasurer to Parliament.

Recommendation 5: To make reform and improvement of business licensing schemes easier, government should:

- Require a central agency to coordinate an omnibus bill each year to implement legislative changes needed to improve business licensing schemes. It should establish a process for business licensing omnibus bills similar to the process established by Premier's Circular 2010/01 for Statutes (Repeals and Minor Amendments) Bills to assist the passage of these omnibus bills through Parliament.
- Ensure that, when business licensing schemes are introduced or reviewed by Parliament, primary legislation includes only the elements of schemes that need parliamentary consideration (for example, the objectives of the scheme, the power to grant, amend, suspend or cancel a licence, offences, the power to collect fees, and review or appeal rights), and does not prescribe administrative and procedural requirements.
- Amend primary legislation to remove any requirement to prescribe in regulations the forms (for example, application forms) for business licensing schemes, and instead, require that forms be approved by the relevant minister or director general.
- Consider using automatic repeal clauses in new legislation to assist with phasing out business licensing schemes (or aspects of schemes) that solve a time-limited problem, that may become outdated because of rapidly changing events or technologies, or when there is uncertainty about the outcomes the scheme might achieve when it is introduced.
- Develop guidelines on best practice legislative drafting that provides guidance on what aspects of business licensing schemes should be included in primary and subsidiary legislation.

Recommendation 6: In order to ensure agencies review whether older schemes are needed and remove redundant licensing schemes, Streamline WA should consider automatic repeal (sunset) legislation that operates for a limited time. The sunset legislation should apply to business licensing schemes that have not had the need for the scheme reviewed for over 10 years. Streamline WA should also consider circumstances for exemptions from the sunset legislation, and whether primary and/or subsidiary legislation should be included.

Recommendation 7: Agencies should improve consumer and licensee input into the design and management of business licensing schemes. To make engagement easier for consumers and businesses, and promote better outcomes in consultations about business licensing, the government should:

- Develop a central website that agencies can use to host consultation about business licensing and as a repository for submissions and completed reviews.
- Support the website with a clear set of guidelines for users about how to engage on the website, and educational material and training for agencies.

The Department of the Premier and Cabinet should include this recommendation in its plans when developing the whole-of-government strategy for community engagement (recommended by the Service Priority Review).

Recommendation 8: The Better Regulation Unit in the Department of Treasury should:

- Report publicly on agency compliance with Regulatory Impact Assessment requirements in an annual report, in accordance with current Regulatory Impact Assessment guidance.
- Publish and maintain a repository of agencies' Preliminary Impact Assessments and the Better Regulation Unit's responses. These documents should be published as soon as the Better Regulation Unit has provided its final response to the agency.
- Publish and maintain a repository of agencies' Consultation Regulatory Impact Statements and submissions to those statements. Consultation Regulatory Impact Statements should be published as soon as the agency has completed them. Submissions should be published as soon as possible after the agency receives them.
- Publish and maintain a repository of agencies' Decision Regulatory Impact Statements and the Better Regulation Unit's responses. Decision Regulatory Impact Statements and the Better Regulation Unit's responses should be published as soon as possible after a decision about the regulation has been made, allowing for confidential information to be redacted and minor errors to be corrected.

Recommendation 9: As part of the business licensing governance framework, a unit within government should be given responsibility for helping agencies to develop capability in evaluating the performance of business licensing schemes and holding agencies to account in evaluating and improving business licensing schemes. The licensing support unit would have the following functions:

- To maintain a register of business licensing schemes and administering agencies.
- To provide a repository for existing guidance material, develop further guidance material where there are gaps, and train agencies in business licensing evaluation and improvement.
- To support and assist agencies in using common assessment tools when evaluating business licensing schemes (see Recommendation 10), and in applying the guidelines described in appendix A.
- To review and refine the common assessment tools to ensure they remain useful and do not create unnecessary reporting burden.
- To compile and publish annual State of Licensing reports based on agencies' reporting on business licensing schemes against the common assessment tools. The report should provide an assessment of the overall quality of business licensing in Western Australia and of agencies' performance in managing business licensing schemes. The report should also identify priority areas for reform. The reports should be provided to the Streamline WA steering committee. This will help to raise the priority given to improving business licensing schemes by government.

Recommendation 10: Agencies should report to the licensing support unit (see recommendation nine) annually on the management of business licensing schemes using the two common assessment tools set out in this report. This will hold agencies to account for evaluating whether business licensing schemes are achieving their intended objectives, being administered in a cost-effective way and being complied with. It will also assist the licensing support unit to identify priorities for reform. The common assessment tools are [available on the ERA website](#).

Recommendation 11: Agencies should review the outstanding recommendations for business licensing schemes that have been reviewed since 2013 (appendix D). The ERA recommends that agencies focus on schemes for which the review concluded more than 12 months ago, and that affect industries with a large effect on the Western Australian economy and/or protect against risks to safety. In particular, implementing recommendations from the review of dangerous goods licensing should be a government priority. Agencies should consider whether any of the recommendations could be implemented through the next omnibus bill.

Recommendation 12: Agencies should assess business licensing schemes that have not been reviewed in more than 10 years (appendix C), to determine whether a major review is required. The ERA recommends that agencies focus on schemes that affect industries that have a large effect on the Western Australian economy and/or protect against risks to safety. In particular, reviewing the waterways conservation licensing scheme, and security, investigator and crowd controller licensing schemes, should be a government priority.

Recommendation 13: To address a lack of transparency in compliance, agencies should create, or review and update, compliance and enforcement policies for business licensing schemes, and publish them on their websites. Compliance and enforcement policies should explain how the approach to compliance for different schemes reflects the consequences of non-compliance.

Recommendation 14: To address the slow rate of digitisation of administrative processes and reduce the administrative burden for licensees, government should target Information Communications Technology investment toward business licensing schemes that currently have no information about the scheme on any agency's website, and/or where online application processes are not available, only partially available or unclear (appendix E).

Recommendation 15: To assist agency staff to carry out their regulatory responsibilities effectively and efficiently, agency heads should ensure that capability gaps identified in this inquiry are addressed. Public Sector Roadmap for Reform initiatives to improve agency capability should address cross-agency skills gaps in assessing and prioritising the risks that different licensing schemes manage; analysing and drawing conclusions from large sets of data (for example, about compliance); understanding the role of a compliance officer; and providing legislative drafting instructions.



CHAPTER 1:
WHY THIS INQUIRY
IS IMPORTANT

CHAPTER 1:

WHY THIS INQUIRY IS IMPORTANT

State government business licensing affects most Western Australian businesses and workers. Excluding vehicle registrations and driver licences, there are about 2 million state government business licences currently on issue.⁹

The ERA has defined a ‘state government business licence’ as a requirement arising from state government legislation that is characterised by notification, approval, standards and enforcement. This definition is broad and includes licences, registrations, notifications, authorisations, accreditations, permits, approvals and certifications. Business licensing is just one type of regulation that the state government applies to businesses and individuals. Other types of regulation include legislative requirements that apply generally (for example, road rules), and government-endorsed standards, codes of conduct, guidance notes and policies.

The State has more than 700 different business licensing schemes,¹⁰ and around one in every five pieces of Western Australian legislation establishes at least one licensing scheme.¹¹ A list of all state government business licensing schemes as at April 2018 is included in appendix H and [available on the ERA website](#).¹² The list includes information about the government agency with responsibility for approving applications for each licence, and the industries the scheme affects. The list allows agencies, licensees and the general public, for the first time, to know the complete stock of state government business licensing schemes operating in Western Australia. A fact sheet describing the stock of business licensing schemes is [available on the ERA website](#).

What the ERA was asked to do

In November 2017, the Treasurer asked the ERA to undertake an inquiry into options to reduce the regulatory burden and other economic costs of state government business licensing in Western Australia. The ERA was asked to identify opportunities to improve business licensing arrangements generally, and priority areas for reform. The ERA was also asked to develop an analytical framework and guideline that state government agencies can use to assess whether business licences are needed, well-designed, and efficiently administered.

The focus of the inquiry is on business licences created by state government legislation, not Commonwealth legislation, local government laws or voluntary industry arrangements. While it is not intended that Commonwealth

and local government licensing schemes would be subject to the recommendations in this report, many of the principles could be applied by Commonwealth agencies and local governments.

The ERA has identified common or significant problems in the way licensing schemes are managed to identify priority areas for improvement. The ERA did not assess in detail the effectiveness of each of Western Australia’s more than 700 licensing schemes. Each licensing scheme is unique, and to review each properly would require individual consideration. The approach taken in this inquiry is intended to identify whether, and why, some licensing schemes are not well-managed.

Guidance material on developing and implementing regulation is already available to assist agencies and policy-makers to design and administer licensing schemes.

Excluding vehicle registrations and driver licences, there are about 2 million state government business licences currently on issue.

9 ERA analysis of agency questionnaire responses. This figure is based on data provided by agencies about 550 licensing schemes contained in state government legislation and administered by state government bodies. There are about 598 licensing schemes that are contained in state government legislation and administered by state government bodies (agencies did not return questionnaire responses for 48 licensing schemes). There are 116 business licensing schemes that are contained in state government legislation but administered by local or national bodies.

10 ERA analysis of agency questionnaire responses. This figure includes licensing schemes that are contained in state government legislation but administered by local or national bodies. About 598 licensing schemes are contained in state government legislation and administered by state government bodies.

11 ERA analysis of agency questionnaire responses and State Law Publisher online legislation database.

12 This list differs from the preliminary list of business licences that the ERA published in February 2018. Business licence statistics presented in the draft and final reports are based on the April 2018 list.

Rather than repeating guidance, policies and recommendations from previous inquiries, this report focuses on factors that can prevent policy-makers and agencies from managing licensing schemes effectively.

During the inquiry, the ERA consulted government agencies,¹³ industry groups,¹⁴ unions,¹⁵ the ERA Consumer Consultative Committee¹⁶ and the public.¹⁷ During the public submissions process, we received:

- Twenty submissions to the initial consultation papers.
- Twenty-five responses to an online questionnaire that asked for the public's comments on state government business licences.
- Forty-two completed questionnaires from state government agencies about the business licensing schemes they administer.
- Twenty-eight submissions to the draft report.

The information contributed by stakeholders greatly enhanced the ERA's understanding of the issues affecting business licensing in Western Australia. The ERA appreciates the time and effort taken by all those who took part.

Why the inquiry looks into state government business licensing

An asset, such as a building or machinery owned by a business, or a piece of public infrastructure such as a bridge, is expected to create future economic benefits for its owner. Regulations, including business licensing schemes, are public assets that are expected to deliver current and future benefits for Western Australians. These

benefits should be greater than the costs of implementing and managing the regulation. When regulatory assets are combined they should work together to maximise overall benefits and avoid gaps, duplication and cumulative regulatory burden. All of the State's licensing schemes combined can be considered as a portfolio of assets, which should similarly work together in order to deliver the greatest public benefit.

The Western Australian government manages the State's business licences in order to benefit Western Australians. The State's licensing schemes are diverse, including permits to fundraise in public places, licences to supply, store and transport explosives, and licences that allow licence holders to deal in flora and fauna. Each licensing scheme provides different benefits, and creates different costs.

Governments create licences to address the social, economic and environmental costs and risks of business activities. For example, anyone wishing to clear native vegetation must first obtain a clearing permit. This helps the Department of Water and Environmental Regulation to assess the effect clearing will have on the environment, and prevent harm to environmentally significant flora.

Governments use licences to impose standards on businesses and professions in circumstances where unregulated businesses do not otherwise deliver goods and services to the standards expected by consumers and the broader public. Occupational licences are required for occupations with significant risk of harm to people, the environment or the economy if practitioners do not have the training or experience needed to do their job properly. A licence may impose minimum standards or training requirements on practitioners, or protect consumers or workers by

¹³ The ERA met the Department of Biodiversity, Conservation and Attractions, Department of Health, Department of Local Government, Sports and Cultural Industries, Department of Mines, Industry Regulation and Safety, Department of Planning, Land and Heritage, Department of Primary Industries and Regional Development, Department of the Premier and Cabinet, Department of Transport, Department of Treasury, Department of Water and Environmental Regulation, Independent Pricing and Regulatory Tribunal (New South Wales Government), Main Roads WA, Metropolitan Cemeteries Board, Office of the Auditor General, former Office of Digital Government, Parliamentary Counsel's Office, Small Business Development Corporation, Western Australia Police Force, YourSAy (South Australian Government) and New Zealand Treasury.

¹⁴ The ERA met the Australian Automotive Aftermarket Association, Australian Funeral Directors Association, Chamber of Commerce and Industry of Western Australia, Regional Chambers of Commerce and Industry of Western Australia, Master Electricians, Master Painters and Decorators Australia, WA TAB Agents Association and Western Australian Local Government Association.

¹⁵ The ERA met Unions WA, Professionals Australia, United Voice, Transport Workers Union, Construction, Forestry, Mining and Energy Union, Plumbing and Pipe Trades Employees Union, Shop, Distributive and Allied Employees Association, Community and Public Sector Union/Civil Service Association, Australian Manufacturing Workers Union, and Electrical Trades Union.

¹⁶ At the time, committee membership comprised the Pastoralists and Graziers Association, the Western Australian Council of Social Services, the Financial Counsellors Association, the Western Australian Local Government Association, the Chamber of Minerals and Energy of Western Australia, the Chamber of Commerce and Industry of Western Australia, the Western Australian Farmers Federation, the Energy and Water Ombudsman, the Department of Mines, Industry Regulation and Safety, Horizon Power and the Property Council of Western Australia.

¹⁷ The ERA held a public information session on the draft report on 7 November 2018, and met with Roy Hill Holdings Pty Ltd.

preventing low quality or dangerous goods and services from entering the market.

Business licences also enable consumers to obtain information about a supplier or product. For example, household electrical appliances must be approved by an Australian regulatory authority before sale, so that consumers know that the appliances comply with standard specifications and tests for electrical safety. Approved electrical appliances display a certified mark, and consumers and retailers can check online whether this is valid.¹⁸

However, sometimes the regulation that a government intended to be a benefit for its citizens can turn out to be a liability.¹⁹ Regulatory failure occurs when the costs of a business licensing scheme are greater than the benefits, or when related licensing schemes do not work in a complementary way to manage risks. The persistence of unnecessary, ineffective or poorly administered business licensing schemes causes costs that are difficult to quantify and often not visible to the public.

For instance, a licensing scheme may duplicate other effective regulation. A Western Australian example of this is the coastal trade shipping permit and licensing regime,²⁰ which duplicates Commonwealth licensing requirements.²¹ The Department of Transport is considering including an amendment to the *Transport Co-ordination Act 1966* in a future omnibus bill to remove this duplication.²²

Licensing to manage the State's water resources provides another example. Discussions on reforming water regulation in Western Australia have been happening since 1994; however, new water resource management legislation is yet to be enacted. The delay means the State

is administering an outdated water licensing scheme. Processing times for water licence renewals and amendments are about 30 per cent longer than could be expected under a reformed licensing application process.²³

At worst, regulatory failure can contribute to disaster. Although an inquiry into the Grenfell Tower fire in London is still under way,²⁴ a separate review commissioned by the United Kingdom Government after the fire found that regulations for ensuring fire safety in high-rise and complex buildings are not fit for purpose.²⁵ In New Zealand, the Pike River Mine tragedy in 2010 resulted in the deaths of 29 miners. The Royal Commission into the incident found that, while a methane explosion was the principal cause, poor regulation was a contributing factor. Many entities were responsible for regulating mining operations, resulting in inconsistent and substandard oversight of health and safety at the mine.²⁶ In Western Australia, the *Electricity (Licensing)*

Regulations 1991 and Occupational Safety and Health Regulations 1996 were amended in 2017 in response to four people dying while carrying out electrical work.²⁷ The amendments helped improve the safety of electricians and other workers by making it an offence to carry out work on or near an exposed, energised part of an electrical installation, except in specific circumstances.²⁸

If licensing schemes are not assessed regularly to ensure they are effective, people may not realise that they are inadequate until a tragedy happens.

The ERA has used the asset lifecycle model set out in Figure 1 to consider the management of licensing schemes in Western Australia.²⁹ Just like economic assets, licensing schemes need to be managed throughout their lifecycle to get the greatest social, economic or environmental benefit from them. When licensing schemes are not managed effectively, they are more likely to be ineffective or unnecessarily costly to operate.

Processing times for water licence renewals and amendments are about 30 per cent longer than could be expected under a reformed licensing application process.

18 Department of Mines, Industry Regulation and Safety, 'Electrical appliance approval marks', 2014, ([online](#)) [accessed 31 August 2018].

19 Ayto, J., 'Why Departments Need to be Regulatory Stewards', *Policy Quarterly*, vol. 10, no. 4, 2014, p. 24.

20 Section 47B *Transport Co-ordination Act 1966*.

21 *Coastal Trading (Revitalising Australian Shipping) Act 2012*.

22 Department of Transport submission, p. 2.

23 Department of Water, *Regulatory Impact Statement for Water Resources Management Reforms*, 2013, p. 20.

24 The terms of reference for the Grenfell Tower Inquiry were set by the Prime Minister on the 15 August 2017. The Inquiry is to report its findings to the Prime Minister "as soon as possible" and to make recommendations, ([online](#)).

25 Hackitt, J. DBE, *Independent Review of Building Regulations and Fire Safety: Final Report*, United Kingdom, 2018, p. 11.

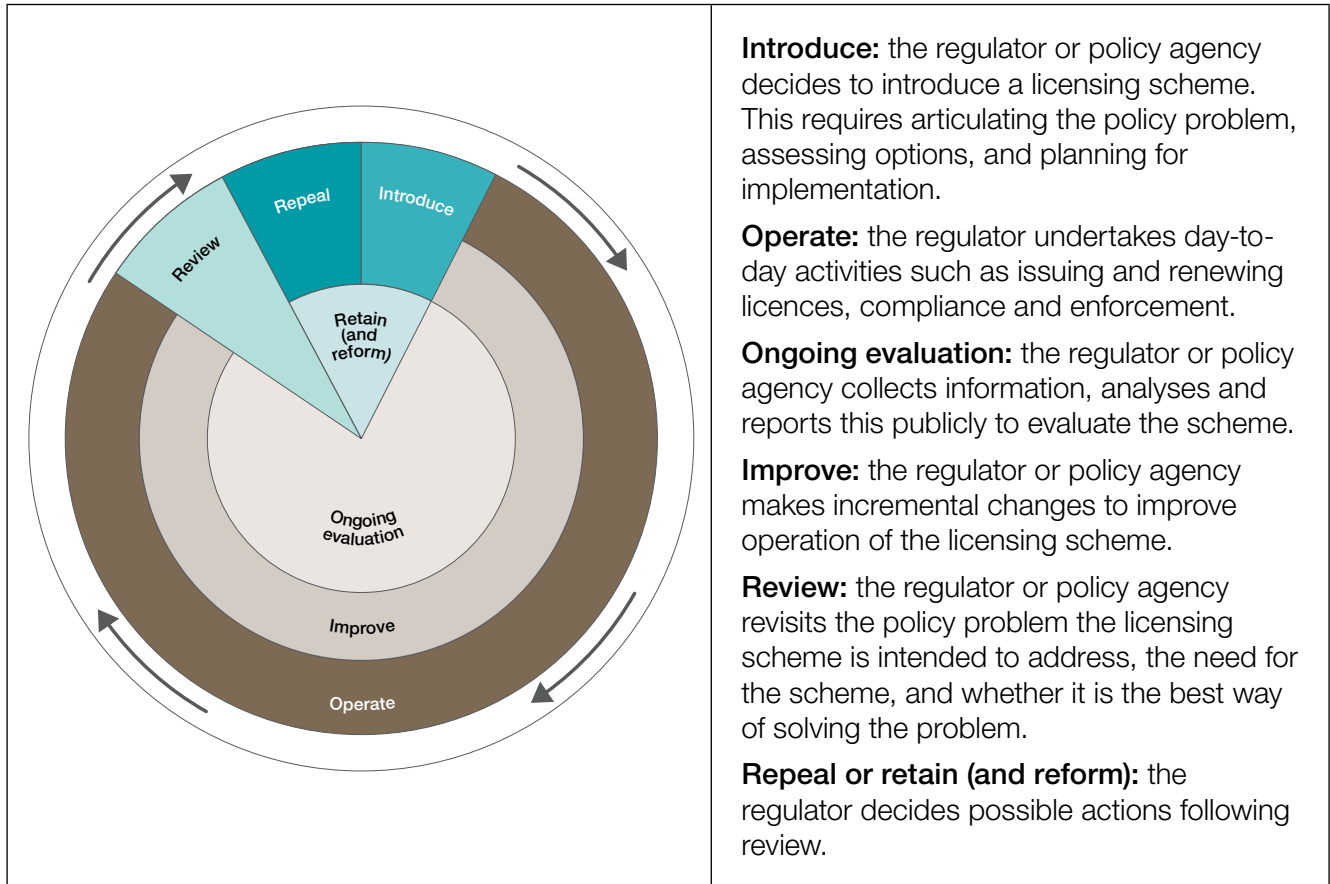
26 Royal Commission on the Pike River Coal Mine Tragedy, Volume 1, New Zealand, 2012, pp. 14-15, 22.

27 Government of Western Australia media statement, 8 November 2017, 'New regulations to improve safety for electricians', ([online](#)) [accessed 21 January 2019].

28 Regulation 55, *Electricity (Licensing) Regulations 1991*.

29 Introduce, review, repeal and retain (and reform) align with the concept of 'Better Regulation' — designing and implementing (through, for example, legislation) regulations well. Operate, ongoing evaluation and improve align with the concept of 'Better Regulatory Practice' — administering and enforcing regulation well day-to-day.

Figure 1. Lifecycle of a business licensing scheme



Source: ERA

What the ERA has found

Generally, businesses recognised the need for government to regulate certain business activities and supported the use of business licensing to do this.³⁰ Some provided examples of currently unlicensed activities that they said should be regulated.³¹

However, stakeholders provided many examples of licences they thought ineffective, and licensing processes they found frustrating.³² Agencies and licensees gave examples of duplicated information requirements, delays in approving licence applications, outdated data entry processes and poorly designed databases. Regulatory agencies still use paper-based processes for many

licensing schemes, and businesses complained of not being allowed to submit applications by email, only by post.³³ Some online application forms are so complicated that applicants need telephone support to complete them.³⁴ Staff turnover at regulatory agencies, and a lack of guidance on process and timeframes, creates uncertainty and further costs for businesses.³⁵

Some agencies do not frequently, thoroughly and transparently check whether licensing schemes are achieving their intended environmental, social or economic objectives, are administered in a cost-effective way, or are being complied with. This means that problems with licensing schemes are sometimes not identified and resolved quickly, or even at all. The ERA has found examples

30 Anonymous (7) online questionnaire; Chamber of Commerce and Industry of Western Australia submission (consultation paper), p. 3; Community and Public Sector Union and Civil Service Association submission, p. 15; Electrical Trades Union WA submission 2, pp. 1-4; Kemp, P., online questionnaire; Master Electricians Australia submission, p. 2; Master Plumbers and Gasfitters Association submission, p. 2; National Electrical and Communications Association submission (consultation paper), pp. 1-3; Power, A., online questionnaire; Synergy submission, p. 6; Western Australian Local Government Association submission (consultation paper), p. 2; Williams, G., online questionnaire.

31 For example, licensing of building trades (Shuttleworth, D. submission (draft report)), licences for the installation and maintenance of fire protection systems (National Fire Industry Association submission); licences for the design and installation of temporary edge protection and fall arrest systems (Anonymous submission to draft report); and registration of engineers (Anonymous (8), online questionnaire; Engineers Australia submission, pp. 1-3; Neethling, W., online questionnaire; Marsh, B., online questionnaire; Westcott, J., online questionnaire) and licensing of labour hire companies (Community Public Sector Union and Civil Service Association, submission, p. 11; Construction, Forestry, Mining and Energy Union submission, pp. 1-13; Electrical Trades Union WA submission 1, pp. 1-3).

32 Appendix D summarises these examples.

33 Department of Health, Department of Local Government, Sports and Cultural Industries, Department of Biodiversity, Conservation and Attractions, Department of Primary Industries and Regional Development responses to ERA information request. Happ, E., submission (1), p. 1.

34 Anonymous (6), online questionnaire.

35 Meeting with Roy Hill Holdings Pty Ltd; Pilbara Ports Authority submission, pp. 3-4; Chamber of Commerce and Industry of Western Australia submission (draft report) p. 9; Waste Management Association of Australia submission, p. 1; Western Australian Local Government Association submission (consultation paper), p. 21

from across government of business licensing reform taking a long time. Forty per cent of licensing schemes reviewed since 2013 have not had any of the recommendations of the review implemented, and 20 per cent have had only some recommendations implemented.³⁶

Agencies need good information to assess whether licensing schemes are delivering the greatest possible benefits, to decide where to target scarce resources for reform, and to build a case for change and reform where it is needed.

From 2013 to 2017, 17 new licensing schemes were introduced, and agencies used a program called Regulatory Impact Assessment to assess their likely effects on the economy before introducing them. These new schemes include authorisations to prescribe medicinal cannabis, a heavy-vehicle pilot licensing scheme, and biosecurity permits. Rigorous evaluation before licensing is introduced, using programs such as Regulatory Impact Assessment, makes it more likely that the benefits of licensing will outweigh the cost. It is mostly the operation of older licensing schemes that is creating problems for government, businesses and the broader community.

In its draft report, the ERA made nine recommendations to address the lack of active management and continuous improvement in business licensing across regulatory agencies. Government agencies and licensees supported most of the ERA's draft findings and recommendations, and many of the underlying principles have carried through into the final recommendations.³⁷ However, some government agencies said the draft recommendations could not be implemented with existing staff and funding.³⁸ Stakeholders also made other comments and suggestions about how to improve the draft findings and recommendations. These matters are addressed throughout this report.

Forty per cent of licensing schemes reviewed since 2013 have not had any of the recommendations of the review implemented, and 20 per cent have had only some recommendations implemented.

The rest of this report sets out the ERA's findings and recommendations.

Chapter 2 expands on the finding that there is no systematic framework, across regulatory agencies that ensures active management and continuous improvement in business licensing.

Chapter 3 establishes the finding that agencies are not frequently, thoroughly and transparently assessing the performance of licensing schemes.

Chapter 4 explores the finding that licensing schemes are not being improved and reformed quickly, and/or sometimes not at all.

Chapter 5 outlines the costs that older licensing schemes are imposing on businesses, government and consumers, and ways government is addressing these costs.

Chapter 6 assesses the introduction of new licensing schemes and agency use of the Regulatory Impact Assessment program.

The ERA's analytical framework, and information about resources available to help agencies

and policy-makers to design and administer business licensing schemes well, is documented in [appendix A](#). The ERA has also published a [report prepared by Frontier Economics](#) setting out several case studies of effective licensing schemes in other jurisdictions. These case studies are intended to provide examples that agencies and policy-makers can learn from, to assist them design and administer business licensing schemes well.

Appendix B provides information about how the ERA refined the draft assessment tools in response to agency feedback. The assessment tools are included in appendix B and [published on the ERA website](#), along with guidance about how to apply them.

³⁶ ERA agency questionnaire responses.

³⁷ Chamber of Commerce and Industry of Western Australia (draft report), p. 7; Department of Health submission, p. 1; Department of Mines, Industry Regulation and Safety submission, pp. 2-6; Department of Transport submission, p. 3; Department of Water and Environmental Regulation submission, p. 1; Metropolitan Cemeteries Board submission, p. 1; National Fire Industry Association Australia submission, p. 7; Synergy (draft report), p. 1; Water Corporation submission, p. 1; Western Australian Local Government Association submission (draft report), p. 1; Western Australia Police Force submission, p. 1.

³⁸ Department of Biodiversity, Conservation and Attractions submission, p. 2; Department of Health submission, p. 2; Department of Transport submission, p. 3; Western Australia Police Force submission, pp. 2, 3. In addition, three stakeholders submitted that the ERA's draft recommendations should not apply to them. The Australian Energy Market Operator submitted that it was not a state government agency for the purposes of the inquiry, and adhering to the ERA's draft recommendations would add additional burden to processes that are already heavily governed. Racing and Wagering Western Australia stated that the ERA's draft recommendations should not apply to racing and wagering licences because these licences have no economic or environmental impact and do not create a significant regulatory burden. The Training Accreditation Council Western Australia submitted that the extent to which it is required to implement the ERA's draft recommendations should be limited, because vocational education and training regulation is underpinned by a national framework. In contrast, the Department of Training and Workforce Development said it would be able to comply with reporting recommendations of the draft report.



Appendix C is a list of licensing schemes that have not been reviewed in more than 10 years.

A list of licensing schemes that have been reviewed since 2013, but have not yet had any recommendations from those reviews implemented, is included in **appendix D**.

Information to assist government decide which of these schemes to prioritise for review and reform is also provided in appendices C and D.


A list of licensing schemes that currently have no information about the scheme on the responsible state government agency's website, and/or do not allow for online applications is included in **appendix E**.

Appendix F is a summary of regulatory policy governance frameworks in other Australian jurisdictions.

Appendix G is a summary of the nature of the issues with particular licensing schemes raised by stakeholders in submissions.

Appendix H is the list of state government business licences that was current as of April 2018.

Appendix I is the terms of reference for the inquiry.



CHAPTER 2:
A GOVERNANCE
FRAMEWORK FOR
BUSINESS LICENSING

CHAPTER 2:

A GOVERNANCE FRAMEWORK FOR BUSINESS LICENSING

- A whole-of-government approach is needed to improve how state government business licensing schemes are developed and introduced in Western Australia.
- Responsibility for cross-government business licensing policy should be assigned to a senior minister, who would be accountable for implementing and reviewing the business licensing governance framework and ensuring that the government treats licensing schemes as public assets.
- The ERA's recommendations are intended to complement existing reform projects like Streamline WA, the Service Priority Review and the public sector Roadmap for Reform.

The ERA has used the asset lifecycle model set out in chapter 1 to consider the management of licensing schemes in Western Australia. The ERA's overarching finding is that there is no consistent culture, or systematic governance framework, across regulatory agencies that ensures active management and continuous improvement of business licensing. There is no cross-government coordination to improve licensing or build capability. Each regulatory agency takes a different approach to managing licensing, and has to develop for itself the motivation, capability and initiatives to improve licensing. While there are examples of good practice, there are also examples of poor practice.

There is no consistent culture, or systematic governance framework, across regulatory agencies that ensures active management and continuous improvement of business licensing.

Establishing a governance framework for business licensing

To address the lack of a cross-agency framework for the active management and continuous improvement of business licensing, the ERA recommends that a governance framework be implemented across state government licensing agencies. Many stakeholders support introducing a governance framework which includes the reporting, review, consultation, transparency and oversight measures outlined in the recommendations throughout this report.³⁹

Other jurisdictions have adopted varying approaches to help improve how regulation is developed and applied across government (appendix F). The Commonwealth, Victoria and New South Wales have governance frameworks

that set out expectations for regulatory agency performance, and make agencies accountable by requiring them to self-assess and publicly report against the framework. Queensland is currently developing “a regulatory performance framework based on regulatory best practice principles.”⁴⁰ The Commonwealth and other states and territories have established statutory frameworks for the management of legislation, including the making and automatic repeal of subsidiary legislation.⁴¹ The common elements of the frameworks used in other jurisdictions are:

- **Leadership.** Victoria has a Commissioner for Better Regulation, whose responsibilities include identifying opportunities to reduce red tape and assisting regulatory agencies with the design, application and administration of regulation.⁴²

39 Water Corporation submission; Chamber of Commerce and Industry of Western Australia submission (draft report); Western Australian Local Government Association submission (draft report); Teacher Registration Board of Western Australia submission; Metropolitan Cemeteries Board submission; Department of Biodiversity, Conservation and Attractions submission; Department of Mines, Industry Regulation and Safety submission; Department of Health submission; Department of Water and Environmental Regulation submission; National Fire Industry Association submission; meeting with Master Painters and Decorators Australia.

40 Queensland Productivity Commission, 'QPC releases regulatory advice', 2017, [\(online\)](#), [accessed 22 January 2019]. The recommendation to develop a regulatory performance framework was made in response to Red Tape Reduction Advisory Council Report (Council appointed in August 2015; reported to government August 2016), [\(online\)](#).

41 For example, *Legislation Act 2003* (Cth), *Subordinate Legislation Act 1989* (NSW), *Legislation Review Act 1987* (NSW), *Subordinate Legislation Act 1994* (Vic), *Statutory Instruments Act 1992* (Qld), *Legislation Standards Act 1992* (Qld), *Subordinate Legislation Act 1978* (SA), *Subordinate Legislation Act 1992* (Tas), *Legislation Act 2001* (ACT).

42 The Commissioner for Better Regulation's role was expanded in 2018 to include the responsibilities of the Red Tape Commissioner. Victorian Government, 'About Us', *Commissioner for Better Regulation*, 10 January 2019, [\(online\)](#) [accessed 17 January 2019].

- **Better regulation principles.** The New South Wales *Subordinate Legislation Act 1989* requires agencies to comply with guidelines when drafting regulations.⁴³ The guidelines include that the “objectives sought to be achieved and the reasons for them must be clearly formulated”, and that those objectives are “reasonable and appropriate” and “accord with the objectives, principles, spirit and intent of the enabling Act.”⁴⁴
 - **Clear expectations from government about regulator performance.** Under Victoria’s Statement of Expectations for Regulators Framework, regulators are issued Statements of Expectations by the responsible Minister. The Framework sets out the mandatory elements of good regulatory practice, the minimum standards required to meet these elements, and characteristics of best practice for each element.⁴⁵
 - **Measures to promote transparency and accountability, including public reporting on regulatory performance.** The Commonwealth’s Regulatory Performance Framework requires regulators to publish a report on the outcomes of annual self-assessment against the Framework’s performance indicators, and external reviews of performance.⁴⁶
 - **A process for developing regulation, including Regulatory Impact Assessment.** In the Australian Capital Territory, New South Wales, Tasmania and Victoria, the requirement for a regulatory impact assessment process is legislated for subsidiary legislation.⁴⁷
 - **Mechanisms to enable regulators to improve regulatory capability and maintain their stock of regulations.** Tasmania, South Australia, Queensland, Victoria, New South Wales and the Commonwealth have legislation that automatically revokes subordinate legislation five or 10 years after it commences.⁴⁸
- The Service Priority Review noted that compared to some other jurisdictions, Western Australia’s regulatory governance framework is “informal and insular”.⁴⁹ The ERA’s recommendations are aimed at addressing the gaps in Western Australia’s regulatory governance framework for business licensing.
- The Western Australian Government has an established Regulatory Impact Assessment program, and *ad hoc* red tape reduction initiatives, such as the 90-day regulatory mapping projects and omnibus bills. Several agencies and units in the government have a role in whole-of-government measures to monitor, maintain and improve regulatory practice and the State’s regulations. These include:
- The Better Regulation Unit in the Department of Treasury, which administers and assists agencies with Regulatory Impact Assessment.
 - The Economic Policy Unit in the Department of Treasury, which coordinates regulatory reform such as the 90-day regulatory mapping projects.
 - The Office of the Auditor General, which conducts independent reviews of regulatory agencies’ systems on an ad hoc basis.
 - The Department of the Premier and Cabinet, which leads public sector reform, and is currently coordinating the Streamline WA initiative.
 - The Parliamentary Counsel’s Office, which is responsible for drafting legislation.

43 Section 4, *Subordinate Legislation Act 1989* (NSW).

44 Schedule 1, *Subordinate Legislation Act 1989* (NSW).

45 Victorian Department of Treasury and Finance, *State of Expectations Framework for Regulators*, April 2018, pp. 5-7.

46 Commonwealth of Australia, *Regulator Performance Framework*, 2014, pp. 8 - 10.

47 Section 34 *Legislation Act 2001* (ACT), section 5 *Subordinate Legislation Act 1989* (NSW), section 5 *Subordinate Legislation Act 1992* (Tas), section 7 *Subordinate Legislation Act 1994* (Vic).

48 Section 11 *Subordinate Legislation Act 1992* (Tas), section 16B *Subordinate Legislation Act 1978* (SA), section 54 *Statutory Instruments Act 1992* (Qld), section 5 *Subordinate Legislation Act 1994* (Vic), section 10 *Subordinate Legislation Act 1989* (NSW), section 50 *Legislation Act 2003* (Cth).

49 Department of the Premier and Cabinet (Service Priority Review), *Working Together: One Public Sector Delivering for WA* (Final Report), 2017, p. 45.

- The Public Sector Commission, which monitors the state of public sector administration and management; for example, through State of the Sector reporting.

There is, however, a lack of senior leadership of regulatory policy and reform. Other jurisdictions have provided senior leadership of the jurisdiction's regulatory framework by establishing productivity or better regulation commissioners, or making a minister responsible for regulatory policy.

In New South Wales, the 2017 *Independent Review of the NSW Regulatory Policy Framework* found that ministerial leadership of regulatory policy was “critical”.⁵⁰ The review recommended assigning responsibility for regulatory policy to a senior minister “to champion and advocate within Cabinet for high quality regulatory policy and reform”.⁵¹ The review stated that a minister for regulatory policy needed to have the “authority to lead and support sector-wide cultural change, and be a strong voice in Cabinet on matters of regulatory quality.”⁵² The review also recommended that the Government establish a Commissioner for Productivity. The commissioner would work with government agencies, industry and the community to monitor and improve regulatory practice and outcomes, identify review and reform opportunities, and publish yearly reports on the public sector's management of regulation.⁵³ In response to the review, the New South Wales Government appointed a Commissioner for Productivity in February 2018, and made the Treasurer responsible for regulatory policy.⁵⁴

The Victorian Government appointed a Commissioner for Better Regulation in 2015, and expanded the role to include the responsibilities of the Red Tape Commissioner in June 2018.⁵⁵ The Chamber of Commerce and Industry of Western Australia recommends the Government appoint a Western Australian commissioner for red tape, based on the Victorian model.⁵⁶ The commissioner's role would be to work with businesses, not-for-profit organisations and government agencies to identify problems with

business licensing schemes and priorities for reform.⁵⁷

The ERA does not recommend that the Government establishes a red tape commissioner at this time. In December 2018, the Western Australian Government announced Streamline WA. This initiative will be led by a steering committee of representatives from central, regulatory and economic development agencies, and leaders from industry and community groups.⁵⁸ Although this structure differs from a commission, it is likely to have functions similar to those of a red tape commissioner. Streamline WA will be responsible for prioritising areas for regulatory reform, taking into account referrals and advice from industry, community groups, the general public and independent bodies (for example, the Office of the Auditor General and the ERA), and developing principles for making and applying regulation.⁵⁹

Streamline WA will provide leadership at a cross-agency level for regulatory reform in Western Australia. However, to provide the political leadership required to change culture and raise the priority given to improving business licensing by Cabinet and Parliament, the ERA recommends that responsibility for improving state government business licensing be assigned to a senior minister. A licensing agency, or the minister responsible for that agency, can only assess the performance of licensing schemes that are their responsibility. A minister for business licensing will be able to assess the overall performance of the licensing system, and identify duplication, regulatory gaps and cumulative regulatory burden. The minister would be accountable for the business licensing governance framework and ensuring that the government treats schemes as public assets that need to be continually managed and improved. Like the role the Treasurer will play in Streamline WA, the minister would report to Parliament on business licensing reforms (including progress implementing the business licensing governance framework) and advocate for high priority business licensing reforms within Cabinet.

50 Greiner AC, Hon. N., McCluskey, S., and Stewart-Weeks, M., *NSW Regulatory Policy Framework Independent Review Final Report*, 2017, p. 71.

51 Greiner AC, Hon. N., McCluskey, S., and Stewart-Weeks, M., *NSW Regulatory Policy Framework Independent Review Final Report*, 2017, p. 15.

52 Greiner AC, Hon. N., McCluskey, S., and Stewart-Weeks, M., *NSW Regulatory Policy Framework Independent Review Final Report*, 2017, p. 66.

53 Greiner AC, Hon. N., McCluskey, S., and Stewart-Weeks, M., *NSW Regulatory Policy Framework Independent Review Final Report*, 2017, p. 73.

54 New South Wales Government, 19 February 2018, *Independent Review of the NSW Regulatory Policy Framework: Government Response*.

55 Victorian Government, 'About Us', *Commissioner for Better Regulation*, 10 January 2019, [\(online\)](#) [accessed 22 January 2019].

56 Chamber of Commerce and Industry of Western Australia (draft report), p. 5.

57 Chamber of Commerce and Industry of Western Australia (draft report), pp. 12-13.

58 Government of Western Australia media statement, 6 December 2018, 'Streamline WA: Making it easier to do business in Western Australia', [\(online\)](#).

59 Government of Western Australia media statement, 6 December 2018, 'Streamline WA: Making it easier to do business in Western Australia', [\(online\)](#).

Governance frameworks in other jurisdictions set out the government's expectations for regulatory agency performance, and make agencies accountable by requiring them to self-assess and publicly report against the framework. In Victoria, regulators are issued statements of expectations by the responsible minister, which include "performance improvements and targets" for "mandatory elements of good regulatory practice" that the agency must report against.⁶⁰ In Canada, a cabinet directive on regulation sets out the Canadian Government's expectations and requirements for the development, management and review of federal regulations.⁶¹ Under the directive, regulatory agencies must develop and publish a 24-month forward regulatory plan and give stakeholders the opportunity to comment on the plan.⁶²

Another approach adopted in some jurisdictions is to set out expectations of regulators in legislation or codes. In New Zealand, the *State Sector Act 1988* sets out the principal responsibilities of departmental chief executive officers, including that the chief executive officer is responsible to the minister for the stewardship of legislation administered by their department.⁶³ The State Services Commission reviews the performance of chief executive officers against *State Sector Act 1988*, and reports its findings to the relevant minister.⁶⁴ The United Kingdom has published a Regulator's Code, which is approved by Parliament, based on regulatory principles set out in the *Legislative and Regulatory Reform Act 2006*.⁶⁵ The Code requires regulators to engage with stakeholders, base regulatory activities on risk, share information about compliance and risk, and ensure their approach to regulatory activities is transparent.⁶⁶

Currently, Western Australia does not have an equivalent mechanism to clearly set the expectation that heads of regulatory agencies will continuously manage and improve licensing schemes.

In the past, the government has used circulars from the Public Sector Commissioner and Premier to communicate its expectations of regulatory agencies to engage in regulatory reform processes. For example, circulars were used to communicate the requirement to review legislation as part of National Competition Policy reforms,⁶⁷ and the expectations of agencies under the former government's Plan to Reinvigorate Regulatory Reform.⁶⁸

The performance agreements of chief executive officers could include, as one of their priorities each year, continuous management and improvement of licensing schemes. The Chief Executive Officer 2018/19 Performance Agreement requires chief executive officers to address whole-of-government reform processes when agreeing their priorities with the board chair and/or minister.⁶⁹ One of the priorities in the agreement is that chief executive officers will "lead, support and champion the public sector reform program and encourage a culture of learning, adaptation and improvement at all levels of the agency".⁷⁰

Alternatively, the Streamline WA steering committee could set and communicate clear expectations that regulatory agencies should continuously manage and improve business licensing schemes (or regulation more broadly).

The ERA recommends that the Streamline WA steering committee considers an effective mechanism to communicate the expectation that chief executive officers of regulatory agencies will treat business licensing schemes as public assets and continually manage and improve these schemes.

60 Victorian Department of Treasury and Finance, *State of Expectations Framework for Regulators*, April 2018, p. 23.

61 Government of Canada, 'Cabinet Directive on Regulation', 2018, ([online](#)) [accessed 10 September 2018]. During all stages of the regulatory life cycle, regulators must engage stakeholders, pursue regulatory alignment with domestic and international jurisdictions and coordinate with all levels of government.

62 Government of Canada, 'Policy on Regulatory Transparency and Accountability', 7 September 2018, ([online](#)) [accessed 24 January 2019].

63 *State Sector Act 1988* (NZ), section 32(1)(d). Major departments are required to publish Regulatory Stewardship Strategies and Four Year Plans. These documents assess the fitness-for-purpose of the department's regulatory systems, and outline the priorities for reform for the year ahead. New Zealand Treasury, 'Regulatory Stewardship', 2017, ([online](#)) [accessed on 18 September 2018].

64 Section 43 *State Sector Act 1988* (NZ).

65 Sections 21, 22 and 23 *Legislative and Regulatory Reform Act 2006* (United Kingdom).

66 The United Kingdom Department for Business Innovation and Skills, Regulators' Code, 6 April 2014. In 2016, the *Legislative and Regulatory Reform Act 2006* was amended to require regulators to annually report on the effect the Code has on how they exercise their regulatory functions; however, as of January 2019, this amendment had not come into force.

67 'Legislation Review Requirements of National Competition Policy - Public Consultation', Public Sector Commissioner Circular 2005/13, 2005; 'Legislation Review Program Under National Competition Policy', Public Sector Commissioner Circular 1998/01, 1998.

68 'Plan to Reinvigorate Regulatory Reform', Premier's Circular 2015/07, 2015.

69 Public Sector Commission, 'Chief Executive Officer 2018/19 performance agreement'.

70 Public Sector Commission, 'Chief Executive Officer 2018/19 performance agreement'.

Recommendation:

State government agencies should manage business licensing schemes as public assets and continually manage and improve these schemes. To support agencies to do so, and also to hold these agencies to account, a governance framework for business licensing should be implemented. This governance framework comprises the reporting, review, consultation, transparency and oversight measures outlined in the recommendations in this report. The government should review the effectiveness of the framework every five years.

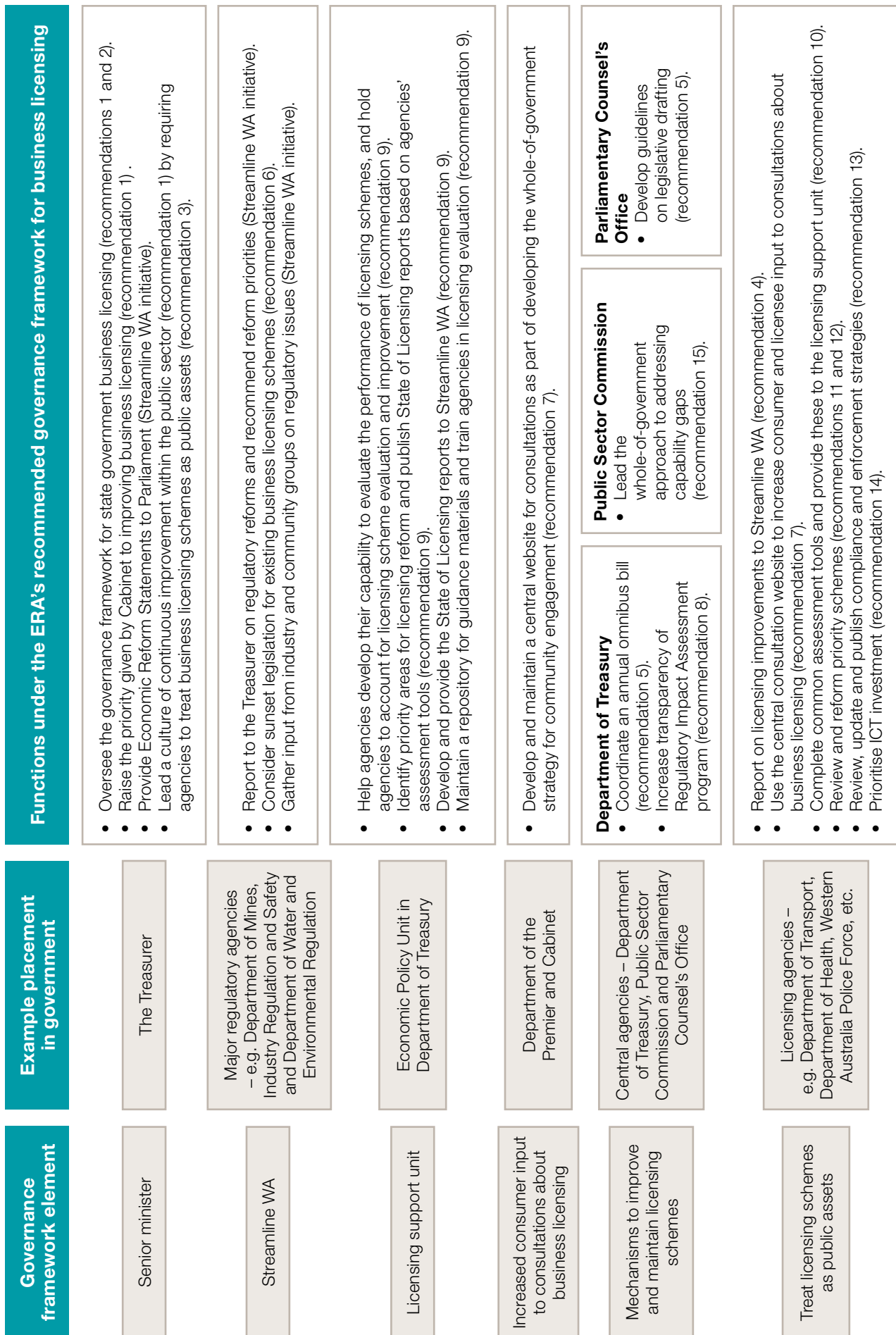
Responsibility for cross-government business licensing policy, monitoring and performance improvement should be assigned to a senior minister. This minister would be accountable for implementing and reviewing the governance framework for business licensing, assessing duplication, regulatory gaps and the cumulative regulatory burden, and the overall performance of the licensing system. This senior minister will seek to raise the priority given to improving business licensing in Cabinet and Parliament, help create a culture of continuous improvement and ensure that business licensing schemes are treated as a regulatory portfolio. This role would complement the existing responsibility for particular business licensing remaining schemes that would remain with the ministers for the relevant portfolio agencies.

The governance framework should include a mechanism that requires agencies to treat business licensing schemes as public assets and continually manage and improve these schemes. The Streamline WA steering committee should consider which mechanism would be most effective. Options include direct communication from Streamline WA to agency heads, instruction from the Premier, senior minister or Public Sector Commissioner, amending chief executive officer performance agreements, or legislation.

The ERA's proposed governance framework addresses all stages of the licensing lifecycle, and contains complementary measures at the ministerial and agency levels of state government to ensure accountability and cultural change throughout the licensing system. The measures described in the governance framework should be implemented together to best enable improvement to Western Australia's business licensing system. Past reform initiatives have been only partially successful because they have focused on a particular level of state government, or have not addressed all parts of the licensing lifecycle.

The governance framework will not duplicate the existing regulatory policy framework. Rather, it complements and enhances the existing regulatory policy framework, and addresses gaps. Further, while the business licensing governance framework assigns roles to central agencies, the deepest benefits will be created for Western Australian businesses, workers and consumers by regulatory agencies committing to manage business licensing schemes as public assets. Figure 2 provides an example of how the governance framework could be implemented by organisations in the current regulatory policy framework.

Figure 2. Possible implementation of the governance framework for business licensing in Western Australia



Building capability to enable agencies to improve licensing schemes

Submissions from state government agencies supported the ERA's draft report recommendation that agencies should treat business licensing schemes as public assets and continually manage and improve these schemes.⁷¹ However, both state government agencies and licensees identified gaps in agency capabilities that need improvement. These included:

- Identifying and solving problems with licensing schemes (for example, redesigning regulations and guidelines, and administrative systems and processes).⁷²
- Identifying, analysing and prioritising risk, including analysing large data sets (for example, about compliance).⁷³
- Undertaking compliance investigations.⁷⁴
- Engaging with consumers and licensees,⁷⁵ and understanding the businesses and industries they are regulating.⁷⁶
- Providing legislative drafting instructions.⁷⁷

The Service Priority Review identified gaps in capability in policy and data analysis (among other things), and argued that a systematic approach to capability development is critical.⁷⁸

The Service Priority Review recommended that the Public Sector Commission revise the Western Australian Public Sector Employee Capability Framework, "to ensure it is fit for purpose and meets the needs of a contemporary workforce".⁷⁹ The Government's Roadmap for Reform identifies two initiatives to address the findings of the Service Priority Review:

- "Talented people: Building a talented and agile workforce for today and tomorrow."

- "Agency capability: Enabling chief executive officers and their agencies to continuously improve agency capability and performance."

The Department of the Premier and Cabinet advised that these initiatives are still being developed.⁸⁰

This report includes information and recommendations to assist public servants to develop their capability identifying and solving problems with licensing schemes, and engaging with consumers and licensees. A logical way to promote cross-government coordination to build capability in the other areas identified by this inquiry – assessing and prioritising risk, analysing large data sets, undertaking compliance investigations, and providing legislative drafting instructions – is for the Roadmap for Reform initiatives to take these areas into consideration. Improving employee understanding of the businesses and industries they are regulating should, however, remain the responsibility of individual agencies.

Recommendation:

To assist agency staff to carry out their regulatory responsibilities effectively and efficiently, agency heads should ensure that capability gaps identified in this inquiry are addressed. Public Sector Roadmap for Reform initiatives to improve agency capability should address cross-agency skills gaps in assessing and prioritising the risks that different licensing schemes manage; analysing and drawing conclusions from large sets of data (for example, about compliance); understanding the role of a compliance officer; and providing legislative drafting instructions.

71 Teacher Registration Board of Western Australia submission; Metropolitan Cemeteries Board submission; Department of Biodiversity, Conservation and Attractions submission; Department of Mines, Industry Regulation and Safety submission; Department of Health submission; Department of Water and Environmental Regulation submission; Department of Training and Workforce Development submission.

72 Western Australia Police Force submission, p. 3 states: "...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." Department of Mines, Industry Regulation and Safety submission, p. 10 states: "Officers administering licensing schemes may become too ideologically or emotionally committed to their continuation and therefore unwilling or unable to objectively consider options to replace or improve them." Meeting with the Department of Biodiversity, Conservation and Attractions.

73 Department of Transport submission.

74 Department of Transport submission, meeting with the Department of Water and Environmental Regulation; Community and Public Sector Union/ Civil Service Association submission; meeting with Department of Primary Industries and Regional Development; Department of Health response to ERA information request; meeting with Master Painters and Decorators Australia. Responding to claims of gaps in agency capability around the investigation of painters' registrations, the Department of Mines, Industry Regulation and Safety advised that all Building and Energy compliance staff hold an investigations qualification, and are supported by technical staff with relevant qualifications and experience (Correspondence with the Department of Mines, Industry Regulation and Safety (Building and Energy Division)).

75 Chamber of Commerce and Industry of Western Australia submission (draft report); Western Australia Police Force submission; Department of Transport submission; meeting with Master Painters and Decorators Australia; meeting with Department of Mines, Industry Regulation and Safety.

76 Meeting with Master Painters and Decorators Australia; meeting with Roy Hill Holdings Pty Ltd; Pilbara Ports Authority submission.

77 Meeting with Parliamentary Counsel's Office.

78 Department of the Premier and Cabinet (Service Priority Review), *Working Together: One Public Sector Delivering for WA* (Final Report), 2017, p. 115.

79 Department of the Premier and Cabinet (Service Priority Review), *Working Together: One Public Sector Delivering for WA* (Final Report), 2017, p. 116.

80 Government of Western Australia, *Roadmap for Reform: Changing the way government works*, 2018, available ([online](#)); meeting with the Department of the Premier and Cabinet.

Leadership at the most senior level, setting clear expectations, and supporting agencies to build capability will help to develop a culture that prioritises continually evaluating and improving licensing schemes. The Department of Transport has set clear expectations about the way it wants to manage licensing, and developed the capability required to meet those expectations. The department sets clear expectations that:

- The organisation's core objective is to get people to work, home and anywhere they need to be, safely and efficiently.⁸¹
- The leadership team will acknowledge mistakes and promote change.⁸²
- The organisation will collaborate with other agencies.⁸³

To enable the organisation to meet these objectives, it has both recruited the required skills from outside the organisation, and invested in training and professional development. The department says the organisational change program has taken three to four years.

Setting clear expectations about licensing scheme management and building the capability to meet expectations — the Department of Transport⁸⁴

There are several examples of the department meeting the expectations it has set:

- When implementing the new regulatory regime for taxis, charter and passenger transport vehicles, the department co-designed the systems that support the regime with input from businesses that will use the systems.
- The department has installed software that reviews data from its systems to identify non-compliance in areas such as vehicle inspections and driving assessments.⁸⁵
- The department has designed its information communication technology systems so that other agencies can connect, meaning that a single platform will be able to accept transactions from multiple agencies.

To help staff meet the department's expectations, the department has provided leadership training and recruited individuals who can develop new Information and Communication Technology systems and analyse large data sets. The department's leaders have also created a culture of giving and receiving feedback. Staff are encouraged to understand how the work they are doing contributes to meeting the organisation's objectives.

The department's service delivery has improved over the past five years. The department has reduced the number of forms it uses by nearly 40 per cent, and simplified the process for signing up to its online platform, DoTDirect. Between July 2017 and July 2018, use of DoTDirect increased by 180 per cent, with more than 380,000 customers completing online transactions.⁸⁶

Changes to the department's systems, for example how it collects information from authorised inspection stations, have improved its performance against key performance indicators for vehicle standards and driver competencies. For example, in 2013/14, 85 per cent of vehicle examinations audited by the department were completed in accordance with the Australian Design Rules.⁸⁷ This increased to 95.3 per cent in 2017/18.⁸⁸

81 Department of Transport, 'About the DoT – overview, role and structure', ([online](#)); Department of Transport, *Strategic Direction*, June 2018, ([online](#)).

82 Meeting with the Department of Transport.

83 Meeting with the Department of Transport.

84 Meeting with the Department of Transport.

85 Department of Transport, *Annual Report 2016/17*, 2017, p. 39.

86 Department of Transport, *Annual Report 2017/18*, 2018, p. 39.

87 Department of Transport, *Annual Report 2013-2014*, 2014, p. 39.

88 Department of Transport, *Annual Report 2017-18*, 2018, p. 150.



While agencies supported the ERA's draft recommendations, some said the recommendations could not be implemented with existing staff and funding.⁸⁹ The Department of Biodiversity, Conservation and Attractions stated it “would be unlikely to be able to implement significant or ongoing business licensing reviews and reforms within existing resources without having to divert resources from other priorities”.⁹⁰ Similarly, the Western Australia Police Force noted that “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”.⁹¹

The Service Priority Review recommended that the government overhaul the budget system,⁹² and noted that doing so would assist the implementation of the review's proposed reforms.⁹³ The review noted that the government needed to create incentives within the budget

system for agencies to better manage their assets and finances to maximise value to the State. For example, it suggested that government establish three-year expenditure limit budgets for departments to give chief executive officers greater discretion over expenditure.⁹⁴ The Review also suggested that departments be allowed to retain and reinvest a portion of the savings identified through the Department of Treasury's Asset Investment Program, rather than returning these savings to the Department of Treasury.⁹⁵

Changes to the budget system that create incentives for agencies to manage their assets better, including business licensing schemes, will assist agencies to implement the ERA's recommendations. The Government has identified “Strengthening Budget Systems and Structures” as one of the early initiatives in its public sector Roadmap for Reform.⁹⁶

89 Western Australia Police Force submission; Department of Biodiversity, Conservation and Attractions submission; Department of Transport submission; Department of Health submission; Department of Mines, Industry Regulation and Safety submission; meeting with the Department of Treasury's Economic Policy Unit.

90 Department of Biodiversity, Conservation and Attractions submission, p. 2.

91 Western Australia Police Force submission, p. 3.

92 Department of the Premier and Cabinet (Service Priority Review), *Working Together: One Public Sector Delivering for WA* (Final Report), 2017, p. 90. The Review found issues with the budget forecasts process, the outcome-based management framework and government's financial and asset management. Department of the Premier and Cabinet (Service Priority Review), *Background Paper: Overview of the Budget Process*, 2017, pp. 14-16.

93 Department of the Premier and Cabinet (Service Priority Review), *Working Together: One Public Sector Delivering for WA* (Final Report), 2017, p. 83.

94 Department of the Premier and Cabinet (Service Priority Review), *Working Together: One Public Sector Delivering for WA* (Final Report), 2017, p. 84.

95 Department of the Premier and Cabinet (Service Priority Review), *Background Paper: Overview of the Budget Process*, 2017, pp. 17.

96 Department of the Premier and Cabinet, ‘Public Sector Reforms’, 2018, [online](#) [accessed 17 January 2019].



CHAPTER 3:
EVALUATING LICENSING
SCHEMES

CHAPTER 3:

EVALUATING LICENSING SCHEMES

- There is no consistency in the processes and frequency with which agencies assess licensing schemes to see if they are still required, performing well, and providing value for money.
- The review process should be transparent to increase public confidence in regulation and allow feedback from diverse stakeholders.
- The ERA recommends a unit within government be given responsibility for helping agencies develop capability in evaluating the performance of licensing schemes, and holding agencies to account. The ERA has developed two assessment tools for agencies to assess their licensing stock.
- The ERA recommends that government consider creating a central consultation website to make licensee and community participation in its decision-making processes easier.

What the ERA has found

Agencies are checking the performance of licensing schemes, but the frequency, thoroughness and transparency of that checking varies. Licensing schemes should be checked to determine whether they are:

- achieving their intended environmental, social or economic outcomes
- administered in a cost-effective way
- complied with.

Most major licensing agencies conduct and publish some form of regular evaluation of the regulations they administer. This is often undertaken across all of an agency's regulatory and other functions, and is not specific to business licensing. The performance of each individual scheme, or all schemes administered by an agency, may not be assessed. Major licensing agencies that publish checks of some licensing schemes as part of their annual Key Performance Indicator reporting are included in Table 1.⁹⁷

Table 1. Major licensing agencies: annual reporting on Key Performance Indicators for licensing⁹⁸

Agency	Achieving outcomes	Administrative efficiency	Compliance
Department of Mines, Industry Regulation and Safety	✓	✓	✓
Department of Primary Industries and Regional Development	✓	✓	✓
Department of Health	✗	✗	✗
Department of Water and Environmental Regulation	✓	✓	✓
Department of Biodiversity, Conservation and Attractions	✗	✗	✗
Department of Local Government, Sport and Cultural Industries	✓	✓	✓
Department of Transport	✗	✓	✓
Western Australia Police Force	✗	✗	✗

Note: Agencies included in the table are those currently responsible for approving licence applications for more than 20 licensing schemes.

Note: The Department of Health noted that it undertook compliance reporting on some schemes (for example, radiation safety inspections, compliance with conditions of tobacco sellers' licences) in documents other than its annual report. The Department of Water and Environmental Regulation noted that it was in the process of introducing a review stage in the regulatory cycle for its regulations. Agency responses to ERA information request.

⁹⁷ Agencies included in the table are those currently responsible for approving licence applications for more than 20 licensing schemes.

⁹⁸ Department of Mines, Industry Regulation and Safety, *Annual Report 2017-18*, 2018, pp. 75-118; Department of Primary Industries and Regional Development, *Annual Report 2018*, 2018, pp. 31-38 and 142-175; Department of Health, *Annual Report 2017-18*, 2018, pp. 21-23 and 111-135; Department of Water and Environmental Regulation, *Annual Report 2017-18*, 2018, pp. 31-90 and 146-166; Department of Water and Environmental Regulation, *Regulatory Performance Report – Quarter 4 2017-18*, 2018, ([online](#)); Department of Biodiversity Conservation and Attractions, *2017-18 Annual Report*, 2018, pp. 119-122; Department of Local Government, Sports and Cultural Industries, *Annual Report 2017-2018*, 2018, pp. 13-31; Department of Transport, *Annual Report 2017-18*, 2018, pp. 142-169; Western Australia Police Force, *Annual Report 2018*, 2018, pp. 137-164.

Despite this annual reporting, since 2013 nearly 70 per cent of licensing schemes have not had enforcement and compliance reviewed, and about 60 per cent have not had administration reviewed.⁹⁹

Agencies tend to assess whether licensing schemes are delivering benefits for Western Australians by undertaking legislative reviews. About 70 per cent of licensing schemes that are more than 10 years old have been subject to a legislative review in the past decade, or are currently under review.¹⁰⁰ The licensing schemes that have not been subject to any form of review in more than 10 years are listed in appendix C. They include some licensing schemes that have never been reviewed.

The adequacy of reviews varies. In many instances, reviews do not consider the underlying problem the licensing scheme was introduced to address.¹⁰¹ Only about a third of licensing schemes reviewed since 2013 had all aspects of the scheme considered – that is, the policy problem being addressed, the terms and requirements of the licensing scheme, and the scheme’s administration, enforcement, compliance, fees and charges.¹⁰² For about a third of licensing schemes reviewed during this period, only one aspect of the licensing scheme was considered.¹⁰³

Reviews are likely to elicit more information about industry experiences of licensing than consumer experiences, because industry is more likely to participate in consultation processes. Sometimes, this is because government undertakes targeted, invitation-only consultation. Public consultation was undertaken for less than half of the licensing schemes reviewed since 2013.¹⁰⁴ Further, there are only a few State-based groups representing

the interests of consumers. These include the Western Australian Council of Social Service, the Health Consumers’ Council of Western Australia, Consumers of Mental Health Western Australia and the Consumer Credit Legal Service Western Australia. About 70 State-based interest groups, such as business associations and unions, represent licensees and businesses.

Some licensees expressed frustration that their concerns were not being heard by regulatory agencies.¹⁰⁵ Master Painters and Decorators Australia reported there was limited consultation with the industry when the *Painters’ Registration Act 1961* was transferred into the *Building Services (Registration) Regulations 2011*, including about the registration threshold, which is based on the value of painting services contracted, increasing from \$200 to \$1,000.¹⁰⁶ The Chamber of Commerce and Industry of Western Australia said the “feedback loop” from licensees to agencies about the problems they were facing with business licensing was not working to identify and bring about change.¹⁰⁷

Reviews often lack transparency – progress, findings and recommendations are often not made public. For example, information about the progress of a review of cemeteries and cremation legislation is limited. The Metropolitan Cemeteries Board explained in its 2015/16 Annual Report, that “due to a number of competing priorities for legislation in the State Parliament, the anticipated review of the *Cemeteries Act 1986*, *Cremation Act 1929* and *Cremation Regulations 1954* being prepared for public consultation has been delayed. It is hoped the consultation process will begin in 2017”.¹⁰⁸ This legislation licenses funeral directors, and provides the authority to carry

99 ERA agency questionnaire responses.

100 ERA agency questionnaire responses.

101 ERA agency questionnaire responses. For about half of licensing schemes, the most recent legislative review did not consider the policy problem being addressed.

102 ERA agency questionnaire responses.

103 ERA agency questionnaire responses.

104 ERA agency questionnaire responses.

105 Meeting with Master Painters and Decorators Australia; Chamber of Commerce and Industry of Western Australia submission (draft report); Master Plumbers and Gasfitters Association Western Australia submission; Small Business Development Corporation submission; Waste Management Association of Australia submission; Pilbara Ports Authority submission; WA TAB Agents Association submission.

106 Meeting with the Master Painters and Decorators Australia. The 2011 reforms were informed by a public review of building legislation conducted in 2005-06, but that public review did not consider painters’ registration. Department of Housing and Works, *Annual Report 2004-05*, 2005, p. 20. Master Painters and Decorators Australia also reported that while a Painting Reference Group previously worked with the Building Commission to provide industry’s input about the painters’ registration scheme, this no longer operates. The Department of Mines, Industry Regulation and Safety advised that consultation does still occasionally occur with the Painting Reference Group but only when a specific issue needs to be canvassed. The Department stated that it would consult more broadly with the industry than what the Reference Group allows, for instance during a legislative review, as membership only reflects a small proportion of painters and decorators (ERA correspondence with the Department of Mines, Industry Regulation and Safety (Building and Energy Division)).

107 Chamber of Commerce and Industry of Western Australia submission (draft report), p. 12.

108 Metropolitan Cemeteries Board, *Annual Report 2015-16*, 2016, p. 7.

out monument works, conduct burials, funerals and cremations, and operate a crematorium. The Board's update the following year said the government had made limited progress in 2016/17.¹⁰⁹ There is no further public information about the review (for example, about when it is expected to commence or why it is delayed).¹¹⁰

Why the transparent evaluation of licensing schemes is important

Evaluating how licensing schemes are managed and the outcomes they are achieving can identify ways to make them more effective. For example, the Department of Primary Industries and Regional Development monitors fish stocks. This enables it to manage fishing to ensure sustainability of the State's resources. In 2016/17 the department re-opened the Abrolhos Islands and Mid-West Trawl Managed Fishery after it found the fishery had adequate stock for commercial fishing to recommence.¹¹¹

The evaluation process can also determine when a major review and reform process needs to occur. For example, the Department of Transport monitors the taxi industry on a quarterly basis.¹¹² When Uber entered the Perth market in 2014, this monitoring provided an early indication that demand for door-to-door transport services was moving away from incumbent service providers, and that regulations intended to protect the safety of drivers and passengers were no longer fully covering the market. Although the subsequent review and reform process took some time (the review process commenced in 2015¹¹³ and the *Transport (Road Passenger Services) Act 2018* passed in October 2018),¹¹⁴ the Department of Transport's monitoring program signalled that changes were needed.

Evaluating and reviewing licensing schemes provides evidence and insights that can help build the case for reform. Not doing so, or doing

so poorly, means that policy-makers cannot provide meaningful evidence to support claims about a licensing scheme's effectiveness.¹¹⁵ Further, if consumer perspectives are absent, the interest groups representing licensees can exert a disproportionate influence on whether reforms happen, and the types of changes made. If the interests of consumers and licensees do not align, changes to licensing schemes that would benefit consumers might not be implemented.

At worst, not evaluating the performance of licensing schemes can lead to regulatory failure that causes significant harm to people, the environment or the market. While the outcome of the United Kingdom government's inquiry is still pending,¹¹⁶ both sides of politics have argued that inadequate compliance inspections were a major contributor to the Grenfell Tower fire in London, which killed 72 people in June 2017.¹¹⁷ In Australia, a review by Professor Peter Shergold AC and Ms Bronwyn Weir of compliance in the building and construction industry found that the nature and extent of problems with compliance were "significant and concerning".¹¹⁸ The review concluded that "the problems have led to diminishing public confidence that the building and construction industry can deliver compliant, safe buildings which will perform to the expected standards over the long term".¹¹⁹ The review made recommendations to strengthen compliance systems.¹²⁰

The findings and recommendations of evaluations and reviews are often not made public, meaning it is not possible for anyone outside the agency to determine whether licensing schemes are delivering more benefits than costs. In some cases it is not in the public interest for government decision-making to be public, for example, if it would damage relations with another government, or if it would reveal personal information about an individual.¹²¹ However, agencies' default position should be to publish the findings of reviews, so

109 Metropolitan Cemeteries Board, *Annual Report 2016-17, 2017*, p. 44.

110 As another example, a review of the *Anatomy Act 1930*, which enables the licensing of practicing and teaching anatomy, and removing bodies for medical examinations, commenced in 2014, and a position paper was released in October 2014. Submissions were due in December 2014 but have not been made public, nor has information about the progress of the review. Department of Health, *Review of the Anatomy Act 1930: Position Paper, 2014*, available from the Department of Health.

111 Department of Fisheries, *Annual Report 2016-17, 2017*, p. 61, [\(online\)](#); Department of Primary Industries and Regional Development, *Status reports of the fisheries and aquatic resources of Western Australia 2016-17, 2018*, p. 1 [\(online\)](#); State of the Fisheries reports are available on the Department of Primary Industries and Regional Development's website [\(online\)](#)

112 Department of Transport, *Taxi Industry Service Standards – Quarterly Report: April to June 2016*. Industry reports are now called 'On-Demand Transport Industry Status Reports' and are available on the Department's website [\(online\)](#).

113 Department of Transport, 'About On-demand transport reform', [\(online\)](#) [accessed 12 September 2018].

114 Transport (Road Passenger Services) Bill 2018 (WA) received Royal Assent on 30 October 2018 as *Transport (Road Passenger Services) Act 2018* (WA).

115 Her Majesty's Treasury, *The Magenta Book: Guidance for Evaluation, 2011*, p. 11.

116 Grenfell Tower Inquiry, 'Terms of Reference', [\(online\)](#) [accessed 12 September 2018].

117 Travis, A., 'Grenfell Tower fire: was Tory austerity to blame or do problems date back to Blair?', *The Guardian*, 29 June 2017, [\(online\)](#) [accessed 4 October 2018].

118 Shergold, P. and Weir, B., *Building Confidence: Improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia*, 2018, p. 1.

119 Shergold, P. and Weir, B., *Building Confidence: Improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia*, 2018, p. 3.

120 Shergold, P. and Weir, B., *Building Confidence: Improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia*, 2018, p. 5. In response to the review, the Building Code of Australia was updated in March this year to remove ambiguity around the use of combustible cladding on buildings. In Western Australia, amended regulations introducing the new building standards took effect in October 2018. Government of Western Australia media statement, 6 October 2018, 'New regulations to improve the safe use of combustible cladding.' [\(online\)](#).

121 Schedule 1, *Freedom of Information Act 1992*.

that the public knows whether licensing schemes are being managed properly. The Quinlan Review of the Environmental Protection Authority's policies and guidelines demonstrated that independent, public evaluation can also facilitate reform, compared to internal reviews conducted by the agency itself.

Quinlan Review of the Environmental Protection Authority's policies and guidelines

In 2016, the Minister for Environment requested an independent review of the Environmental Protection Authority's policies about approvals under Part IV of the *Environmental Protection Act 1986*.¹²² The review was prompted by the Supreme Court of Western Australia ruling invalid the EPA's 2013 environmental impact assessment of the Roe Highway extension.

The Quinlan Review concluded that the lack of a policy framework had led to a proliferation of instruments without those instruments being placed within a coherent framework for policy development.¹²³ These findings were not new. Internal reviews by the EPA in 2009 and 2012 had similar findings. The Quinlan Review noted that while "laudable attempts had been made to rationalise the policy instruments and to develop a policy framework" these attempts had added to, rather than lessened, complexity.¹²⁴

The EPA accepted the findings of the Quinlan Review and, by December 2016, it had implemented a simpler framework for environmental impact assessment guidelines and procedures, published a new website, and organised policy instruments to align with the Act. In addition, the EPA reduced the number of policy documents from 37 to 26, and the content of 14 documents that dealt with procedural matters were incorporated into one document.¹²⁵

How to encourage agencies to evaluate licensing schemes

Publishing the findings of reviews and evaluations exposes an agency to public and political criticism. Agency priorities and resources are often not in their control, and this affects their ability to manage licensing schemes effectively. However, it is important to address systemic problems with licensing schemes, and making the achievements and shortcomings of licensing schemes transparent is one way to assist agencies to do this.

Complexity is another possible deterrent to assessing the performance of licensing schemes, particularly when assessing whether the licensing scheme is achieving its intended environmental, social or economic objectives. A licensing scheme is often only one part of a broader policy framework trying to achieve an objective. There may be many environmental or economic factors at play. For example, tracing the effect of a reduction in illegal fishing to an improvement in the sustainability of fish stocks is challenging, because changes in fish stocks can reflect changes in conditions at sea or changes in illegal fishing, both of which are difficult to measure.¹²⁶ Agencies may need external help to develop the skills required to overcome these complexities, and evaluate their licensing schemes robustly.

When conducting evaluations, agencies may struggle to gather input from consumers to understand their experiences of licensing. Often, consumers do not know how licensing affects them, because it does so only indirectly, through their interactions with licensed businesses. Unlike licensees and businesses, consumers lack incentives and resources to come together to form and express a unified viewpoint. Licensees and business groups also said that agencies are not doing a good enough job of gathering their input.¹²⁷

The rest of this section sets out the ERA's recommendations to address these problems.

122 An environmental approval under Part IV of the *Environmental Protection Act 1986* is a state government business licence.

123 Quinlan, P. SC, Heenan E. and Gonnage, S., *Independent Legal and Governance Review into Policies and Guidelines for Environmental Impact Assessments under the Environmental Protection Act 1986 (WA)*, 2016, p. 52.

124 Quinlan, P. SC, Heenan E. and Gonnage, S., *Independent Legal and Governance Review into Policies and Guidelines for Environmental Impact Assessments under the Environmental Protection Act 1986 (WA)*, 2016, p. 53.

125 Office of the Environmental Protection Authority, *Annual Report 2016-17*, 2017, p. 15-17.

126 Department of Primary Industries and Regional Development response to ERA information request.

127 Meeting with Master Painters and Decorators Australia; Chamber of Commerce and Industry of Western Australia submission (draft report); Small Business Development Corporation submission; WA TAB Agents' Association submission.

Overcoming complexity and creating incentives for agencies to evaluate licensing schemes

To assist agencies to develop the skills required to conduct robust evaluation, the ERA recommends that a unit within government should be given responsibility for assisting agencies to develop evaluation capability. The licensing support unit would provide a central repository for existing guidance material,¹²⁸ and develop further guidance material where there are gaps. The licensing support unit would also provide training to agencies on how to conduct regulatory evaluations, including how to apply the guidance material in appendix A.

Existing bodies can continue to either assist with, or undertake, reviews. The Economic Reform Unit in the Department of Treasury provides support to identify red tape, and undertakes independent reviews (the 90-day regulatory mapping projects). The government can also ask the independent Office of the Auditor General to undertake reviews. The analytical framework in appendix A provides further information about these bodies' functions.

The licensing support unit's functions would also include holding agencies to account for evaluating licensing schemes, and regularly publishing a State of Licensing report. The report would provide an assessment of the quality of licensing in Western Australia, based on data supplied by agencies responsible for managing licensing schemes using two common assessment tools. These tools have been developed by the ERA, and would continue to be refined by the unit.

One of the tools — the self-assessment tool — aims to assist agencies to regularly assess the performance of licensing schemes, by prompting agencies to think about how well they are managing licensing schemes (Table 2). The value of this tool comes from the investigation and discussion needed to answer its questions, which may generate ideas for improvement.

The ERA recommends that agencies complete the self-assessment annually and provide the findings to the licensing support unit. The unit would use the information to identify common problems across agencies or licensing schemes and understand where it can provide support to agencies.

Table 2. Self-assessment tool

Portfolio questions		
Licences in this portfolio	<i>List individual licensing schemes here.</i>	
Category	Questions	Response
Is the portfolio of licensing schemes achieving its objectives?	Are the objectives this portfolio of schemes is trying to meet clearly set out in legislation? If not, are they clearly documented elsewhere? Is this information public?	
	Is data collected to assess whether the objectives are being met?	
Is the portfolio of licensing schemes being administered in a cost-effective way?	Are the internal processes and systems efficient? What could be changed to improve efficiency? Examples of internal processes and systems include those used for collating information on the number of active licence holders and revenues collected from fees and charges.	
	What minimum level of service should licence holders expect from the agency in processing licence applications and renewals? Is this documented? Is it published?	
Is the portfolio of licensing schemes being complied with?	Is there a compliance and enforcement strategy that applies to licensing schemes in this portfolio? Is it documented? When was it last reviewed/updated? Has it been published?	
	Is the compliance and enforcement strategy risk-based?	

¹²⁸ Existing guidance about how to undertake evaluation is listed in appendix A.

Is the portfolio of licensing schemes being reviewed and improved?	Is there a schedule of legislative reviews that must be undertaken for licensing schemes in this portfolio? Is this information public?	
	Is there a plan of the improvements that applies to licensing schemes in this portfolio?	
Is there effective engagement about the schemes in the portfolio?	Is there a stakeholder engagement strategy that applies to licensing schemes in this portfolio? Is it documented? When was it last reviewed/updated? Has it been published?	
	Which other agencies have a role in managing licensing schemes in the portfolio? Is there regular engagement with these agencies?	
	Is there a complaints handling mechanism in place, to allow licensees and members of the public to raise concerns?	
Individual licensing scheme questions (complete for each licensing scheme in the portfolio)		
Name of licensing scheme	<i>Insert name of licensing scheme here.</i>	
Category	Questions	Response
Is the scheme achieving its objectives?	How does this scheme contribute to the broader objectives of the regulatory system?	
	Is data collected to assess whether it is making this contribution?	
Is the scheme administered in a cost-effective way?	Does the legislation that establishes the scheme only include elements that need to be prescribed (for example, the scheme's objectives), and exclude elements that do not need to be prescribed (for example, administrative requirements)? If not, are there plans to make amendments to the legislation in a future omnibus bill?	
	Does the scheme include administrative or compliance requirements that are duplicated in other schemes or regulations?	
	An example of administrative duplication is when licence holders are asked to supply the same information multiple times for different purposes.	
Is the scheme being complied with?	Is data collected to measure compliance? Is this data used to inform agency activities that encourage compliance?	
	Are current compliance levels appropriate given the risks the scheme aims to address?	
	Have there been changes to compliance resourcing that affect this licensing scheme? If so, how have the changes affected the achievement of policy outcomes?	
Is the scheme being reviewed and improved?	Have findings and recommendations from when the scheme was last reviewed been published?	
	Is there a legislative requirement to review this scheme? If so, when is (or was) the next review due?	
	What improvements should be made to this licensing scheme?	
Is there effective engagement about the scheme?	<p>Is it possible for licensees to easily find clear information about:</p> <ul style="list-style-type: none"> • The purpose of the licence and when it is needed. • The licence conditions and requirements, and how to comply with them. • The application process. 	

The second tool the ERA has developed is a licensing dashboard (Table 3). The purpose of the licensing dashboard is to allow the licensing support unit to gather and publish information about individual licensing schemes of interest to licensees and consumers. This includes information that will allow the unit to update the list of state government business licences, and metrics that allow for a comparison of licensing schemes over time.

The ERA recommends agencies complete the licensing dashboard annually and provide the results to the licensing support unit for publication. Regular publication of licensing dashboard information will allow licensees and consumers to compare information about whether a particular licensing scheme is improving over time. This will enable them to raise concerns with agencies if the licensing scheme that affects them does not appear to be managed well.

Table 3. Licensing dashboard

Name of licence		<i>Insert name of licence</i>	
List titles of enabling legislative instruments		<i>Insert titles of enabling instruments</i>	
Category	Measure	Metric	Comment (optional)
Is the scheme achieving its objectives?	How well is the licensing scheme contributing to meeting the objectives of the regulatory system?	Scale: 1 = not very well to 5 = very well	
Is the scheme administered in a cost-effective way?	What is the annual cost to the agency per licence of administering the licensing scheme?	\$ per licence	
	What proportion of licence applications was processed within target timeframes in the last 12 months?	%	
	Which of the following services are available online: <ul style="list-style-type: none"> • information about the scheme • application • renewal • payment of fees and charges. 	Note whether available/not available/not applicable for each service	
Is the scheme being complied with?	How many compliance inspections did the agency complete in the last 12 months?	Count	
	How many instances of non-compliance did the agency uncover in the last 12 months?	Count	
	How many enforcement actions were taken in the last 12 months?	Count	
Is the scheme being reviewed and improved?	How many years has it been since the last major review of the scheme?	Number	
	To what extent have the recommendations from the last major review of the scheme been implemented?	<input type="checkbox"/> Fully implemented <input type="checkbox"/> Partially implemented <input type="checkbox"/> Not implemented <input type="checkbox"/> Not applicable (i.e. no major review)	

The ERA has published the self-assessment tool and licensing dashboard, and guidance for agencies on how to apply them, in appendix B and [on its website](#). The Department of Mines, Industry Regulation and Safety, the Metropolitan Cemeteries Board and the ERA's Utility Services Regulation team provided case studies of the application of the tools to dangerous goods site licences, funeral directors' licences and electricity generation licences. These case studies are included in both the appendix and the guide.

The revised assessment tools reflect feedback received in submissions to the draft report and from agencies that tested the draft performance checklist and dashboard. The Department of Water and Environmental Regulation, the Department of Mines, Industry Regulation and Safety, the Metropolitan Cemeteries Board, and the ERA's Utility Services Regulation team tested the tools and provided feedback to help the ERA refine the tools. This process, and their feedback, is summarised in appendix B.

There are limitations to the tools. Some questions in the self-assessment tool allow agencies to give responses without conducting the supporting investigation that gives the tool its value. What the licensing support unit, licensees and consumers can interpret from licensing dashboards will initially be limited. Without context and considered in isolation, the statistics for individual schemes are not comparable to one another and do not provide an indication of the relative effectiveness of schemes. However, annual reporting will enable historical trends to be established and deviations from these trends to be examined.

The tools are not intended to be static. The ERA recommends that the licensing support unit continues to work with agencies to refine the tools, to ensure they remain useful to agencies, licensees and consumers.

Agencies raised concerns about the burden of reporting requirements.¹²⁹ Two said that annual reporting was too frequent or could be very onerous for agencies that administer large numbers of licences.¹³⁰ Three agencies raised concerns about duplicating other reporting requirements.¹³¹

While the initial year of reporting is likely to create additional work, the work required will reduce in subsequent years if agencies establish systems to easily identify and store the information needed to answer the questions. The ERA agrees that duplicated reporting on similar types of information should be minimised. Where similar information is being produced for different purposes, agencies should work with the licensing support unit to refine the questions in the tools, so that agencies can use the same analysis to respond to all reporting requirements.

The licensing support unit should review the reporting burden on agencies, including the frequency of reporting and extent of duplication, after the reporting arrangements have been in place for five years.

Prioritising licensing schemes for major review

The ERA has identified 39 licensing schemes that have not been reviewed in more than 10 years (appendix C). Different approaches can be adopted to decide which of these schemes should be prioritised for review. Ideally, schemes causing the largest net costs would be prioritised for review, however, it has not been possible to assess the costs and benefits of each licensing scheme in appendix C.

Instead, to assist government to decide which of the schemes in appendix C to prioritise for review, the ERA has ranked the licensing schemes by the economic value of the industries they affect.¹³² The ERA has also identified schemes that protect against a risk to human safety.¹³³ The schemes in appendix C that either affect industries with a high economic value or protect against risk to human safety are:¹³⁴

- Offshore minerals licensing schemes – these licences affect industries with a high economic value: in particular, the mining sector.

129 Submissions from Department of Health, Department of Transport, Department of Mines, Industry Regulation and Safety, Department of Water and Environmental Regulation, Department of Biodiversity, Conservation and Attractions, Western Australia Police Force; Racing and Wagering Western Australia, Metropolitan Cemeteries Board, Electrical Licensing Board.

130 Department of Mines, Industry Regulation and Safety submission, Department of Health submission.

131 Department of Mines, Industry Regulation and Safety submission, Teacher Registration Board of Western Australia submission, the Department of Health submission.

132 Economic value was determined by using an industry's gross value added. The more industries a scheme affects, or the higher the gross value added of the affected industries, the higher the scheme was ranked. Agencies identified which industries each licensing scheme affects in their responses to the questionnaire provided by the ERA in February 2018.

133 Whether the scheme addresses a risk to human safety was assessed as follows: Firstly, using information provided by agencies about the objective of the scheme, schemes that have a community protection objective were identified. Secondly, of those schemes with a community protection objective, those that protect against a risk of physical harm (as opposed to, for example, financial harm) were identified. Those schemes were then 'sense-checked' by looking at the schemes' maximum penalty provisions. The sense check was based on the assumption that higher penalty provisions suggest a higher risk to physical safety. Some of the schemes' penalty provisions do not align with this assumption. For example, while the land-valuer licensing scheme does not protect against a risk to physical safety, the scheme has one of the highest penalty provisions. As set out by the Australian Attorney-General's Department, penalties should be high not only where the consequences of a breach in compliance are dangerous or damaging, but also where they are needed to deter behaviour.

134 None of the schemes listed in appendix C both contribute a high value to the economy and protect against a risk to human safety.

- Licensing schemes aimed at conserving waterways – these licences affect industries which, combined, have a high economic value, namely, agriculture, forestry and fishing, electricity, gas, water and waste services, and construction.¹³⁵ Specific licences include approvals to discharge trade waste,¹³⁶ and licences to dredge or reclaim waterways.
- Security, investigator and crowd controller licensing schemes – these schemes protect against risks to human safety.¹³⁷
- The casino liquor licensing scheme – this scheme protects against risks to human safety. The purpose of liquor licensing is to “minimise harm or ill-health caused to people due to the use of alcohol.”¹³⁸
- The permit scheme for travelling in infected areas and vehicles – this scheme protects against risks to human safety arising from the outbreak of 13 prescribed diseases (for example, foot and mouth disease).¹³⁹

The ERA checked with agencies whether these schemes would soon be reviewed.

The Department of Mines, Industry Regulation and Safety said that it intended to review the offshore minerals licensing schemes “well before the expiry of” the *Cement Works (Cockburn Cement Limited) Agreement Act 1971* in 2025.¹⁴⁰ This State Agreement specifies that Cockburn Cement will obtain a licence under the offshore minerals licensing scheme. Cockburn Cement’s licence is the only offshore minerals licence that is currently active.¹⁴¹

The Department of Water and Environmental Regulation told the ERA the waterways conservation licensing schemes will be reviewed as part of the current water resources management reforms.¹⁴²

The Western Australia Police Force advised that the current Community Development and Justice Standing Committee’s inquiry into the protection of crowded places (which has raised concerns about the security, investigator and crowd controller licensing schemes) will conclude in March 2019. It has provided interim responses to the inquiry and will be responding to the final report following its release.¹⁴³

The Department of Local Government, Sport and Cultural Industries said that it does not consider casino liquor licensing to be a priority for review.¹⁴⁴

The Department of Primary Industries and Regional Development advised that it did not consider the permit scheme for travelling in infected areas and vehicles to be a business licensing scheme. It said the Act under which the permit may be issued was operationalised only if there was an outbreak of certain diseases, and that the Act had only been operationalised twice.¹⁴⁵

Based on this information, the ERA recommends that reviewing the waterways conservation licensing schemes remain a government priority, along with reviewing security, investigator and crowd controller licensing schemes.

The government may choose to prioritise licensing schemes for review based on different criteria to those used here. For example, it may wish to prioritise review of licensing schemes that protect the environment. To assist the government to do so, the objectives of each licensing scheme that has not been reviewed in over 10 years are identified in appendix C.¹⁴⁶

135 The schemes also affect professional scientific and technical services, and arts and recreation services.

136 Trade waste is any waste substance discharged to the wastewater system by a commercial or industrial entity, other than from office or staff amenities. Water Corporation, ‘Trade Waste’, (undated), [online](#) [accessed on 1 February 2019].

137 A recent report by the Community Development and Justice Standing Committee on the protection of crowded places in Western Australia found a number of weaknesses in the licensing framework for the security industry. Community Development and Justice Standing Committee, *Near Enough Is Not Good Enough*, October 2018.

138 Western Australia Police Force, ‘Your Safety: alcohol and the law’, [online](#) [accessed on 5 February 2019].

139 Correspondence with the Department of Primary Industries and Regional Development.

140 Department of Mines, Industry Regulation and Safety submission, and correspondence with the Department of Mines, Industry Regulation and Safety.

141 Correspondence with the Department of Mines, Industry Regulation and Safety.

142 Correspondence with the Department of Water and Environmental Regulation.

143 Correspondence with the Western Australia Police Force.

144 Correspondence with the Department of Local Government, Sport and Cultural Industries.

145 Correspondence with the Department of Primary Industries and Regional Development.

146 Agencies provided information on the objectives of licensing schemes in responses to the ERA’s agency questionnaire.

Undertaking regular, major reviews of some licensing schemes might not be the best use of public resources. The costs of reviewing the scheme regularly might outweigh the benefits if a licensing scheme has the following characteristics:

- It has a low cost of administration and compliance.
- It addresses a manifest matter of public interest, such that the scheme is unlikely to be abolished (for example, driver licensing).
- It operates in an environment that is not changing rapidly or significantly.

In such cases, regular checking of the licensing scheme against the assessment tools may be sufficient evaluation. However, where problems are found, there should be a more substantial review.¹⁴⁷

For all schemes, if agencies are checking licensing schemes regularly against the assessment tools, this should reduce the staff and funding they need to devote to undertaking major reviews. This is because a major review would be required only when findings from applying the assessment tools indicate that a review is needed (as opposed to, for example, a five-yearly set schedule).

Recommendation:

As part of the business licensing governance framework, a unit within government should be given responsibility for helping agencies develop capability in evaluating the performance of licensing schemes and holding agencies to account in evaluating and improving business licensing schemes. The licensing support unit would have the following functions:

- To maintain a register of business licensing schemes and administering agencies.
- To provide a central repository for existing guidance material, develop further guidance material where there are gaps, and train agencies in business licensing evaluation and improvement.

- To support and assist agencies in using the common assessment tools when evaluating business licensing schemes, and in applying the analytical framework and guideline described in appendix A.
- To continue to review and refine the common assessment tools to ensure they remain useful and do not create unnecessary reporting burden.
- To compile and publish annual State of Licensing reports based on agencies' reporting on licensing schemes against the common assessment tools. The report should provide an assessment of the overall quality of licensing in Western Australia and of agencies' performance in managing licensing schemes.

Further functions that should be assigned to the licensing support unit are set out in chapter 4.

Agencies should report to the business licensing support unit annually on the management of licensing schemes using the two common assessment tools set out in this report. This will hold agencies to account for evaluating whether business licensing schemes are achieving their intended objectives, being administered in a cost-effective way and being complied with. It will also assist the licensing support unit to identify priorities for reform.

Agencies should assess business licensing schemes that have not been reviewed in more than 10 years (appendix C), to determine whether a major review is required. The ERA recommends agencies focus on schemes that affect industries that have a large effect on the Western Australian economy and/or protect against risks to safety. In particular, review of the waterways conservation licensing scheme, and security, investigator and crowd controller licensing schemes, should be a government priority.

147 Productivity Commission, *Identifying and Evaluating Regulation Reforms*, Research Report, 2011, p. xxvi.

Increasing consumer and licensee input to the development and review of licensing

The ERA requested submissions from stakeholders on whether establishing a body to represent the interests of consumers would be useful, and how agencies could increase consumer input to reviews of licensing schemes.

Agencies said establishing a single body to represent the interests of consumers would be too general to be effective given the diversity of licensing schemes.¹⁴⁸ Consumer advocacy organisations tend to be more effective at serving individual markets — such as credit, financial services, utilities, tenancy and telecommunications — rather than markets generally.¹⁴⁹

It is up to each agency to determine when establishing or supporting consumer groups would be the most effective means of ensuring consumer voices are considered in debates about business licensing. However, there are some circumstances in which government support is more likely to be required to ensure fair and informed debate occurs. This includes where the complexity of regulation is a barrier to consumers' participation in debates, where there is little incentive for businesses to respond to consumer preferences because there is a high concentration of market power, where interactions between consumers and businesses are infrequent so feedback is rare, and when the cost to consumers of a lack of representation is high.

Examples of when agencies should establish or support industry-specific consumer advocacy groups

The Australian Energy Regulator established a Consumer Challenge Panel after recognising that consumer engagement in regulatory processes was limited. An independent review of the effectiveness of the Panel noted the technical and complex nature of the regulatory framework made it difficult for consumers and their representatives to contribute, and that existing consumer organisations did not have resources to overcome these challenges.¹⁵⁰ The review supported ongoing operation of the panel.¹⁵¹

Consumer representative bodies have been established in legislation or by the Council of Australian Governments for monopoly utility networks. For example, the Australian Communications Consumer Action Network¹⁵² and Energy Consumers Australia.¹⁵³ The Western Australia Council of Social Service submitted that input of consumers is especially important in markets where one supplier has dominance, prices are relegated and the product is a vital services.¹⁵⁴

A motor vehicle is an infrequent, high cost purchase. There is no body in Western Australia that represents the interests of consumers in this market. The trading hours for motor vehicle dealers are currently more restricted than for most other retail shops, despite government recognising there is no compelling reason for the difference.¹⁵⁵ Industry and government cite a lack of consumer demand for change as a reason to maintain the status quo.¹⁵⁶ Consumer representation in this policy debate could provide a more balanced debate over the costs and benefits of changes to retail trading hours.

148 Department of Mines, Industry, Regulation and Safety submission; Department of Transport submission.

149 Field, C., *Consumer Advocacy in Victoria, Research Paper No. 7*, paper prepared for Consumer Affairs Victoria, March 2006, p. 3.

150 NOUS Group, *Review of the Consumer Challenge Panel*, independent report prepared for the Australian Energy Regulator, April 2016, p. 11, ([online](#)).

151 NOUS Group, *Review of the Consumer Challenge Panel*, independent report prepared for the Australian Energy Regulator, April 2016, pp. 1-3, ([online](#)).

152 The Australian Communications Consumer Action Network represents individuals, small businesses and not-for-profit groups that consume telecommunications services. Funding is provided by the Commonwealth, but recovered from charges on telecommunication carriers. Source: Australian Communications Consumer Action Network, *Our impact this year: 2017 – 2018 Annual Report*, June 2018, ([online](#)).

153 Energy Consumers Australia is an independent organisation created by COAG. It is the national voice for residential and small business energy consumers and works to promote the long-term interests of consumers with respect to the price, quality, safety, reliability and security of supply of energy services. The organisation is funded by consumers through levies collected by the Australian Energy Market Operator. Source: Energy Consumers Australia, 'What we do', ([online](#)).

154 Western Australian Council of Social Service submission.

155 Department of Commerce, *Statutory Review of Retail Trading Hours*, October 2015, pp. 15-16, ([online](#)).

156 Department of Commerce, *Statutory Review of Retail Trading Hours*, October 2015, pp. 15-16, ([online](#)).

This list of circumstances is not intended to be exhaustive or directive. Often, industry finds ways of meeting consumer needs without formally consulting a consumer group. For example, the entrance of ride-sharing companies, such as Uber, has changed the way on-demand transport services are provided. One of the reasons for the rapid up take of these services is that the new technology enables prompt and direct customer feedback to providers. Continuous feedback encourages good service.¹⁵⁷

Many stakeholders said that agencies need to increase consumer input.¹⁵⁸ Suggestions about how agencies could do this included testing interventions and reforms with consumers,¹⁵⁹ using digital services to connect with consumers,¹⁶⁰ ensuring that reviews are a genuine process of exploring different ways to achieve the desired outcome,¹⁶¹ and including a consumer representative on decision-making boards.¹⁶² The Chamber of Commerce and Industry of Western Australia said that the government should consider options to get better, ongoing feedback from businesses, not-for-profits and industry associations.¹⁶³

Streamline WA aims to improve the way government interacts with the private and community sectors.¹⁶⁴ Representatives and leaders from industry and community groups will sit on Streamline WA committees, and the initiative will be a “one-stop-shop” for business, industry and the community to refer regulatory issues.¹⁶⁵

Other jurisdictions are improving engagement with businesses and consumers through central websites for consultations, supported by training for the public sector in stakeholder engagement. Western Australia is the only jurisdiction in Australia without a “whole-of-government online community consultation platform”.¹⁶⁶ These

platforms provide a central point of contact for businesses and consumers to be involved in government decisions. The websites are run centrally (for example, by departments of the Premier and Cabinet). Agencies choose whether to use the websites to promote consultations.

Engage Victoria and YourSAy are examples of websites established by other governments to improve engagement with business and consumers.

Engage Victoria has supported 215 consultations since it was launched in October 2016.¹⁶⁷ Over 67,000 individual contributions have been submitted through the website, which the Department of Premier and Cabinet in Victoria said proved Victorians wanted to participate in decision-making.¹⁶⁸ South Australia’s YourSAy

website contains information on over 350 past engagements, going back to 2010.¹⁶⁹ Currently more than 113,000 South Australians are registered on YourSAy and receive notice of current consultations across government.¹⁷⁰

The websites provide information on how to make submissions to open consultations. They also offer

different ways for consumers and businesses to contribute their ideas — including online polls and surveys. The websites can be used to host moderated discussions, which is a more accessible way for individuals to provide input compared to written submissions. Moderated discussions allow the agency and other website users to respond to questions and acknowledge comments. In South Australia, moderated discussions were hosted on YourSAy to gather feedback about driver training and assessment processes, and recommendations to better protect learner and novice motorcyclists.¹⁷¹

Western Australia is the only jurisdiction in Australia without a “whole-of-government online community consultation platform”.

157 Deloitte Access Economics, *Economic effects of ridesharing in Australia*, 2016, p. 26.

158 Western Australian Council of Social Service submission; Department of Mines Industry and Regulation Safety submission, Chamber of Commerce and Industry of Western Australia submission; Department of Transport submission; Department of Water and Environmental Regulation submission; Department of Health submission.

159 Western Australian Council of Social Service submission.

160 Department of Mines Industry and Regulation Safety submission.

161 Department of Mines Industry and Regulation Safety submission.

162 National Electrical and Communications Association submission.

163 Chamber of Commerce and Industry of Western Australia submission (draft report).

164 Government of Western Australia media statement, 6 December 2018, ‘Streamline WA: Making it easier to do business in Western Australia’, ([online](#)).

165 Government of Western Australia media statement, 6 December 2018, ‘Streamline WA: Making it easier to do business in Western Australia’, ([online](#)).

166 Service Priority Review, *Background paper: Engaging with the Community*, Table 2, p. 10.

167 Victorian Department of Premier and Cabinet response to information request.

168 Victorian Department of Premier and Cabinet response to information request.

169 South Australian Government, ‘YourSAy: Past Engagements’, 7 January 2019, ([online](#)) [accessed 23 January 2019].

170 South Australian Department of the Premier and Cabinet, ‘Community Engagement’, (undated), ([online](#)), [accessed 16 November 2018].

171 South Australia Government, ‘YourSAy: Motorcycle Licence Recommendations for Improving Safety’, ([online](#)), [accessed 21 January 2019]; South Australia Government, ‘YourSAy: Driver Training Consultation’, ([online](#)), [accessed 21 January 2019].

The value of the websites in improving engagement depends on how they are used. The Victorian Department of Premier and Cabinet works with consultation managers to ensure consultations are genuine, and targeted at the communities that are directly affected.¹⁷² To support better outcomes and to encourage uptake of the tool, there are 238 trained consultation managers across the Victorian public service. Each department also has a dedicated volunteer Engagement Manager who promotes the website within their department.¹⁷³ In South Australia, a team within the Department of the Premier and Cabinet provides support for the YourSAy website. The South Australian government has also set clear principles of engagement for agencies to follow when they consult.¹⁷⁴ The South Australian website is underpinned by ongoing training. Since 2013, almost 2,000 South Australian public servants have been trained in how to follow the engagement principles.¹⁷⁵

The ERA recommends the government establish a central website for consultations, supported by ongoing training for the public sector on engaging with consumers and businesses.

The website could also act as a central repository for submissions and completed reviews. Hosting review information on a central website rather than on individual agency websites, which are often overhauled with historical information being archived, will increase the transparency and accessibility of the information. Publishing completed reviews would also encourage agencies to improve the quality of reviews, including their engagement with stakeholders.

Recommendation:

Agencies should improve consumer and licensee input into the design and management of business licensing schemes. To make engagement easier for consumers and businesses, and promote better outcomes in consultations about licensing, the government should:

- Develop a central website that agencies can use to host consultation about business licensing and as a central repository for submissions and completed reviews.
- Support the website with a clear set of guidelines for users about how to engage on the website, and educational material and training for agencies.

The Department of the Premier and Cabinet should include this recommendation in its plans when developing the whole-of-government strategy for community engagement (recommended by the Service Priority Review).

Problems with compliance

Throughout the inquiry, stakeholders have expressed concerns about compliance with some licensing schemes (appendix G).¹⁷⁶ The National Electrical and Communications Association said that more than 300 apprentices were working in the electrical industry without them holding a valid training licence.¹⁷⁷ Master Painters and Decorators Australia provided examples of unlicensed painters undertaking work that resulted in extra costs for consumers due to poor quality, yet little or no action was taken by the regulator.¹⁷⁸

172 Victorian Department of Premier and Cabinet response to information request.

173 Victorian Department of Premier and Cabinet response to information request.

174 The six principles are we know why we are engaging; we know who to engage; we know the history; we start together; we are genuine; we are relevant and engaging. Source: South Australian Government, 'Better Together Principles: Overview', [\(online\)](#), [accessed 21 January 2019].

175 In previous years the Department has also run master classes, each with about 50 attendees, on particular topics (for example, how to use social media to engage). The Department also holds events that attract around 500 state and local government employees, where key note speakers present on best practice engagement. The most recent event was about using digital methods of engagement, including virtual reality. Source: Meeting with the Department of the Premier and Cabinet South Australia.

176 Anonymous (7), online questionnaire; Master Painters and Decorators, online questionnaire; Mackie, S. online questionnaire; National Fire Industry Association Australia submission; Power, A. online questionnaire; Williams, G. online questionnaire; meeting with Australian Funeral Directors Association.

177 National Electrical and Communications Association submission (draft report), p. 4.

178 Meeting with Master Painters and Decorators Australia. Industry surveys in 2013, 2015 and 2018 found the painting industry has concerns about the Building Commission not enforcing the requirement that painters must be registered for work over \$1,000. (Building Commission, 'Painters' News: Special edition – summary of painters' survey results', May 2014; Building Commission and Master Painters and Decorators, 'Survey of the Western Australian Painting and Decorating Industry', May 2015; Master Painters and Decorators, '2018 Industry Pulse Survey Results: Preliminary Findings', February 2018.) The Department of Mines, Industry Regulation and Safety advised that it received eight complaints regarding unregistered painters in 2018 and all complaints were investigated (Correspondence with the Department of Mines, Industry Regulation and Safety (Building and Energy Division)).

There is evidence that compliance monitoring by some agencies has been inadequate in the past. Since 2013, the Office of the Auditor General has reported on shortcomings with compliance for four licensing schemes. Shortcomings include agencies not undertaking inspections, not requiring licence holders to provide adequate evidence of compliance with conditions, or not managing risk resulting from non-compliance.

Office of the Auditor General reports on compliance monitoring

Management of pesticides: The Auditor General found the Department of Health and the Department of Agriculture and Food rarely carried out legislatively required inspections to determine if licensees were using pesticides in accordance with permit conditions, and selling pesticides only to authorised people. The Auditor General also found the agencies were not checking whether applicants for high-risk licences had the qualifications and experience they claimed.¹⁷⁹

Regulation of builders and building surveyors: The Auditor General found the Building Commission's program of audits was not supported by a sound, documented risk assessment to help target resources at the most serious and likely risks. Further, the Building Commission was not gathering local government reports on inspections, referring non-compliant builders to local governments in a timely way, or following up with local governments on referrals. It also had weak processes for conducting character checks.¹⁸⁰

Regulation of real estate and settlement agents: The Auditor General found that, while the Department of Commerce's processes ensured only appropriately qualified and reputable people were granted licences to work as real estate and settlement agents, there were legal limitations on the Department's ability to monitor agents once they were licensed. This meant the Department could not be certain agents continued to be of good character during the three years that their licence was valid.¹⁸¹

Regulation of training organisations: The Auditor General's review of the Training Accreditation Council's monitoring activities found more than half of the registered training organisations the Council had checked were non-compliant with national standards. There were high rates of significant and critical non-compliance. Examples of non-compliance included lack of evidence of student assessment and unqualified trainers.¹⁸²

There is evidence that some agencies have fewer resources available for compliance monitoring when compared to other jurisdictions, or the recent past. As of 2017, WorkSafe had just 93 inspectors, meaning Western Australia had the lowest ratio of inspectors per 10,000 employees across Australia.¹⁸³ The Department of Health told the ERA the number of staff in the Department's Radiation Health unit, which provides support services to the Radiological Council,¹⁸⁴ has halved from 17 in 1998 to nine in 2018, while the number of facilities and individuals requiring authorisation has increased.¹⁸⁵ Master Painters and Decorators Australia said that when the painters registration scheme was enforced by the Painters Registration Board (prior to 2011) there were up to five inspectors, but that now there is only one desk-based inspector with expertise in painting.¹⁸⁶

As of 2017, WorkSafe had just 93 inspectors, meaning Western Australia had the lowest ratio of inspectors per 10,000 employees across Australia.

179 Office of the Auditor General Western Australia, *Management of Pesticides in Western Australia*, Report 14, 2015.

180 Office of the Auditor General Western Australia, *Regulation of Builders and Building Surveyors*, Report 12, 2016.

181 Office of the Auditor General Western Australia, *Regulation of Real Estate and Settlement Agents*, Report 1, 2015.

182 Office of the Auditor General Western Australia, *Regulation of Training Organisations*, Report 11, 2015.

183 Community and Public Sector Union and Civil Service Association submission, p. 4.

184 The Radiological Council is responsible for licensing functions under the *Radiation Safety Act 1975*. Information on inspections, licences and registrations is prepared for the Council by the Radiation Health Unit, resourcing of which is determined by the Department of Health. Staff and funding limitations have contributed to the low number of inspections, particularly in regional areas. (Cobb, B., submission).

185 Department of Health response to ERA information request; correspondence with the Department of Health.

186 Meeting with Master Painters and Decorators Australia. The Department of Mines, Industry Regulation and Safety told the ERA that the five inspectors had focused on complaints about the quality of workmanship and it became clear that multiple inspectors were surplus to need because there were few complaints. Since establishment of the Building Commission in 2011, complaint volumes have continued to be low and the agency encourages complainants to seek independent inspections to substantiate claims of poor workmanship. The Department advised that this is more cost-effective than maintaining in-house painting inspectors, and also brings painting investigations into line with compliance activities for other trades (Correspondence with the Department of Mines, Industry Regulation and Safety (Building and Energy Division)).



If agencies are adopting a risk-based approach to compliance, then fewer compliance inspectors does not necessarily mean poorer outcomes. Risk-based compliance takes into consideration the probability and effect of non-compliance when identifying activities that should be monitored and investigated. Because risk-based approaches aim to achieve better outcomes from a given amount of resources, changes in measures such as the number of inspection officers do not necessarily mean the risk of harm to people, the economy or the environment has increased.

The Department of Transport targets its compliance resources to areas of high risk. Data from the department's systems are reviewed to identify unusual activity in vehicle inspections and driving assessments. This improves the department's ability to respond to risks that could harm people.

As well as reducing compliance risks, the program has:

- Increased data accessibility, which enables investigators to identify related cases.
- Reduced the time taken to produce reports about cases.
- Increased collaboration between agencies in identifying, investigating and removing unsafe agents.¹⁸⁷

The ERA does not know how frequently agencies are using risk-based approaches to compliance for licensing — agencies did not provide information about this in response to the request in the draft report. There is currently no way of checking whether an agency's approach to compliance and enforcement for different schemes is proportionate to the consequences of non-compliance. Agencies do not always make their approach for individual licensing schemes clear, or communicate the effects of changes

¹⁸⁷ Department of Transport, 'Outcome 2: Deliver safe vehicles and safe drivers', 2017, [\(online\)](#) [accessed 3 October 2018]; Department of Transport response to ERA information request.

in approach.¹⁸⁸ Some agencies have clearly articulated and up-to-date statements about their approach, while others do not. The Department of Primary Industries and Regional Development's Western Australian Fisheries Compliance Strategy was updated in September 2018 and clearly sets out how the department's compliance services are delivered.¹⁸⁹ The Department of Local Government, Sport and Cultural Industries' website provides limited information on the Department's approach to compliance for licences it approves,¹⁹⁰ though compliance is reported on for these as a Key Performance Indicator in its annual report.¹⁹¹ The Department of Transport,¹⁹² the Department of Mines, Industry Regulation and Safety¹⁹³ and the Department of Health maintain organisation-wide policies, or policies for particular industries or legislative instruments.¹⁹⁴ This is not necessarily a problem, but the policies tend to provide little information about compliance and enforcement for individual licensing schemes.

The Australian Competition and Consumer Commission's compliance and enforcement policy states that the organisation cannot pursue all matters, and that resources are allocated to provide the greatest benefit for competition and consumers.¹⁹⁵ Enforcement and compliance priorities, such as new car retailing and broadband services, are included in the policy and updated annually. This helps stakeholders understand where resources will be focused, and creates shared expectations.

Clearer communication is needed from agencies on their approach to compliance and its effect on policy outcomes. This will help agencies, licensees and consumers understand the extent to which the regulator is making regulated businesses manage risk (by enforcing compliance) versus the extent to which consumers need to protect themselves.

Recommendation:

To address the lack of transparency in compliance, agencies should create, or review and update, compliance and enforcement policies for business licensing schemes, and publish them on their websites. Compliance and enforcement policies should explain how the approach to compliance for different schemes reflects the consequences of non-compliance.

188 This might include changes in the level of resources, or a shift from promotion activities — such as providing information about licensing requirements, and education and training — to monitoring activities, such as conducting audits, or vice versa. Where non-compliance is uncovered, enforcement activities range in severity of consequences from notices or sanctions through to prosecution through the court.

189 Department of Primary Industries and Regional Development, *Western Australian Fisheries Compliance Strategy*, 2018.

190 The Department of Local Government, Sport and Cultural Industries provides information on the approach taken for monitoring the *Local Government Act 1995*. This Act enables 20 licensing schemes that are approved by local government. However the ERA was unable to find information on the approach taken for liquor, gaming licensing schemes approved by the Department. Department of Local Government, Sport and Cultural Industries, 'Local Government Compliance Framework', [\(online\)](#), [accessed 23 January 2019].

191 Department of Local Government, Sport and Cultural Industries, *Annual Report 2017-2018*, 2018.

192 Department of Transport, *Enforcement and Prosecution Policy*, 2016.

193 The Department of Mines, Industry Regulation and Safety has a Consumer Protection Enforcement and Prosecution policy, a Worksafe Enforcement Policy and a Prosecution Policy, and an Enforcement Guideline and Enforcement Policy that covers dangerous goods, minerals and petroleum industries. Cited in Department of Commerce, *Consumer Protection Enforcement and Prosecution policy*, September 2011; Department of Commerce, *WorkSafe's Enforcement Policy*, [undated]; Department of Commerce, *Prosecution Policy*, November 2008; Department of Mines and Petroleum, *Enforcement Policy*, 2015; Department of Mines and Petroleum, *Prosecution Guidelines*, 2015.

194 The Department of Health has separate policies for food safety legislation and for enforcement of the *Public Health Act 2016*. Sources: Department of Health, 'Compliance and enforcement of food legislation in WA', [\(online\)](#) [accessed 7 December 2018]; Department of Health, 'Public Health Act Handbook for Local Government', [\(online\)](#) [accessed 8 December 2018]; Department of Health, 'Part 14 Improvement notices and enforcement orders', [\(online\)](#) [accessed 8 December 2018].

195 Australian Competition and Consumer Commission, 'Compliance & enforcement policy & priorities', [\(online\)](#), [accessed 8 January 2019].



CHAPTER 4:
REFORMING LICENSING
SCHEMES

CHAPTER 4:

REFORMING LICENSING SCHEMES

- In Western Australia, reforming or improving schemes can take a long time, which can lead to the persistence of costly, ineffective and redundant licensing schemes.
- The reform process takes even longer when legislative change is required, or the changes are part of a broader, more complicated reform process.
- The ERA makes recommendations to increase the priority given to improving licensing schemes, and to make change easier, including an annual omnibus bill, consideration of sunset clauses, an annual report on the state of licensing in Western Australia, and annual reporting by agencies on improvements they intend to implement in the coming year.

What the ERA has found

The ERA has found examples of business licensing reform taking a long time. Once government has identified changes that would improve a scheme, it can be years before these are implemented. Only 40 per cent of licensing schemes reviewed since 2013 have had their recommendations fully implemented.¹⁹⁶ Forty per cent have not had any recommendations implemented (appendix D).¹⁹⁷ A further 20 per cent have had only some recommendations implemented.¹⁹⁸

Reforming licensing schemes takes more time when the licensing scheme reform is one part of a larger reform process that aims to overhaul many aspects of a regulatory system.

Difficult or controversial elements of the broader reform can prevent changes to other aspects, such as administrative changes to licensing schemes, from occurring.

An example of this is changes to improve the administration of the licensing for development of Perth's river system. The *Swan and Canning Rivers Management Act 2006*, which enables these schemes, was due for legislative review in September 2012, five years after it commenced.¹⁹⁹ However, the review was postponed to allow for the operational and management functions of the Swan River Trust to be transferred to the Department of Parks and Wildlife (which is now the Department of Biodiversity, Conservation and Attractions).²⁰⁰ On 15 March 2018, nearly six years after it was due to commence, the Minister for Environment tabled the review.²⁰¹ The review included 13 recommendations, most of which proposed administrative changes to the Act and regulations to improve operations and streamline approvals.²⁰² The Department told the ERA it plans to draft amendments to the Act and regulations in 2018/19.²⁰³

Reforms can also be delayed by a change of government. For example, repeal of electricity generator licensing and commercial goods vehicle licensing (proposed in the Licensing and Other Authorisations Amendment Bill 2016) stalled prior to the March 2017 election.²⁰⁴

Reforming licensing schemes appears to take more time when it requires a large number of significant amendments to legislation. For example, to reform the licensing schemes for taking, breeding and dealing with native flora and fauna, a new Act was passed to replace the *Wildlife Conservation Act 1950*, the *Sandalwood Act 1929*,²⁰⁵ and associated regulations. New legislation was first proposed in the early 1990s.²⁰⁶ However, the *Biodiversity Conservation Act 2016*

196 ERA agency questionnaire responses.

197 ERA agency questionnaire responses.

198 ERA agency questionnaire responses.

199 Department of Biodiversity, Conservation and Attractions, *Review of the Swan and Canning Rivers Management Act 2006: Report to the Minister for Environment*, 2018, p. 1.

200 The transfer of functions came into effect on 1 July 2015. Cited in Department of Biodiversity, Conservation and Attractions, *Review of the Swan and Canning Rivers Management Act 2006: Report to the Minister for Environment*, 2018, p. 1.

201 Parliament of Western Australia, *Legislative Council Minutes of Proceedings No. 46*, 15 March 2018, p. 1.

202 Department of Biodiversity, Conservation and Attractions, *Review of the Swan and Canning Rivers Management Act 2006: Report to the Minister for Environment*, 2018, p. 6.

203 Department of Biodiversity, Conservation and Attractions response to ERA information request.

204 Explanatory Memorandum, *Licensing and Other Authorisations Amendment Bill 2016*, pp. 1-2.

205 ERA agency questionnaire responses.

206 Meeting with Department of Biodiversity, Conservation and Attractions; Western Australia, *Second Reading*, Legislative Assembly, 25 November 2015, p. 8906a (Mr Albert Jacob).

only passed in 2016,²⁰⁷ and the regulations that set out the new licensing schemes commenced on 1 January 2019.²⁰⁸

Many amendments to legislation may be required if reform has been triggered by a review that made a lot of recommendations. For example, the 2013 review of the *Liquor Control Act 1988* made 141 recommendations, 90 of which the government supported (fully or in principle).²⁰⁹ The former government implemented some recommendations in 2015, and the current government implemented further recommendations in 2018 through the *Liquor Control Amendment Act 2018*.²¹⁰ Reforming firearms licensing is another, similar example.

Time-consuming legislative reform – the *Firearms Act 1973*

The *Firearms Act 1973*, and the firearms licensing scheme it enables, has been the subject of many reviews since 2000, including by the Western Australia Police Force, the Joint Standing Committee on Delegated Legislation, the Law Reform Commission of Western Australia, and the Office of the Auditor General.²¹¹ All of the reviews and audits identified problems with the systems and processes for licensing firearms. In October 2016, the Law Reform Commission made 143 recommendations, including that “firearms legislation should be redrafted from the ground up and be re-enacted”.²¹²

The Western Australia Police Force has made several changes to improve their licensing systems.²¹³ However, there have been no major amendments to the *Firearms Act 1973* since 2004.

After the shooting deaths of seven people in Margaret River in May 2018, a spokesperson for the Minister for Police said that a working group, consisting of police and stakeholders, was assessing and prioritising the Law Reform Commission’s recommendations.²¹⁴ In August 2018, the Minister for Police was reported to have asked the Western Australia Police Force to investigate the Law Reform Commission’s recommendations further.²¹⁵ The Western Australia Police Force said the Commission’s recommendations were currently under active consideration by the Government.²¹⁶

For some licensing schemes, primary legislation impedes administrative improvements by requiring physical application forms, the use of particular communication media (such as fax or post), or applicants to give notice of their intention to apply for a licence in the newspaper – even though such notices may no longer serve any worthwhile purpose.²¹⁷ For example, it was difficult to move the application process for real estate and business sales representatives online because under the *Real Estate and Business Agents Act 1978* forms had to be physically signed by an authorised witness.²¹⁸

The parliamentary process to amend primary legislation can be lengthy. Improving a licensing scheme can be easier if the change only requires an amendment to subsidiary legislation or quasi-regulatory instruments. For example, the Metropolitan Cemeteries Board noted that it could address problems with

207 Western Australia, *Second Reading*, Legislative Assembly, 25 November 2015, p. 8905b (Mr Albert Jacob); Explanatory Memorandum, *Biodiversity Conservation Bill 2015*, pp. 1-2. *Biodiversity Conservation Regulations 2018*.

208 Government of Western Australia, *Government’s response to the review of the Liquor Control Act 1988*, 2014.

209 Western Australia, *Second Reading*, Legislative Council, 18 August 2015, p. 5388d (Hon. Colin Holt).

210 The Office of the Auditor General has completed four reviews of firearms regulation, and expects to table its fifth review by the end of 2018.

211 Law Reform Commission of Western Australia, *Review of the Firearms Act 1973 (WA): Project 105 Final Report*, 2016, p. 155.

212 Office of the Auditor General Western Australia, *Information Systems Audit Report*, Report 11, 2013, pp. 14, 17.

213 Hondros, N., ‘Mental health check put forward in 2016 WA gun law inquiry’, *WAtoday*, 15 May 2018, [\(online\)](#) [accessed 19 September 2018].

214 Campbell, K., 26 August 2018, ‘Gun laws to target WA’s most dangerous criminals’, *PerthNow*, [\(online\)](#) [accessed 12 September 2018].

215 Western Australia Police Force submission.

216 Meetings with the Department of Biodiversity, Conservation and Attractions, the Department of Primary Industries and Regional Development, and the Department of Transport.

217 Department of Health and Department of Local Government, Sports and Cultural Industries responses to ERA information request. For examples, see Section 4(2)(c) of the *Cremation Act 1929* and section 11 of the *Pawnbrokers and Second-hand Dealers Act 1994*. The second reading speech for the Consumer Protection Legislation Amendment Bill 2013, which amended five licensing acts to remove the requirement for notice of applications to be published in the newspaper, said “advertising such applications no longer appears to serve any worthwhile purpose”. Cited in Western Australia, *Second Reading*, Legislative Assembly, 21 August 2014, p. 5747a (Mr. Paul Miles).

218 Department of Mines, Industry Regulation and Safety, ‘New Application – Real Estate and Business Sales Representative Registration’, (undated), [\(online\)](#) [accessed 21 September 2018].

the metropolitan funeral directors' licensing scheme easily because standards and requirements are set out in a Code of Conduct.²¹⁹ All recommendations from reviews of the scheme since 2013 have been fully implemented.²²⁰ However, there are broader reforms to the licensing scheme that the Metropolitan Cemeteries Board and the Australian Funeral Directors Association say would create benefits – in particular, standardising management of all licences across the State under one central authority.²²¹ These changes require amendments to primary legislation. As set out in chapter 3, a review of the legislation has been delayed due to competing priorities for legislation in the State Parliament.

Even when legislative change is not required, it can be hard to improve licensing schemes. Agencies provided examples of resources not being prioritised to projects that would improve how they administer licences, such as changes to systems, policies or guidance materials. For example, the Department of Health told the ERA its internal procurement process did not readily support modifications to software that would update databases or enhance processes, even if the funding was available — the only improvements that were fast-tracked were for systems that had stopped working.²²²

Despite these challenges, some agencies are achieving reform. Government has repealed schemes including the licensing of travel agents and grain marketers and the registration of hairdressers. The Licensing Provisions Amendment Bill 2015 amended several acts to streamline licensing processes for businesses and remove administrative burdens. The Government also recently reformed liquor licensing and on-demand transport licensing.²²³

The importance of improving licensing schemes easily

One reason why costly, ineffective and redundant licensing schemes can persist in Western Australia is because reforming or improving schemes can take a long time. As demonstrated by the case

study on water resources management reform, outdated licensing schemes can be costly for licensees, consumers and administrators.

Water resource management reform

The former Department of Water argued that delays in water resource management reform meant Western Australia's water licensing scheme was unable to deal with a drying climate, population growth, greater competition for water, new water uses, and water resource over-allocation.²²⁴

The Productivity Commission found that the water licensing scheme was difficult and expensive to administer, and slowed down licensing and water trading.²²⁵ All applications require full assessment, regardless of the circumstances of each transaction. The former Department of Water received about 3,000 licence applications a year, around half of which were for renewals, amendments, or transfers of existing licences. The average processing time for these, using the full assessment process, is about 12.8 hours an application – over 19,000 hours a year. The Regulatory Impact Assessment undertaken for water resource management reforms estimated that assessing licences on the level of risk could reduce processing times by 30 per cent.²²⁶

After extensive consultation that commenced with the release of a position paper in September 2013,²²⁷ the former Department of Water started to draft a water resource management bill in early 2015 to consolidate the six acts that govern water management into one. However, the bill was not completed before the change of government in March 2017.

In August 2018, the State Government announced it was pursuing new water resources management legislation.²²⁸

219 The *Funeral Director Licence Code of Conduct* is available from the Metropolitan Cemeteries Board ([online](#)).

220 Metropolitan Cemeteries Board response to ERA agency questionnaire.

221 Meeting with Australian Funeral Directors Association; Metropolitan Cemeteries Board submission.

222 Department of Health response to ERA information request.

223 Racing, Gaming and Liquor, 'Liquor Control Amendment Act 2018 summary of amendments', *Liquor Control Act 1988*, 11 October 2018, ([online](#)) [accessed 14 January 2019]; Department of Transport, 'Reform Update', *About On-demand Transport Reform*, 15 November 2018, ([online](#)) [accessed 14 January 2019].

224 Department of Water, *Securing Western Australia's water future*, Position paper – reforming water resource management, 2013.

225 Productivity Commission, *National Water Reform*, Report no. 87, 2017, p. 78.

226 Department of Water, *Regulatory Impact Statement for Water Resources Management Reforms*, 2013, p. 20.

227 The former Department of Water received 98 submissions in response to its September 2013 position paper, *Securing Western Australia's water future*.

228 Government of Western Australia media statement, 23 August 2018, 'State moves to secure water future with reform of century-old laws', ([online](#)) [accessed on 10 October 2018].

When markets change rapidly, licensing schemes can become inadequate, inequitable or even harmful. For example, incumbent – often licensed – businesses face competition from service providers such as Uber and Airbnb, which are subject to less or no regulation. Incumbent service providers argue that new entrants have an unfair competitive advantage because they do not have to comply with the same regulatory requirements, and that consumers are vulnerable without the protections that licensing provides.²²⁹ Other concerns include social problems such as increased noise and traffic in residential neighbourhoods with Airbnb rentals,²³⁰ and the lack of employment protections for workers.²³¹

However, consumers benefit from the often cheaper, and more diverse and responsive, services that are provided through these new platforms.²³² The sharing economy also allows assets that would otherwise be sitting idle, such as parked cars and empty houses, to be used more intensively.

Governments are grappling with how to regulate the sharing economy without preventing the development and adoption of new technologies and of services consumers want.²³³ Given how easy it is to arrange informal sharing, in many cases government could find it hard to regulate these activities even if it wanted to. The Productivity Commission suggests that governments should “use the opportunity of disruption to reform markets where there have been undue regulatory restrictions by removing restrictions that impose a competitive disadvantage on incumbents rather than extend existing restrictions to new business models.”²³⁴

How to make it easier to make improvements that require legislative amendments

Reducing unnecessary prescription in primary legislation

Licences impose obligations on businesses and people, regulating their affairs, rights and liabilities. Therefore, licensing schemes must be established under legislation.²³⁵ In Western Australia, about a third of business licensing schemes are established by an Act of Parliament; just over 10 per cent are established by subsidiary legislation; and about 60 per cent are established in both.²³⁶

How a licensing scheme is prescribed in primary and subsidiary legislation (that is, acts and regulations) affects how quickly government can change the scheme. In general, an act should set out broad legal and policy principles. The subsidiary legislation under the act details how to implement the act’s provisions.²³⁷

Outcomes-focused legislation is better able to adjust to changing circumstances because it specifies the required outcomes rather than prescribing the means by which those outcomes must be achieved.²³⁸ If legislation is prescriptive, the licensing scheme it enables will be inflexible because a legislative amendment will be required to change it. Generally, administrative changes to primary legislation occur if there are enough to warrant drafting an amendment bill or, if changes need to occur across many acts, an omnibus bill.²³⁹ This means it can take a long time to remove outdated legislation or parts of legislation.

In comparison to primary legislation, changes to subsidiary legislation can occur relatively quickly because the amendment process is not as complex. However, using subsidiary legislation to

- 229 Community Public Sector Union and Civil Service Association submission, p. 8; Department of Transport, *Executive Summary of On-demand Transport Green Paper Consultation Report*, 2016; Hartley, A., ‘Uber focuses on regional areas during nationwide rollout of services’, *ABC News Far North*, 21 September 2017, [\(online\)](#) [accessed 12 September 2018]; Baines, R., ‘Tasmanian taxi drivers cry ‘unfair’ on Government’s green light for Uber’, *ABC News*, 14 September 2015, [\(online\)](#) [accessed 12 September 2018].
- 230 Productivity Commission, *Digital Disruption: What do governments need to do?*, Commission Research Paper, June 2016, pp. 115-116, [\(online\)](#); R. Eddie, ‘NSW Airbnb guests, hosts face two-strikes-and-you’re-out ban’, *The New Daily*, 15 August 2018, [\(online\)](#) [accessed 12 September 2018]; Williams, L., ‘When Airbnb rentals turn into nuisance neighbours’, *The Guardian*, 18 September 2016, [\(online\)](#) [accessed 12 September 2018].
- 231 Community Public Sector Union and Civil Service Association submission, pp. 8 and 11; Liss, J., ‘Uber and Workers’ Rights in the New Economy’, *Open Society Foundations*, 2 July 2015, [\(online\)](#) [accessed 12 September 2018]; R. Davies, ‘Uber loses appeal in UK employment rights case’, *The Guardian*, 11 November 2017, [\(online\)](#) [accessed 12 September 2018]; Productivity Commission, *Digital Disruption: What do governments need to do?*, Commission Research Paper, June 2016, p. 78.
- 232 Deloitte Access Economics, *Economic effects of ridesharing in Australia*, 2016, p. 1.
- 233 On-demand transport and short-stay accommodation are two recent examples. The *Transport (Road Passenger Services) Act 2018* created a new passenger transport framework that “focuses on safety and flexibility, supports innovation and minimises regulatory burden” (Explanatory Memorandum, *Transport (Road Passenger Services) Bill 2018*, p. 2). On 1 November 2018, the Economics and Industry Standing Committee commenced an inquiry into the regulation of short-stay accommodation in Western Australia. The inquiry’s report will be tabled in Parliament in June 2019 (see Parliament of Western Australia, ‘Inquiry Details’, *Inquiry into Short-Stay Accommodation*, 1 November 2018, [\(online\)](#) [accessed 14 January 2019]).
- 234 Productivity Commission, *Digital Disruption: What do governments need to do?*, Commission Research Paper, 2016, p. 101.
- 235 The purpose of acts and regulations is to regulate people’s affairs, rights and liabilities, impose obligation on them, and give them powers they do not already have. Parliamentary Counsel’s Office, *Getting Government Legislation Drafted and Enacted: Guidelines and Procedures*, 2018, p. 1.
- 236 ERA analysis of preliminary list of state government business licences. Subsidiary legislation refers only to regulations for this statistic.
- 237 Acts, also referred to as primary legislation, are laws passed by Parliament that can only be amended by another act of Parliament. Subsidiary legislation expands on the provisions of an act, and is made by the Governor, a minister or other body, using regulation making powers given to them under an act. The most common type of subsidiary legislation is regulations; however, it also includes local laws, by-laws, planning schemes, codes and rules.
- 238 Department of the Premier and Cabinet (Service Priority Review), *Working Together: One Public Sector Delivering for WA* (Final Report), 2017, p. 42.
- 239 For example, the *Licensing Provisions Amendment Act 2016*, made changes to licensing schemes under eight acts. Western Australia, *Second Reading*, Legislative Assembly, 17 November 2015, p. 8316g (Hon. Bill Marmion).

prescribe licensing schemes will not necessarily improve flexibility or adaptability. Amending subsidiary legislation can still require substantial work,²⁴⁰ and ultimately, whether amendments occur is “a question of prioritisation...and budgets”.²⁴¹ The subsidiary legislation under an act can become unwieldy. For example, 47 regulations and by-laws were made under the *Health Act 1911*. The explanatory memorandum for the Public Health Bill 2014 noted that the regulatory framework was “incoherent” and “the sheer volume of regulation” made it difficult to administer and comply with.²⁴²

In Western Australia, while there is “no central mandate or obligation” for agencies to do so, the Service Priority Review noted that some agencies had made considerable progress towards outcomes-focused regulatory approaches.²⁴³ The Parliamentary Counsel’s Office also noted that there has been a shift towards outcomes-focused legislation,²⁴⁴ and agencies and industry stakeholders generally supported regulatory approaches that were outcomes-focused.²⁴⁵ Other jurisdictions have adopted outcomes-focused approaches to regulation. In Canada’s British Columbia, reforms to fish and seafood business licensing commenced in January 2017. The reforms move away from a process-based regulatory regime, which specified processes for drying and salting seafood, to an outcomes-focused approach that accommodates the use of improving technologies.²⁴⁶ This shift allows food businesses to adopt new technologies and minimise costs, while meeting the primary objective of regulation — ensuring food safety standards.²⁴⁷

In Western Australia, while there is “no central mandate or obligation” for agencies to do so, the Service Priority Review noted that some agencies had made considerable progress towards outcomes-focused regulatory approaches.

A Western Australian example of outcomes-focused legislation is Part 8 of the *Public Health Act 2016*, which the Department of Health anticipates will commence in 2020/21. Part 8 is flexible because it provides a licensing framework that can be applied to any activity declared by the regulations to be a public health risk. The Act replaces the *Health Act 1911*, which is prescriptive in nature, and “provides regulation by way of specific known and often historical risks to public health.”²⁴⁸ The old Act did not capture new and emerging public health risks, which limited the capacity of the government to take immediate action to protect the public.

Legislation should not be ambiguous. Too much flexibility can lead to confusion about what the licensing scheme’s protections are and what licensees need to do to comply. For example, the Occupational Licensing Law (WA) Bill 2010 was drafted to provide a framework for

a national occupational licensing system. The Bill left the operational aspects and industry-specific issues of individual schemes to regulations. A review of the Bill by the Standing Committee on Uniform Legislation and Statutes Review recommended that the Western Australian Parliament not pass the Bill because it did not meet minimum standards for good legislation.²⁴⁹ While it is not uncommon for uniform legislative schemes to leave details to regulations, the Committee found that the Bill went beyond this by requiring the substance of the licensing scheme to be in regulations.

As a result, the Bill was “too often silent” and “not clear on what is permitted and what is not, what is to occur and what is not.”²⁵⁰

In practice, the best approach for legislation will depend on the regulatory problem being addressed, and is likely to be a mix of rules-based and outcomes-focused approaches. The ERA

240 For example, as noted by the Department of Primary Industries and Regional Development, unwinding legislation can be challenging and often cannot be done in one go because the various requirements need to be systematically unravelled from all the subsidiary legislation. Source: meeting with Department of Primary Industries and Regional Development.

241 Meeting with Department of Transport (Driver and Vehicle Services).

242 The *Public Health Act 2016* repealed the *Health Act 1911*. Source: Explanatory Memorandum, *Public Health Bill 2014*, p. 4.

243 Department of the Premier and Cabinet (Service Priority Review), *Working Together: One Public Sector Delivering for WA* (Final Report), 2017, p. 42.

244 Meeting with Parliamentary Counsel’s Office.

245 Chamber of Commerce and Industry of Western Australia submission (draft report); Synergy submission (consultation paper); Department of Transport submission; meetings with the Department of Health, Main Roads, and Department of Water and Environmental Regulation.

246 Frontier Economics, *Case studies on best practice licensing frameworks: a report prepared for the Economic Regulation Authority of Western Australia*, 2018, pp. 33-37.

247 Frontier Economics, *Case studies on best practice licensing frameworks: a report prepared for the Economic Regulation Authority of Western Australia*, 2018, pp. 33-37.

248 Explanatory Memorandum, *Public Health Bill 2014*, p. 6.

249 Standing Committee on Uniform Legislation and Statutes Review, Parliament of Western Australia, *Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the Occupational Licensing National Law (WA) Bill 2010*, 2011 pp. 1, 21.

250 Standing Committee on Uniform Legislation and Statutes Review, Parliament of Western Australia, *Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the Occupational Licensing National Law (WA) Bill 2010*, 2011 p. 1.

recommends that government ensure that, when a licensing scheme is introduced or reviewed by Parliament, the primary legislation includes only the elements of the licensing scheme that need parliamentary consideration. For example, primary legislation should include the licensing scheme's objectives; the power to grant, suspend or cancel a licence; offences; the power to collect fees; and review or appeal rights. The elements Parliament needs to consider will depend on the particular licensing scheme; however, administrative and procedural requirements should not be prescribed in primary legislation.

Forms, such as application forms, are a common part of business licensing as they enable businesses and individuals to provide all relevant information so the regulator can make informed decisions. Forms need legislative authorisation, especially if the matters to be included in a form, for example, a request for personal information, would otherwise be outside the power of the agency issuing the form.²⁵¹ Legislation can authorise forms by either requiring them to be prescribed in the regulations, or by requiring the relevant minister or director general to approve them. Currently, it is common for primary legislation to require regulations to prescribe the forms needed for a business licensing scheme. Requiring forms to be included in the regulations means that to change the form, the regulations must be amended.²⁵² As described above, while amending subsidiary legislation is quicker than amending primary legislation, it still takes time. For example, the Department of Health told the ERA its process to update a particular form under the *Health (Notifications by Midwives) Regulations 1994*, from initial consultation with stakeholders to gazettal, takes between 11 and 14 months.²⁵³

There are circumstances where prescribed forms are required because some Parliamentary oversight of the form is desirable.²⁵⁴ However, for most business licensing schemes, approved forms are appropriate to use. The ERA recommends that when amending primary

Currently in Western Australia, there is little written guidance available to agencies on the legislative process.

legislation, government remove any requirement for business licensing forms to be prescribed by regulations. Replacing a requirement for prescribed forms with a requirement for approved forms is the current approach that the Parliamentary Counsel's Office is taking when drafting new or amending legislation.²⁵⁵

The Parliamentary Counsel's Office told the ERA that agencies' capability to instruct the Office needed to be developed, and that there was a general lack of knowledge among instructors about the process of making legislation.²⁵⁶

Inadequate drafting instructions means that the drafting process takes longer because the Parliamentary Counsel's Office is required to complete any missing analysis from the instructions before it can commence drafting. Further, agencies are often deciding on aspects of legislation during the course of the drafting process, rather than before instructing Parliamentary Counsel's

Office. Currently in Western Australia, there is little written guidance available to agencies on the legislative process. The primary guidance is the Parliamentary Counsel's Office guideline and procedure on *Getting Government Legislation Drafted and Enacted* (appendix A). This guideline provides an overview of the process, but does not guide agencies on the substantive elements of legislative drafting. For example, it provides only limited guidance on what elements should be included in the primary legislation and what elements can be left to regulations.

Other Australian jurisdictions have more substantial guidance on the minimum standards for legislative drafting and what matters should be included in an act or in regulations. For example, in Queensland, section 4 of the *Legislative Standards Act 1992* lists "fundamental legislative principles". Principles include that acts only delegate legislative power in appropriate cases and to appropriate persons. At the Commonwealth level, the Australian Office of Parliamentary Counsel has published a list of drafting directions on legislation presentation, form

251 Scrutiny of Legislation Committee, Parliament of Queensland, *Review of Part 8 of the Statutory Instruments Act: Forms Authorised by Legislation*, 2011, p. 3.

252 Note that section 74 of the *Interpretation Act 1984* provides that a "deviation" from the prescribed form does not invalidate the form used, provided that the deviation does not materially affect the substance of the form and is not likely to mislead.

253 Department of Health response to ERA information request.

254 For example, firearms licence forms are prescribed in Schedule 1 of the *Firearms Regulations 1974*.

255 Meeting with Parliamentary Counsel's Office.

256 Meeting with Parliamentary Counsel's Office.

and content, and procedural matters,²⁵⁷ and resources on drafting legislative instruments,²⁵⁸ reducing complexity in legislation,²⁵⁹ and plain English drafting.²⁶⁰ The Office also offers training courses on the legislative process and legislative drafting.²⁶¹

The ERA recommends that the Government review and update its current guidance materials on getting legislation drafted and enacted, and develop guidelines on drafting that include guidance on what aspects of licensing schemes should be included in primary and secondary legislation. Guidance materials should also inform agencies about the Parliamentary Counsel's Office current drafting practices for matters such as approved and prescribed forms.

Prioritising legislative reform using omnibus bills and sunset clauses, and increasing transparency

Throughout the inquiry, agencies have said that sometimes government does not allocate enough resources, including parliamentary time, to improving licensing schemes. This affects improvements that require legislative amendments, as well as improvements that do not require legislative change.

A common theme: choices about allocation of time and resources

Agencies provided the following explanations of why improving licensing schemes takes time or is subordinated to higher priorities:

- Legislative changes for some licensing schemes receive more priority on the legislative agenda than others because there is more activity in some sectors of the economy than others.
- By the time amendments have been drafted to reflect a government's preferences, it is too late in the election cycle for the amendments to be passed.
- There is a suite of amendments to an act that has been ongoing for 10 years. Progress has been slow due to competing priorities of successive governments.
- It took over 20 years to see a bill come to fruition because of changes in the priorities of the government of the day.
- The government chooses not to adopt independently made recommendations if they are not consistent with its policies. Agencies implement recommendations the government wants to implement.
- It took three years to consolidate two pieces of subsidiary legislation because there is a lack of resources to provide business-as-usual functions and undertake a review simultaneously.
- Whereas an initial review to harmonise licensing was a federal government priority in 2007, the initiative was not revisited again until 2013 due to changes in government priorities.

In addition, agencies have said that they have put some licensing projects on hold (for example, working together to link licensing systems) while they adjust to machinery of government changes.

The ERA recommends that a central government agency, such as the Department of the Premier and Cabinet or the Department of Treasury, coordinate an omnibus bill each year, to give agencies an annual mechanism through which they can change licensing schemes, including any prescriptive aspects set out in primary legislation. Successive governments have used omnibus bills to improve legislative elements of licensing schemes and should continue to do so.

One stakeholder said that, while it supported the use of omnibus bills to deal with amendments or technical adjustments to acts, often these types of bills did not get Parliamentary priority.²⁶²

257 Australian Office of Parliamentary Counsel, 'Drafting Directions', September 2018 ([online](#)) [accessed 3 January 2019].

258 Australian Office of Parliamentary Counsel, *Instruments Handbook*, 2018.

259 Australian Office of Parliamentary Counsel, *Reducing Complexity in Legislation*, 2016.

260 Australian Office of Parliamentary Counsel, *Plain English Manual*, 2013.

261 Australian Office of Parliamentary Counsel, 'Training', ([online](#)), [accessed 3 January 2019].

262 Department of Mines, Industry Regulation and Safety submission.

Premier's Circular 2010/01 establishes a process for minor legislative changes that do not affect the substance of the law to be made through a Statutes (Repeals and Minor Amendments) Bill. The purpose of the process is to "make the Government's legislative program and parliamentary business more efficient by reducing the number of bills that would otherwise be required to deal with these minor amendments and repeals."²⁶³ The Department of Justice is responsible for the preparation and introduction of the bills. Once drafted, the bill is introduced to the Legislative Council and is scrutinised by the Standing Committee on Uniform Legislation and Statutes Review to ensure it does not contain any amendments that would affect an existing right, obligation, power, duty or legislative process. Scrutiny by the Committee can also reduce the amount of time that Parliament needs to consider the bill, as the Committee makes recommendations to the Parliament on whether it should pass the bill. Despite this process, legislative reform in Western Australia sometimes does not get prioritised.²⁶⁴ Sixteen of the 48 acts identified as obsolete in 2012 by the Standing Committee on Uniform Legislation and Statutes Review still remain in force,²⁶⁵ even though at least five repeal and minor amendments omnibus bills have been considered by Parliament since 2012.²⁶⁶

The ERA nonetheless recommends that government consider establishing a process for licensing omnibus bills that is similar to the process established by Premier's Circular 2010/01 to assist the passage of these omnibus bills through Parliament. The effectiveness of this process should be assessed as part of the Government's five-yearly review of the business licensing governance framework.

Streamline WA will help to raise the priority given by government to regulatory reform, including improving licensing schemes. For example, as part of the initiative, the Treasurer will publicly report on agency reform activities, including business licensing reforms, by presenting an annual Economic Reform Statement to Parliament. This annual report can be used to highlight business licensing reforms that government is yet to implement, which will elevate the priority government gives to reform initiatives such as licensing omnibus bills.

By May 2017, 33 per cent of Commonwealth legislative instruments that reached their sunset dates were repealed and replaced by another instrument, 25 per cent were repealed without replacement, and 29 per cent were automatically repealed because no action was taken to preserve them.

A function of the Streamline WA steering committee will be to assess and prioritise areas of regulatory reform, and allocate these to agencies to implement. The ERA recommends that the unit responsible for helping agencies develop capability in evaluating and improving licensing schemes should also identify priority areas for licensing reform. The licensing support unit should publish the identified priorities in its annual State of Licensing reports. These reports would be provided to the Streamline WA steering committee to assist it to prioritise regulatory reforms.

In other Australian jurisdictions, the automatic repeal of subsidiary legislation (referred to as sunset clauses or sunseting) is used to ensure agencies review regulation, and repeal regulation when it is redundant. Sunset clauses repeal legislation (or parts of legislation) after a specific date unless action is taken to extend the law.²⁶⁷ OECD guidelines encourage the use of sunset clauses to enhance regulatory quality.²⁶⁸ As legislation subject to sunset clauses must be reviewed before the sunset date to determine whether action should be taken to preserve it, sunset clauses ensure that agencies periodically check that legislation remains fit-for-purpose.²⁶⁹

263 Government of Western Australia, 'Premier's Circular 2010/01 – Statutes (Repeals and Minor Amendments) Bill', 2010, [\(online\)](#) [accessed 3 January 2019].

264 Meeting with Parliamentary Counsel's Office.

265 *Corporations (Taxing) Act 1990, Corporations (Western Australia) Act 1990, Executors Act 1830 (Imp), Factors (1823) (Imp), Factors (1825) (Imp), Factors (1842) (Imp), Imperial Acts Adopting Act 1836, Imperial Acts Adopting Act 1844, Infants' Property Act 1830 (Imp), Judgments Act 1839 (Imp), Judgments Act 1855 (Imp), Mercantile Law Amendment Act 1856 (Imp), Morawa-Koolanooka Hills Railway Act 1964, Prescription Act 1832 (Imp), West Australian Trustees Limited (Merger) Act 1989, Housing Societies Repeal Act 2005*; Standing Committee on Uniform Legislation and Statutes Review, Parliament of Western Australia, *Inquiry into the Form and Content of the Statute Book*, November 2012, pp. 9-29.

266 Statutes (Repeals and Minor Amendments) Bill 2013, Statutes (Repeals) Bill 2013, Obsolete Legislation Repeal Bill 2015, Statutes (Repeals) Bill 2016 and Statutes (Minor Amendments) Bill 2017.

267 Australian Government Attorney-General's Department, *Guide to Managing Sunseting of Legislative Instruments*, 2016, p. 3.

268 OECD, *Guiding Principles for Regulatory Quality and Performance*, 2005, p. 4; OECD, *Recommendation of the Council on Regulatory Policy and Governance*, 2012, p. 12.

269 Commonwealth of Australia Sunseting Review Committee, *Report on the Operation of the Sunseting Provisions in the Legislation Act 2003*, 2017, p. 7.

At the Commonwealth level, the *Legislation Act 2003* automatically repeals all subsidiary legislation after 10 years, unless instruments are exempted or preserved through legislative action. By May 2017, 33 per cent of Commonwealth legislative instruments that reached their sunset dates were repealed and replaced by another instrument, 25 per cent were repealed without replacement, and 29 per cent were automatically repealed because no action was taken to preserve them. The remainder either had sunset dates deferred or were exempt.²⁷⁰ In New South Wales, where subsidiary legislation is automatically repealed after five years, the number of statutory instruments decreased from 976 regulations in 1990, to 351 in 2010, and 339 in 2016. The sharpest reduction in the number of statutory instruments occurred in the years immediately following introduction of the sunset regime.²⁷¹

These examples show that regimes which automatically repeal subsidiary legislation are very effective at reducing the stock of regulations to what is necessary and relevant. Commonwealth guidelines state that when agencies evaluate whether to preserve a legislative instrument from automatic repeal, reviews should consider fitness-for-purpose. Agencies are encouraged to consider whether the objective of the instrument is still required, significant compliance costs are imposed on business and the community, and laws could be simplified (by consolidating a number of instruments, for example).²⁷²

Nearly 60 per cent of business licensing schemes that are more than 10 years old have not had the policy problem they address and their terms and conditions considered in a legislative review in the past 10 years.

Unlike other Australian jurisdictions, Western Australia does not automatically repeal its subsidiary legislation. Perhaps reflecting this, agencies have not reviewed the need for and fitness-for-purpose of many older licensing schemes for a long time. Nearly 60 per cent of business licensing schemes that are more than 10 years old have not had the policy problem they address and their terms and conditions considered in a legislative review in the past 10 years.²⁷³ Automatic repeal legislation in Western Australia, similar to other jurisdictions, could help to ensure agencies review the need

for the current stock of business licensing schemes, and make it easier for agencies to repeal unnecessary schemes. Some agencies have suggested legislative reviews as an alternative mechanism for ensuring that licensing schemes are periodically reviewed.²⁷⁴ However, even when reviews are legislated and undertaken, there is no guarantee that amendments to legislation will occur.²⁷⁵

In its draft report, the ERA recommended that government consider including expiry provisions in primary legislation for the licensing schemes the legislation is enabling. Several government agencies did not support sunset clauses in primary legislation.²⁷⁶ Feedback highlighted the additional workload that sunset clauses would create, particularly the time and staffing needed to administer large amounts of primary legislation,²⁷⁷ the regulatory impact assessment associated with legislative review,²⁷⁸ or indirect costs from diverting attention away from other reform activities.²⁷⁹ Other concerns included possible harm to the community if safety legislation was automatically repealed, for example hospital licence schemes²⁸⁰ or the licensing of electrical workers.²⁸¹

270 Australian Government Attorney-General's Department, *Review of the Operation of the Sunsetting Provisions in the Legislation Act 2003 Consultation Paper*, 2017, p. 27.

271 Greiner AC, Hon. N., McCluskey, S., and Stewart-Weeks, M., *NSW Regulatory Policy Framework Independent Review Final Report*, 2017, p. 17.

272 Australian Attorney-General's Department, *Guide to Managing Sunsetting of Legislative Instruments*, 2016, pp. 14 - 16.

273 ERA agency questionnaire responses. Analysis shows that for 59 per cent of business licensing schemes older than 10 years, (1) the policy problem the scheme addresses, and (2) the scheme's terms and conditions, have not been subject to a legislative review in the past 10 years. Of these schemes, these two matters were considered for 33 licences between 2013 and 2017, but in non legislative reviews.

274 Meeting with Department of Water and Environmental Regulation; Department of Transport submission.

275 Meeting with Parliamentary Counsel's Office.

276 The National Electrical and Communications Association is not a government agency but also did not support sunset provisions for licensing schemes, because positive processes and outcomes could cease when a scheme expired. National Electrical Communications Association submission (draft report). The Chamber of Commerce and Industry of Western Australia supported sunset clauses albeit modelled on the approach taken in Victoria where only subsidiary legislation is subject to automatic repeal. Chamber of Commerce and Industry of Western Australia submission (draft report).

277 Department of Mines, Industry Regulation and Safety submission; Department of Health submission.

278 Department of Fire and Emergency Services submission.

279 Department of Mines, Industry Regulation and Safety submission.

280 Department of Health submission.

281 Electrical Licensing Board submission.

In other jurisdictions, legislative instruments can be exempted or deferred from automatic repeal, for example so that multiple instruments with different sunset dates can be reviewed together as part of a thematic review.²⁸² There may be circumstances where exemptions from automatic repeal are warranted, for instance legislation that establishes licensing schemes necessary for public safety. However, it is important that exempt legislation is still subject to periodic review and reform.²⁸³

The administrative burden of sunset regimes has been raised in many reviews. The Commonwealth's automatic repeal regime has created significant workloads for agencies because each instrument must be reviewed in advance of its sunset date to give sufficient time to redraft an instrument or take action to preserve it.²⁸⁴ Due to the large number of instruments reaching their sunset date (thousands since 1 April 2015), the Australian Government has also had to develop an alternative Regulatory Impact Assessment process for instruments being remade without significant change.²⁸⁵ A review of the Commonwealth framework recommended that the 10-year automatic repeal period should be maintained but it should not apply to primary legislation because of the "considerable burden this would impose on parliamentary processes and legislative drafting workloads".²⁸⁶ Also citing workloads, a review of the automatic repeal regime in New South Wales recommended removing the existing five-year automatic repeal mechanism for subsidiary legislation, and replacing it with a 10-year statutory review process.²⁸⁷

In other jurisdictions, automatic repeal regimes apply only to subsidiary legislation.²⁸⁸ In Western Australia, only 10 per cent of licensing schemes are established in subsidiary legislation, with primary legislation establishing nearly a third of schemes and about 60 per cent occurring in both. This may present practical difficulties for an automatic repeal regime, as it prevents licensing schemes from being easily isolated from the, often interlinking, primary and subsidiary legislation that establishes them. Automatic repeal regimes have also been criticised for being too "mechanistic" on their own to achieve coordinated or continuous reform.²⁸⁹ The New South Wales review suggested putting in place "a commitment to regulatory stewardship requiring agencies to actively monitor and evaluate their stock of regulation", otherwise agencies relied on mandated reviews and adopted a "set and forget" attitude.²⁹⁰ In New South Wales, a focus on the automatic repeal process was found to diminish the quality of review by agencies and discourage ongoing consideration of outcomes and impact.²⁹¹

However, introducing an automatic repeal regime in Western Australia would ensure that, at some point, the need for every current licensing scheme would be reviewed. Further, sunset clauses clearly do reduce the amount of redundant regulation.

The ERA recommends that Streamline WA considers automatic repeal legislation that is in place only long enough to achieve a review of the current stock of licensing schemes and removal of redundant licensing schemes. Whether automatic repeal legislation should encompass primary and/or subsidiary legislation, and what exemptions should apply, are factors that Streamline WA should determine. Staggering the sunset dates of legislation could help to avoid large numbers of legislative instruments coming up for review at the same time.²⁹² Priority should, however, be given to licensing schemes that have not had the need for the scheme reviewed for over 10 years.

282 Reid, C., Maddocks Special Counsel, 'Don't let the sunset on your legislative instruments', 2017, ([online](#)) [accessed 26 November 2018].

283 For example, Commonwealth guidance states that even if a legislative instrument is exempt from automatic repeal, it should be reviewed periodically to comply with statutory obligations and good regulatory practice. *Guide to Managing Sunsetting of Legislative Instruments*, 2016, p. 7.

284 Australian Attorney-General's Department, *Guide to Managing Sunsetting of Legislative Instruments*, 2016, p. 5.

285 Australian Department of the Prime Minister and Cabinet, *Guidance Note: Sunsetting Legislative Instruments*, 2016, p. 1.

286 Australian Attorney-General's Department, *Review of the Sunsetting Framework under the Legislation Act 2003 Final report*, 2017, p. 32.

287 Greiner AC, Hon. N., McCluskey, S., and Stewart-Weeks, M., *NSW Regulatory Policy Framework Independent Review Final Report*, 2017, p. 27.

288 Refer to appendix F.

289 Productivity Commission, *Identifying and Evaluating Regulation Reforms*, 2011, p. 63; meeting with Parliamentary Counsel's Office.

290 Greiner AC, Hon. N., McCluskey, S., and Stewart-Weeks, M., *NSW Regulatory Policy Framework Independent Review Final Report*, 2017, pp. 20, 27.

291 Greiner AC, Hon. N., McCluskey, S., and Stewart-Weeks, M., *NSW Regulatory Policy Framework Independent Review Final Report*, 2017, p. 27.

292 Commonwealth of Australia Sunsetting Review Committee, *Report on the Operation of the Sunsetting Provisions in the Legislation Act 2003*, 2017, p. 7.

Automatic repeal legislation would help to ensure the review and consolidation of existing licensing schemes. The ERA also recommends that government consider targeted use of sunset clauses in new licensing schemes. Stakeholders supported the use of sunset clauses in certain circumstances,²⁹³ and there is evidence that they are already being applied in Western Australia to phase out specific parts of legislation. For example, s182AA of the *Transfer of Land Act 1893*, which allows regulations to prescribe fees above cost recovery, will expire on 31 December 2019 unless the Governor postpones this date by proclamation.²⁹⁴ The Department of Mines, Industry Regulation and Safety has also indicated that sunset clauses will be used to target specific elements of motor vehicle dealer licensing.²⁹⁵

In the United Kingdom, sunset clauses are mandatory for new regulations that create net costs for business.²⁹⁶ Guidelines specify that sunset clauses should be used, at a minimum, to apply to the parts of the legislation that impose a regulatory burden on business,²⁹⁷ and outline instances when sunset clauses might be appropriate. These include: phasing out measures that might have been designed to solve a time-limited problem or respond to a specific political priority or emergency, measures that may become outdated because of changing events or technologies, and measures with uncertain outcomes where more information might reveal a better alternative.²⁹⁸

By using sunset clauses in new legislation in a similar way, the Government could ensure that licensing schemes (either in part or in full) in Western Australia do not impose unnecessary costs on business by persisting when they are no longer fit-for-purpose.

Recommendation:

To make reform and improvement of business licensing schemes easier, government should:

- Require a central agency to coordinate an omnibus bill each year to implement legislative changes needed to improve business licensing schemes. It should establish a process for business licensing omnibus bills similar to the process established by Premier's Circular 2010/01 for Statutes (Repeals and Minor Amendments) Bills to assist the passage of these omnibus bills through Parliament.
- Ensure that, when business licensing schemes are introduced or reviewed by Parliament, primary legislation includes only the elements of schemes that need parliamentary consideration (for example, the objectives of the scheme, the power to grant, amend, suspend or cancel a licence, offences, the power to collect fees, and review or appeal rights), and does not prescribe administrative and procedural requirements.
- Amend primary legislation to remove any requirement to prescribe in regulations the forms (for example, application forms) for business licensing schemes, and instead, require that forms be approved by the relevant minister or director general.
- Consider using automatic repeal clauses in new legislation to assist with phasing out business licensing schemes (or aspects of licensing schemes) that solve a time-limited problem, that may become outdated because of rapidly changing events or technologies, or when there is uncertainty about the outcomes the scheme might achieve when it is introduced.
- Develop guidelines on best practice legislative drafting that provides guidance on what aspects of business licensing schemes should be included in primary and subsidiary legislation.

²⁹³ Department of Transport submission.

²⁹⁴ Meeting with Parliamentary Counsel's Office.

²⁹⁵ Department of Mines, Industry Regulation and Safety submission.

²⁹⁶ UK Department for Business, Innovation and Skills, *Sunsetting Regulations: Guidance*, 2011, p. 3.

²⁹⁷ UK Department for Business, Innovation and Skills, *Better Regulation Framework Manual, Practical Guidance for UK Government Officials*, 2013, p. 30.

²⁹⁸ The full set of criteria is available from UK Department for Business, Innovation and Skills, 'Impact Assessment Toolkit: Sunset Clauses', 2009, [\(online\)](#) [accessed 17 January 2019].

Recommendation:

In order to ensure agencies review whether older schemes are needed and remove redundant licensing schemes, Streamline WA should consider automatic repeal (sunset) legislation that operates for a limited time. The sunset legislation should apply to licensing schemes that have not had the scheme's purpose reviewed for over 10 years. Streamline WA should also consider circumstances for exemptions from the sunset legislation, and whether primary and/or subsidiary legislation should be included.

The annual State of Licensing report published by the licensing support unit should identify priority areas for reform. The reports should be provided to the Streamline WA steering committee. This will help to raise the priority given to improving business licensing schemes by government.

How to make it easier to make improvements that do not require changes to legislation

Projects to improve licensing schemes, such as moving to online systems, must compete for time and resources with other departmental projects and functions. Often, improvements to licensing schemes only occur once they have become a ministerial or community priority. For example, following the Grenfell Tower fire in 2017, the Department of Mines, Industry Regulation and Safety allocated "significant departmental resources to a widespread audit of building cladding in Western Australia and the development of a coherent building plan to accelerate reforms and improvements to building regulation."²⁹⁹

There are also examples of agencies coming under scrutiny because attempted improvements to licensing schemes have been costly and only partially successful. For example, the Office of the Auditor General's June 2017 Information Systems Audit reported various weaknesses in the former Department of Racing, Gaming and Liquor's new licensing system, known as Navigate. The project to implement Navigate was 11 months late and \$2.1 million (44 per cent) over budget.³⁰⁰

Experiences like this may deter agencies from making changes to licensing schemes, especially administrative systems, because there is a risk that the costs of changes will outweigh the benefits.

The ERA recommends that responsibility for cross-government improvements to state government business licensing be assigned to a senior minister (chapter 2). The minister would be accountable for implementation and review of the business licensing governance framework. Like the role the Treasurer will play in Streamline WA, the senior minister could report to Parliament on business licensing reforms (including progress implementing the business licensing governance framework) and advocate for high priority business licensing reforms within Cabinet. A minister will provide the political leadership required to raise the priority given to improving business licensing by Cabinet and Parliament, which will assist agencies to allocate resources to licensing reform projects, such as improved online systems.

The governance framework for business licensing (chapter 2) will also encourage agencies to treat business licensing schemes as public assets, and be accountable for the continuous management and improvement of these schemes.

Finally, the ERA recommends that agencies report annually and publicly on business licensing scheme improvements. This will increase transparency over what improvements are being made, and encourage agencies to prioritise making changes.

State government agencies suggested that any additional reporting requirements be streamlined with existing reporting processes.³⁰¹ Under Streamline WA, agencies will be required to report annually on their reform activities, and the Treasurer will present these reports to Parliament as an annual Economic Reform Statement. The ERA recommends that agency reports to Streamline WA include a program of business licensing scheme improvements they intend to implement in the next 12 months, and a summary of changes that have been made in the previous 12 months.

299 Government of Western Australia, *State Budget 2018-19: Budget Paper No. 2, Volume 1*, 2018, p. 209.

300 Office of the Auditor General Western Australia, *Information Systems Audit Report: Navigate – Department of Racing, Gaming and Liquor*, Report 12, 2017, pp. 15-17.

301 Department of Biodiversity, Conservation and Attractions submission; Department of Health submission; Department of Mines, Industry Regulation and Safety submission; Department of Transport submission; Teacher Registration Board of Western Australia submission.

Recommendation:

When agencies report on reform activities under Streamline WA, that reporting should include:

- Improvements to business licensing schemes that the agency intends to implement in the next 12 months.
- Changes to business licensing schemes made in the previous 12 months.

Under Streamline WA, this reporting will be presented as an annual Economic Reform Statement by the Treasurer to Parliament.

Applying the same approach to prioritising schemes as in chapter 3, the licensing scheme regulating the manufacture, storage, handling and transport of dangerous goods should be prioritised. It regulates industries that, combined, have a large effect on the Western Australian economy,³⁰² and protects against risks to safety. The review of dangerous goods licensing was completed in 2014, and resulted in 16 recommendations. The recommendations aim to reduce the scheme's complexity and approval times, strengthen enforcement measures, and clarify the objectives of the scheme, in order to strengthen its intent and purpose.³⁰³ The Department of Mines, Industry Regulation and Safety has advised that drafting amendments to the regulations will commence soon.³⁰⁴

Prioritising licensing schemes for reform

The ERA has identified 65 licensing schemes that have been reviewed since 2013, but have not had any recommendations from those reviews implemented. These licensing schemes are listed in appendix D. Agencies should review these outstanding review recommendations and consider whether any could be implemented through the next omnibus bill.

Recommendation:

Agencies should review the outstanding recommendations for business licensing schemes that have been reviewed since 2013 (appendix D). The ERA recommends that agencies focus on schemes for which the review concluded more than 12 months ago, and that affect industries with a large effect on the Western Australian economy and/or protect against risks to safety. In particular, implementing recommendations from the review of dangerous goods licensing should be a government priority. Agencies should consider whether any of the recommendations could be implemented through the next omnibus bill.



³⁰² In particular, mining, manufacturing, construction, and transport, postal and warehousing (among others).

³⁰³ Department of Mines, Industry Regulation and Safety, 'What's new for dangerous goods safety legislation?', 2014, ([online](#)) [accessed 1 February 2019]; McCullagh, G., *Review of the Dangerous Goods Safety Act 2004*, Report to the Minister for Mines and Petroleum, 2014, available [online](#).

³⁰⁴ Department of Mines, Industry Regulation and Safety response to ERA information request.



CHAPTER 5:
THE COSTS OF LICENSING
SCHEMES

CHAPTER 5:

THE COSTS OF LICENSING SCHEMES

- Online services (including application and renewal lodgement, payments and complaints) for many licensing schemes in Western Australia are limited. Application lodgement processes vary greatly between agencies, and even within agencies and between similar types of licences.
- The ERA recommends government investment in digitisation projects to provide more licensing services online.
- Licensees and consumers may benefit from further investigation of problems with fees and charges, such as whether they are set too high or too low.

Licensing creates costs as well as benefits. In this chapter, the ERA distinguishes the direct effects of a scheme on businesses and government (direct costs), and the effects that flow through to consumers, the economy or environment (indirect costs). Direct costs include the costs to businesses of, for example, time spent filling out forms, and the cost to government of administering and enforcing the scheme. Indirect costs include effects such as reduced investment and innovation, and less choice and value for money for consumers.

Some licensing schemes create unnecessary direct costs

The inquiry has found many examples of burdensome and time consuming administrative processes, such as duplicated information requirements and paper-based processes.³⁰⁵

Outdated and costly licensing administrative processes

Processes identified by agencies include:³⁰⁶

- “Current payment processes are directed through another part of the Department and reconciliation is a manual process by review of a spreadsheet of receipts.”
- “[There is a] double data entry process for receipts, records and database entry...there is no licensing program that manages the entire process of payments, approvals, forms, and history.”
- “[Two agencies] both provide a number of services to ... customers. There are considerable opportunities to enhance ... customers’ experience and create operational efficiencies by understanding ... what systems, tools and databases are being used and how approval for permits and licensing ... can be aligned or connected to better assist customers.”

Frustrations highlighted by licensees include:

- “I have difficulty accepting the need to continually have to complete the Department of Racing, Gaming and Liquor’s Annual Liquor Return. I reckon it costs me and my bookkeeper about 1 day of time and resources that I can put to much better use. I have no idea what RGL [Racing, Gaming and Liquor] use this data collected from the wine producers of WA for.”³⁰⁷

³⁰⁵ Department of Health, Department of Local Government, Sports and Cultural Industries, Department of Biodiversity, Conservation and Attractions, Department of Primary Industries and Regional Development responses to ERA information request; meeting with the Western Australian Local Government Association; Pilbara Ports Authority submission, p. 3.

³⁰⁶ Department of Health, Department of Primary Industries and Regional Development, Department of Transport responses to ERA information request.

³⁰⁷ Lenton Brae Wines submission, p. 1; Willow Bridge Estate also raised a similar issue in its submission.

Outdated and costly licensing administrative processes (continued)

- “...The upfront costs incurred during this [application] process, [and] delays in licence approval times can also result in lost productivity for the business further compounding the frustration and anxiety for business-owners.”³⁰⁸
- “Changes to how licence amendments are managed and communicated, with licences now having up to 10 stapled amendments to the original licence rather than a single consolidated updated licence. This means cross-referencing between multiple documents for both staff and proponents, leading to frustration and possible confusion.”³⁰⁹
- “More generally the two... stage process of works approval, then licence application appears to be unnecessary, as the completion of the works approval is not actually inspected by the Department and sometimes works approval information (which relate only to the construction of the facility) are then included in licences.”³¹⁰

The availability of online services is limited

The online services (such as information, applications, renewals, payments and complaints lodgement) available for many licensing schemes are limited.³¹¹

While agencies told the ERA that 80 per cent of licensing schemes have some information about the scheme online,³¹² ERA analysis has found that the amount of information available varies

greatly. There are 124 licensing schemes for which the ERA could find no information on agency websites.³¹³ These schemes tend to have small numbers of active licences (sometimes fewer than 10) although some, like the Export and Assurance Certificate for moving agricultural products, have more than 3,000 active licences.³¹⁴

The ERA also checked the availability of online application forms and lodgement options (online/email, post, fax, or in person).³¹⁵ Application processes are diverse. Even licensing schemes administered by the same agency have different application and payment methods. For example, applications for different flora and fauna licences included online forms and lodgement,³¹⁶ online forms but postal lodgement, and others with limited or no online information.³¹⁷ For 64 licensing schemes, information about the schemes is available on the relevant agency’s website, but it is not possible to submit an application online.³¹⁸

The ERA found a further 138 examples of applications that must be lodged in person or by post despite the application forms being available online. For example, the licence application forms for plumbers and motor vehicle dealers are available to download online; however, the forms must be printed and posted or handed in to the agency. The ERA also found examples of applications that must be completed through an online system but then printed and lodged in person or post.³¹⁹ There are circumstances where it may be appropriate for licence applications to be lodged in person, for example firearms applications or security contractor licences where applicants must provide proof of identity. There are cases where online application forms might not be suitable, such as where applicants require agency guidance to navigate multi-stage and/or complex application processes (for example a licence to generate electricity).

308 Restaurant and Catering Industry Association submission, p. 2.

309 Community Public Sector Union and Civil Service Association submission, p.12.

310 Waste Management Association of Australia submission, p. 2.

311 Happ, E., submission (1), p. 1; Anonymous (6), online questionnaire; Willow Bridge Estate submission, p. 1; ERA agency questionnaire responses. According to agency questionnaire responses, online services are available for: application lodgement — 25 per cent of schemes; renewals lodgement — 20 per cent of schemes; payment of application fees — 21 per cent of schemes; payment of renewal fees — 17 per cent of schemes; complaints lodgement — 26 per cent of schemes; updating licensee details — 19 per cent of schemes; and lodging information about compliance — 14 per cent of schemes.

312 ERA agency questionnaire responses.

313 This includes licensing schemes for which the ERA agency questionnaire recorded affirmative responses from agencies for the availability of information online. The ERA acknowledges that online information may be available on agency websites but could not be located in its web search. For 68 of the licensing schemes, central repositories such as the Australian Business Licence and Information Service or Business Licence Finder are the only readily available sources of online information. [Australian Business Licence and Information Service, [\(online\)](#) [accessed 20 November 2018] and Small Business Development Corporation, ‘Business Licence Finder’, 2018, [\(online\)](#) [accessed 20 November 2018]. Online searches conducted by the ERA found no online information at all for the other 56 licensing schemes.

314 ERA agency questionnaire responses.

315 The ERA also checked the availability of electronic payment methods (EFT and credit cards) and/or payment by cash, cheque or money orders. 15 licensing schemes do not offer online payment options. These are listed in appendix E.

316 Department of Biodiversity, Conservation and Attractions, ‘Welcome to Wildlife Licensing’, [\(online\)](#) [accessed on 7 December 2018].

317 The Department of Biodiversity, Conservation and Attractions is in the process of transitioning to the *Biodiversity Conservation Regulations 2018*, which commenced 1 January 2019.

The regulations create a new flora and fauna licensing scheme. The department is establishing a new online application system. Department of Biodiversity, Conservation and Attractions, ‘Licences and Authorities’, Parks and Wildlife Service (online) [accessed 23 January 2019].

318 Western Australia Police, ‘Firearms’, [\(online\)](#), [accessed 7 December 2018].

319 The Approval as a Dangerous Goods Transport Provider, Explosives Import/Export Licence, Explosives Transport Licence, and Security Sensitive Ammonium Nitrate Transport Licence are all examples. See Department of Mines, Industry Regulation and Safety [\(online\)](#).

Thirty-five licensing schemes have unclear application processes. Application forms are available online for most of these schemes but the lodgement process is not clear. For example, the Registration for Construction Workers to access Long Service Leave is one of the top 10 licences by number of currently active licences in Western Australia.³²⁰ However, the application forms do not specify how they are to be lodged, or whether electronic submission is possible.³²¹ Multiple licences relevant to the hospitality sector similarly have online forms but unclear lodgement instructions.

Some agencies claim that moving online takes time because of agency resourcing constraints³²² or because, in some cases, smaller digitisation projects are delayed or rejected as agencies prefer to procure Information Communication Technology (ICT) on a larger scale.³²³ For example, the Department of Health said one particular business case was delayed so it could be included as part of a suite of process improvements in a larger ICT business case.³²⁴

The Service Priority Review found there were opportunities to improve ICT in the public sector. The review found that agencies needed support to manage ICT and build capability. It recommended the Department of the Premier and Cabinet be responsible for leading ICT policy, and the Department of Finance for leading procurement, in order to achieve these objectives.³²⁵ The Office of the Auditor General also found there were weaknesses with the government's GovNext ICT project, including overstated benefits and slow take up by agencies.³²⁶ The Office of the Auditor General made recommendations to help the Department of the Premier and Cabinet re-think its role in the GovNext project, including how it can help

agencies through the change process.

The Department of the Premier and Cabinet has accepted the Office of the Auditor General's recommendations.³²⁷ Further, "Strengthening ICT leadership" has been endorsed by the State Government as an early initiative in the public sector Roadmap for Reform.³²⁸ The Office of Digital Government was set up within the Department of the Premier and Cabinet on 1 July 2018.³²⁹ Its agenda includes improving delivery of online services and supporting the implementation of ICT procurement across the public sector.³³⁰ Other whole-of-government initiatives include a common platform for the public to locate and access online transactional services provided by different agencies (www.wa.gov.au),³³¹ and the Small Business Development Corporation's Business Licence Finder.³³²

Individual agencies are digitising licensing systems and processes. For example, in April 2018, the Index of Biodiversity Surveys for Assessments database was launched by the Department of Water and Environmental Regulation, in collaboration with the Western Australian Biodiversity Science Institute, the Environmental Protection Authority and the Department of Mines, Industry Regulation and Safety. The Index consolidates online information on assessment and compliance requirements for native vegetation clearing permits, works approvals, and referrals to the Environmental Protection Authority.³³³

Other agency initiatives include digitising notifications about renewals for funeral directors, electrical training, property, construction, motor vehicle, and high risk work licences;³³⁴ and the Department of Training and Workforce Development's introduction of an online system

320 ERA agency questionnaire responses.

321 Construction Industry Long Service Scheme, 'Publications and Forms', My Leave, (undated), ([online](#)) [accessed 23 January 2019].

322 Department of Health submission, p. 2; Department of Mines, Industry Regulation and Safety submission, p. 10.

323 Meeting with the Department of Transport; Western Australia Police response to the Office of the Auditor General Western Australia's *Information Systems – Application Control Audits* report, released 27 June 2013; Department of Health response to ERA information request; Department of Primary Industries and Regional Development response to ERA information request; Department of Mines, Industry Regulation and Safety submission, p. 10.

324 Department of Health response to ERA information request.

325 Department of the Premier and Cabinet (Service Priority Review), *Working Together: One Public Sector Delivering for WA* (Final report), 2017, pp. 65-67.

326 GovNext is intended to coordinate modernisation of ICT by shifting from a traditional 'own and maintain' to a 'pay-as-you-use' model. This is in response to the finding that many agencies deliver services through legacy ICT models that fail to take advantage of improvements in both cost and function. Source: Office of the Auditor General Western Australia, *Implementation of the GovNext-ICT program*, 2018, p. 4.

327 Office of the Auditor General Western Australia, *Implementation of the GovNext-ICT Program*, 2018, pp. 7-8.

328 Department of the Premier and Cabinet, 'Public Sector Reforms', 2018, ([online](#)) [accessed 12 September 2018].

329 Office of the Auditor General Western Australia, 'Implementation of the GovNext-ICT program: Recommendations', 2018, ([online](#)) [accessed 12 September 2018].

330 Government of Western Australia media statement, 28 November 2018, 'New Government Chief Information Officer to lead digital reform', ([online](#)) [accessed on 6 December 2018].

331 Government of Western Australia, 'About this website', 2017, ([online](#)) [accessed 12 September 2018]. The government intends to analyse how people use the website, to identify how services can be improved.

332 Small Business Development Corporation, 'Business Licence Finder', 2018, ([online](#)) [accessed 12 September 2018]. The Business Licence Finder aims to improve access to online information by providing users with a report on the local, Western Australian and Australian government requirements of their business, including licence fees, how to apply for and renew licences, and where to go for help and information.

333 Department of Water and Environmental Regulation, 'Index of Biodiversity Surveys for Assessments (BSA)', 2018, ([online](#)) [accessed 17 September 2018].

334 Metropolitan Cemeteries Board submission, p. 4; Department of Mines, Industry Regulation and Safety submission, p. 1; correspondence from Department of Mines, Industry Regulation and Safety, Information about the relevant schemes is available from Department of Mines, Industry Regulation and Safety, 'Renewal reminder notices', 2018, ([online](#)) [accessed 14 January 2019].

that allows employers and apprentices to manage training contracts.³³⁵ The Government has also recently introduced the Consumer Protection Legislation Amendment Bill 2018, which will reduce “unnecessary red tape” and facilitate online systems for submitting applications and information for many occupational licensing schemes.³³⁶

Agencies digitising licensing administration processes³³⁷

The Department of Mines, Industry Regulation and Safety’s online system allows parties to submit and track mineral, petroleum and dangerous goods applications, and access information to assist with their application (for example, maps). The system also allows inspectors to prepare records of site visits while in the field. The system has improved the quality of data available online and increased the capacity for data analysis. The department exceeded its target time-frames for environmental approvals in 2016/17, and attributed its success to “new online spatial lodgement systems, increased pre-application consultations with applicants, improved guidance material for applicants and staff training.”³³⁸

The Department of Water and Environmental Regulation’s Water Online platform allows parties to submit compliance reports and track the status of their applications, and provides access to water information and regulatory requirements. The Water Information Reporting feature has reduced waiting times for data on water quality and quantity from months to minutes. The department’s compliance and water resource management system, COMPASS, integrates with Water Online, and enables the department to assess licences electronically, and schedule compliance monitoring for licensed and unlicensed activities.³³⁹

The Department of Transport offers 29 online services which allow parties to, for example, renew vehicle and driver licences, and pay traffic infringements and coastal infrastructure invoices. The department has also made all forms available digitally. The department’s driving examiners use the iAssess tablet application to record driving tests. The application makes it easier for the department to identify trends showing where driver behaviour needs to be improved. The application also allows users to access their assessment history and reduces waiting times for test results. The department is also working on moving the process for receiving information from doctors’ medical assessments online. The department estimates that approximately 60,000 fewer medical appointments will be required a year.³⁴⁰

Agencies that have already increased the availability of online services have reduced some of the direct costs of licensing. Government could quickly improve administration processes across multiple industry sectors by investing in digitisation. Specifically, ICT investment should be prioritised for licensing schemes with no information on any agency website and schemes where online application processes are not available, only partially available or unclear.

Recommendation:

To address the slow rate of digitisation of administrative processes and reduce the administrative burden for licensees, government should target Information Communications Technology investment toward business licensing schemes that currently have no information about the scheme on any state government agency’s website, and/or where online application processes are not available, only partially available or unclear (appendix E).

335 Department of Training and Workforce Development submission, p. 2.

336 Government of Western Australia media statement, 7 October 2018, ‘Toppling furniture Bill to be introduced to Parliament’, ([online](#)); Explanatory Memorandum, *Consumer Protection Legislation Amendment Bill 2018*, p. 2.

337 The Department of Health, Department of Primary Industries and Regional Development, and Department of Local Government, Sport and Cultural Industries also provided examples to the ERA of digitisation of back end and front-end systems and processes.

338 Department of Mines and Petroleum, *Annual Report 2016-17*, 2017, pp. 38-39, 73.

339 Department of Water, *Annual Report 2016-17*, 2017, pp. 44-46.

340 Department of Transport responses to ERA information request.

Businesses are frustrated by duplicated requirements

For businesses subject to more than one licensing scheme, administrative requirements are sometimes duplicated, particularly when more than one agency is involved.³⁴¹ Time and cost burdens experienced by business are made worse in instances of lengthy approval processes and/or repeated requests for further information made by regulatory agencies.³⁴² Other frustrations identified by businesses subject to many licensing schemes include cumulative costs, and delays from processes that do not run in parallel. Roy Hill Holdings said that the cost of complying with thousands of separate approvals from many agencies for its large iron ore project near Newman was twice the amount spent on securing those approvals in the first place. The time taken to obtain licences, some before other applications could be submitted, was also claimed to add up to nearly five years, with a similar amount of time spent waiting for agencies to process applications.³⁴³

Sometimes duplication is caused by agencies being unable to share information with each other.³⁴⁴ The Service Priority Review found that the absence of privacy and data sharing legislation in Western Australia limits information sharing between agencies, because common law principles of confidentiality — which it said are restrictive, inconsistent, and not comprehensive — apply instead.³⁴⁵ The Department of Transport holds customer identity information that it collects from issuing driver licences. However, the department told the ERA the absence of privacy and data sharing legislation limited what it could share with other agencies.³⁴⁶ If the department could share information, unique identifiers that include information such as name and address could

be created for licence applicants, so that they do not need to provide this information to government more than once. The situation also causes agencies to develop complicated, *ad hoc* procedures to gather consent from clients to use and share personal information, even between officers of the same department.³⁴⁷

The Service Priority Review recommended that the Department of the Premier and Cabinet develop legislation and processes to facilitate information sharing between agencies, while protecting sensitive personal and other information.³⁴⁸ The State Government has since endorsed “enhancing data and information sharing” as an early initiative under the Government’s Roadmap for Reform.³⁴⁹ In the meantime, some agencies have overcome the lack of privacy legislation using memoranda of understanding or similar agreements.³⁵⁰

Other agencies are overcoming duplicated requirements by being more flexible in their approach to assessing applications. For example, the Department of Mines, Industry Regulation and Safety recognises there is regulatory overlap and duplication between the mining proposal assessment process and other state and commonwealth environmental regulations. To help reduce duplication, the department asks proponents to include in their mining proposals a list of all environmental approvals and statutory requirements that will affect the environmental management of the project. This allows it to focus on the environmental factors that are not regulated by another agency.³⁵¹

Streamline WA can facilitate a reduction in duplicated requirements. It is intended to create a “one-stop-shop” for business, industry and the community to raise regulatory issues (such as duplication), and will allow for solutions

341 Community Public Sector Union and Civil Service Association submission, pp. 5, 6 and 13; Small Business Development Corporation submission, pp. 7-8; Wines of Western Australia, online questionnaire; Western Australian Local Government Association submission, p. 18; Kemp, P., online questionnaire. In its submission, the Chamber of Commerce and Industry of Western Australia noted that “the cumulative burden of regulation does not only occur as a result of different State Government agencies, but also across different state government jurisdictions”. Chamber of Commerce and Industry of Western Australia submission (consultation paper), pp. 4-5. The Australian Funeral Directors Association also said funeral directors must apply for licences from individual local government authorities outside of the metropolitan area, each with their own rules. This creates cumulative costs which are passed on to the consumer. Meeting with the Australian Funeral Directors Association.

342 Chamber of Commerce and Industry of Western Australia submission (draft report), p. 10.

343 Roy Hill Holdings Pty Ltd, *How much is too much? Reducing the regulatory burden*, Submission to the Senate Select Committee on Red Tape, 2017, p. 7. The Department of Mines, Industry Regulation and Safety told the ERA that 89 per cent of the applications submitted to the agency for the Roy Hill project were finalised within target times. Source: Department of Mines, Industry Regulation and Safety submission, p. 7.

344 Meeting with and response to ERA information request from the Department of Transport; Department of Treasury’s Regulatory Mapping and Reform Projects such as: *Making it easier to start a restaurant* ([online](#)), *Making it easier to build a single residential dwelling* ([online](#)).

345 Department of the Premier and Cabinet (Service Priority Review), *Working Together: One Public Sector Delivering for WA* (Final report), 2017, pp. 60-61.

346 Meeting with and response to ERA information request from the Department of Transport.

347 Department of the Premier and Cabinet (Service Priority Review), *Background Paper: privacy and information sharing*, 2017, p. 11.

348 Department of the Premier and Cabinet (Service Priority Review), *Working Together: One Public Sector Delivering for WA* (Final report), 2017, p. 67.

349 Government of Western Australia, ‘Public Sector Reforms’, 10 August 2018, ([online](#)) [accessed 12 September 2018]; Government of Western Australia, *Public Sector Reform Unit: Overview of early initiatives*, 2018, available ([online](#)).

350 Meetings with the Department of Local Government, Sports and Cultural Industries and the Department of Mines, Industry Regulation and Safety. See for example: *Administrative Agreement between Department of Environment and Conservation and Department of Mines and Petroleum*, 2011, ([online](#)); *Administrative Agreement between the Department of Mines and Petroleum and Department of Water*, 2015, ([online](#)); *Memorandum of Understanding for Collaborative Arrangements between the Office of the Environmental Protection Authority and the Department of Mines and Petroleum*, 2016, ([online](#)).

351 Department of Mines, Industry Regulation and Safety, *Guideline for Mining Proposals in Western Australia*, 2016, p. 16.

to be developed and considered by cross-agency and industry committees and working groups.³⁵² The Western Australian chapter of the Australia New Zealand School of Government’s Regulators Community of Practice is another initiative regulatory agencies can use to share their knowledge and experience solving common problems, including duplicated administrative and compliance requirements.³⁵³

There are many examples of improvements to administrative processes from other jurisdictions that agencies can learn from. Hong Kong’s “Be the Smart Regulator” Program uses ICT and targeted communication with business to reduce application processing times, and improve licensee understanding of requirements and procedures.³⁵⁴ British Columbia’s licensing processes have been streamlined over the past two decades through process changes and technological improvements, reducing the time and cost for citizens to comply with regulatory requirements. Targeted communication with businesses is again a feature of the reforms.³⁵⁵

Hong Kong “Be the Smart Regulator” program³⁵⁶

In 2007, Hong Kong Government launched the “Be the Smart Regulator” program that aimed to:

- improve quantitative and qualitative data collection for performance and cost measurement
- enhance processing of licensing by introducing new roles and IT systems within agencies
- strengthen communication with the private sector through business liaison groups
- introduce a Business Impact Assessment framework for evaluating new regulations

The government developed the program after it consulted with businesses to identify problems with its licensing system. The program reduced application processing times, improved licensee understanding of requirements and procedures, and improved coordination between agencies. Hong Kong is consistently rated in the top five countries in the World Bank’s Doing Business Report.

British Columbia reform initiative

In the 1990s, economic growth and employment in British Columbia was lower than other parts of Canada. Excessive regulation was often cited as a major contributor to this underperformance.

In 2001, the British Columbia government established a Red Tape Reduction Task Force, a net zero increase regulation target, and an online platform for the public to provide suggestions for regulatory improvement. In its first year, the Red Tape Reduction Task Force received 600 proposals for reducing red tape on businesses.

Subsequent reforms halved the number of regulatory requirements between 2001 and 2017 and reduced compliance costs for citizens. The regulatory regime is now highly rated by businesses in Canada — from 2012 to 2017, the government earned an “A” grade each year (unmatched by other provinces) from the Canadian Federation of Independent Business. While other factors were at play in British Columbia’s economic turn-around, many in the private sector credit red tape reduction with playing a critical role.

352 Government of Western Australia media statement, 6 December 2018, ‘Streamline WA: Making it easier to do business in Western Australia’, [\(online\)](#) [accessed 4 January 2019].

353 Australian New Zealand School of Government, ‘About the Community’, 2018, [\(online\)](#) [accessed 12 September 2018].

354 Frontier Economics, *Case studies on best practice licensing frameworks: a report prepared for the Economic Regulation Authority of Western Australia*, July 2018.

355 Frontier Economics, *Case studies on best practice licensing frameworks: a report prepared for the Economic Regulation Authority of Western Australia*, July 2018.

356 All case studies in this box are from Frontier Economics, *Case studies on best practice licensing frameworks: a report prepared for the Economic Regulation Authority of Western Australia*, July 2018.

Some licensing schemes create unnecessary indirect costs

Some stakeholders said that licensing schemes were causing unnecessary indirect costs because minimum conditions and requirements prevented them from participating in markets.³⁵⁷ Others said minimum conditions and requirements were not stringent enough, creating a risk of harm to the community, economy or environment because individuals did not have the training or experience needed to do their job properly.³⁵⁸ Others said unnecessary indirect costs were created by poorly designed fees and charges.

Some licensing schemes may be creating unnecessary barriers to participating in markets

About one-third of business licensing schemes in Western Australia are occupational licensing schemes, or have features similar to an occupational licence.³⁵⁹ If minimum conditions and requirements are set too high, occupational licensing can create barriers to market participation, and an increase in the price, and reduction in the choice, of goods and services. Some studies have found that occupational licensing can impose a high cost on the economy.³⁶⁰ However, the costs of occupational licensing can be offset by better social, environmental and consumer protection.³⁶¹

Over the past two decades, several processes have been established to encourage Australian governments to review, repeal or reform regulation that creates unnecessary barriers to entry.

The National Competition Policy reforms of the 1990s required all Australian governments to review their legislation, and reform legislation that restricted competition by the year 2000 (later extended to 2005).³⁶² Western Australia had the lowest level of compliance with this requirement, reviewing only 68 per cent of all legislation by 2005 (compared to 93 per cent

in the Australian Capital Territory, and 91 per cent in New South Wales and Tasmania).³⁶³ The Commonwealth government supported a recommendation from the 2014/15 Competition Policy Review that all Australian governments should again review regulations to ensure unnecessary restrictions on competition were removed.³⁶⁴ It encouraged the states to undertake similar reviews.³⁶⁵

As part of the National Competition Policy reforms, the Western Australian government committed to applying the competition test when considering new, or changes to, regulation. Under the Regulatory Impact Assessment program, if a regulatory proposal will impose restrictions on an industry, or barriers to entry or exit, it must undergo a full Regulatory Impact Assessment.³⁶⁶

The competition test

Clause 5 of the Competition Principles Agreement states:

“Legislation should not restrict competition unless it can be demonstrated that:

- the benefits of the restriction to the community as a whole outweigh the costs; and
- the objectives of the legislation can only be achieved by restricting competition.”³⁶⁷

Application of these principles is called the competition test. The 2014/15 Competition Policy Review recommended that when the competition test is applied to assess whether restricting competition is in the public interest, the factors to consider should be determined on a case-by-case basis.³⁶⁸

357 WA TAB Agents Association submission, p. 3; Anonymous (3), online questionnaire; Anonymous (4), online questionnaire; Young, P., online questionnaire.

358 Anonymous submission, p. 1; Community and Public Sector Union and Civil Service Association submission, p. 8; Construction, Forestry, Mining and Energy Union submission pp. 16-17, Master Plumbers and Gasfitters Association submission, p. 3; Mackie, T., online questionnaire; Shuttleworth, D., online questionnaire.

359 EPA agency questionnaire responses.

360 Kleiner, M.M., *Reforming Occupational Licensing Policies: Discussion Paper*, The Hamilton Project, 2015, p. 6; Cox, C. and Foster, S., *The Costs and Benefits of Occupational Regulation*, Federal Trade Commission, USA, 1990, p. v; Occupational Licensing Research Consortium, *The State of Occupational Licensing: Assessing State Policy and Practice*, National Conference of State Legislatures, USA, 2017, pp. 6-7, ([online](#)); Young, S.D., *Occupational Licensing*; Canton, E., Ciriaci, D. and Solera, I., *The Economic Impact of Professional Services Liberalisation*, European Economy, Economic Papers 533, 2014, p. 1; Warsaw School of Economics, cited in Frontier Economics, *Case studies on best practice licensing frameworks: a report prepared for the Economic Regulation Authority of Western Australia*, July 2018.

361 Roberts, R., ‘Beth Redbird on Licensing’, *The Library of Economics and Liberty* [Podcast], 2018, ([online](#)), [accessed on 12 September 2018]; Cox, C. and Foster, S., as cited in *The State of Occupational Licensing: Assessing State Policy and Practice*, National Conference of State Legislatures, USA, 2017, p. 4.

362 Clause 5(3), *Competition Principles Agreement*, ([online](#)); National Competition Council, *Legislation Review and Reform*, ([online](#)) [accessed 13 September 2018].

363 National Competition Council, *Assessment of governments’ progress in implementing the National Competition Policy and related reforms*: 2005, p. 9.6, ([online](#)).

364 Harper, I., Anderson, P., McCluskey, S. and O’Byrne, M., *Competition Policy Review: Final Report*, 2015, p. 43, available ([online](#)).

365 Australian Government, *Australian Government Response to the Competition Policy Review*, 2015, p. 9, available ([online](#)).

366 Government of Western Australia, *Regulatory Impact Assessment Guidelines for Western Australia*, 2010, pp. 12-13.

367 Clause 5(1), *Competition Principles Agreement*, ([online](#)) [accessed 18 September 2018].

368 Harper, I., Anderson, P., McCluskey, S. & O’Byrne, M., *Competition Policy Review: Final Report*, 2015, p. 43, ([online](#)).

In December 2016, Western Australia signed an Intergovernmental Agreement on Competition and Productivity in which it agreed to apply the competition test to regulation and to remove “unnecessary regulatory barriers to competition”.³⁶⁹ The competition test was applied by agencies to only 10 per cent of licensing schemes in Western Australia that were reviewed between 2013 and 2018.³⁷⁰

In 2009, a Council of Australian Governments working group commenced a process to identify unnecessary industry-specific consumer regulation and repeal (or nationally harmonise) it where beneficial.³⁷¹ Further, with the Australian Consumer Law’s introduction in 2011, all jurisdictions endeavoured to repeal, amend or modify any legislation that was inconsistent with or altered the effect of the Australian Consumer Law.³⁷² In 2013, the Council of Australian Governments reported that reform to reduce occupational licensing was complete.³⁷³

However, very few Western Australian licensing schemes have been repealed since 2009.³⁷⁴

There are still examples of licensing schemes in Western Australia that might create unnecessary barriers to market participation. Western Australia is the only jurisdiction to licence real estate developers, and one of the few jurisdictions to licence land valuers, employment agents, motor vehicle repairers and salespeople, and motor vehicle sales yard managers.³⁷⁵ In general though, Western Australia licences many of the same occupations as other jurisdictions.³⁷⁶

Western Australia is the only jurisdiction to licence real estate developers, and one of the few jurisdictions to licence land valuers, employment agents, motor vehicle repairers and salespeople, and motor vehicle sales yard managers.

Stakeholders provided examples of schemes they believed were creating unnecessary barriers to market participation.³⁷⁷ For example, the WA TAB Agents Association stated that TAB agents “are controlled by an organisation (Racing and Wagering Western Australia) that also acts as these agents’ competitor, and makes decisions that undermine the profitability of these agencies”.³⁷⁸ The Australian Automotive Aftermarket Association told the ERA the requirement to hold a licence to install accessories, such as windscreen wipers and dash mats, limited competition between shops that sell accessories and licensed vehicle repairers.³⁷⁹ The National Electrical and Communications Association said that employment opportunities for young people seeking to enter the electrical industry were hindered by long waiting times for applications to be processed (often three months), during which time they could not undertake electrical work.³⁸⁰

Consistent with the State Government’s commitments under the 2016 Intergovernmental Agreement on Competition and Productivity,

agencies should assess licensing schemes against the competition test when they are reviewing them. The Better Regulation Unit’s current Regulatory Impact Assessment guideline explains how to consider restrictions on competition.³⁸¹ There is also material available from other jurisdictions that agencies can use to help them assess the effects of licensing schemes on competition. The analytical framework in appendix A provides information about these resources.

369 Council of Australian Governments, *Intergovernmental Agreement on Competition and Productivity – Enhancing Reforms*, 2016, ([online](#)).

370 ERA agency questionnaire responses.

371 Ministerial Council on Consumer Affairs, *Minutes of Meeting on Friday 15 August 2009*, ([online](#)); Council of Australian Governments, *Seamless National Economy: Part 2*, 2011, ([online](#)).

372 Council of Australian Governments, *Maintaining consistency with the Australian Consumer Law: A guide to maintaining a harmonised and consistent approach when developing and reviewing legislation*, 2013, ([online](#)). If a piece of industry specific regulation has elements that go over and above the ACL, it need not be changed if it provides more effective and/or certain protection, and there are sound reasons for such protection.

373 Council of Australian Governments, *National Partnership Agreement to Deliver a Seamless National Economy: Report card prepared by the COAG Business Advisory Forum Taskforce*, 2013, p. 6, ([online](#)).

374 For example, the travel agent’s licensing scheme was repealed in 2013. Registration of hairdressers was repealed in 2012. The licensing scheme for grain marketers was repealed in 2010. Cited in Government of Western Australia, *Subsidiary legislation that have ceased to be in force*, 2018.

375 ERA analysis comparing occupations licensed by the Department of Mines, Industry Regulation and Safety ([online](#)), against ABLIS and websites of relevant regulators in other jurisdictions.

376 ERA analysis comparing occupations licensed by the Department of Mines, Industry Regulation and Safety ([online](#)), against ABLIS and websites of relevant regulators in other jurisdictions.

377 Kemp, P. submission (draft report). The draft inquiry report also included pharmacy registration in Western Australia as an example of an unnecessary barrier to entry. The 2014/2015 Competition Policy Review recommended that pharmacy ownership and location rules should be removed in the interests of consumers. In its submission to the draft report, the Pharmacy Guild of Australia WA Branch noted that the State Government is reviewing pharmacy ownership, and the review is yet to conclude. Economic Regulation Authority, *Inquiry into reform of business licensing in Western Australia Draft Report*, 2018, p. 55; Pharmacy Guild of Australia WA Branch submission.

378 WA TAB Agents Association submission, p. 3. Additional examples include: Anonymous (3), online questionnaire – “the criteria [for a wine producer’s licence] appears to be written by existing businesses to prevent competition from new, smaller operators...”; Anonymous (4), online questionnaire – “I would like to see the addition to the Producer’s Licence such that we can have cellar experiences in other locations... This allows us to take our product to markets as opposed to markets needing to find our cellar doors.”

379 Meeting with the Australian Automotive Aftermarket Association.

380 National Electrical and Communications Association submission (draft report), p. 1.

381 Government of Western Australia, *Regulatory Impact Assessment Guidelines for Western Australia*, 2010, p. 13.

Minimum conditions and requirements are not stringent enough

Industry stakeholders said that the minimum conditions or training requirements of some licensing schemes were not stringent enough to deliver the schemes' intended economic, social or environmental benefits.³⁸² If minimum conditions and requirements are not stringent enough, this creates a risk of harm to the community, economy and environment because individuals may not have the training or experience needed to properly do their job.

For example, Master Painters and Decorators Australia said that there were two registered training organisations in Western Australia that provided the training required for an individual to be licensed as a painter. Registered training organisations from other states offer online training that is recognised as being equivalent to Western Australian qualifications. However, interstate courses are not audited and therefore individuals may not be receiving training to the same standard. Master Painters and Decorators Australia said the potential for harm from people doing work they were not qualified to do included failing to identify asbestos, safely sand back lead-based paints and properly erect scaffolding.³⁸³

The Western Australia Police Force said that achieving the right level of stringency for licensing schemes was difficult because it required balancing competing priorities. The ongoing review of firearms legislation, for instance, has to balance the legitimate use of firearms against community safety.³⁸⁴

There is not enough evidence to suggest that lax minimum conditions or training requirements are a systemic problem with business licensing, or leading to significant harm to the community, economy or environment. Stakeholder concerns do, however, reinforce the need for a more consistent and transparent approach to evaluating

whether licensing schemes are achieving their objectives, as this will assist agencies, licensees and consumers to establish whether requirements need to be strengthened.

Further review of fees and charges is needed

The way agencies set fees and charges varies: fully or partially recovering the costs of the scheme; reflecting the social cost of the regulated activity; or arbitrarily (for example, based on historical precedent).³⁸⁵

Local governments argued that, because fees and charges for some licensing schemes were in state-based legislation, they cannot recover the cost of running these schemes.³⁸⁶ These schemes include planning approvals, building permits and caravan parks licences. They said this meant ratepayers subsidised the cost of licensing services. The Western Australian Local Government Association said the Department of Local Government, Sport and Cultural Industries' review of the *Local Government Act 1995* would not consider this issue for fees and charges set in other state government legislation (for example, the *Planning and Development Act 2005*).³⁸⁷

Some agencies argued that fees should not be set to recover costs.³⁸⁸ They said this was because higher fees might influence compliance levels, or that the scheme should be funded from general revenue because it benefits the public, not the licence holder.³⁸⁹

Some industry stakeholders argued fees and charges were set so high they created barriers to entering the relevant industries, or encouraged unlicensed activities.³⁹⁰

While there are guidelines to assist agencies decide what approach to take to setting fees and charges (see appendix A),³⁹¹ some agencies told the ERA that they needed further support to develop costing methods, including to decide which costs could be included in the cost base.³⁹²

382 Anonymous submission, p. 1; Community and Public Sector Union and Civil Service Association submission, p. 8; Construction, Forestry, Mining and Energy Union submission pp. 16-17; Master Plumbers and Gasfitters Association submission, p. 3; Mackie, T., online questionnaire; Shuttleworth, D., online questionnaire.

383 Meeting with Master Painters and Decorators Australia. The Australian Funeral Directors Association also said that continuing professional development needs to be added as a licensing requirement for funeral directors to ensure high quality and ethical operations. *Source*: meeting with Australian Funeral Directors Association.

384 Western Australia Police Force submission, p. 2.

385 ERA agency questionnaire responses. About 60 per cent of licensing schemes have fees set to fully or partially recover costs. 8 per cent have fees set at an arbitrary level (e.g. based on historical precedent); and 3 per cent have fees set to reflect the social cost of the activity. About 25 per cent of schemes attract no fees. About 2 per cent of schemes have fees set to collect funds for other purposes, for example to provide revenue where the agency is operating on a commercial basis.

386 Western Australian Local Government Association submission (consultation paper), p. 2; Town of Port Hedland submission, pp. 1-2; Western Australian Local Government Association submission (draft report), p. 1.

387 Department of Local Government, Sport and Cultural Industries, 'Local Government Act Review', 2018, ([online](#)) [accessed 13 September 2018]; Western Australian Local Government Association submission (draft report), p. 1.

388 Meetings with the Department of Biodiversity, Conservation and Attractions and the Western Australian Local Government Association.

389 Meeting with the Department of Biodiversity, Conservation and Attractions.

390 Master Electricians Australia submission, p. 2; Restaurant and Catering Association submission, p. 2.

391 For example, the Department of Treasury provides guidance on how to map out the full costs of a service (including direct, indirect and opportunity costs), and the circumstances in which fees and charges should not be set on a full cost recovery basis. Department of Treasury, *Costing and Pricing Government Services*, 6th Edition, 2015.

392 Meeting with the Department of Biodiversity, Conservation and Attractions; feedback received from the Department of Treasury at the ERA's information session on the draft report.



Stakeholders also said that allowing regulators to recover costs in fees and charges reduced agency incentives to operate licensing schemes efficiently.³⁹³ This is exacerbated by there being limited transparency over whether regulators operate licensing schemes efficiently and effectively, and whether only efficient costs are recovered in fees and charges. The Western Australian Local Government Association raised concerns that the Department of Water and Environmental Regulation was planning to implement a cost recovery approach for certain licences, when the department's key performance indicators suggested it was not processing licence applications efficiently.³⁹⁴ Master Painters and Decorators Australia said that fees for painters' registration increased from \$806 to \$905 over the past seven years, but transparency over how the funds were used decreased.³⁹⁵

Setting fees and charges efficiently and fairly can be challenging. A detailed examination of the issues involved is beyond the remit of this inquiry, but the scope and complexity of the issues raised by stakeholders suggests this may warrant further investigation.

Those issues include:

- When is it reasonable to fund a regulator using cost recovery, and when should it be funded through taxes?
- What are the effects on the regulator's efficiency of different funding models?
- How should costs, including joint costs, be allocated between licensees?
- What infrastructure, systems and skills do regulators require to support different funding models? How much do these cost to implement and administer? Do these costs outweigh the benefits of adopting the funding model?
- What mechanisms are needed to ensure the costs recovered by the regulator are efficient?
- How can regulators ensure that the fees and charges do not create unintended consequences such as non-compliance?

393 Meeting with the Western Australian Local Government Association; meeting with the Department of Mines, Industry Regulation and Safety; meeting with Master Painters and Decorators Australia; Chamber of Commerce and Industry of Western Australia submission (draft report), p. 10; Synergy submission (draft report), p. 1; Water Corporation submission, p. 2.

394 Meeting with the Western Australian Local Government Association.

395 Meeting with Master Painters and Decorators Australia. The Australian Funeral Directors Association also said that it is not clear to the industry how funeral licensing fees are spent. Meeting with Australian Funeral Directors Association. The Department of Mines, Industry Regulation and Safety said that it intended to review painters' registration fees. Correspondence with the Department of Mines, Industry regulation and Safety (Building and Energy Division).



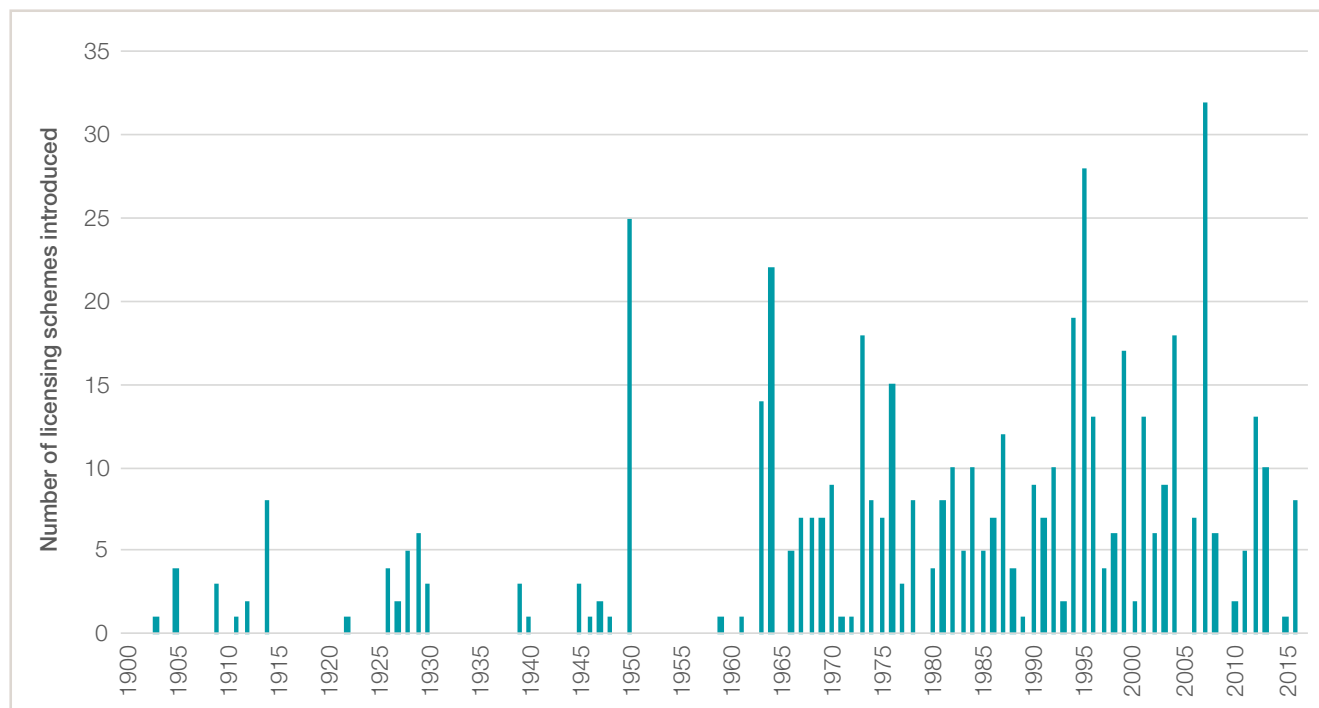
CHAPTER 6:
INTRODUCING NEW
LICENSING SCHEMES

CHAPTER 6: INTRODUCING NEW LICENSING SCHEMES

- Agencies use the Regulatory Impact Assessment program to review new licensing schemes, or change existing schemes, but rarely publish the findings.
- More transparent reporting of Regulatory Impact Assessments will benefit regulated businesses, consumers, and policy-makers who can learn about how to assess regulatory impacts from published reports.
- The ERA recommends that the Better Regulation Unit within the Department of Treasury report annually on agency compliance with the Regulatory Assessment program, and maintain a central, public repository of reports.

Fewer new licensing schemes were introduced in legislation on average from 2013 to 2017 than in previous years,³⁹⁶ however, the number of new schemes fluctuates from year to year.³⁹⁷ A fact sheet describing the introduction of Western Australia’s current licensing schemes is [available on the ERA’s website](#).

Figure 3. When current licences were introduced



Note: The first scheme was introduced in 1839, and seven schemes were introduced before 1900.
Source: ERA agency questionnaire responses.

396 ERA agency questionnaire responses. On average, there have been six to seven licensing schemes introduced each year since 1950, while from 2013 to 2017 just over three schemes were introduced each year on average.
 397 For example, 25 licensing schemes were introduced in 1950 with the commencement of the *Wildlife Conservation Act 1950*. In 2007, the high number of new licensing schemes was caused by dangerous goods safety regulations coming into effect. *Dangerous Goods Safety (Explosives) Regulations 2007*, *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007*, *Dangerous Goods Safety (Road and Rail Transport of Non-Explosives) Regulations 2007*, *Dangerous Goods Safety (Security Sensitive Ammonium Nitrate) Regulations 2007*, and *Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations 2007*.

The licensing schemes introduced from 2013 to 2017 were generally introduced to solve emerging policy problems, or to streamline or improve existing regulations.³⁹⁸ For example, the authorisations for prescribing medicinal cannabis were introduced after medicinal cannabis was legalised nationally. Accreditation of rail transport operators was introduced to promote national consistency. While heavy vehicle pilots were previously regulated under an industry accreditation scheme, growing concerns from transport and logistics companies, the resources sector and the general public about the professionalism of pilots prompted the State Government to legislate the scheme.³⁹⁹

Rigorous evaluation before licensing is introduced makes it more likely that the scheme will achieve its objective, and the benefits will outweigh the cost. In Western Australia, the Regulatory Impact Assessment program is used to assess new regulations and changes to existing regulations. The program seeks to deliver regulations (or other policies) that generate net benefits for the community. It does this by testing alternative approaches and consulting those affected. As a broad concept, Regulatory Impact Assessment is accepted and used by all Australian governments.

There is a lot of guidance material available in Western Australia and from other jurisdictions that agencies can use to help them design licensing schemes that deliver benefits that outweigh costs. The Better Regulation Unit has published fact sheets to assist agencies to use the Regulatory Impact Assessment program, and offers training to government agencies, including on policy options and regulatory design.⁴⁰⁰ The analytical framework in appendix A provides information about these resources.

Western Australia's current Regulatory Impact Assessment program has been in place since December 2009.⁴⁰¹ More than 90 per cent of current business licensing schemes were introduced before this time.⁴⁰² Other arrangements to assess the effects of regulatory proposals were in place from 1993,⁴⁰³ but 60 per cent of current business licensing schemes were introduced before 1993.⁴⁰⁴

The Regulatory Impact Assessment program in Western Australia⁴⁰⁵

The Regulatory Impact Assessment program has two parts:

1. Preliminary Impact Assessment – The agency must prepare a Preliminary Impact Assessment for all regulatory proposals, unless the Treasurer has provided an exemption.
2. Regulatory Impact Statement – If the Preliminary Impact Assessment finds the regulation will have a “significant negative impact” on businesses, consumers and/or the economy, then the agency must prepare a Consultation Regulatory Impact Statement and a Decision Regulatory Impact Statement.

Western Australia's current Regulatory Impact Assessment program has been in place since December 2009. More than 90 per cent of current business licensing schemes were introduced before this time.

398 Correspondence with agencies that introduced licensing schemes since 2013.

399 Correspondence with agencies that introduced licensing schemes since 2013.

400 Department of Treasury, 'Fact Sheets', [\(online\)](#), [accessed 23 January 2019]; and Department of Treasury, 'Regulatory Impact Assessment support', (undated), [\(online\)](#) [accessed 13 September 2018].

401 Government of Western Australia, 'Premier's Circular 2009/06 – Regulatory Impact Assessment Guidelines for Western Australia', 24 November 2009, [\(online\)](#) [accessed 31 August 2018].

402 ERA agency questionnaire responses.

403 From 1993 to 2009, assessment of regulatory proposals was largely undertaken by the former Ministry of Premier and Cabinet (now the Department of the Premier and Cabinet) and the Small Business Development Corporation. Industry Commission, *Regulation and its Review 1994-95*, 1995, p. 171; Western Australian Parliament Standing Committee on Uniform Legislation and Intergovernmental Agreements, *Competition Policy: Consideration of the Implementation of a National Competition Policy*, 1996, pp. 88-94.

404 ERA agency questionnaire responses.

405 Government of Western Australia, *Regulatory Impact Assessment Guidelines for Western Australia*, 2010.

The Regulatory Impact Assessment program in Western Australia (continued)

The Better Regulation Unit reviews the Preliminary Impact Assessment. If it agrees with the agency that the proposal will not have a “significant adverse impact” on businesses, consumers and/or the economy, a Regulatory Impact Statement is not required.⁴⁰⁶ The Unit’s formal agreement with the agency is provided to the decision-maker (for example, Cabinet) when seeking approval to draft a bill.

If a proposal proceeds to the Regulatory Impact Statement stage, the unit reviews the Decision Regulatory Impact Statement to assess whether it has been correctly prepared and includes the required information. Following comment from the Unit, the Decision Regulatory Impact Statement is provided to the decision-maker when seeking approval to draft a bill.

In October 2017, the Service Priority Review made the following recommendations for the current Regulatory Impact Assessment program, to ensure it “provides critical support and adds meaning, rigour and value to the policy design and decision-making processes:”⁴⁰⁷

- The Department of Treasury (supported by all regulatory agencies) should develop best practice principles for making and applying regulation that includes evaluation of policy objectives, involvement of end-users, and transparency of data and decisions.
- The Department of Treasury should redesign Regulatory Impact Assessment from an assessment of the regulatory burden, to the consideration of policy options of which regulation is only one option.

In December 2018, the Premier announced that Streamline WA will develop best practice principles for making regulation.⁴⁰⁸

Given the program was recently reviewed, the ERA has focused on whether Regulatory Impact Assessment was applied to business licensing schemes introduced since 2013, rather than reviewing the program itself.

All agencies that introduced new licensing schemes since 2013 used the Regulatory Impact Assessment program, even when there were available exemptions, such as for election commitments.⁴⁰⁹ For 13 of the 17 new licensing schemes, the Better Regulation Unit concluded the proposals were not expected to have a significant negative effect on consumers, businesses or the economy, meaning a Regulatory Impact Statement was not required.⁴¹⁰ These included the heavy vehicle pilot licensing scheme, approvals for providers of alcohol interlocking devices, and the registration scheme for lobbyists. The new schemes that were considered in a Regulatory Impact Statement included authorisations to prescribe medicinal cannabis and notices of accreditation for rail transport operators.⁴¹¹ The Regulatory Impact Statements considered the schemes as part of a broader suite of policy measures.⁴¹²

There is, however, a lack of public information about agency use of the Regulatory Impact Assessment program when introducing and changing licensing schemes. The Regulatory Impact Assessment Guideline sets out that the Better Regulation Unit will report publicly on agency compliance with the Regulatory Impact Assessment requirements in an Annual Report.

No such reports have ever been published. Further, agencies’ Preliminary Impact Assessments and the Better Regulation Unit’s responses to these statements are rarely published. Regulatory Impact Statements are only published sporadically and often well after a decision has been made. This means licence holders and consumers do not have access to timely information about how new schemes, or changes to schemes, will affect them. They also do not have the opportunity to scrutinise agencies’ work, or the Better Regulation Unit’s responses.

406 Department of Treasury, ‘Significance: what is significance?’, [\(online\)](#) [accessed 24 January 2019].

407 Department of the Premier and Cabinet (Service Priority Review), *Working Together: One Public Sector Delivering for WA* (Final report), Government of Western Australia, Perth, 2017, p. 42 and p. 47.

408 Government of Western Australia media statement, 6 December 2018, ‘Streamline WA: Making it easier to do business in Western Australia’ [\(online\)](#) [accessed 4 January 2019].

409 Correspondence with agencies that introduced licensing schemes since 2013.

410 Correspondence with agencies that introduced licensing schemes since 2013.

411 Correspondence with agencies that introduced licensing schemes since 2013.

412 Department of Health, *Medicines and Poisons Regulations 2015 – Consultation Regulation Impact Statement*, 2015; National Transport Commission, *Rail Safety National Law Regulatory Impact Statement*, 2011.

For instance, in 2018, a parliamentary inquiry found that a review of the *Motor Vehicle Dealers Act 1973* and *Motor Vehicle Repairers Act 2003* commenced in 2015 had not yet concluded.⁴¹³ However, the Department of Mines, Industry Regulation and Safety indicated that the review had been completed, and included extensive consultation with stakeholders and publication of a Consultation Regulatory Impact Statement.⁴¹⁴ While from an agency perspective the review may be complete, as a Decision Regulatory Impact Statement has not been published the public cannot be sure of the outcome.⁴¹⁵

Transparent reporting of Regulatory Impact Assessments might also benefit policy-makers who can learn how to assess regulatory impacts from other agencies' published Regulatory Impact Statements when preparing their own documents.⁴¹⁶

The ERA recommends that the transparency of agencies' use of the Regulatory Impact Assessment program be improved, so the public has access to information about what proposal is being recommended and the reasons for the recommendation. Both agency and industry stakeholders supported the Better Regulation Unit establishing a central repository of Regulatory Impact Assessment documents and publishing information.⁴¹⁷ However, some agencies expressed reservations about the timing of publication. In particular, due to confidentiality, some agencies thought that Decision Regulatory Impact Statements should not be published until after cabinet consideration.⁴¹⁸

A Decision Regulatory Impact Statement is provided to the decision-maker to inform deliberations.⁴¹⁹ Current guidance states that the document is published "at the time the decision is made in its final form (for example, when the Bill is introduced into Parliament or regulation is gazetted)".⁴²⁰ Where cabinet is

the decision-maker, earlier publication may be constrained by the confidentiality that applies to cabinet documents.⁴²¹

The same approach is taken in other jurisdictions. Victoria requires the Regulatory Impact Statement to be published as soon as practicable after the decision, and before a proposed regulation is made.⁴²² In Queensland, a Decision Regulatory Impact Statement must be published once approved by the relevant portfolio Minister or cabinet.⁴²³ In the Australian Capital Territory, the *Freedom of Information Act 2016* requires information about each cabinet or cabinet committee decision to be made publicly available.⁴²⁴ Although this is not specific to Regulatory Impact Statements, it helps to ensure that decisions about regulation are made public soon after a decision is made. The Commonwealth and South Australia require publication of Regulatory Impact Statements as soon as possible after a decision is announced.⁴²⁵

The later a Decision Regulatory Impact Statement is published, the less opportunity licensees and consumers have to scrutinise decision-making and provide input. Once legislation has passed through parliament (for example in New South Wales or Western Australia where it is possible for publication to occur only after a regulation is published in the Gazette),⁴²⁶ licensees and consumers cannot meaningfully influence the outcome. It also means members of parliament are not informed by the analysis at the time of parliamentary debate.

The ERA recommended in the draft report that Regulatory Impact Statements should be published as soon as they are completed. Based on the feedback received, this recommendation has been amended to clarify that publication of the Decision Regulatory Impact Statement should occur as soon as possible after the decision has been made, regardless of whether it is in "final

413 Parliament of Western Australia, Economics and Industry Standing Committee, *Western Australia's Smash Repair Industry: Structural Challenges*, 2018, p. 51.
 414 Department of Mines, Industry Regulation and Safety, *Submission to Economics and Industry Standing Committee Inquiry into Western Australia's Smash Repair Industry*, 2018, p. 7.
 415 Department of Treasury, 'Archive of Regulatory Impact Documents', (undated), [\(online\)](#) [accessed 2 January 2019].
 416 Government of Australia Office of Best Practice Regulation, *Submission – Productivity Commission Draft Report Regulatory Impact Analysis: Benchmarking*, 2012, p. 5.
 417 Chamber of Commerce and Industry of Western Australia submission (draft report); Department of Fire and Emergency Services submission; Department of Mines, Industry Regulation and Safety submission; Department of Health submission; Department of Water and Environmental Regulation submission.
 418 Department of Mines, Industry Regulation and Safety submission; Department of Fire and Emergency Services submission; Department of Health submission. The Department of Mines, Industry Regulation and Safety also thought the Better Regulation Unit's responses to agencies' Preliminary Impact Statements should only be published when matters under discussion had been resolved, and that Consultation Regulatory Impact Statements should only be made public by the Better Regulation Unit when the agency has concluded consultation and published submissions.
 419 Government of Western Australia, *Regulatory Impact Assessment Guidelines for Western Australia*, 2010, pp. 14, 16.
 420 Government of Western Australia, *Regulatory Impact Assessment Guidelines for Western Australia*, 2010, p. 16.
 421 Department of the Premier and Cabinet, *Cabinet Handbook*, 2017, p. 11.
 422 Commissioner for Better Regulation, *Victorian Guide to Regulation. Toolkit: Requirements and processes for making subordinate legislation*, 2016, p. 5.
 423 Queensland Productivity Commission, 'Completed Regulatory Impact Statements', 2019 [\(online\)](#) [accessed 4 January 2019].
 424 ACT Government, 'Open Access – Summaries of cabinet decisions', 2019, [\(online\)](#) [accessed 4 January 2019].
 425 Productivity Commission, *Regulatory Impact Analysis: Benchmarking*, 2012, pp. 214-216.
 426 Government of Western Australia, *Regulatory Impact Assessment Guidelines for Western Australia*, 2010, p. 16; Government of New South Wales, Department of Finance, Services and Innovation, 'Regulatory Impact Assessments', 2019, [\(online\)](#) [accessed 4 January 2019].

form". As noted by the Productivity Commission, even if legislation introduced into parliament ultimately differs from what was approved in the Decision Regulatory Impact Statement, publication of the latter enhances transparency of the decision-making process as businesses, consumers, and members of parliament debating the legislation can question the reasons for the differences.⁴²⁷

In Western Australia, the Better Regulation Unit maintains discretion to prevent publication of Regulatory Impact Statements for sensitive matters.⁴²⁸ However, the Productivity Commission emphasised the importance of removing this discretion to enhance transparency. It recommended allowing agencies (in consultation with the regulatory oversight body) to redact sensitive information before publication.⁴²⁹ The Commonwealth Office of Best Practice Regulation allows Decision Regulatory Impact Statements to be modified before publication to redact information that has commercial-in-confidence or security implications, correct minor errors, or insert additional information (such as updated costings) that does not alter the analysis in the impact statement.⁴³⁰

The ERA recommends that all Decision Regulatory Impact Statements are published, subject to limited modifications prior to publication, where necessary, to redact confidential⁴³¹ information or correct minor errors.

Recommendation:

The Better Regulation Unit in the Department of Treasury should:

- Report publicly on agency compliance with Regulatory Impact Assessment requirements in an annual report, in accordance with current Regulatory Impact Assessment guidance.
- Publish and maintain a central repository of agencies' Preliminary Impact Assessments and the Better Regulation Unit's responses. These documents should be published as soon as the Better Regulation Unit has provided its final response to the agency.
- Publish and maintain a repository of agencies' Consultation Regulatory Impact Statements, and submissions to those statements. Consultation Regulatory Impact Statements should be published as soon as the agency has completed them. Submissions should be published as soon as possible after the agency receives them.
- Publish and maintain a repository of agencies' Decision Regulatory Impact Statements and the Better Regulation Unit's responses. Decision Regulatory Impact Statements and the Better Regulation Unit's responses should be published as soon as possible after a decision about the regulation has been made, allowing for confidential information to be redacted and minor errors to be corrected.

427 Productivity Commission, *Regulatory Impact Analysis: Benchmarking*, 2012, p. 215.

428 Government of Western Australia, *Regulatory Impact Assessment Guidelines for Western Australia*, 2010, p. 15.

429 Productivity Commission, *Regulatory Impact Analysis: Benchmarking*, 2012, pp. 214-215.

430 Department of the Prime Minister and Cabinet, Office of Best Practice Regulation, *User guide to the Australian Government Guide to Regulation*, February 2016, p. 14.

431 Freedom of Information laws provide a guide for when redaction is appropriate. Schedule 1 of the *Freedom of Information Act 1992* lists the exemptions agencies may claim from the requirement to publicly disclose information. For example, documents could be exempt if disclosure reveals personal information about an individual, trade secrets of a business, a deliberative process of government, or information communicated in confidence. Guidance issued by the Office of the Information Commissioner states that agencies must demonstrate good reasons for nondisclosure and cannot claim an exemption only because it is potentially available (e.g. a document marked 'Confidential' does not automatically make it confidential for the purpose of exemption). Office of the Information Commissioner, 'The exemptions', 2019, ([online](#)), [accessed 31 January 2019].

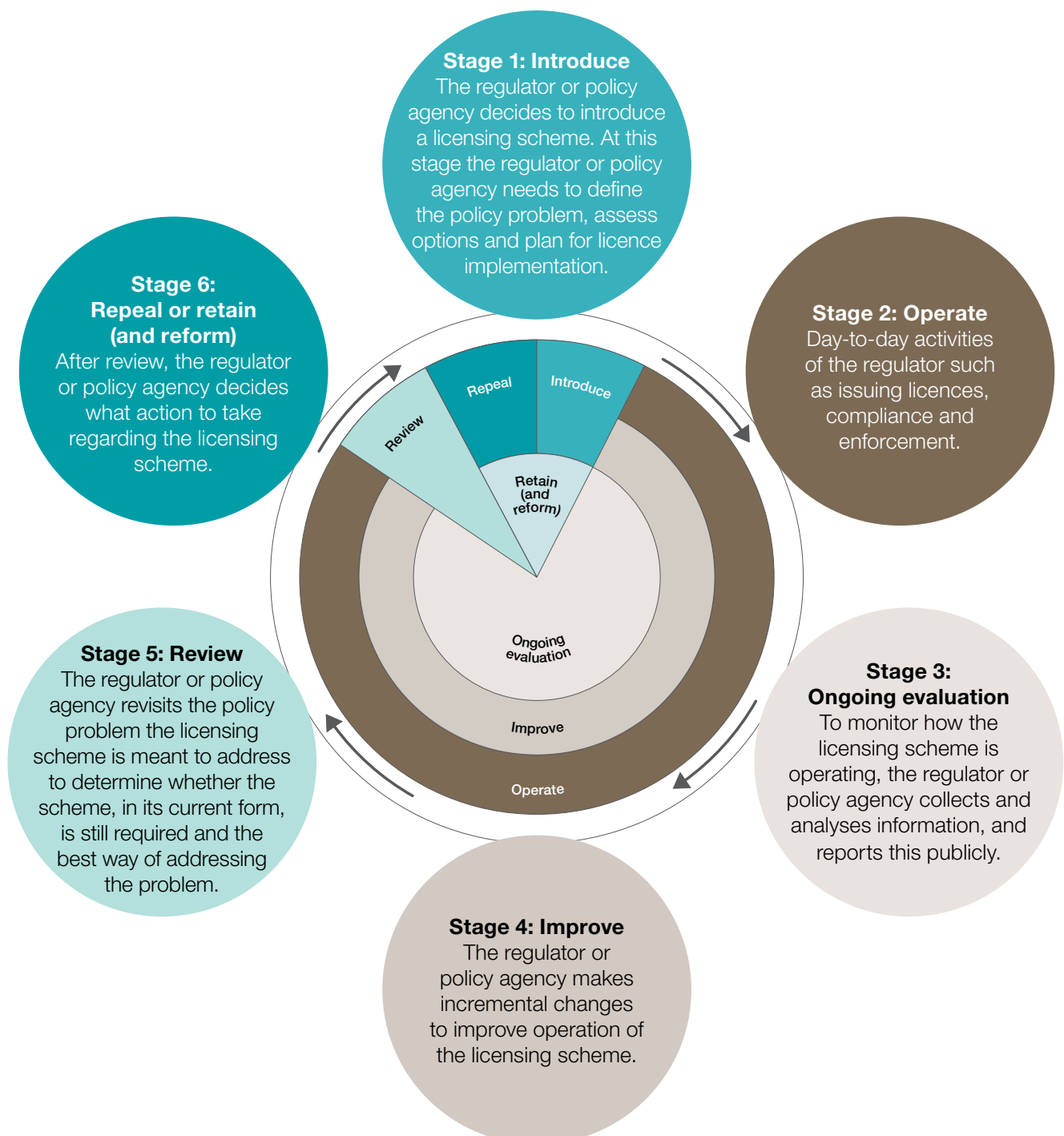


APPENDICES

APPENDIX A:

ANALYTICAL FRAMEWORK AND EXISTING RESOURCES

Licences are public assets that need to be managed throughout their lifecycle to ensure they deliver current and future benefits for Western Australians. There are six stages to managing licences. Guidance material and external support is available to assist agencies to manage licences well at each of these stages. This document collates guidance from Western Australia, and other Australian and international jurisdictions. The document also lists Western Australian initiatives and organisations that can provide further support, and programs that agencies can access at each stage of the lifecycle. The two assessment tools the ERA has developed are aimed at assisting agencies at stage 3 of the lifecycle. The assessment tools are [available on the ERA website](#).



STAGE 1: INTRODUCING NEW REGULATION

Western Australian guidance material

- WA Department of Treasury, *Regulatory Impact Assessment Guidelines for Western Australia*, 2010.
- WA Department of Treasury, *Preliminary Impact Assessment Template*, (undated).
- WA Department of Treasury, *Fact Sheets*, ([online](#)).
- WA Department of Treasury, *Costing and Pricing Government Services*, 2015.
- WA Parliamentary Counsel's Office, *Getting Government Legislation Drafted and Enacted: Guidelines and Procedures*, 2018.

Support available in Western Australia when designing licensing schemes

- WA Department of Treasury Economic Policy Unit ([online](#)).
- ANZSOG/National Regulators Community of Practice (WA Chapter) ([online](#)).

Australian and international guidance material

- Allen Consulting Group for Consumer Affairs Victoria, *A framework for considering the use of occupational licensing*, 2007.
- Australian Government, *Influencing Consumer Behaviour: Improving Regulatory Design*, 2012.
- Australian Government, *The Australian Government Guide to Regulation*, 2014.
- Australian Government, *Guidance Note: Cost-Benefit Analysis*, 2016.
- Australian Government, *Guidance Note: Risk Analysis in Regulation Impact Statements*, 2016.
- Australian Government, *Guidance Note: Competition and Regulation*, 2016.
- Australian Government, *Guidance Note: Best Practice Consultation*, 2016.
- Australian Government, *Guidance Note: Small Business*, 2017.
- Australian National Audit Office, *Better Practice Guide: Successful Implementation of Policy Initiatives*, 2014.
- Bureau of Industry Economics (now Productivity Commission), *Business Licences: International benchmarking*, 1996.
- Bureau of Industry Economics (now Productivity Commission), *Business Licences and Regulation Reform*, 1996.
- Consumer Affairs Victoria, *Choosing Between General and Industry Specific Regulation*, Research Paper No. 8, 2006.
- Consumer Affairs Victoria, *Using Licensing to Protect Consumers' Interests*, Research Paper No. 9, 2006.
- Council of Australian Governments, *Maintaining Consistency with the Australian Consumer Law: A Guide to Maintaining a Harmonised and Consistent Approach when Developing and Reviewing Legislation*, 2013.
- Natural Resources Canada, *Literature Review to Assess the Relevance of Outcome-Based Regulations to Innovation*, 2013.
- NSW Department of Finance, Services and Innovation, *Guidance for Regulators to Implement Outcomes and Risk-based Regulation*, 2016.
- NSW Department of Finance, Services and Innovation, *Assessment Against the Competition Test*, 2017.
- OECD, 'Behavioural Insights', ([online](#)).
- OECD, 'Regulatory Impact Assessment', ([online](#)).
- OECD, 'Risk and Regulatory Policy', ([online](#)).
- PricewaterhouseCoopers for the NSW Independent Pricing and Regulatory Tribunal, *A Best Practice Approach to Designing and Reviewing Licensing Schemes*, 2013.
- Queensland Productivity Commission, *Guidance Note: Assessing Competition Impacts*, 2018.
- Queensland Productivity Commission, *Guidance Note: Identifying and Defining the Problem*, 2018.
- Queensland Productivity Commission, *Guidance Note: Policy Objectives*, 2018.
- US Department of the Treasury Office of Economic Policy, Council of Economic Advisers and US Department of Labour, *Occupational Licensing: A Framework for Policymakers*, 2015.
- Victorian Competition and Efficiency Commission, *Smart regulation: Grappling with Risk*, Guidance Note, 2015.

STAGE 2: OPERATING LICENSING SCHEMES

Accessing information about Western Australian licensing schemes online

- Australian Business Licence and Information Service (ABLIS) ([online](#)).
- WA Department of Treasury, 90-Day regulatory mapping and reform projects ([online](#)).
- WA Small Business Development Corporation Business Licence Finder ([online](#)).
- wa.gov.au ([online](#)).

Opportunities for collaboration and information sharing between Western Australian agencies

ANZSOG/ National Regulators Community of Practice (WA Chapter) ([online](#)).

Bilateral agreements and memoranda of understanding between agencies.

Australian and international guidance material

Australian Government, *Guidance Note: Best Practice Consultation*, 2016.

Australian Government, *Guidance Note: Small Business*, 2017.

Australian National Audit Office, *Administering Regulation: Achieving the Right Balance*, 2014.

Consumer Affairs Victoria, *Better Business Regulation, Research Paper No. 14*, 2008.

NSW Department of Finance, *Services and Innovation, Guidance for Regulators to Implement Outcomes and Risk-based Regulation*, 2016.

PricewaterhouseCoopers for the NSW Independent Pricing and Regulatory Tribunal, *A Best Practice Approach to Designing and Reviewing Licensing Schemes*, 2013.

STAGES 3 AND 5: ONGOING EVALUATION AND REVIEW

Guidance at the introduction stage can also be used at this stage.

Western Australian guidance material

WA Department of Treasury, Tools to assist with Red Tape Reduction, ([online](#)).

WA Department of Treasury, *Program Evaluation: Evaluation Guide*, 2015.

WA Public Sector Commission, *Guidelines for the Review of Legislation*, 2013.

Western Australian independent and public review processes

WA Department of Treasury's 90-Day regulatory mapping and reform projects ([online](#)).

WA Department of Treasury's Program Evaluation ([online](#)).

WA Office of the Auditor General's audit program ([online](#)).

WA Parliamentary Committee inquiries ([online](#)).

WA Regulatory Impact Assessment program ([online](#)).

Support available in Western Australia to identify reform opportunities

WA Department of Treasury's Economic Policy Unit, ([online](#)).

ANZSOG/National Regulators Community of Practice (WA Chapter) ([online](#)).

Australian and international guidance material

Her Majesty's Treasury, *The Green Book: Central Government Guidance on Appraisal and Evaluation*, 2018.

Her Majesty's Treasury, *The Magenta Book: Guidance for Evaluation*, 2011.

OECD, 'Measuring Regulatory Performance', ([online](#)).

Productivity Commission, *Regulator Engagement with Small Business*, 2013.

Queensland Productivity Commission, *Guidance Note: Implementation and Evaluation*, 2018.

STAGES 4 AND 6: IMPROVE, RETAIN (AND REFORM) OR REPEAL

Western Australian guidance material

WA Parliamentary Counsel's Office, *Getting Government Legislation Drafted and Enacted: Guidelines and Procedures*, 2018.

WA Department of Treasury, *Regulatory Impact Assessment Guidelines for Western Australia*, 2010.

Mechanisms to implement legislative changes in Western Australia

Statutes (Repeals and Minor Amendments) Bill, coordinated by the WA Department of Justice (ongoing) ([online](#)).

Australian and international guidance material

Australian Government, *Guidance Note: Sunsetting Legislative Instruments*, 2016.

Australian National Audit Office, *Successful Implementation of Policy Initiatives*, 2014.

Her Majesty's Government, Department for Business, Innovation and Skills, *Sunsetting Regulations: Guidance*, 2011.

OECD, 'Administrative Simplification and Reducing Burdens', ([online](#)).

APPENDIX B:

BUSINESS LICENSING ASSESSMENT TOOLS

Process for refining the tools

In its draft report, the ERA said it would refine the performance checklist and dashboard (now referred to as licensing assessment tools) in consultation with agencies, prior to releasing the final report. The ERA also asked for feedback in submissions to the draft report.

The ERA asked the Department of Water and Environmental Regulation, the Department of Mines, Industry Regulation and Safety, the Metropolitan Cemeteries Board and the ERA's own Utilities Services Regulation team to test the draft performance checklist and dashboard, and provide feedback.⁴³²

The ERA initially met with each group to explain the purpose of testing the tools, and the process for providing feedback. The agencies then ran selected licensing schemes through the performance checklist and dashboard and provided written feedback.

The ERA revised the tools in response to this information and other feedback provided in submissions to the draft report. The revised tools were provided back to each of the agencies, who then repeated their assessments using the revised tools. 2020 Global independently audited the assessments completed by the Utilities Services Regulation team within the ERA for accuracy.

Feedback about the tools

The ERA received wide-ranging comments from both the agencies testing the tools and in submissions. This included suggestions for new and revised questions,⁴³³ feedback on the clarity of questions and the potential value of responses, and suggested design changes.

A consistent theme in the feedback was that the purpose and audience for the tool needed to be clarified.⁴³⁴ The ERA revised the structure of the tool to reflect this feedback. There are now two tools with different audiences and purposes. The self-assessment tool is intended for use within government to assist agencies to evaluate and improve licensing. The licensing dashboard provides information for parties outside the agency, to allow them to determine whether licensing schemes are improving.

Agencies said that some questions were more relevant to the broader regulatory framework or portfolio of regulatory assets in which a licensing scheme operated, than to individual schemes.⁴³⁵ To address this feedback, the self-assessment tool distinguishes between questions that can be completed on a portfolio-basis and questions to be completed for an individual licensing scheme.

All agencies testing the checklist said the use of binary (yes/no) questions was restrictive, and that there would be greater value in including free-form responses.⁴³⁶ The Department of Mines, Industry Regulation and Safety also said that the checklist invited a series of 'yes' answers.⁴³⁷ In response, the ERA has changed the response format for the self-assessment tool to be free-form, and included an optional comment column in the licensing dashboard.

Agencies raised two concerns about questions on licensing scheme objectives. Firstly, agencies said that objectives may be shared across a range of regulatory instruments rather than just one licensing scheme.⁴³⁸ In response to this, the ERA has rephrased questions directed at individual licensing schemes to acknowledge that licensing schemes can contribute to broader regulatory objectives. Secondly, agencies said legislation often did not include an objective statement, meaning

432 The Utility Services Regulation team oversees the ERA's licensing responsibilities.

433 Chamber of Commerce and Industry of Western Australia submission (draft report); Department of Transport submission; written feedback provided by the Department of Water and Environmental Regulation.

434 Written feedback provided by the Utility Services Regulation within the ERA, meeting with the Department of Water and Environmental Regulation, meeting with the Department of Mines, Industry Regulation and Safety.

435 Written feedback provided by the Department of Water and Environmental Regulation; Department of Mines, Industry Regulation and Safety submission.

436 Written feedback provided by the Utility Services Regulation within the ERA, written feedback provided by the Department of Water and Environmental Regulation, written feedback provided by the Department of Mines, Industry Regulation and Safety; written feedback provided by the Metropolitan Cemeteries Board.

437 Department of Mines, Industry Regulation and Safety submission.

438 Written feedback provided by the Department of Water and Environmental Regulation; written feedback provided by the Department of Mines, Industry Regulation and Safety.

they could not answer subsequent questions in the checklist.⁴³⁹ The ERA acknowledges that, where the objectives of the scheme or regulatory system are not clearly and publically stated, the subsequent questions are difficult to answer. If this is the case, agencies should respond that the objective is not clear or unknown.

One agency said that some of the questions could not be answered because the agency was not responsible for all areas of administration.⁴⁴⁰ The agency who approves licence applications is responsible for completing the assessments and reporting to the licensing support unit. This agency may, for some licensing schemes, need to gather information from other agencies involved in managing the licensing scheme.

Three agencies said that review of legislation and implementation of recommendations from major reviews was often beyond their control.⁴⁴¹ The Western Australia Police Force explained that Parliament and ministers decide legislative reform priorities and whether recommendations were implemented.⁴⁴² Questions on legislative review in the self-assessment tool now focus on whether a schedule of reviews exists and if the information is made public. The question on major reviews in the dashboard now allows for a range of answers and optional comments. This will allow agencies to provide context for their responses.

One agency reflected said that the use of “all” in the question “Have all opportunities been taken to reduce administrative costs without affecting the quality of service provided by the agency” made it difficult to answer the question with a “yes” response.⁴⁴³ This question has been reworded and a free-form response permitted. A similar comment was made for the question “Have all recommendations from the last review been implemented”.⁴⁴⁴ For this question, the dashboard now allows for a range of responses and optional comments can also be provided.

The ERA has also added new questions to the tools, based on further findings it has made about the management of licensing since publishing the draft report.

State Government Business Licensing Assessment Tools and Guide

State government business licensing affects most Western Australian businesses and workers. As at April 2018, the State had more than 700 different business licensing schemes,⁴⁴⁵ and around one in every five pieces of Western Australian legislation established at least one licensing scheme.⁴⁴⁶

In February 2019, the ERA published a [list of state government business licensing schemes](#) that was current as of April 2018. The list identifies the agency with responsibility for final approval of the licence application for each state government business licensing scheme.

Ongoing evaluation and improvement of state government business licensing is important to ensure licensing schemes continue to deliver benefits. The ERA has drafted two assessment tools designed to assist agencies to assess their licensing schemes and identify areas for improvement. This appendix includes information on how to use the tools and example assessments provided by agencies. The tools are included at the end of the appendix.

Agencies should use the tools to assess all state government business licensing schemes for which they have responsibility for approving applications, and annually report the results to the licensing support unit responsible for helping licensing agencies develop capability in evaluating the performance of licensing schemes and holding agencies to account in evaluating and improving licensing schemes. Annual reporting is intended to assist the unit to identify priority areas for licensing reform and check whether agencies are regularly evaluating the performance of licensing schemes.

The licensing support unit will use information gathered from the assessments to develop an annual State of Licensing report. This report will increase transparency for licensees and consumers about whether licensing schemes are being well managed, including whether they are being continually evaluated and improved.

439 Written feedback provided by the Utility Services Regulation within the ERA, written feedback provided by the Department of Water and Environmental Regulation.

440 Written feedback provided by the Utility Services Regulation within the ERA.

441 Written feedback provided by the Department of Water and Environmental Regulation, Western Australia Police Force submission, written feedback provided by the Utility Services Regulation within the ERA.

442 Western Australia Police Force submission.

443 Written feedback provided by the Metropolitan Cemeteries Board.

444 Written feedback provided by the Metropolitan Cemeteries Board.

445 ERA analysis of agency questionnaire responses. This figure includes licensing schemes that are contained in state government legislation but administered by local or national bodies. About 598 licensing schemes are contained in state government legislation and administered by state government bodies.

446 ERA analysis of agency questionnaire responses and State Law Publisher online legislation database.

The tools and this guidance information are not intended to be static documents. Challenges will arise as agencies begin to apply them. The licensing support unit will continue to work with agencies over time to refine the tools and guidance, to ensure they remain useful to agencies and provide relevant information to the unit. The unit will also be available to provide further guidance and support to agencies to assist them to evaluate licensing schemes. It is also likely that the unit would use an online form in order to collate the data more easily.

Self-assessment tool

The purpose of the self-assessment tool is to prompt agencies to think about how well they are managing licensing schemes, and identify possible improvements.

Agencies should complete the self-assessment tool annually for each licensing scheme for which they are responsible for approving licence applications.

When answering the portfolio questions in the first part of the tool, agencies should consider all the licensing schemes they administer, or all licensing schemes within a regulatory system.⁴⁴⁷ Questions in the second, individual section of the tool should be completed for each licensing scheme the agency administers.

Agencies should aim to complete the tool with as much detail as possible. The value of this tool to the agency comes from the investigation and discussion needed to answer the questions, which may generate ideas for reform.

Completed assessments should be provided to the licensing support unit annually. Responses will be used by the unit to identify common problems across agencies or licensing. The unit will also use the information to understand where it can provide support to agencies to assist them to continually improve licensing schemes.

Licensing dashboard

The purpose of the licensing dashboard is to gather and make transparent information about individual licensing schemes that is of interest to licensees and consumers.

Agencies should complete the dashboard annually for each licensing scheme for which they are responsible for approving licence applications.

Agencies should provide the completed dashboards to the licensing support unit. The unit will publish the completed dashboards annually.

Publication of the dashboard information will allow licensees and consumers to compare information about whether a particular licensing scheme is improving over time. This will enable them to raise concerns with agencies if the licensing scheme that affects them does not appear to be managed well.

Guidance for agencies

The following guidance is intended to assist agencies to use the tools. Where examples are provided, these are illustrative only.

What is a 'state government business licence'?

A state government business licence is a licence that could be needed by a business, or an individual undertaking an occupation, that is enabled by State Government legislation.

What is a licence?

A 'licence' is a requirement from government that has all of the following characteristics:⁴⁴⁸

- Notification: specified information is required to be supplied to a regulator.
- Approval: approval is obtained from a regulator to undertake a prescribed activity.
- Standards: a minimum level of standards is specified.
- Enforcement: requirements are legally enforceable and allow for the application of sanctions.

This definition is intended to capture licences, registrations, notifications, authorisations, accreditations, permits, approvals and certifications.⁴⁴⁹

⁴⁴⁷ These options are provided to allow agencies that administer a large number or diverse range of licensing schemes to answer the first part of the tool considering bundles of schemes that make sense to them. For example, ferry, heavy vehicle pilots and driver licensing schemes, which are all approved by the Department of Transport, might be considered parts of separate portfolios.

⁴⁴⁸ Bureau of Industry Economics, *Business licences: International benchmarking*, Commonwealth of Australia, Canberra, 1996.

⁴⁴⁹ Notifications do not strictly require approval to undertake a prescribed activity, however, these are considered licences. 'Checks' – such as the Working with Children Check – might also sometimes fall within the definition. Reporting on checks can be considered by the licensing support unit on a case-by-case basis.

What is a business licence?

The licence is a business licence if the answer to either of the following questions is yes:

- Could a business (including a not-for-profit organisation) need this licence to conduct their business operations?
- Could an individual need this licence to work in a particular occupation?

Which business licences are state government business licences?

A business licence is a state government business licence if the obligation to administer the licence comes from state government legislation or state government subsidiary legislation. Business licences where aspects of their administration are delegated to local government by state government legislation are also state government business licences.

Business licensing schemes created by Commonwealth legislation, local government laws or voluntary industry arrangements, are not considered state government business licences.

Which licensing schemes need completion of the tools?

Agencies should apply the tools to each state government business licensing scheme for which they are responsible for approving licence applications.

Often, more than one agency is involved in the administration of a licensing scheme. For example, the Western Australia Police Force have a role in compliance and enforcement for multiple licensing schemes, but they are not responsible for approving licence applications for those schemes. The ERA approves applications and monitors compliance for water, electricity and gas licences, but policy development for these schemes is undertaken by the Department of Water and Environmental Regulation, and the Public Utilities Office.

The agency that approves licence applications is best placed to complete the tools and provide this information to the licensing support unit. This agency may, for some licensing schemes, need to coordinate with other agencies involved in managing the licensing scheme to respond to some questions.

While agencies that administer Commonwealth and local government licensing schemes are not required to use the tools and report to the licensing support unit, they can voluntarily apply them to help identify areas for improvement if they choose.

What is a portfolio of licensing schemes?

The term portfolio of licensing schemes is used to refer to the licensing schemes contained within a regulatory system, or related schemes that an agency is responsible for administering.

Schemes within a portfolio might share a common policy or regulatory objective and might also be enabled by the same or related legislative instruments. For example, the registration of 14 types of health practitioners are all provided for by the *Health Practitioner Regulation National Law (WA) Act 2010* and share the same six objectives.⁴⁵⁰

What are policy or regulatory objectives?

The policy or regulatory objective is the underlying reason for the scheme or portfolio of schemes. Typically, this will be to protect, promote or encourage particular community protection, environmental or economic outcomes.

For example the objectives of the *Biodiversity Conservation Act 2016*, which provides for licensing arrangements for activities involving fauna and flora, are to conserve and protect biodiversity, and to promote the ecologically sustainable use of biodiversity components in Western Australia.⁴⁵¹

What is a major review?

The term major review is used to refer to reviews that consider:

- Whether the licensing scheme is still needed and the best approach to address the policy problem.
- Whether the terms and conditions of the licensing scheme create the largest possible benefits for the community.

A major review would typically involve public consultation.

450 Section 3(2) (a) of *Schedule – Health Practitioner Regulation National Law in the Health Practitioner Regulation National Law (WA) Act 2010*.

451 Government of Western Australia media statement, 18 September 2018, 'Regulations to protect the biodiversity of WA'; Section 3(1) of the *Biodiversity Conservation Act 2016*.

Example assessments

The ERA asked the Department of Mines, Industry Regulation and Safety, the Metropolitan Cemeteries Board and the ERA's own Utilities Services Regulation team⁴⁵² to complete the tools for individual licensing schemes to illustrate how agencies may complete the tools. The agencies' responses are below.

Dangerous goods site licence (BLR-200-LI)

Self-assessment tool

Portfolio questions		
Licences in this portfolio	<i>All licences issued under the Dangerous Goods Safety Act 2004</i>	
Category	Questions	Response
Is the portfolio of licensing schemes achieving its objectives?	Are the objectives this portfolio of schemes is trying to meet clearly set out in legislation? If not, are they clearly documented elsewhere? Is this information public?	The various licences support the objectives of the Act to promote the safe storage, handling and transport of dangerous goods.
	Is data collected to assess whether the objectives are being met?	Indirectly through compliance inspections and enforcement actions.
Is the portfolio of licensing schemes being administered in a cost-effective way?	Are the internal processes and systems efficient? What could be changed to improve efficiency?	Generally the licensing processes and systems are relatively efficient. Several licence application and assessment process are now mostly or fully online. The remaining licences would benefit from digitisation and improved reporting capability.
	Examples of internal processes and systems include those used for collating information on the number of active licence holders and revenues collected from fees and charges.	The processes that support inspections and issuing of notices are not very efficient and are in need of further development.
	What minimum level of service should licence holders expect from the agency in processing licence applications and renewals? Is this documented? Is it published?	The internal target is to process all licences within 20 working days and this is met most of the time.
Is the portfolio of licensing schemes being complied with?	Is there a compliance and enforcement strategy that applies to licensing schemes in this portfolio? Is it documented? When was it last reviewed/updated? Has it been published?	The dangerous goods inspectorate prepares an annual (financial year) inspection plan. Elements of this feed into the published Towards 2020 Regulatory Strategy (http://www.dmp.wa.gov.au/Safety/Towards-2020-Regulatory-21600.aspx)
	Is the compliance and enforcement strategy risk-based?	Yes.
Is the portfolio of licensing schemes being reviewed and improved?	Is there a schedule of legislative reviews that must be undertaken for licensing schemes in this portfolio? Is this information public?	No. The requirement in the Act is only for a five-year statutory review which occurred in 2014.
	Is there a plan of improvements that applies to licensing schemes in this portfolio?	Yes. As recommended in the 2014 Act review, the separate licence schemes for dangerous goods, explosives and security sensitive ammonium nitrate should be brought together as a single activity/site based licence. It is planned to commence the necessary regulation amendments soon.

452 The Utility Services Regulation team oversees the ERA's licensing responsibilities.

Portfolio questions		
Category	Questions	Response
Is there effective engagement about the schemes in the portfolio?	Is there a stakeholder engagement strategy that applies to licensing schemes in this portfolio? Is it documented? When was it last reviewed / updated? Has it been published?	Forums are typically held annually with accredited dangerous goods consultants (who can endorse site licence applications) and fireworks operators to discuss compliance and legislative matters. Departmental officers also attend rural field days and participate in transport safety forums.
	Which other agencies have a role in managing licensing schemes in the portfolio? Is there regular engagement with these agencies?	The Western Australian Police (WAPOL) and ASIO play a role in the assessment of applicants for dangerous goods security cards. Local governments, DFES, CASA and the Swan River Trust have a role in the approval of fireworks displays. The Department of Transport and WAPOL assist with dangerous goods transport compliance.
	Is there a complaints handling mechanism in place, to allow licensees and members of the public to raise concerns?	The Department has a complaints management system (http://dmp.wa.gov.au/Utilities/Feedback-and-complaints-8369.aspx).
Individual licensing scheme questions (complete for each licensing scheme in the portfolio)		
Name of licensing scheme	<i>Dangerous Goods Site licence</i>	
Category	Questions	Response
Is the scheme achieving its objectives?	How does this scheme contribute to the broader objectives of the regulatory system?	The DG site licensing regime is intended to support the objectives of the <i>Dangerous Goods Safety Act 2004</i> by promoting the safe storage and handling of dangerous goods.
	Is data collected to assess whether it is making this contribution?	Indirectly through complaints and compliance inspections and associated enforcement actions.
Is the scheme administered in a cost-effective way?	Does the legislation that establishes the scheme only include elements that need to be prescribed (for example, the scheme's objectives), and exclude elements that do not need to be prescribed (for example, administrative requirements)? If not, are there plans to make amendments to the legislation in a future omnibus bill?	Yes. The Act requires licences to be held for storage of dangerous goods (with nothing about specific objectives). The regulations set out the details for the above, including the threshold quantities for licensing.
	Does the scheme include administrative or compliance requirements that are duplicated in other schemes or regulations? An example of administrative duplication is when licence holders are asked to supply the same information multiple times for different purposes or in different formats.	As DG site licences are for businesses there may be some overlaps / duplication with business licensing requirements administered by local, state and commonwealth government entities.

Individual licensing scheme questions (complete for each licensing scheme in the portfolio)		
Category	Questions	Response
Is the scheme being complied with?	Is data collected to measure compliance? Is this data used to inform agency activities that encourage compliance?	Yes. Licensed sites are subject to periodic compliance inspections. Analysis of non-compliances is used to formulate enforcement and education strategies to improve compliance.
	Are current compliance levels appropriate given the risks the scheme aims to address?	Yes.
	Have there been changes to compliance resourcing that affect this licensing scheme? If so, how have the changes affected the achievement of policy outcomes?	No.
Is the scheme being reviewed and improved?	Have findings and recommendations from when the scheme was last reviewed been published?	Yes, in 2014.
	Is there a legislative requirement to review this scheme? If so, when is (or was) the next review due?	The statutory five-year review was conducted in 2014. There are no legislative requirements for further reviews.
	What improvements should be made to this licensing scheme?	As recommended in the Act review, the separate licence schemes for dangerous goods, explosives and security sensitive ammonium nitrate should be brought together as a single activity/site based licence with a rationalised fee structure. It is planned to commence the necessary regulation amendments soon.
Is there effective engagement about the scheme?	Is it possible for licensees to easily find clear information about: <ul style="list-style-type: none"> • The purpose of the licence and when it is needed. • The licence conditions and requirements, and how to comply with them. • The application process. 	Yes – all information required is on the DMIRS web page.

Licensing dashboard

Name of licence		Dangerous Goods site licence	
List titles of enabling legislative instruments		<i>Dangerous Goods Safety Act 2004</i>	
Category	Measure	Metric	Comment (optional)
Is the scheme achieving its objectives?	How well is the licensing scheme contributing to meeting the objectives of the regulatory system?	Scale: 1 = not very well to 5 = very well	4
Is the scheme administered in a cost-effective way?	What is the annual cost to the agency per licence of administering the licensing scheme?	\$ per licence	\$1,350
	What proportion of licence applications was processed within target timeframes in the last 12 months?	%	>95
	Which of the following services are available online? <ul style="list-style-type: none"> • Information about the scheme • Application • Renewal • Payment of fees and charges 	Check box (available/not available/not applicable) for each service	All available.
Is the scheme being complied with?	How many compliance inspections did the agency complete in the last 12 months?	Count	480
	How many instances of non-compliance did the agency uncover in the last 12 months?	Count	330 Remediation notices issued
	How many enforcement actions were taken in the last 12 months?	Count	0
Is the scheme being reviewed and improved?	How many years has it been since the last major review of the scheme?	Number	5
	To what extent have the recommendations from the last major review of the scheme been implemented?	Fully implemented/ partially implemented/ not implemented/ not applicable (i.e. no major review)	Partially implemented

Funeral director's licence (metropolitan) (BLR-603-LI)

Self-assessment tool

Portfolio questions		
Licences in this portfolio	<i>Funeral Director's Licence</i> <i>Monumental Mason's Licence</i> <i>Single Funeral Permit</i> <i>Single Monumental Mason's Licence</i> <i>Monumental Work Permit</i>	
Category	Questions	Response
Is the portfolio of licensing schemes achieving its objectives?	Are the objectives this portfolio of schemes is trying to meet clearly set out in legislation? If not, are they clearly documented elsewhere? Is this information public?	Not clearly stated as objectives but are implied in the legislation in the sections dealing with licensing
	Is data collected to assess whether the objectives are being met?	Yes, through the ordinary course of business
Is the portfolio of licensing schemes being administered in a cost-effective way?	Are the internal processes and systems efficient? What could be changed to improve efficiency? Examples of internal processes and systems include those used for collating information on the number of active licence holders and revenues collected from fees and charges.	Yes, within the current resources available. Business systems improvements allowing for self-service and data collection may improve efficiency.
	What minimum level of service should licence holders expect from the agency in processing licence applications and renewals? Is this documented? Is it published?	The agency to meet time deadlines to allow continuation of business (renewals) and facilitation, thorough and timely processing for new licences. Licence applicants should expect excellent customer service and support during the process. The minimum requirements are documented in legislation.
Is the portfolio of licensing schemes being complied with?	Is there a compliance and enforcement strategy that applies to licensing schemes in this portfolio? Is it documented? When was it last reviewed/updated? Has it been published?	Compliance is monitored daily and recorded accordingly. The legislation has provisions for compliance and enforcement.
	Is the compliance and enforcement strategy risk-based?	Yes, and there is zero tolerance for less than 100% compliance for conducting a funeral and undertaking all duties tasked to a funeral director.
Is the portfolio of licensing schemes being reviewed and improved?	Is there a schedule of legislative reviews that must be undertaken for licensing schemes in this portfolio? Is this information public?	No
	Is there a plan of improvements that applies to licensing schemes in this portfolio?	Yes, currently undertaking a by-law review.
Is there effective engagement about the schemes in the portfolio?	Is there a stakeholder engagement strategy that applies to licensing schemes in this portfolio? Is it documented? When was it last reviewed/updated? Has it been published?	No, not applicable as the licensing schemes are prescribed under law.
	Which other agencies have a role in managing licensing schemes in the portfolio? Is there regular engagement with these agencies?	Department of Health. There is regular engagement.
	Is there a complaints handling mechanism in place, to allow licensees and members of the public to raise concerns?	Yes, we have adopted the Australian Standards on Complaint Handling AS ISO 10002-2006

Individual licensing scheme questions (complete for each licensing scheme in the portfolio)		
Name of licensing scheme	Funeral Director's Licence	
Category	Questions	Response
Is the scheme achieving its objectives?	How does this scheme contribute to the broader objectives of the regulatory system?	The scheme is located in the regulatory system.
	Is data collected to assess whether it is making this contribution?	Not applicable.
Is the scheme administered in a cost-effective way?	Does the legislation that establishes the scheme only include elements that need to be prescribed (for example, the scheme's objectives), and exclude elements that do not need to be prescribed (for example, administrative requirements)? If not, are there plans to make amendments to the legislation in a future omnibus bill?	Yes.
	Does the scheme include administrative or compliance requirements that are duplicated in other schemes or regulations? An example of administrative duplication is when licence holders are asked to supply the same information multiple times for different purposes or in different formats.	No.
Is the scheme being complied with?	Is data collected to measure compliance? Is this data used to inform agency activities that encourage compliance?	Yes.
	Are current compliance levels appropriate given the risks the scheme aims to address?	Yes.
	Have there been changes to compliance resourcing that affect this licensing scheme? If so, how have the changes affected the achievement of policy outcomes?	No.
Is the scheme being reviewed and improved?	Have findings and recommendations from when the scheme was last reviewed been published?	No.
	Is there a legislative requirement to review this scheme? If so, when is (or was) the next review due?	No.
	What improvements should be made to this licensing scheme?	The scheme is reviewed annually and amendments made which reflect need.
Is there effective engagement about the scheme?	Is it possible for licensees to easily find clear information about: <ul style="list-style-type: none"> • The purpose of the licence and when it is needed. • The licence conditions and requirements, and how to comply with them. • The application process. 	Yes, we have dedicated customer service staff for this purpose.

Licensing dashboard

Name of licence		Funeral Directors' Licence	
List titles of enabling legislative instruments		<i>Cemeteries Act 1986 (WA)</i>	
Category	Measure	Metric	Comment (optional)
Is the scheme achieving its objectives?	How well is the licensing scheme contributing to meeting the objectives of the regulatory system?	Scale: 1 = not very well to 5 = very well	5 (very well)
Is the scheme administered in a cost-effective way?	What is the annual cost to the agency per licence of administering the licensing scheme?	\$ per licence	Difficult to measure and provide an estimate at this time.
	What proportion of licence applications was processed within target timeframes in the last 12 months?	%	100%
	Which of the following services are available online? <ul style="list-style-type: none"> Information about the scheme Application Renewal Payment of fees and charges 	Check box (available / not available / not applicable) for each service	Not available online. Currently planning for future online activities.
Is the scheme being complied with?	How many compliance inspections did the agency complete in the last 12 months?	Count	In 2017/2018 approximately 12,000 funeral activities, and 25 business checks
	How many instances of non-compliance did the agency uncover in the last 12 months?	Count	0
	How many enforcement actions were taken in the last 12 months?	Count	0
Is the scheme being reviewed and improved?	How many years has it been since the last major review of the scheme?	Number	3 years
	To what extent have the recommendations from the last major review of the scheme been implemented?	Fully implemented / partially implemented / not implemented / not applicable (i.e. no major review)	Partially implemented. There have been changes in the industry environment since then, whereby some recommendations are no longer relevant.

Electricity generation licence (BLR-491-LI)

Self-assessment tool

Portfolio questions		
Licences in this portfolio	Electricity licensing scheme (generation, transmission, distribution, retail and integrated regional licences)	
Category	Questions	Response
Is the portfolio of licensing schemes achieving its objectives?	Are the objectives this portfolio of schemes is trying to meet clearly set out in legislation? If not, are they clearly documented elsewhere? Is this information public?	Part 2 of the <i>Electricity Industry Act 2004</i> establishes the scheme to license electricity suppliers. The Act does not contain objectives for the licensing scheme.
	Is data collected to assess whether the objectives are being met?	As the scheme has no prescribed objectives, the ERA does not collect this data.
Is the portfolio of licensing schemes being administered in a cost-effective way?	Are the internal processes and systems efficient? What could be changed to improve efficiency? Examples of internal processes and systems include those used for collating information on the number of active licence holders and revenues collected from fees and charges.	The ERA has an internal web-based licensing workflow system to manage its licensing activities. To complement the licensing system, the ERA has individual documented procedures for all its licensing activities, which provide staff with a step-by-step guide on how to complete an activity, such as processing a licence application or performance audit. The ERA periodically reviews its licences and the regulatory instruments that it publishes to assist licensees in understanding their obligations under the licence, such as guidelines, compliance manuals and performance reporting handbooks. These reviews often include public consultation, which gives licensees and other stakeholders an opportunity to raise any concerns they have with the cost and level of service provided by the ERA and its administration of the licensing schemes. Evidence collected by the ERA through its reviews of licences and regulatory guidelines indicate its internal processes and systems are efficient. This view is also supported by the high proportion of licence applications that are completed within the 90-day target.
	What minimum level of service should licence holders expect from the agency in processing licence applications and renewals? Is this documented? Is it published?	A minimum level of service should include: <ul style="list-style-type: none"> • A publicly available and clearly described application process that meets the needs of applicants and the agency. • Details, with examples, of the information that should be included in an application. • The ability for the applicant to submit an application in different ways, including online. • A requirement for the agency to process the application within a specified timeframe (that is reasonable). • An appeals process for a licence application decision. The ERA's licence application guideline is available on its website. The guideline also includes information on how to appeal an ERA decision. The Act requires the ERA to use reasonable endeavours to make a decision on a licence application within 90 calendar days of receiving it. The ERA allows applicants to submit applications in different ways, including by email, through its website and through a secure file server.

Portfolio questions		
Category	Questions	Response
Is the portfolio of licensing schemes being complied with?	Is there a compliance and enforcement strategy that applies to licensing schemes in this portfolio? Is it documented? When was it last reviewed/updated? Has it been published?	<p>The ERA has a compliance and enforcement strategy for electricity licensees, comprising annual reports and periodic independent audits.</p> <p>The data collected in the annual compliance reports and the audit reports is used to monitor and enforce compliance with licence conditions.</p> <p>The ERA's compliance reporting manual requires licensees to provide annual compliance reports to the ERA. To minimise the burden on the licensee, the report only has to include non-compliances that were identified during the year.</p> <p>The Act requires the licensee to undertake independent audits of the effectiveness of the measures it has taken to meet the performance criteria specified in the licence. The audits are carried out not less than once every 24 months, but this period can be increased by the ERA. The ERA's audit guidelines states that the ERA will increase the period between audits if the licensee has a strong compliance framework that is achieving a high level of compliance with the licence. Conversely, the period will be reduced (subject to the 24-month minimum) if an audit finds serious compliance problems.</p> <p>If an audit identifies compliance problems, the ERA actively monitors the actions taken by the licensee to address the causes, and get back to compliance. In some instances, the ERA may take enforcement action against a licensee using the powers available in the Act.</p> <p>Licensees that supply small-use customers are also required to provide annual performance data that is published by the ERA.</p> <p>The current audit guidelines were published in April 2014. They are currently being reviewed, and the updated version will be published in April 2019.</p> <p>The current compliance reporting manual was published in July 2018. The manual is updated whenever there is a change in the legislation or the licence.</p> <p>The performance reporting handbooks are updated annually.</p>
	Is the compliance and enforcement strategy risk-based?	Yes. The ERA's compliance reporting manual and audit guidelines use a risk-based approach to compliance.

Portfolio questions		
Category	Questions	Response
Is the portfolio of licensing schemes being reviewed and improved?	Is there a schedule of legislative reviews that must be undertaken for licensing schemes in this portfolio? Is this information public?	<p>The ERA reviews its electricity licence conditions every three years. This review is limited to the format and content of the licences. These reviews are not required by legislation; the ERA conducts the reviews to ensure its licences are operating effectively. The licence reviews are a public process that involves publishing issues papers and decision documents for public comment.</p> <p>As the licensing scheme is established in the Act, which is administered by the Department of Treasury's Public Utilities Office on behalf of the Minister for Energy, it is the responsibility of the State Government to conduct any legislative reviews of licensing schemes in the Act.</p>
	Is there a plan of improvements that applies to licensing schemes in this portfolio?	<p>The ERA made a number of improvements to its electricity licences following a review in 2018. The next electricity licence review is due in 2021.</p> <p>A review of the Act's legislative framework for the licensing schemes is a matter for the State Government.</p>
Is there effective engagement about the schemes in the portfolio?	Is there a stakeholder engagement strategy that applies to licensing schemes in this portfolio? Is it documented? When was it last reviewed/updated? Has it been published?	<p>The ERA has a public consultation process for its day-to-day licensing activities, which is documented in publicly available guidelines on the ERA's website. The guidelines were last reviewed and updated in April 2016.</p> <p>The ERA also seeks public comment on its broader regulatory reviews, such as reviews of its licences, regulatory guidelines and codes.</p> <p>The ERA holds workshops and forums for licensees on its licensing activities when required. For example, in November 2018 the ERA held a workshop with licensees and auditors on the review of its audit guidelines. The draft guidelines were published for public comment in January 2019.</p>
	Which other agencies have a role in managing licensing schemes in the portfolio? Is there regular engagement with these agencies?	No other agency has a role in the day-to-day management of the licensing schemes.
	Is there a complaints handling mechanism in place, to allow licensees and members of the public to raise concerns?	The ERA provides several ways for licensees and members of the public to raise concerns about the licensing schemes, including public consultations when it conducts reviews of licences, codes and guidelines. The ERA also has a dedicated email address for its licensing activities and other means to contact the ERA's licensing team, such as by phone, post and an online system on its website to submit information and make enquiries.

Individual licensing scheme questions (complete for each licensing scheme in the portfolio)		
Name of licensing scheme	Electricity generation licences	
Category	Questions	Response
Is the scheme achieving its objectives?	How does this scheme contribute to the broader objectives of the regulatory system?	In practice, the ERA considers generation licences are used as a means to ensure the generators maintain effective asset management systems for their generation assets. However, there are no prescribed objectives for the electricity licensing schemes in the Act.
	Is data collected to assess whether it is making this contribution?	The ERA requires generation licensees to provide it with annual, exception based, compliance reports, and periodic independent reports on audits of their performance against their licence conditions and the effectiveness of their asset management systems. The Act requires that reviews are conducted once in every 24 months, but this period can be increased by the ERA.
Is the scheme administered in a cost-effective way?	Does the legislation that establishes the scheme only include elements that need to be prescribed (for example, the scheme's objectives), and exclude elements that do not need to be prescribed (for example, administrative requirements)? If not, are there plans to make amendments to the legislation in a future omnibus bill?	The Act does not include objectives for its licensing schemes. Administrative requirements are generally in secondary legislation, such as the Economic Regulation Authority (Licensing Funding) Regulations 2014, which prescribe the fees and charges for a licence application and retaining the licence. Most administrative requirements associated with applying for a licence, and subsequently complying with a licence are at the discretion of the ERA and contained in the ERA's licences and guidelines. There are improvements that can be made to the Act's provisions. For example, a review of licensing electricity generation was conducted by the Public Utilities Office in 2015/16. The outcome of the review was that the then State Government endorsed a proposal to amend the Act to repeal the requirement for generation licences, but was unable to progress it through Parliament before the end of the term of government. The inclusion of this reform in a future omnibus bill is a matter for the State Government.
	Does the scheme include administrative or compliance requirements that are duplicated in other schemes or regulations? An example of administrative duplication is when licence holders are asked to supply the same information multiple times for different purposes or in different formats.	Generation licences do not include administrative requirements that are duplicated in other schemes or regulations. There are likely to be contractual requirements that a generator connected to Western Power's network must meet that duplicate a licence condition. For example, the small number of metering obligations in the <i>Electricity Industry (Metering) Code 2012</i> that apply to generation licensees are potentially duplicated in a generator's network access contract with the network operator.

Individual licensing scheme questions (complete for each licensing scheme in the portfolio)		
Category	Questions	Response
Is the scheme being complied with?	Is data collected to measure compliance? Is this data used to inform agency activities that encourage compliance?	<p>The ERA uses the data collected in annual compliance reports and periodic performance audits and asset management system reviews to monitor and enforce compliance with licence conditions.</p> <p>If the audit identifies compliance problems or deficiencies in the licensees' asset management system, the ERA actively monitors the actions taken by the licensee to address the causes, and get back to compliance. In some instances, the ERA may take enforcement action against a licensee.</p>
	Are current compliance levels appropriate given the risks the scheme aims to address?	<p>Yes. Generally, the compliance history of generation licensees is very good compared to other licence types.</p> <p>One of the reasons is that generation licensees have fewer licence conditions compared to other types of electricity licence. Other than requiring generators to have an asset management system, the licence conditions relate to metering of the network connection point and administrative conditions to ensure licensees pay their fees and charges and report to the ERA on their performance.</p>
	Have there been changes to compliance resourcing that affect this licensing scheme? If so, how have the changes affected the achievement of policy outcomes?	There have been no changes to compliance resourcing that affect this licensing scheme. The costs the ERA incurs to manage the licensing scheme are recovered directly from licensees on a full cost recovery basis.
Is the scheme being reviewed and improved?	Have findings and recommendations from when the scheme was last reviewed been published?	<p>In 2015/16, the Public Utilities Office reviewed the Act's requirement to hold a generation licence. The outcome of the review was that the then State Government endorsed a proposal to amend the Act to repeal the requirement for generation licences, but was unable to progress it through Parliament before the end of the term of government. The findings and recommendations were published by the Public Utilities Office at the time.</p> <p>The ERA conducted its latest electricity licence review in 2018, which resulted in improvements to generation licences. The ERA published a number of documents as part of the review, including its decision, which provides a detailed explanation of the licence amendments.</p>
	Is there a legislative requirement to review this scheme? If so, when is (or was) the next review due?	There is no legislative requirement to review this scheme.
	What improvements should be made to this licensing scheme?	The ERA supports a repeal of the Act's requirement to hold a generation licence.
Is there effective engagement about the scheme?	<p>Is it possible for licensees to easily find clear information about:</p> <ul style="list-style-type: none"> • The purpose of the licence and when it is needed. • The licence conditions and requirements, and how to comply with them. • The application process. 	<p>The ERA has published the following guidelines and manuals to assist licensees in obtaining a licence and then complying with the licence conditions:</p> <ol style="list-style-type: none"> 1. Licence Application Guidelines 2. Audit and Review Guidelines 3. Customer Complaint Guidelines 4. Financial Hardship Policy Guidelines 5. Compliance Reporting Manual 6. Compliance Enforcement Policy 7. Performance Reporting Handbook. <p>A full list is available on the ERA's website.</p>

Licensing dashboard

Name of licence		Electricity generation licence	
List titles of enabling legislative instruments		Primary legislation: <i>Electricity Industry Act 2004</i> Subsidiary legislation: <i>Electricity Industry (Licence Conditions) Regulations 2005</i> , <i>Economic Regulation Authority (Licensing Funding) Regulations 2014</i> and <i>Electricity Industry (Metering) Code 2012</i>	
Category	Measure	Metric	Comment (optional)
Is the scheme achieving its objectives?	How well is the licensing scheme contributing to meeting the objectives of the regulatory system?	Scale: 1 = not very well to 5 = very well	The regulatory system (licensing scheme) does not have prescribed objectives.
Is the scheme administered in a cost-effective way?	What is the annual cost to the agency per licence of administering the licensing scheme?	\$ per licence	The ERA's total cost in 2017/18 to administer electricity generation licences was \$212,168, which equates to \$6,844 per licence.
	What proportion of licence applications was processed within target timeframes in the last 12 months?	%	100% of generation licence applications were processed within the target timeframe of 90 days in the last 12 months.
	Which of the following services are available online? <ul style="list-style-type: none"> Information about the scheme Application Renewal Payment of fees and charges 	Check box (available / not available / not applicable) for each service	<ul style="list-style-type: none"> Information about the scheme – available Application – available Renewal – available Payment of fees and charges – not available
Is the scheme being complied with?	How many compliance inspections did the agency complete in the last 12 months?	Count	<p>In 2017/18, the ERA completed nine licence performance audits and asset management system reviews of generation licences and integrated regional licences that authorise the licensee to construct and operate generating works.</p> <p>In 2015/16 and 2016/17, the ERA completed three and nine licence performance audits and asset management system reviews respectively. Due to their good compliance history, most generation licensees have a licence performance audit and asset management system review every four or five years.</p> <p>The ERA also monitors licensee compliance through an annual compliance reporting framework, which requires every licensee to report on the licence obligations that it has contravened during the reporting year.</p>
	How many instances of non-compliance did the agency uncover in the last 12 months?	Count	Of the nine licence performance audits and asset management system reviews completed in 2017/18, six licensees were found to be non-compliant with their licence (a total of 28 non-compliances with individual licence obligations).
	How many enforcement actions were taken in the last 12 months?	Count	Because the non-compliances were minor in nature, no enforcement action was taken against the licensees.

Category	Measure	Metric	Comment (optional)
Is the scheme being reviewed and improved?	How many years has it been since the last major review of the scheme?	Number	<p>The most recent electricity licence review was undertaken in 2018. This included generation licences.</p> <p>In 2015/16, the Public Utilities Office reviewed the Act's requirement to hold a generation licence. The outcome of the review was that the then State Government endorsed a proposal to amend the Act to repeal the requirement for generation licences, but was unable to progress it through Parliament before the end of the term of government.</p>
	To what extent have the recommendations from the last major review of the scheme been implemented?	Fully implemented / partially implemented / not implemented / not applicable (i.e. no major review)	<p>All the recommendations from the ERA's 2018 electricity licence review have been implemented.</p> <p>The repeal of generation licensing from the Act has not occurred. This is a matter for the State Government.</p>

Self-assessment tool

An interactive version of this tool is [available on the ERA website](#).

Portfolio questions		
Licences in this portfolio	<i>List individual licensing schemes here</i>	
Category	Questions	Response
Is the portfolio of licensing schemes achieving its objectives?	Are the objectives this portfolio of schemes is trying to meet clearly set out in legislation? If not, are they clearly documented elsewhere? Is this information public?	
	Is data collected to assess whether the objectives are being met?	
Is the portfolio of licensing schemes being administered in a cost-effective way?	Are the internal processes and systems efficient? What could be changed to improve efficiency? Examples of internal processes and systems include those used for collating information on the number of active licence holders and revenues collected from fees and charges.	
	What minimum level of service should licence holders expect from the agency in processing licence applications and renewals? Is this documented? Is it published?	
Is the portfolio of licensing schemes being complied with?	Is there a compliance and enforcement strategy that applies to licensing schemes in this portfolio? Is it documented? When was it last reviewed/updated? Has it been published?	
	Is the compliance and enforcement strategy risk-based?	
Is the portfolio of licensing schemes being reviewed and improved?	Is there a schedule of legislative reviews that must be undertaken for licensing schemes in this portfolio? Is this information public?	
	Is there a plan of improvements that applies to licensing schemes in this portfolio?	
Is there effective engagement about the schemes in the portfolio?	Is there a stakeholder engagement strategy that applies to licensing schemes in this portfolio? Is it documented? When was it last reviewed/updated? Has it been published?	
	Which other agencies have a role in managing licensing schemes in the portfolio? Is there regular engagement with these agencies?	
	Is there a complaints handling mechanism in place, to allow licensees and members of the public to raise concerns?	

Individual licensing scheme questions (complete for each licensing scheme in the portfolio)		
Name of licensing scheme	<i>Insert name of licensing scheme here</i>	
Category	Questions	Response
Is the scheme achieving its objectives?	How does this scheme contribute to the broader objectives of the regulatory system?	
	Is data collected to assess whether it is making this contribution?	
Is the scheme administered in a cost-effective way?	Does the legislation that establishes the scheme only include elements that need to be prescribed (for example, the scheme's objectives), and exclude elements that do not need to be prescribed (for example, administrative requirements)? If not, are there plans to make amendments to the legislation in a future omnibus bill?	
	Does the scheme include administrative or compliance requirements that are duplicated in other schemes or regulations? An example of administrative duplication is when licence holders are asked to supply the same information multiple times for different purposes or in different formats.	
Is the scheme being complied with?	Is data collected to measure compliance? Is this data used to inform agency activities that encourage compliance?	
	Are current compliance levels appropriate given the risks the scheme aims to address?	
	Have there been changes to compliance resourcing that affect this licensing scheme? If so, how have the changes affected the achievement of policy outcomes?	
Is the scheme being reviewed and improved?	Have findings and recommendations from when the scheme was last reviewed been published?	
	Is there a legislative requirement to review this scheme? If so, when is (or was) the next review due?	
	What improvements should be made to this licensing scheme?	
Is there effective engagement about the scheme?	Is it possible for licensees to easily find clear information about: <ul style="list-style-type: none"> • The purpose of the licence and when it is needed. • The licence conditions and requirements, and how to comply with them. • The application process. 	

Licensing dashboard

An interactive version of this tool is [available on the ERA website](#).

Name of licence		<i>Insert name of licensing scheme</i>	
List titles of enabling legislative instruments		<i>Insert name of enabling legislative instruments</i>	
Category	Measure	Metric	Comment (optional)
Is the scheme achieving its objectives?	How well is the licensing scheme contributing to meeting the objectives of the regulatory system?	Scale: 1 = not very well to 5 = very well	
Is the scheme administered in a cost-effective way?	What is the annual cost to the agency per licence of administering the licensing scheme?	\$ per licence	
	What proportion of licence applications was processed within target timeframes in the last 12 months?	%	
	Which of the following services are available online? <ul style="list-style-type: none"> • Information about the scheme • Application • Renewal • Payment of fees and charges 	Note whether available/not available/not applicable for each service	
Is the scheme being complied with?	How many compliance inspections did the agency complete in the last 12 months?	Count	
	How many instances of non-compliance did the agency uncover in the last 12 months?	Count	
	How many enforcement actions were taken in the last 12 months?	Count	
Is the scheme being reviewed and improved?	How many years has it been since the last major review of the scheme?	Number	
	To what extent have the recommendations from the last major review of the scheme been implemented?	Fully implemented/partially implemented/not implemented/not applicable (i.e. no major review)	

APPENDIX C:

BUSINESS LICENSING SCHEMES NOT REVIEWED IN MORE THAN 10 YEARS

This list includes 39 business licensing schemes that have not been reviewed in more than 10 years.⁴⁵³ Data was compiled from agency responses to a questionnaire about the business licences they administer, issued by the ERA in February 2018.

The business licences are listed in decreasing order by contribution to the state's gross value-added of the industries they affect.

If the objective of the business licence is to protect against consequences that are dangerous or damaging to human safety, it is highlighted red. If the objective of the business licence is to protect the community against other consequences (for example, financial harm), it is highlighted amber. If the business licence's objective is to manage or protect the environment, or to improve how markets work, it is highlighted green.

There are several reasons why reviews might not happen. For example, agencies might only conduct a review if it is a legislative requirement or has been requested by the Minister. Reviews might be delayed when other agency activities are a higher priority. The ERA has not assessed the reasons why the below licences have not been reviewed.

The number of licence holders is for 2017 unless otherwise indicated with an asterisk. Licences indicated with an asterisk use the current number of licence holders based on responses from the ERA agency questionnaire issued in February 2018.

Unique ID	Name of licence	Agency	Date legislation establishing scheme was introduced	Date of last review	Objective of the scheme	Number of licence holders
BLR-230-LI	Exploration Licence (Offshore Minerals) ⁴⁵⁴	Department of Mines, Industry Regulation and Safety	2003	No review		0-100
BLR-258-LI	Mining Licence (Offshore Minerals) ⁴⁵⁴	Department of Mines, Industry Regulation and Safety	2003	No review		0-100
BLR-319-LI	Retention Licence (Offshore Minerals) ⁴⁵⁴	Department of Mines, Industry Regulation and Safety	2003	No review		0-100
BLR-335-LI	Special Purpose Consent (Offshore Minerals) ⁴⁵⁴	Department of Mines, Industry Regulation and Safety	2003	No review		0-100
BLR-341-LI	Works Licence (Offshore Minerals) ⁴⁵⁴	Department of Mines, Industry Regulation and Safety	2003	No review		0-100

⁴⁵³ This list has been revised from 50 licensing schemes to 39 licensing schemes. In its submission to the draft report, the Department of Mines, Industry Regulation and Safety corrected its response to the February 2018 questionnaire, saying that nine licences for on- and off-shore pipeline, petroleum and geothermal production and exploration were last reviewed in 2010. The ERA verified this claim, and removed the licences from the list.

⁴⁵⁴ In its submission to the draft report, the Department of Mines, Industry Regulation and Safety said that the five types of offshore minerals licences should not be included in the list because only the exploration licence has an active holder. The Department does not consider this exploration licence to be a 'licence', as it is "the tenure and basis" for the *Cockburn Cement State Agreement Act 1971*. State Agreements are not included in the ERA's definition of a licence. The ERA has kept all five types of offshore minerals licences in the list because they are established under state government legislation. The ERA has not considered whether the licences currently have active holders in identifying all state government business licensing schemes in the state.

Unique ID	Name of licence	Agency	Date legislation establishing scheme was introduced	Date of last review	Objective of the scheme	Number of licence holders
BLR-451-AP	Approval to Discharge Trade Waste ⁴⁵⁵	Department of Water and Environmental Regulation	1976	1995		Not provided by agency
BLR-463-CR	Certificate of Appointment of Honorary Warden ⁴⁵⁵	Department of Water and Environmental Regulation	1976	1995		Not provided by agency
BLR-464-CR	Certificate of Appointment of Inspector ⁴⁵⁵	Department of Water and Environmental Regulation	1976	1995		Not provided by agency
BLR-466-PE	Conduct Activities in a Waterway Management Area ⁴⁵⁵	Department of Water and Environmental Regulation	1976	1995		Not provided by agency
BLR-470-LI	Disposal Licence ⁴⁵⁵	Department of Water and Environmental Regulation	1976	1995		Not provided by agency
BLR-472-LI	Licence to Carry Out Dredging or Reclamation on Waterways ⁴⁵⁵	Department of Water and Environmental Regulation	1976	1995		Not provided by agency
BLR-473-LI	Licence to Construct a Retaining Wall on a Waterway ⁴⁵⁵	Department of Water and Environmental Regulation	1976	1995		Not provided by agency
BLR-481-LI	Private Boat Ramp or Jetty Licence ⁴⁵⁵	Department of Water and Environmental Regulation	1976	1995		Not provided by agency
BLR-163-LI	Casino Liquor Licence ⁴⁵⁶	Department of Local Government, Sport and Cultural Industries	1984	>20 years		0-100
BLR-222-LI	Debt Collector's Licence	Department of Mines, Industry Regulation and Safety	1964	No review		0-100
BLR-418-LI	Ferry Licence	Department of Transport	1966	No review		0-100
BLR-419-LI	Fuel Pipeline Licence	Department of Transport	1926	No review		0-100
BLR-421-LI	Jetty Licence	Department of Transport	1926	No review		>1001
BLR-675-LI	Pawnbroker's Licence	Western Australia Police	1994	No review		0-100*
BLR-678-LI	Second-hand Dealer's Licence	Western Australia Police	1994	No review		0-100*
BLR-654-RG	Registration of an Agricultural Society to Conduct an Agricultural Show	The Royal Agricultural Society of Western Australia	1926	1929		0-100

⁴⁵⁵ According to the Department, this licensing scheme will be considered as part of the reform of water resources legislation announced by the State Government in August 2018.

⁴⁵⁶ While the Department of Local Government, Sport and Cultural Industries initially said that a 2013 review of the Liquor Control Act 1988 did not affect casino liquor licensing (and therefore that the scheme has not been reviewed in more than ten years), it has subsequently said that it does not consider casino liquor licensing to be a priority for review. The ERA's assessment of the 2013 review is that it did not consider casino licensing in any detail.

Unique ID	Name of licence	Agency	Date legislation establishing scheme was introduced	Date of last review	Objective of the scheme	Number of licence holders
BLR-216-LI	Charitable Collections Licence	Department of Mines, Industry Regulation and Safety	1946	No review		>1001
BLR-393-PE	Permit to Move, Enter or Leave any Infected Area, Infected Vehicle or Restricted Area ⁴⁵⁷	Department of Primary Industries and Regional Development	1993	No review		0-100
BLR-664-LI	Crowd Control Agent Licence	Western Australia Police	1996	2006		101-1000*
BLR-665-LI	Crowd Controller Licence	Western Australia Police	1996	2006		>1001*
BLR-672-LI	Inquiry Agent Licence	Western Australia Police	1996	2006		101-1000*
BLR-673-LI	Investigator Licence	Western Australia Police	1996	2006		101-1000*
BLR-676-PE	Permit / Endorsement to Carry a Weapon (Security Officer)	Western Australia Police	1996	2006		101-1000*
BLR-679-LI	Security Agent Licence	Western Australia Police	1996	2006		>1001*
BLR-680-LI	Security Bodyguard Licence	Western Australia Police	1996	2006		101-1000*
BLR-681-LI	Security Consultant Licence	Western Australia Police	1996	2006		>1001*
BLR-682-LI	Security Installer Licence	Western Australia Police	1996	2006		>1001*
BLR-683-LI	Security Officer Licence	Western Australia Police	1996	2006		>1001*
BLR-295-PE	Permit to Conduct a Street Collection	Department of Mines, Industry Regulation and Safety	1940	No review		Not provided by agency
BLR-154-AT	Authorisation to Operate a Totalisator	Department of Local Government, Sport and Cultural Industries	1992	No review		0-100
BLR-156-LI	Bookmaker's Employee Licence	Department of Local Government, Sport and Cultural Industries	2002	No review		101-1000*
BLR-157-LI	Bookmaker's Licence	Department of Local Government, Sport and Cultural Industries	2002	No review		0-100
BLR-158-LI	Bookmaker's Manager Licence	Department of Local Government, Sport and Cultural Industries	2002	No review		0-100*
BLR-428-RG	Off-Road Vehicle Registration	Department of Local Government, Sport and Cultural Industries	1978	No review		>1001

⁴⁵⁷ The Department of Primary Industries and Regional Development advised that it does not consider the permit scheme for travelling in infected areas and vehicles to be a business licensing scheme. It is said that Act under which the permit may be issued is operationalised only if there is an outbreak of certain diseases, and that the Act has only been operationalised twice.

APPENDIX D:

BUSINESS LICENSING SCHEMES WITH OUTSTANDING REVIEW RECOMMENDATIONS

This list includes 65 business licensing schemes reviewed from 2013 to 2017 where review recommendations have not yet been implemented. Data were compiled from agencies' responses to a questionnaire about the licences they administer, issued by the ERA in February 2018.

The business licences are listed in decreasing order by contribution to the state's gross value-added of the industries they affect.

If the objective of the business licence is to protect against consequences that are dangerous or damaging to human safety, it is highlighted red. If the objective of the business licence is to protect the community against other consequences (for example, financial harm), it is highlighted amber. If the business licence's objective is to manage or protect the environment, or to improve how markets work, it is highlighted green.

The nature of the reviews varies. Some reviews covered all aspects of the business licence (for example, the policy problem being addressed, terms and conditions, fees and charges, administration, and compliance and enforcement) whereas others covered just one aspect. The nature of outstanding review recommendations is therefore also likely to vary. The ERA has not assessed the nature of the outstanding recommendations for the below business licences.

Unique ID	Name of licence	Agency	Objective of the scheme	Number of licence holders ⁴⁵⁸
BLR-220-LI	Dangerous Goods Site Licence	Department of Mines, Industry Regulation and Safety		>1001
BLR-218-LI	Dangerous Goods Driver Licence	Department of Mines, Industry Regulation and Safety		>1001
BLR-221-LI	Dangerous Goods Vehicle Licence	Department of Mines, Industry Regulation and Safety		>1001
BLR-233-LI	Explosives Driver's Licence	Department of Mines, Industry Regulation and Safety		101-1000
BLR-219-CH	Dangerous Goods Security Card (DGSC)	Department of Mines, Industry Regulation and Safety		>1001
BLR-237-LI	Explosives Transport Licence	Department of Mines, Industry Regulation and Safety		0-100
BLR-327-LI	Security Sensitive Ammonium Nitrate Transport Licence	Department of Mines, Industry Regulation and Safety		0-100
BLR-329-LI	Shotfiring Licence	Department of Mines, Industry Regulation and Safety		>1001
BLR-312-RG	Registration of Plant Design	Department of Mines, Industry Regulation and Safety		101-1000

⁴⁵⁸ The number of licence holders is for 2017, unless otherwise indicated.

Unique ID	Name of licence	Agency	Objective of the scheme	Number of licence holders
BLR-313-RG	Registration or Re-Registration of Individual Plant Items	Department of Mines, Industry Regulation and Safety		>1001
BLR-272-NT	Notification of Major Hazard Facility	Department of Mines, Industry Regulation and Safety		Not provided by agency
BLR-321-AP	Safety Report Approval	Department of Mines, Industry Regulation and Safety		Not provided by agency
BLR-324-LI	Security Sensitive Ammonium Nitrate Manufacture Licence	Department of Mines, Industry Regulation and Safety		0-100
BLR-322-LI	Security Sensitive Ammonium Nitrate Fertiliser Licence	Department of Mines, Industry Regulation and Safety		0-100
BLR-197-NT	Accident and Dangerous Occurrence Notification (Offshore)	Department of Mines, Industry Regulation and Safety		0-100
BLR-198-NT	Accident and Dangerous Occurrence Notification (Onshore)	Department of Mines, Industry Regulation and Safety		0-100
BLR-738-AP	Authorise a Body or Person to Give Approvals	Department of Mines, Industry Regulation and Safety		Not provided by agency
BLR-740-AP	Approval of Qualifications	Department of Mines, Industry Regulation and Safety		Not provided by agency
BLR-203-AP	Approval of Packaging Designs	Department of Mines, Industry Regulation and Safety		Not provided by agency
BLR-741-AP	Approval of Laboratories	Department of Mines, Industry Regulation and Safety		Not provided by agency
BLR-206-AT	Authorisation of an Explosive	Department of Mines, Industry Regulation and Safety		Not provided by agency
BLR-232-LI	Explosive Manufacture (MPU) Licence	Department of Mines, Industry Regulation and Safety		0-100
BLR-234-LI	Explosives Import/Export Licence	Department of Mines, Industry Regulation and Safety		0-100
BLR-235-LI	Explosives Storage Licence	Department of Mines, Industry Regulation and Safety		101-1000
BLR-236-LI	Explosives Supply Licence	Department of Mines, Industry Regulation and Safety		0-100
BLR-337-PE	Test Permit for Explosives	Department of Mines, Industry Regulation and Safety		0-100
BLR-729-LI	Explosives Manufacture Licence	Department of Mines, Industry Regulation and Safety		0-100
BLR-323-LI	Security Sensitive Ammonium Nitrate Import/Export Licence	Department of Mines, Industry Regulation and Safety		0-100
BLR-325-LI	Security Sensitive Ammonium Nitrate Storage Licence	Department of Mines, Industry Regulation and Safety		101-1000
BLR-326-LI	Security Sensitive Ammonium Nitrate Supply Licence	Department of Mines, Industry Regulation and Safety		0-100

Unique ID	Name of licence	Agency	Objective of the scheme	Number of licence holders
BLR-332-AP	Special Berth Declaration	Department of Mines, Industry Regulation and Safety		0-100
BLR-411-LI	Commercial Goods Vehicle Licence ⁴⁵⁹	Department of Transport		0-100
BLR-200-AP	Approval as a Dangerous Goods Transport Provider ⁴⁶⁰	Department of Mines, Industry Regulation and Safety		0-100
BLR-225-AP	Design a Type II Segregation Device	Department of Mines, Industry Regulation and Safety		Not provided by agency
BLR-731-AP	Approval of Tank Designs or IBCs	Department of Mines, Industry Regulation and Safety		Not provided by agency
BLR-732-AP	Approval of Overpacks	Department of Mines, Industry Regulation and Safety		Not provided by agency
BLR-733-AP	Approval of Emergency Information	Department of Mines, Industry Regulation and Safety		Not provided by agency
BLR-734-AP	Approval of Insurance	Department of Mines, Industry Regulation and Safety		Not provided by agency
BLR-735-AP	Approve Mutual Recognition of Correspondence, Determinations, Exemptions, etc.	Department of Mines, Industry Regulation and Safety		Not provided by agency
BLR-739-AP	Approval of Codes of Practice	Department of Mines, Industry Regulation and Safety		Not provided by agency
BLR-344-PE	Pastoral Lease and Permits	Department of Planning, Lands and Heritage		101-1000
BLR-396-CR	Pilot Chemical Rating Certificate ⁴⁶¹	Department of Primary Industries and Regional Development		0-100
BLR-510-RG	Registration of Timber Workers	Forest Products Commission		101-1000
BLR-736-AP	Approval of Test of Competence for Drivers	Department of Mines, Industry Regulation and Safety		Not provided by agency
BLR-737-AP	Approval of Training Courses for Drivers	Department of Mines, Industry Regulation and Safety		Not provided by agency
BLR-416-LI	Driving Instructor's Licence	Department of Transport		>1001
BLR-730-RG	Dangerous Goods Pipeline	Department of Mines, Industry Regulation and Safety		101-1000
BLR-513-LI	Land Surveyors Licence	Land Surveyors Licensing Board of Western Australia		101-1000
BLR-514-CR	Licensed Surveyor Practising Certificate	Land Surveyors Licensing Board of Western Australia		101-1000
BLR-211-RG	Car Market Operator Registration	Department of Mines, Industry Regulation and Safety		0-100
BLR-260-PE	Motor Vehicle Dealer – Special Occasion Permit	Department of Mines, Industry Regulation and Safety		101-1000

459 According to the Department, changes to the legislation establishing the commercial goods vehicle licence were introduced into the WA Parliament in 2016 but not progressed when Parliament ceased for the general election. Legislative amendments are proposed for reintroduction to the Parliament in 2019.

460 Number of licence holders for this licence is based on current figures from ERA agency questionnaire responses. The agency questionnaire was undertaken in April 2018.

461 According to the Department, the regulations establishing this licence are expected to be repealed in September 2018.

Unique ID	Name of licence	Agency	Objective of the scheme	Number of licence holders
BLR-261-LI	Motor Vehicle Dealer's Licence	Department of Mines, Industry Regulation and Safety		101-1000
BLR-264-LI	Motor Vehicle Salesperson's Licence	Department of Mines, Industry Regulation and Safety		>1001
BLR-265-LI	Motor Vehicle Yard Manager's Licence	Department of Mines, Industry Regulation and Safety		>1001
BLR-238-PE	Extended Trading Permit	Department of Mines, Industry Regulation and Safety		0-100
BLR-262-LI	Motor Vehicle Repair Business Licence	Department of Mines, Industry Regulation and Safety		>1001
BLR-263-CR	Motor Vehicle Repairer's Certificate	Department of Mines, Industry Regulation and Safety		>1001
BLR-227-LI	Employment Agent's Interim Licence	Department of Mines, Industry Regulation and Safety		0-100
BLR-228-LI	Employment Agent's Licence	Department of Mines, Industry Regulation and Safety		101-1000
BLR-229-LI	Employment Agent's Restricted Licence	Department of Mines, Industry Regulation and Safety		0-100
BLR-242-PE	Fireworks Event Permit	Department of Mines, Industry Regulation and Safety		Not provided by agency
BLR-243-LI	Fireworks Operator Licence	Department of Mines, Industry Regulation and Safety		0-100
BLR-241-LI	Fireworks Contractor Licence	Department of Mines, Industry Regulation and Safety		0-100
BLR-301-LI	Pyrotechnics (Special Use) Licence	Department of Mines, Industry Regulation and Safety		0-100
BLR-371-AP	Approval to Store an Ester within the Prescribed Areas ⁴⁶²	Department of Primary Industries and Regional Development		Not provided by agency

⁴⁶² According to the Department, the regulations establishing this licence have been identified for repeal.

APPENDIX E:

BUSINESS LICENSING SCHEMES TO PRIORITISE FOR ICT INVESTMENT

The ERA analysed 570 business licensing schemes contained in state government legislation and administered by state government bodies to check the availability of online information about the scheme, the online application processes (online application forms and lodgement options) and electronic payment methods. The analysis excluded business licensing schemes under the *Biodiversity Conservation Regulations 2018*, which commenced on 1 January 2019.

Table 4 lists 68 business licensing schemes for which information is only available online from the Australian Business Licence and Information Service (ABLIS) or the Small Business Development Corporation (SBDC) Business Licence Finder, and 56 business licensing schemes for which no online information could be found.

Table 5 lists 64 business licensing schemes for which there is information available on agency websites, but it is not possible to submit an application online, and 15 licensing schemes for which fees can only be paid by cheque or money order.

Table 6 lists 138 business licensing schemes for which forms can be completed online, but manual lodgement (in person or by post) is required.

Table 7 lists 35 licensing schemes where it is unclear from agency websites whether online applications can be made.

There are circumstances where it may be appropriate for business licence applications to be lodged in person. For example, if applicants must provide proof of identity, or where online application forms might not be suitable because applicants require agency guidance to navigate multistage and/or complex application processes. When deciding which of the schemes in these lists to prioritise for ICT investment, government should consult with agencies to determine which business licensing schemes should not be moved online.

Table 4. Licensing schemes with no information about the scheme on agency websites

Unique ID	Name of licence	Agency	Online reference
BLR-065-LI	Scientific Purposes Licence (Marine)	Department of Biodiversity, Conservation and Attractions	ABLIS
BLR-067-AP	Undertake Controlled Activity in an Environmental Reserve	Department of Biodiversity, Conservation and Attractions	ABLIS
BLR-072-LI	Private Adoption Agency Licence	Department of Communities	ABLIS
BLR-083-RG	Registration of a Community Kindergarten	Department of Education	ABLIS
BLR-090-LI	Anatomy Practice Licence	Department of Health	ABLIS

Unique ID	Name of licence	Agency	Online reference
BLR-099-AP	Approval to Transport a Dwelling-House Built with an Asbestos Cement Product	Department of Health	ABLIS
BLR-101-AT	Authorisation to Establish a School of Anatomy	Department of Health	ABLIS
BLR-103-CR	Certificate of Approval of Minimal Flush Fixtures and Fittings	Department of Health	ABLIS
BLR-104-AP	Fumigation Site Approval	Department of Health	ABLIS
BLR-112-LI	Licence to Conduct a Crematorium	Department of Health	ABLIS
BLR-100-PE	Aquatic Facility Operator Permit	Department of Health	ABLIS
BLR-107-LI	Human Artificial Fertilisation Practice Licence	Department of Health	ABLIS
BLR-108-LI	Human Artificial Fertilisation Storage Licence	Department of Health	ABLIS
BLR-109-LI	Human Artificial Fertilisation Storage Licence Exemption	Department of Health	ABLIS
BLR-154-AT	Authorisation to Operate a Totalisator	Department of Local Government, Sport and Cultural Industries	ABLIS
BLR-146-LI	Occasional Auctioneer's Licence	Department of Mines, Industry Regulation and Safety	SBDC Lic Finder
BLR-202-AP	Approval of an Underwater Petroleum Survey	Department of Mines, Industry Regulation and Safety	ABLIS
BLR-205-AP	Approval to Inject Petroleum into a Natural Underground Reservoir	Department of Mines, Industry Regulation and Safety	ABLIS
BLR-318-LI	Restricted Auctioneer's Licence	Department of Mines, Industry Regulation and Safety	ABLIS
BLR-319-LI	Retention Licence (Offshore Minerals)	Department of Mines, Industry Regulation and Safety	ABLIS
BLR-335-LI	Special Purpose Consent (Offshore Minerals)	Department of Mines, Industry Regulation and Safety	ABLIS
BLR-341-LI	Works Licence (Offshore Minerals)	Department of Mines, Industry Regulation and Safety	ABLIS
BLR-258-LI	Mining Licence (Offshore Minerals)	Department of Mines, Industry Regulation and Safety	ABLIS
BLR-213-CR	Certificate of Competency - Deputy	Department of Mines, Industry Regulation and Safety	SBDC Lic Finder
BLR-247-LI	General Auctioneer's Licence	Department of Mines, Industry Regulation and Safety	SBDC Lic Finder
BLR-375-LI	Lease or Licence for Activities in Soil Conservation Reserves	Department of Primary Industries and Regional Development	ABLIS

Unique ID	Name of licence	Agency	Online reference
BLR-396-CR	Pilot Chemical Rating Certificate	Department of Primary Industries and Regional Development	ABLIS
BLR-749-AP	Approval to Manufacture Stock ID Equipment and Devices (r 60)	Department of Primary Industries and Regional Development	ABLIS
BLR-349-AP	Abrolhos Islands Activity Approval	Department of Primary Industries and Regional Development	ABLIS
BLR-352-AP	Approval to Bring Live Abalone into Western Australia	Department of Primary Industries and Regional Development	ABLIS
BLR-355-AP	Approval to Transport Pearl Oysters	Department of Primary Industries and Regional Development	ABLIS
BLR-358-AT	Authorisation to Move Bees, Hives, Hive Products or Beekeeping Appliances	Department of Primary Industries and Regional Development	ABLIS
BLR-361-AT	Authority to Take Fish for Scientific Purposes	Department of Primary Industries and Regional Development	ABLIS
BLR-362-LI	Carrier Boat Licence	Department of Primary Industries and Regional Development	ABLIS
BLR-365-CR	Export and Assurance Certificates	Department of Primary Industries and Regional Development	ABLIS
BLR-367-LI	Fishing Boat Licence	Department of Primary Industries and Regional Development	ABLIS
BLR-415-LI	Dealer's Plates (Trade Plates for Recreational Vessels)	Department of Transport	ABLIS
BLR-407-AT	Authorisation to Examine and Test Vehicles	Department of Transport	ABLIS
BLR-418-LI	Ferry Licence	Department of Transport	SBDC Lic Finder
BLR-441-AP	Reclassification of Pipelines	Department of Treasury	ABLIS
BLR-466-PE	Conduct Activities in a Waterway Management Area	Department of Water and Environmental Regulation	ABLIS
BLR-470-LI	Disposal Licence	Department of Water and Environmental Regulation	ABLIS
BLR-472-LI	Licence to Carry Out Dredging or Reclamation on Waterways	Department of Water and Environmental Regulation	ABLIS
BLR-483-PE	Waste Collection Permit	Department of Water and Environmental Regulation	ABLIS
BLR-484-AP	Waste Management Auditor	Department of Water and Environmental Regulation	ABLIS
BLR-444-AP	Approval / Exemption for Alternative Vapour Management Systems	Department of Water and Environmental Regulation	ABLIS
BLR-446-AP	Approval of Monitoring Equipment	Department of Water and Environmental Regulation	ABLIS

Unique ID	Name of licence	Agency	Online reference
BLR-448-AP	Approval to Bury or Dispose of Animal Waste	Department of Water and Environmental Regulation	ABLIS
BLR-453-AP	Approval to Dispose of or Discharge Waste and Chemicals into Ground or Water	Department of Water and Environmental Regulation	ABLIS
BLR-454-AP	Approval to Establish an Offensive Trade in a Pollution Area	Department of Water and Environmental Regulation	ABLIS
BLR-457-AP	Approval to Place Chemicals or Substances in a Well	Department of Water and Environmental Regulation	ABLIS
BLR-458-AP	Approval to Store Animal Sewage or Install Septic Tanks Near a Production Well	Department of Water and Environmental Regulation	ABLIS
BLR-478-PE	Permit for Designated Activities in Underground Water Pollution Control Areas (UWPCA)	Department of Water and Environmental Regulation	ABLIS
BLR-480-PE	Permit to Sell Green Firewood	Department of Water and Environmental Regulation	ABLIS
BLR-506-AP	Approval of a Laboratory for the Calibration of Sound Testing Equipment	Department of Water and Environmental Regulation	ABLIS
BLR-509-LI	Forest Produce Licence or Permit	Forest Products Commission	ABLIS
BLR-602-AP	Cannabis Intervention Treatment Provider Approval	Mental Health Commission	ABLIS
BLR-701-LI	Bulk Handling Services Licence	Port Authorities	ABLIS
BLR-702-LI-PPA	Bunkering Services Licence	Port Authorities - Pilbara Ports Authority	ABLIS
BLR-709-LI	Transport Services Licence	Port Authorities	ABLIS
BLR-631-AP	Approval as an Approved Racing Organisation (ARO)	Racing and Wagering Western Australia	ABLIS
BLR-633-AT	Authorisation for a Racing Club to Transmit Wagers	Racing and Wagering Western Australia	ABLIS
BLR-644-RG	Registration of a Racing Club	Racing and Wagering Western Australia	ABLIS
BLR-632-AP	Approval to Hold a Non-Thoroughbred Horse Race	Racing and Wagering Western Australia	ABLIS
BLR-637-RG	Race Facility Registration	Racing and Wagering Western Australia	SBDC Lic Finder
BLR-654-RG	Registration of an Agricultural Society to Conduct an Agricultural Show	The Royal Agricultural Society of Western Australia	ABLIS
BLR-689-PE	Permit to Manufacture or Use a Branding Device	Western Australian Meat Industry Authority	ABLIS
BLR-690-AP	Stock Agent Approval	Western Australian Meat Industry Authority	ABLIS
BLR-745-LI	Contact and Mediation Licence (Adoptions)	Department of Communities	N/A
BLR-115-LI	Licence to Permit Removal of Bodies from Public Institutions etc. for Medical Examination	Department of Health	N/A
BLR-119-NT	Notification of Accident	Department of Health	N/A
BLR-120-NT	Notification of Ceasing to Carry on a Business	Department of Health	N/A

Unique ID	Name of licence	Agency	Online reference
BLR-116-LI	National Health and Medical Research Council (NHMRC) Licence	Department of Health	N/A
BLR-137-LI	Schedule 9 Licence	Department of Health	N/A
BLR-138-PE	Schedule 9 Permit	Department of Health	N/A
BLR-161-LI	Casino Gaming Licence	Department of Local Government, Sport and Cultural Industries	N/A
BLR-734-AP	Approval of Insurance	Department of Mines, Industry Regulation and Safety	N/A
BLR-736-AP	Approval of Test of Competence for Drivers	Department of Mines, Industry Regulation and Safety	N/A
BLR-738-AP	Authorise a Body or Person to Give Approvals	Department of Mines, Industry Regulation and Safety	N/A
BLR-739-AP	Approval of Codes of Practice	Department of Mines, Industry Regulation and Safety	N/A
BLR-740-AP	Approval of Qualifications	Department of Mines, Industry Regulation and Safety	N/A
BLR-741-AP	Approval of Laboratories	Department of Mines, Industry Regulation and Safety	N/A
BLR-229-LI	Employment Agent's Restricted Licence	Department of Mines, Industry Regulation and Safety	N/A
BLR-227-LI	Employment Agent's Interim Licence	Department of Mines, Industry Regulation and Safety	N/A
BLR-267-NT	Notification of a Significant Event	Department of Mines, Industry Regulation and Safety	N/A
BLR-345-PE	Permit to Undertake Works on Places Subject to Conservation Orders	Department of Planning, Lands and Heritage	N/A
BLR-350-AC	Accreditation to Provide Assurance Certificates	Department of Primary Industries and Regional Development	N/A
BLR-748-PE	Permit to Use Registered Identifier Without Corresponding PIC (r 38)	Department of Primary Industries and Regional Development	N/A
BLR-750-PE	Movement Permit - Livestock Without Waybill (r 195)	Department of Primary Industries and Regional Development	N/A
BLR-751-PE	Exemption Permit - Sheep/Goat Without NLIS ID (r 129)	Department of Primary Industries and Regional Development	N/A
BLR-752-PE	Exemption Permit - Cattle/Buffalo Without NLIS ID (r 83)	Department of Primary Industries and Regional Development	N/A

Unique ID	Name of licence	Agency	Online reference
BLR-753-PE	Application of NLIS Identifiers on Different PIC (r 48/52)	Department of Primary Industries and Regional Development	N/A
BLR-754-PE	Supply of NLIS Devices by Person Other Than Manufacturers (r 66)	Department of Primary Industries and Regional Development	N/A
BLR-401-PE	Temporary Aquaculture Permit	Department of Primary Industries and Regional Development	N/A
BLR-755-PE	Supply a Declared Pest (r 25)	Department of Primary Industries and Regional Development	N/A
BLR-756-PE	Permit to Publish Results of Test (r 33)	Department of Primary Industries and Regional Development	N/A
BLR-757-PE	Permit to Remove Stock from Abattoir or Feedlot (r 34)	Department of Primary Industries and Regional Development	N/A
BLR-758-AP	Approval to Move from A Quarantine Place (r 67)	Department of Primary Industries and Regional Development	N/A
BLR-759-AP	Approval to Use The State Barrier Fence (r 48, 50, 521)	Department of Primary Industries and Regional Development	N/A
BLR-760-PE	Approval to Use/Store Commercially Derived Poultry Manure (cl 7)	Department of Primary Industries and Regional Development	N/A
BLR-354-AP	Approval to Take Fish for Genetic or Chemical Analysis	Department of Primary Industries and Regional Development	N/A
BLR-364-LI	Exclusive Licence	Department of Primary Industries and Regional Development	N/A
BLR-393-PE	Permit to Move, Enter or Leave Any Infected Area, Infected Vehicle or Restricted Area	Department of Primary Industries and Regional Development	N/A
BLR-432-PE	Permit to Operate Licensed Aircraft Contrary to Licence	Department of Transport	N/A
BLR-720-AP	Taxi Meter Mechanic Approval	Department of Transport	N/A
BLR-410-CR	Certificate of Survey (Commercial Vessels)	Department of Transport	N/A
BLR-719-AP	Taxi Meter Approval	Department of Transport	N/A
BLR-439-CR	Energy Inspector Appointment Certificate	Department of Treasury	N/A
BLR-440-PE	Permit to Affix a Poster, Sign Advertisement or Notice to the Property of an Energy Operator	Department of Treasury	N/A
BLR-463-CR	Certificate of Appointment of Honorary Warden	Department of Water and Environmental Regulation	N/A
BLR-464-CR	Certificate of Appointment of Inspector	Department of Water and Environmental Regulation	N/A

Unique ID	Name of licence	Agency	Online reference
BLR-473-LI	Licence to Construct a Retaining Wall on a Waterway	Department of Water and Environmental Regulation	N/A
BLR-459-AP	Approval to Take Water from a Water Services Work	Department of Water and Environmental Regulation ⁴⁶³	N/A
BLR-508-LI	Authorisation to Fell Individual Trees Outside of Coupes	Forest Products Commission	N/A
BLR-711-LI	Single Monumental Mason's Licence	Metropolitan Cemeteries Board	N/A
BLR-712-PE	Single Funeral Permit	Metropolitan Cemeteries Board	N/A
BLR-703-LI-FPA	Line Boats Services Licence	Port Authorities - Fremantle Port Authority	N/A
BLR-708-LI-FPA	Towage Services Licence	Port Authorities - Fremantle Port Authority	N/A
BLR-706-LI-MPA	Seawater Permit	Port Authorities - Mid West Ports Authority	N/A
BLR-708-LI-MPA	Towage Services Licence	Port Authorities - Mid West Ports Authority	N/A
BLR-703-LI-PPA	Line Boats Services Licence	Port Authorities - Pilbara Ports Authority	N/A
BLR-708-LI-PPA	Towage Services Licence	Port Authorities - Pilbara Ports Authority	N/A
BLR-705-PE	Pilotage Services Licence	Port Authorities - Pilbara Ports Authority	N/A
BLR-715-AP	Approval to Commence Development	Western Australian Planning Commission	N/A

Table 5. Licensing schemes with no online application processes (no option to submit applications or payments online)

Unique ID	Name of licence	Agency	Reason
BLR-071-AC	Hague Convention Accreditation	Department of Communities	No online applications
BLR-077-CH	Working with Children Check	Department of Communities	No online applications
BLR-078-AC	Accreditation of an Initial Teacher Education Programme	Teacher Registration Board of Western Australia	No online applications
BLR-085-LI	Business Franchise (Tobacco) Licence Indian Ocean Territories	Department of Finance	No online applications
BLR-098-AP	Approval to Construct a Temporary Toilet	Department of Health	No online applications
BLR-113-LI	Licence to Operate a Private Hospital	Department of Health	No online applications
BLR-114-LI	Licence to Operate a Private Psychiatric Hostel	Department of Health	No online applications
BLR-122-NT	Notification of Midwife Private Practice	Department of Health	No online applications
BLR-126-PE	Permit for the Cremation of the Body of a Deceased Person	Department of Health	No online applications

⁴⁶³ This licence is administered by water service providers, including the Water Corporation, which was included in the online search.

Unique ID	Name of licence	Agency	Reason
BLR-129-PE	Permit to Cremate Still-Born Child	Department of Health	No online applications
BLR-163-LI	Casino Liquor Licence	Department of Local Government, Sport and Cultural Industries	No online applications
BLR-199-AP	Application for Approval to Take Petroleum Without Approved Field Management Plan	Department of Mines, Industry Regulation and Safety	No online applications
BLR-219-CH	Dangerous Goods Security Card (DGSC)	Department of Mines, Industry Regulation and Safety	No online applications
BLR-238-PE	Extended Trading Permit	Department of Mines, Industry Regulation and Safety	No online applications
BLR-253-LI	Interim Auctioneer's Licence	Department of Mines, Industry Regulation and Safety	No online applications
BLR-300-LI	Provisional Auctioneer's Licence	Department of Mines, Industry Regulation and Safety	No online applications
BLR-321-AP	Safety Report Approval	Department of Mines, Industry Regulation and Safety	No online applications
BLR-343-AP	Approval to Undertake Prohibited Activities on Protected Areas or Aboriginal Sites	Department of Planning, Lands and Heritage	No online applications
BLR-344-PE	Pastoral Lease and Permits	Department of Planning, Lands and Heritage	No online applications
BLR-351-AP	Approval of Premises as a Quarantine Facility	Department of Primary Industries and Regional Development	No online applications
BLR-353-AP	Approval to Manufacture and Supply National Livestock Identification System and Identification Devices and Equipment	Department of Primary Industries and Regional Development	No online applications
BLR-359-AT	Authorisation to Remove Seasoned or Unseasoned Pinewood from a Restricted Movement Zone	Department of Primary Industries and Regional Development	No online applications
BLR-368-LI	Fishing Tour Operator's Licence	Department of Primary Industries and Regional Development	No online applications
BLR-369-LI	Hatchery Licence	Department of Primary Industries and Regional Development	No online applications
BLR-370-PE	Hatchery Permit	Department of Primary Industries and Regional Development	No online applications
BLR-371-AP	Herbicide Spraying and Storage Approval	Department of Primary Industries and Regional Development	No online applications
BLR-372-CR	Identification Exemption Certificate	Department of Primary Industries and Regional Development	No online applications
BLR-379-LI	Pearl Boat Licence	Department of Primary Industries and Regional Development	No online applications
BLR-380-LI	Pearl Boat Master's Licence	Department of Primary Industries and Regional Development	No online applications
BLR-381-LI	Pearl Diver's Licence	Department of Primary Industries and Regional Development	No online applications
BLR-382-LI	Pearling Licence	Department of Primary Industries and Regional Development	No online applications
BLR-383-LI	Pearling Permit	Department of Primary Industries and Regional Development	No online applications
BLR-399-RG	Registration as Non-Farming Property Owner	Department of Primary Industries and Regional Development	No online applications
BLR-747-PE	Registration as Owner of Stock Buyer ID Code (BIC)	Department of Primary Industries and Regional Development	No online applications

Unique ID	Name of licence	Agency	Reason
BLR-761-PE	Permit to Move A Potential Carrier (r 20/21)	Department of Primary Industries and Regional Development	No online applications
BLR-405-AP	Approval of an Alcohol Interlock	Department of Transport	No online applications
BLR-418-LI	Ferry Licence	Department of Transport	No online applications
BLR-434-RG	Taxi Dispatch Service (TDS) Registration	Department of Transport	No online applications
BLR-718-AP	Taxi Camera Surveillance Unit Approval	Department of Transport	No online applications
BLR-455-AP	Approval to Exceed Noise Standards	Department of Water and Environmental Regulation	No online applications
BLR-467-AC	Contaminated Sites Auditor Accreditation	Department of Water and Environmental Regulation	No online applications
BLR-469-LI	Country Areas Water Supply Clearing Licence	Department of Water and Environmental Regulation	No online applications
BLR-768-AP	Construction Noise (Regulation 13)	Department of Water and Environmental Regulation	No online applications
BLR-769-AP	Waste Collection and Other Works (Regulation 14A)	Department of Water and Environmental Regulation	No online applications
BLR-770-AP	Approval of a Noise Management Plan: Motor Sport Venue (Regulation 16AA)	Department of Water and Environmental Regulation	No online applications
BLR-771-AP	Approval of a Noise Management Plan: Shooting Venue (Regulation 16BA)	Department of Water and Environmental Regulation	No online applications
BLR-774-EX	Exemption from Provisions of the Environmental Protection Act 1986 (Section 6)	Department of Water and Environmental Regulation	No online applications
BLR-489-LI	Distribution Licence	Economic Regulation Authority	No online applications
BLR-491-LI	Generation Licence	Economic Regulation Authority	No online applications
BLR-492-LI	Integrated Regional Licence	Economic Regulation Authority	No online applications
BLR-494-LI	Licence to Distribute Gas in Western Australia	Economic Regulation Authority	No online applications
BLR-495-LI	Licence to Trade Gas in Western Australia	Economic Regulation Authority	No online applications
BLR-496-LI	Retail Licence	Economic Regulation Authority	No online applications
BLR-498-LI	Transmission Licence	Economic Regulation Authority	No online applications
BLR-499-LI	Water Supply Services Licence	Economic Regulation Authority	No online applications
BLR-603-LI	Funeral Director's Licence (Metropolitan)	Metropolitan Cemeteries Board	No online applications
BLR-604-LI	Licence to Carry Out Monumental Works (Metropolitan)	Metropolitan Cemeteries Board	No online applications
BLR-707-LI-MPA	Stevedoring Services Licence	Port Authorities - Mid West Ports Authority	No online applications
BLR-707-LI-PPA	Stevedoring Services Licence	Port Authorities - Pilbara Ports Authority	No online applications
BLR-675-LI	Pawnbroker's Licence	Western Australia Police	No online applications

Unique ID	Name of licence	Agency	Reason
BLR-678-LI	Second-Hand Dealer's Licence	Western Australia Police	No online applications
BLR-687-AP	Approval to Construct an Abattoir	Western Australian Meat Industry Authority	No online applications
BLR-688-AP	Approval to Operate an Abattoir	Western Australian Meat Industry Authority	No online applications
BLR-713-AP	Approval to be an Exempt or Self-Insurer	WorkCover Western Australia	No online applications
BLR-333-AT	Special Prospecting Authority (Onshore Petroleum and Geothermal)	Department of Mines, Industry Regulation and Safety	Payment by bank transfer or cheque
BLR-732-AP	Approval of Overpacks	Department of Mines, Industry Regulation and Safety	Payment by cheque/money order or cash in person
BLR-733-AP	Approval of Emergency Information	Department of Mines, Industry Regulation and Safety	Payment by cheque/money order or cash in person
BLR-735-AP	Approve Mutual Recognition of Correspondence, Determinations, Exemptions, etc.	Department of Mines, Industry Regulation and Safety	Payment by cheque/money order or cash in person
BLR-737-AP	Approval of Training Courses For Drivers	Department of Mines, Industry Regulation and Safety	Payment by cheque/money order or cash in person
BLR-685-PE	Temporary Firearms Permit	Western Australia Police	Payment by cheque or money order submitted by post
BLR-150-AP	Approval of Liquor Manager - Licensed Premises	Department of Local Government, Sport and Cultural Industries	Pay when lodge in person
BLR-203-AP	Approval of Packaging Designs	Department of Mines, Industry Regulation and Safety	Cheque, money order or in person
BLR-222-LI	Debt Collector's Licence	Department of Mines, Industry Regulation and Safety	Cheque, money order or in person
BLR-310-RG	Registration of a Co-operative	Department of Mines, Industry Regulation and Safety	Fees must be paid in person
BLR-408-LI	Bus/Charter Vehicle Driver Licence (F-Extension)	Department of Transport	Payment in person
BLR-435-LI	Taxi Driver Licence (T-Extension)	Department of Transport	Payment in person
BLR-428-RG	Off-Road Vehicle Registration	Department of Transport	Payment in person
BLR-308-RG	Registration as an Adjudicator	Department of Mines, Industry Regulation and Safety	Payment by cheque only
BLR-514-CR	Licensed Surveyor Practising Certificate	Land Surveyors Licensing Board of Western Australia	Cheque or money order only

Table 6. Licensing schemes with partial online processes (forms online but manual lodgement)

Unique ID	Name of licence	Agency
BLR-021-RG	Building Contractor Registration	Building Services Board
BLR-022-RG	Building Practitioner Registration	Building Services Board
BLR-023-RG	Building Surveying Practitioner Registration	Building Services Board
BLR-024-RG	Building Surveyor Contractor Registration	Building Services Board
BLR-035-LI	Commercial Operations Licence	Department of Biodiversity, Conservation and Attractions
BLR-084-RG	Registration of a Non-Government School	Department of Education
BLR-091-AT	Application for Authorisation: Cannabis-Based Product	Department of Health
BLR-092-AT	Application for Authorisation: Stimulant Medicines	Department of Health
BLR-093-AP	Approval of a Needle and Syringe Program	Department of Health
BLR-095-AP	Approval of Food Safety Auditors	Department of Health
BLR-102-AT	Authorised Prescriber (Cannabis-Based Products) Application	Department of Health
BLR-106-PE	Health Service Permit	Department of Health
BLR-110-LI	Indent Licence	Department of Health
BLR-111-PE	Industrial Permit	Department of Health
BLR-117-NT	Notification of a Case of Cancer	Department of Health
BLR-118-NT	Notification of a Development Anomaly	Department of Health
BLR-125-NT	Notification: Stimulant Induced Psychosis	Department of Health
BLR-128-PE	Permit to Construct, Alter or Extend an Aquatic Facility or Water Body	Department of Health
BLR-132-PE	Pharmaceutical Samples Permit	Department of Health
BLR-134-PE	Research or Education Permit	Department of Health
BLR-135-LI	Schedule 2 Retail Licence	Department of Health
BLR-136-LI	Schedule 7 Retail Licence	Department of Health
BLR-141-PE	Stockfeed Manufacturers Permit	Department of Health
BLR-142-LI	Tobacco Sellers Licence	Department of Health
BLR-143-PE	Veterinary Practice Permit	Department of Health
BLR-144-LI	Wholesaler's and Manufacturer's Licence	Department of Health
BLR-150-AP	Approval of Liquor Manager - Licensed Premises	Department of Local Government, Sport and Cultural Industries
BLR-156-LI	Bookmaker's Employee Licence	Department of Local Government, Sport and Cultural Industries
BLR-157-LI	Bookmaker's Licence	Department of Local Government, Sport and Cultural Industries
BLR-158-LI	Bookmaker's Manager Licence	Department of Local Government, Sport and Cultural Industries
BLR-165-LI	Club Licence	Department of Local Government, Sport and Cultural Industries
BLR-166-PE	Club Restricted Licence	Department of Local Government, Sport and Cultural Industries
BLR-168-PE	Continuing Lottery Permit	Department of Local Government, Sport and Cultural Industries
BLR-170-CR	Gaming Equipment Supplier	Department of Local Government, Sport and Cultural Industries

Unique ID	Name of licence	Agency
BLR-172-CR	Gaming Operator Certificate	Department of Local Government, Sport and Cultural Industries
BLR-194-PE	Two-Up Permit	Department of Local Government, Sport and Cultural Industries
BLR-200-AP	Approval as a Dangerous Goods Transport Provider	Department of Mines, Industry Regulation and Safety
BLR-203-AP	Approval of Packaging Designs	Department of Mines, Industry Regulation and Safety
BLR-207-AT	Authorised Mine Surveyor's Certificate of Competency	Department of Mines, Industry Regulation and Safety
BLR-211-RG	Car Market Operator Registration	Department of Mines, Industry Regulation and Safety
BLR-220-LI	Dangerous Goods Site Licence	Department of Mines, Industry Regulation and Safety
BLR-222-LI	Debt Collector's Licence	Department of Mines, Industry Regulation and Safety
BLR-228-LI	Employment Agent's Licence	Department of Mines, Industry Regulation and Safety
BLR-232-LI	Explosive Manufacture (MPU) Licence	Department of Mines, Industry Regulation and Safety
BLR-234-LI	Explosives Import/Export Licence	Department of Mines, Industry Regulation and Safety
BLR-237-LI	Explosives Transport Licence	Department of Mines, Industry Regulation and Safety
BLR-241-LI	Fireworks Contractor Licence	Department of Mines, Industry Regulation and Safety
BLR-243-LI	Fireworks Operator Licence	Department of Mines, Industry Regulation and Safety
BLR-245-AT	Gasfitting Authorisation	Department of Mines, Industry Regulation and Safety
BLR-246-PE	Gasfitting Permit	Department of Mines, Industry Regulation and Safety
BLR-254-LI	Land Valuer's Licence	Department of Mines, Industry Regulation and Safety
BLR-255-RG	Limited Partnerships Registration	Department of Mines, Industry Regulation and Safety
BLR-257-LI	Miner's Right (Onshore Minerals)	Department of Mines, Industry Regulation and Safety
BLR-261-LI	Motor Vehicle Dealer's Licence	Department of Mines, Industry Regulation and Safety
BLR-262-LI	Motor Vehicle Repair Business Licence	Department of Mines, Industry Regulation and Safety
BLR-263-CR	Motor Vehicle Repairer's Certificate	Department of Mines, Industry Regulation and Safety
BLR-264-LI	Motor Vehicle Salesperson's Licence	Department of Mines, Industry Regulation and Safety
BLR-265-LI	Motor Vehicle Yard Manager's Licence	Department of Mines, Industry Regulation and Safety
BLR-272-NT	Notification of Major Hazard Facility	Department of Mines, Industry Regulation and Safety

Unique ID	Name of licence	Agency
BLR-290-AP	Owner Builder Approval	Department of Mines, Industry Regulation and Safety
BLR-291-RG	Painting Contractor Registration	Department of Mines, Industry Regulation and Safety
BLR-293-RG	Painting Practitioner Registration	Department of Mines, Industry Regulation and Safety
BLR-304-LI	Real Estate and Business Agent Licence (Individual)	Department of Mines, Industry Regulation and Safety
BLR-307-RG	Registration as a Real Estate or Business Sales Representative	Department of Mines, Industry Regulation and Safety
BLR-308-RG	Registration as an Adjudicator	Department of Mines, Industry Regulation and Safety
BLR-309-RG	Registration for High Risk Work Licence (HRWL) Assessors	Department of Mines, Industry Regulation and Safety
BLR-310-RG	Registration of a Co-operative	Department of Mines, Industry Regulation and Safety
BLR-311-RG	Registration of a Limited Partnership	Department of Mines, Industry Regulation and Safety
BLR-312-RG	Registration of Plant Design	Department of Mines, Industry Regulation and Safety
BLR-313-RG	Registration or Re-Registration of Individual Plant Items	Department of Mines, Industry Regulation and Safety
BLR-322-LI	Security Sensitive Ammonium Nitrate Fertiliser Licence	Department of Mines, Industry Regulation and Safety
BLR-323-LI	Security Sensitive Ammonium Nitrate Import/Export Licence	Department of Mines, Industry Regulation and Safety
BLR-324-LI	Security Sensitive Ammonium Nitrate Manufacture Licence	Department of Mines, Industry Regulation and Safety
BLR-325-LI	Security Sensitive Ammonium Nitrate Storage Licence	Department of Mines, Industry Regulation and Safety
BLR-326-LI	Security Sensitive Ammonium Nitrate Supply Licence	Department of Mines, Industry Regulation and Safety
BLR-327-LI	Security Sensitive Ammonium Nitrate Transport Licence	Department of Mines, Industry Regulation and Safety
BLR-328-LI	Settlement Agent Licence	Department of Mines, Industry Regulation and Safety
BLR-726-CR	Provisional Motor Vehicle Repairer's Certificate	Department of Mines, Industry Regulation and Safety
BLR-728-CR	Retirement Villages Exemption Certificate	Department of Mines, Industry Regulation and Safety
BLR-729-LI	Explosives Manufacture Licence	Department of Mines, Industry Regulation and Safety
BLR-730-RG	Dangerous Goods Pipeline	Department of Mines, Industry Regulation and Safety
BLR-746-LI	Provisional Tradesperson's Licence (Drainage Plumbing)	Department of Mines, Industry Regulation and Safety
BLR-366-LI	Fish Processor's Licence	Department of Primary Industries and Regional Development
BLR-373-LI	Industrial Hemp Licence	Department of Primary Industries and Regional Development

Unique ID	Name of licence	Agency
BLR-378-NT	Notice of Intent to Drain or Pump Water	Department of Primary Industries and Regional Development
BLR-408-LI	Bus/Charter Vehicle Driver Licence (F-Extension)	Department of Transport
BLR-416-LI	Driving Instructor's Licence	Department of Transport
BLR-419-LI	Fuel Pipeline Licence	Department of Transport
BLR-421-LI	Jetty Licence	Department of Transport
BLR-425-CR	Marine Pilot Exemption Certificate	Department of Transport
BLR-426-LI	Marine Pilot Licence	Department of Transport
BLR-427-RG	Mooring Registration (Mooring Control Areas)	Department of Transport
BLR-428-RG	Off-Road Vehicle Registration	Department of Transport
BLR-435-LI	Taxi Driver Licence (T-Extension)	Department of Transport
BLR-481-LI	Private Boat Ramp or Jetty Licence	Department of Water and Environmental Regulation
BLR-500-LI	Electrical Contractor's Licence	Electrical Licensing Board
BLR-501-LI	Electrical Installation Licence	Electrical Licensing Board
BLR-502-LI	Electrical Workers Licence	Electrical Licensing Board
BLR-503-LI	Electrician's Licence	Electrical Licensing Board
BLR-504-LI	Electrician's Training Licence	Electrical Licensing Board
BLR-505-LI	Restricted Electrical Licence or Permit	Electrical Licensing Board
BLR-514-CR	Licensed Surveyor Practising Certificate	Land Surveyors Licensing Board of Western Australia
BLR-605-AP	Metropolitan Redevelopment Authority Development Approval	Metropolitan Redevelopment Authority
BLR-611-LI	Plumbing Contractors Licence	Plumbers Licensing Board
BLR-612-LI	Provisional Tradesperson's Licence	Plumbers Licensing Board
BLR-613-PE	Restricted Plumbing Permit	Plumbers Licensing Board
BLR-614-LI	Tradesperson's (Plumbing) Licence	Plumbers Licensing Board
BLR-615-LI	Tradesperson's Licence (Drainage Plumbing)	Plumbers Licensing Board
BLR-634-LI	Greyhound Breeding Licence	Racing and Wagering Western Australia
BLR-635-RG	Greyhound Racing Attendant Registration	Racing and Wagering Western Australia
BLR-636-LI	Horse and Greyhound Racing Personnel Licence	Racing and Wagering Western Australia
BLR-639-RG	Racing Colours Registration	Racing and Wagering Western Australia
BLR-640-RG	Register a Greyhound Racing Syndicate	Racing and Wagering Western Australia
BLR-641-RG	Register a Harness Racing Syndicate	Racing and Wagering Western Australia
BLR-642-RG	Register a Horse or Greyhound Lease	Racing and Wagering Western Australia
BLR-645-RG	Registration of Horses and Greyhounds	Racing and Wagering Western Australia
BLR-657-AP	Approval as a Veterinary Nurse	Veterinary Surgeons' Board
BLR-658-RG	Registration as a Specialist Veterinary Surgeon	Veterinary Surgeons' Board
BLR-659-RG	Registration as a Veterinary Surgeon	Veterinary Surgeons' Board
BLR-660-RG	Registration of Veterinary Premises	Veterinary Surgeons' Board
BLR-662-LI	Ammunition Collector's Licence	Western Australia Police
BLR-663-LI	Corporate Firearm Licence	Western Australia Police
BLR-664-LI	Crowd Control Agent Licence	Western Australia Police
BLR-665-LI	Crowd Controller Licence	Western Australia Police
BLR-667-LI	Firearm Collector's Licence	Western Australia Police

Unique ID	Name of licence	Agency
BLR-668-LI	Firearm Dealer's Licence	Western Australia Police
BLR-669-LI	Firearm Manufacturer's Licence	Western Australia Police
BLR-670-LI	Firearm Repairer's Licence	Western Australia Police
BLR-671-LI	Individual Firearm Licence	Western Australia Police
BLR-672-LI	Inquiry Agent Licence	Western Australia Police
BLR-673-LI	Investigator Licence	Western Australia Police
BLR-676-PE	Permit/Endorsement to Carry a Weapon (Security Officer)	Western Australia Police
BLR-679-LI	Security Agent Licence	Western Australia Police
BLR-680-LI	Security Bodyguard Licence	Western Australia Police
BLR-681-LI	Security Consultant Licence	Western Australia Police
BLR-682-LI	Security Installer Licence	Western Australia Police
BLR-683-LI	Security Officer Licence	Western Australia Police
BLR-691-AP	Approval for Lease or Grant Licence to Use or Occupy Land	Western Australian Planning Commission

Table 7. Licensing schemes where it is unclear from agency websites whether online applications can be made

Unique ID	Name of licence	Agency	Reason unclear
BLR-027-RG	Construction Industry Employer Registration - Long Service Leave	Construction Industry Long Service Leave Payments Board	Lodgement process unclear
BLR-028-RG	Registration as a Construction Worker - Long Service Leave	Construction Industry Long Service Leave Payments Board	Lodgement process unclear
BLR-062-LI	Private Mooring Licence	Department of Biodiversity, Conservation and Attractions	Lodgement process unclear
BLR-064-LI	Rental Mooring Licence	Department of Biodiversity, Conservation and Attractions	Lodgement process unclear
BLR-123-NT	Notification of Treatment (Cannabis-Based Product)	Department of Health	Lodgement process unclear
BLR-124-NT	Notification of Treatment (Stimulant Medicine)	Department of Health	Lodgement process unclear
BLR-151-AP	Approval to Conduct an Offshore Betting Operation	Department of Local Government, Sport and Cultural Industries	Lodgement process unclear
BLR-173-LI	Hotel Licence	Department of Local Government, Sport and Cultural Industries	Lodgement process unclear
BLR-174-LI	Hotel Restricted Licence	Department of Local Government, Sport and Cultural Industries	Lodgement process unclear
BLR-175-LI	Liquor Store Licence	Department of Local Government, Sport and Cultural Industries	Lodgement process unclear
BLR-176-LI	Nightclub Liquor Licence	Department of Local Government, Sport and Cultural Industries	Lodgement process unclear
BLR-181-LI	Producer's Licence	Department of Local Government, Sport and Cultural Industries	Lodgement process unclear

Unique ID	Name of licence	Agency	Reason unclear
BLR-185-LI	Restaurant Liquor Licence	Department of Local Government, Sport and Cultural Industries	Lodgement process unclear
BLR-186-LI	Small Bar Licence	Department of Local Government, Sport and Cultural Industries	Lodgement process unclear
BLR-187-LI	Special Facility Liquor Licence	Department of Local Government, Sport and Cultural Industries	Lodgement process unclear
BLR-191-LI	Tavern Licence	Department of Local Government, Sport and Cultural Industries	Lodgement process unclear
BLR-192-LI	Tavern Restricted Licence	Department of Local Government, Sport and Cultural Industries	Lodgement process unclear
BLR-195-PE	Video Lottery Terminal Permit	Department of Local Government, Sport and Cultural Industries	Lodgement process unclear
BLR-196-LI	Wholesaler's Liquor Licence	Department of Local Government, Sport and Cultural Industries	Lodgement process unclear
BLR-206-AT	Authorisation of an Explosive	Department of Mines, Industry Regulation and Safety	Website and form instructions for lodgement differ. Website indicates online lodgement only.
BLR-235-LI	Explosives Storage Licence	Department of Mines, Industry Regulation and Safety	Website and form instructions for lodgement differ. Website indicates online lodgement only.
BLR-236-LI	Explosives Supply Licence	Department of Mines, Industry Regulation and Safety	Website and form instructions for lodgement differ. Website indicates online lodgement only.
BLR-278-NT	Notification of Suspected Notifiable Incidents	Department of Mines, Industry Regulation and Safety	Web cache shows online information about this notification but page has been removed
BLR-282-PE	Offshore Exploration Permit	Department of Mines, Industry Regulation and Safety	Registration required to access Online Lodgement portal - unclear if form is available
BLR-332-AP	Special Berth Declaration	Department of Mines, Industry Regulation and Safety	Website and form instructions for lodgement differ. Website indicates online lodgement only.
BLR-417-LI	Extraordinary Licence	Department of Transport	Lodgement process unclear

Unique ID	Name of licence	Agency	Reason unclear
BLR-430-LI	Omnibus - Regular Passenger Transport (RPT) Licence	Department of Transport	Lodgement process unclear
BLR-433-AP	Taxi Camera Surveillance Unit Installer Approval	Department of Transport	Lodgement process unclear
BLR-475-PE	Permit (works relating to the taking of water in a proclaimed area where access is via road or Crown reserve)	Department of Water and Environmental Regulation	Permit guidelines and various application forms are online. Unclear which form relates to specific permit however.
BLR-476-PE	Permit (works relating to the taking of water in a proclaimed area)	Department of Water and Environmental Regulation	Permit guidelines and various application forms are online. Unclear which form relates to specific permit however.
BLR-477-PE	Permit (works relating to the taking of water in an unproclaimed area where access is via road or Crown reserve)	Department of Water and Environmental Regulation	Permit guidelines and various application forms are online. Unclear which form relates to specific permit however.
BLR-684-LI	Shooting Gallery Licence	Western Australia Police	Lodgement process unclear
BLR-696-AP	Perry Lakes Redevelopment Area Development Approval	Western Australian Planning Commission	Lodgement process unclear
BLR-697-AP	Approval to Operate as a Workers' Compensation Insurance Office	WorkCover Western Australia	Forms and guidelines for insurers are online but unclear whether they relate to this particular approval
BLR-710-PE	Monumental Works Permit	Metropolitan Cemeteries Board	Lodgement process unclear

APPENDIX F:

REGULATORY POLICY GOVERNANCE FRAMEWORKS IN AUSTRALIA

Table 8. Western Australia

Agencies and bodies	<ul style="list-style-type: none"> • Department of Treasury <ul style="list-style-type: none"> ➤ Better Regulation Unit: Assists agencies with the regulatory impact assessment program. ➤ Economic Policy Unit: Works with agencies to reduce red tape and advance regulatory reform. • Department of the Premier and Cabinet: Responsible for public sector reform, including the “Roadmap for Reform”. • Public Sector Commission: Publishes State of the Sector reports that describes the state of public sector administration and management, and provides guidance on public sector governance. • Legislation Committee: Considers the feasibility, clarity and technical competence of any bill referred by the Legislative Council. The Committee is prohibited from considering a bill’s policy unless the Legislative Council orders it to do so. • Delegated Legislation Committee: Checks that all new delegated legislation (e.g. regulations): <ul style="list-style-type: none"> ➤ is within power ➤ has no unintended effect on any person’s existing rights or interests ➤ provides an effective mechanism for the review of administrative decisions ➤ contains only matter that is appropriate for subsidiary legislation. • Uniform Legislation and Statutes Review Committee: <ul style="list-style-type: none"> ➤ Scrutinises: <ul style="list-style-type: none"> – Legislation that ratifies or gives effect to a bilateral or multilateral intergovernmental agreement or introduces a uniform scheme throughout Australia (uniform legislation). – Statutes (Repeals and Minor Amendments) bills to ensure the bills only include matters suitable for an omnibus bill. ➤ Reviews the form and content of the statute book. ➤ Considers and reports on any matter referred by the Legislative Council.
Regulation	<ul style="list-style-type: none"> • The regulatory impact assessment program applies to all proposals for new and amending regulation, and to policy proposals that may result in new or amending regulation. • The Public Sector Commission publishes Guidelines for the review of legislation which outlines the stages likely to be covered by most legislative reviews. • Getting Government Legislation Drafted and Enacted provides guidance on the process for drafting and enacting legislation. • 90-day regulatory mapping projects map current regulations on a sectoral basis.
Regulatory practice	<ul style="list-style-type: none"> • Streamline WA, announced by the Government on 6 December 2018, will develop principles for making and applying regulation, and prioritise areas of regulatory reform based on referrals and advice from the business community. • The ANZSOG/ National Regulators Community of Practice (WA Chapter) is an informal network of regulatory practitioners that share knowledge and experience, and help each other solve common problems. • The Department of Treasury’s Economic Policy Unit works with agencies to identify, quantify and reduce red tape, and advance regulatory and economic reform.

Framework reviews	<ul style="list-style-type: none"> • The Service Priority Review considered Western Australia’s regulatory framework, and recommended: <ul style="list-style-type: none"> ➤ Developing best practice principles for making and applying regulation that include evaluation of policy objectives, involvement of end users, and transparency of data and decisions. ➤ Redesigning the Regulatory Impact Assessment program from assessment of regulatory burden to consideration of policy options, of which regulation is one option. ➤ Developing a regulatory reform program for the whole of government that prioritises areas that have a significant impact on business, consumers and/or the community, and publishing a progress report annually. ➤ Making all heads of regulatory agencies responsible for regulation stewardship, including reducing regulatory overlap and duplication within and between agencies and between levels of government.
-------------------	--

Table 9. Commonwealth

Agencies and bodies	<ul style="list-style-type: none"> • Department of Jobs and Small Business: Responsible for the Government’s deregulation agenda (excluding regulatory impact assessment). • Department of the Prime Minister and Cabinet: Provides regulatory impact assessment guidance and training to agencies. • Portfolio Deregulation Units: Lead the implementation of the deregulation agenda for an entire portfolio, including for regulatory bodies in that portfolio. • Attorney-General’s Department: Provides advice on the <i>Legislation Act 2003</i> and the Act’s sunset mechanism, and maintains a list of instruments due to sunset. • Productivity Commission: Undertakes public inquiries, as requested by the Treasurer. Inquiries often focus on regulatory issues. • Senate Standing Committee for the Scrutiny of Bills: The Committee assesses bills, including whether they: <ul style="list-style-type: none"> ➤ inappropriately delegate legislative powers. ➤ insufficiently subject the exercise of legislative power to parliamentary scrutiny. • Senate Standing Committee on Regulations and Ordinances: The Committee assesses delegated legislation, including whether it contains matter more appropriate for parliamentary enactment.
Regulation	<ul style="list-style-type: none"> • The Australian Government Guide to Regulation sets out the Commonwealth’s regulatory impact assessment requirements. Further guidance can be found on the Department of the Prime Minister and Cabinet website. • The Office of Parliamentary Counsel publishes drafting directions on legislation presentation, form and content, and procedural matters, and resources on drafting legislative instruments, reducing complexity in legislation, and plain English drafting. • The Legislation Act 2003 automatically repeals all subsidiary legislative instruments after 10 years, unless instruments are exempted or action is taken to preserve them. The Attorney-General’s Department publishes the Guide to Managing Sunsetting of Legislative Instruments. • The Commonwealth has a regulatory impact assessment process to automatically repeal, or sunset, legislative instruments (see Regulatory Impact Assessment Guidelines for Sunsetting Legislative Instruments).

Regulatory practice	<p>The Australian Government's Deregulation Agenda consists of three frameworks:</p> <ul style="list-style-type: none"> • Regulatory Impact Analysis requirements. • A Regulatory Burden Measure. • A Regulator Performance Framework. <p>The Regulator Performance Framework comprises of:</p> <ul style="list-style-type: none"> • Six outcomes-based performance indicators: <ul style="list-style-type: none"> ➤ Regulators do not unnecessarily impede the efficient operation of regulated entities. ➤ Communication with regulated entities is clear, targeted and effective. ➤ Actions undertaken by regulators are proportionate to the risk being managed. ➤ Compliance and monitoring approaches are streamlined and coordinated. ➤ Regulators are open and transparent in their dealings with regulated entities. ➤ Regulators actively contribute to continuous improvement of regulatory frameworks. • Measures of good performance for regulators to assess their achievement of the KPIs. • A process for annual externally validated self-assessment against the framework. • A process for external reviews of regulators. • Public reporting of assessments. <p>Commonwealth regulators that administer, monitor or enforce regulation are required to implement the Framework. Regulators internal to departments that are publicly identifiable in their own right (e.g. Therapeutic Goods Administration), are required to apply the Framework.</p> <p>The Independent Review of the Australian Public Service is examining the capability, culture and operating model of the Australian Public Service. It will make recommendations in the following areas (among others):</p> <ul style="list-style-type: none"> • Delivery of high quality policy advice, regulatory oversight, programs and services • Tackling complex, multi-sectoral challenges in collaboration with the community, business and citizens • Improving citizens' experience of government and delivering fair outcomes for them • Acquiring and maintaining skills and expertise to fulfil its responsibilities.
Framework reviews	<p>An independent review into the operation of the <i>Public Governance, Performance and Accountability Act 2013</i> (Sep 2018) – recommended that duplicated performance reporting requirements – e.g. under the Regulator Performance Framework – should be reviewed and integrated to reduce the reporting burden.</p> <p>A Report on the Operation of the Sunsetting Provisions in the Legislation Act 2003 (Oct 2017) found:</p> <ul style="list-style-type: none"> • The sunseting framework has assisted government to keep the statute book up to date. • Most agencies considered that the framework had facilitated regular review of legislative instruments and the repeal of irrelevant and out-of-date legislative instruments. <p>The Committee recommended the 10-year sunseting period be maintained.</p>

Table 10. New South Wales

Agencies and bodies	<ul style="list-style-type: none"> • Treasurer: Responsible for regulatory policy. • Commissioner for Productivity: Leading the redesign of the regulatory policy framework. The Better Regulation Unit now sits within the Commission (it previously sat in the Department of Finance, Services and Innovation). • Independent Pricing and Regulatory Tribunal (IPART): Reviews and investigates economic and policy issues. • Legislation Review Committee: Reports any bill that, among other things: <ul style="list-style-type: none"> ➤ Inappropriately delegates legislative power. ➤ Does not sufficiently allow the Parliament to scrutinise legislative power. • The Committee also reviews and reports on any regulation that affects personal rights and liberties, or adversely affects the business community.
Regulation	<ul style="list-style-type: none"> • The Subordinate Legislation Act 1989 legislates the regulatory impact statement process for regulations. • The Commissioner for Productivity provides a Regulatory Impact Assessment checklist. • The NSW Guide to Better Regulation sets out: <ul style="list-style-type: none"> ➤ “Better Regulation Principles” that regulatory proposals must comply with. ➤ The requirements for better regulation statements, which inform decision-makers about the costs and benefits of regulatory proposals. <p>Although the guidelines state a better regulation statement is not required if an agency has completed a regulatory impact statement, there is no guidance on which is appropriate in what circumstances.</p> <ul style="list-style-type: none"> • The Commissioner for Productivity publishes recent statements. • The Legislation Review Act 1987 requires the Legislation Review Committee of the NSW Parliament to review bills and new or amending regulations. • The Parliamentary Counsel’s Office has published some drafting practice documents (e.g. Policy relating to Plain Language). • The Subordinate Legislation Act 1989 establishes a sunset regime, where regulations are repealed on the fifth anniversary of the date on which they were made.
Regulatory practice	<p>Quality Regulatory Services Initiative (QRS):</p> <ul style="list-style-type: none"> • A 2014 Premier’s Circular required regulators to implement an outcomes- and risk-based approach to regulation under the QRS initiative. The circular is due for review in July 2019. • The Guidance for regulators to implement outcomes and risk-based regulation sets out an outcomes and risk based regulation framework that consists of eight elements: defining regulatory outcomes; identifying risks; assessing risks; the ‘contribution story’; identifying measures; allocating resources; tailoring the enforcement response; and monitoring, reporting and continual improvement. • Under the framework there are five reforms to “make interactions with NSW regulators easier”: enable electronic transactions; provide clarity in processing timeframes; provide transparent appeal mechanisms; promote a risk based approach to compliance and enforcement; and require a greater focus on regulatory outcomes. • The Department of Finance, Services and Innovation has developed a QRS diagnostic tool that agencies can use to self-assess their performance.

Framework reviews	<p>IPART Special Review of Licence Rationale and Design: Between 2012 and 2014, IPART examined all licences in NSW to identify those where reform would produce the greatest reduction in regulatory burden for business and the community.</p> <p>An Audit Office of NSW report on Red Tape Reduction found:</p> <ul style="list-style-type: none"> • NSW’s 2011 to 2015 red tape reduction initiative was not effective. The initiative comprised a red tape reduction target of \$750 million by June 2015, and a ‘one-on, two off’ initiative for legislative instruments. • Red tape reduction targets resulted in some savings; however, reported red tape savings were inaccurate. • Despite meeting the legislative instrument reduction target, legislative complexity and regulatory burden increased during implementation of the ‘one-on, two-off’ initiative. • Without a regulation stocktake, the government did not know the impact of its regulations on businesses and individuals, or how effectively it had reduced this impact. • The government’s red tape reduction principles were not consistently applied to regulatory impact assessments. There was a lack of guidance to agencies and no central oversight of the assessment process to ensure all options were genuinely considered. <p>An Independent review of the NSW Regulatory Policy Framework found:</p> <ul style="list-style-type: none"> • The current regulatory policy framework lacks the accountability and oversight measures to ensure that regulatory agencies and regimes are working as intended. • The regulatory impact assessment process has become a ‘tick the box’ exercise. • The five-year sunset mechanism is resource-intensive and ineffective in ensuring regulation remains fit for purpose. • The review’s recommendations included: <ul style="list-style-type: none"> ➤ A new regulatory policy framework that creates regulatory stewardship obligations for agency heads, establishes a Productivity Commissioner and assigns responsibility for regulatory policy to a senior minister. ➤ Enhancing capability to use digital technology and data more effectively. ➤ Including regulatory policy framework training in the induction process for new Parliamentarians. ➤ Reforming the regulatory impact assessment process. ➤ Red tape reduction initiatives. ➤ Replacing the sunset regime with a ten-year statutory review process. <p>The Government’s response to the independent review in February 2018 assigned responsibility for regulatory policy to the Treasurer, and appointed a Commissioner for Productivity, who will consider the recommendations of the independent review, and “advise on the best way of implementing a new regulatory policy framework for NSW”.</p>
-------------------	---

Table 11: Victoria

Agencies	<ul style="list-style-type: none"> • Commissioner for Better Regulation/Red Tape Commissioner: <ul style="list-style-type: none"> ➤ Assesses the adequacy of regulatory impact statements and legislative impact assessments. ➤ Assists agencies with the design, application and administration of regulation. ➤ Identifies opportunities to reduce red tape burden. ➤ Undertakes stocktakes. ➤ Researches regulatory issues as requested by the Treasurer. ➤ Convenes the Regulators’ Forum. • Department of Treasury and Finance: Responsible for ‘reducing the regulatory burden’ policies and initiatives. • Scrutiny of Legislation Committee: Examines all bills introduced to Parliament, while the Regulation Review Subcommittee reviews regulations and legislative instruments. Neither comment on the policy aspects of legislation. Rather, they consider administrative law aspects of legislation, for example, whether a bill inappropriately delegates legislative power.
----------	---

Regulation	<ul style="list-style-type: none"> • The Subordinate Legislation Act 1994 legislates the regulatory impact statement process. Under the Act, the Minister can make guidelines that set out: <ul style="list-style-type: none"> ➤ Matters that should be included in acts versus regulations, or not legislated at all. ➤ Consultation requirements. ➤ Procedures to ensure objectives of regulations are clearly formulated. <p>The latest guidelines were gazetted on 28 August 2014.</p> <ul style="list-style-type: none"> • Regulatory Impact Statements are published on the Commissioner for Better Regulation website. • The Department of Treasury and Finance has published the following guidelines: <ul style="list-style-type: none"> ➤ Regulatory Change Measurement Manual: Provides guidance on how to estimate the reduction in cost to business and the community from regulatory reform. ➤ Victorian Guide to Regulation: Provides guidance on how to prepare impact assessments. ➤ Smart regulation: grappling with risk: Provides guidance on how to use risk-based systems to develop policy and to design, administer and enforce regulation. • The Office of the Chief Parliamentary Counsel has published Notes for Guidance on the Preparation of Statutory Rules including what is suitable for inclusion in statutory rules. • The Subordinate Legislation Act 1994 establishes a sunset regime where regulations are repealed on the tenth anniversary of the date on which they were made.
Regulatory practice	<p>Statement of Expectations for Regulators Framework:</p> <ul style="list-style-type: none"> • The Framework establishes “clear expectations of regulator performance and improvement between responsible Ministers and regulators”. It applies to all regulators. Statements of Expectations (SOE) are developed by the relevant department in conjunction with the regulator, and issued to the regulator by the responsible Minister for a two-year period. The Framework requires: <ul style="list-style-type: none"> ➤ Regulators to self-assess their performance against ‘elements of good regulatory practice’ to establish a ‘baseline’ that can be improved upon. ➤ The creation of ‘Good Regulatory Practice Plans’ that assist in the implementation, administration and enforcement of regulation – these plans include strategies for improving each element of good regulatory practice and measures for assessing improvement. ➤ Evaluation of a regulator’s performance to improve the design of its next SOE. • The mandatory elements of good regulatory practice are: timeliness; risk-based regulation; and compliance-related assistance and advice. Recommended elements include: incentive-based regulation; role clarity; cooperation amongst regulators; stakeholder consultation and engagement; accountability and transparency; and clear and consistent regulatory activities. • SOEs, and the regulator’s response to the Minister regarding the issued SOE, are published. Public reporting against performance targets in the SOE is also mandatory. <p>Businesses can submit red tape issues to the Red Tape Commissioner through an online form. The Red Tape Unit engages with businesses who have submitted forms to collect further information on their red tape issues.</p>
Framework reviews	<p>In May 2016, the Victorian Auditor-General’s Office report on Reducing the Burden of Red Tape found:</p> <ul style="list-style-type: none"> • Successive Victorian governments have claimed to have achieved targeted reductions in the regulatory burden. However, weaknesses in the assessment and evaluation of programs, and in the controls to prevent the creation of new red tape have undermined the effectiveness of red tape reduction programs. • The government needs to review the current approach to red tape reduction because it is likely providing diminishing returns, and future sustained reductions will more likely be achieved through broader structural regulatory reforms.

Table 12: Queensland

Agencies and bodies	<ul style="list-style-type: none"> • Office of Best Practice Regulation: Sits in the Productivity Commission and provides agencies with advice on the regulatory impact assessment process and policy development. • Public Service Commission: Coordinates the Capability Blueprint program. • Queensland Small Business Advisory Council: Chaired by the Minister for Employment and Small Business, membership includes small business owners and representatives across a variety of industries and regional and rural areas. The Council provides advice to its Chair on small business growth, sustainability and employment. The Council has established the Better Regulation Taskforce as a sub-committee. The Taskforce has assumed the work of the former Red Tape Reduction Advisory Council. • Portfolio Legislative Committees: Responsible for, among other things, examining bills within a portfolio to consider the policy to be enacted and whether the fundamental principles set out in the <i>Legislative Standards Act 1992</i> have been applied.
Regulation	<ul style="list-style-type: none"> • The Legislative Standards Act 1992 outlines fundamental legislative principles that bills and regulations should adhere to. The application of these principles to bills is assessed by the relevant Portfolio Legislative Committee. • The Queensland Government Guide to Better Regulation offers guidance on the Regulatory Impact Assessment process. • Completed Regulatory Impact Statements are published on the Productivity Commission’s website. • The Office of the Queensland Parliamentary Counsel has published Fundamental Legislative Principles, which includes a guideline on subordinate legislation. • The Queensland Government has also published guidelines for estimating the net benefits of regulatory reforms. • The Statutory Instruments Act 1992 provides for subordinate legislation to expire ten years after it is made.
Regulatory practice	<ul style="list-style-type: none"> • A recommendation of the 2016 Red Tape Reduction Advisory Council’s review was to “develop a regulatory performance framework based on regulatory best practice principles”. The 12-month progress report stated that: “Queensland Treasury is working with key stakeholders to develop a best practice model of regulation. The model will provide Government with improved advice on the impacts of regulation and will improve consultation with stakeholders. This will lead to a better regulatory environment and better economic outcomes.” The Department of Treasury’s 2017/18 annual report suggests the work is ongoing. • Between 2015/16 and 2019/20, Queensland government departments are required to develop Capability Blueprints. Each department analyses its own capability and develops a Capability Blueprint that identifies areas of organisational strength and opportunities for improvement. The framework consists of three capability areas – service delivery, leadership and strategy. The program “has been developed to focus attention on organisational capability to drive increased organisational performance.”

Framework reviews	<p>The Red Tape Reduction Advisory Council reported to government in 2016. It:</p> <ul style="list-style-type: none"> • Identified regulatory issues in three sectors: hospitality (cafés/restaurants), manufacturing (light metals) and agriculture (fruit growing). • Made the following recommendations to reduce “regulatory creep” and improve regulator engagement and regulatory processes: <ul style="list-style-type: none"> ➤ Develop a regulation model that promotes self-audits, particularly for low-risk activities, and streamlined record keeping and reporting to achieve regulatory objectives with a lower burden on small business. ➤ Tailor information requirements around data already collected by businesses and identify opportunities for regulatory agencies to share information to limit the requirements on small business. ➤ Implement a regulatory performance framework to monitor and provide an innovative approach to improving the performance of regulatory agencies. <p>In the Queensland Government’s Response and Action Plan the government accepted, or supported in principle, all of the Council’s recommendations.</p> <p>In 2017, the government asked the Productivity Commission to provide advice on three of the Council’s recommendations. The Productivity Commission’s 2017 report on Regulatory Advice: Red Tape Reduction Advisory Council Recommendations recommended:</p> <ul style="list-style-type: none"> • A model of regulation focused on risk and proportionality – starting with regulatory impact analysis through to the evaluation of the performance of regulators. • A regulatory performance framework consisting of departments self-assessing against key performance indicators and public reporting of these assessments. • Targeted training programs to improve capabilities within regulatory agencies. <p>The Government released six and 12-month progress reports in response to the Red Tape Reduction Advisory Council Report.</p>
-------------------	---

Table 13: South Australia

Agencies and bodies	<ul style="list-style-type: none"> • South Australian Productivity Commission: Examines matters referred to it by government that facilitate productivity growth, unlock new economic opportunities, support job creation and remove existing regulatory barriers. • Simpler Regulation Unit: Transferred to the Productivity Commission and coordinates the South Australian Regulators Reform Network and ‘Simplify Day’ in 2016 and 2017. • Office of the Commissioner for Public Sector Employment: Responsible for public sector reform. As part of its role, it manages Change@SouthAustralia, which brings together public sector leaders to create a culture of collaboration, continual improvement and positive change, to increase productivity and connection with the community. • Legislative Review Committee: Considers all regulations following their tabling in Parliament, and advises Parliament on whether regulations should be disallowed. It considers whether regulations, among other things: <ul style="list-style-type: none"> ➤ contain matters that should be dealt with in an act ➤ are unambiguous and drafted in a sufficiently clear and precise way ➤ are the best way to achieve the regulatory objective ➤ are likely to result in costs that outweigh the likely benefits, and whether the regulator has assessed this.
---------------------	---

Regulation	<ul style="list-style-type: none"> • The Better Regulation Handbook provides guidance on how to design and review regulation. It also establishes South Australia's regulatory impact assessment process. • The Simpler Regulation Unit website states that agencies follow COAG Principles of Best Regulation. • The Subordinate Legislation Act 1978 provides for regulation to expire after ten years. • Simplify Day – Red Tape Reduction and Regulatory Reform, held in August 2017, made use of the YourSAy consultation platform to hear about 'red tape' issues. This was followed by the Statutes Amendment and Repeal (Simplify No 2) Bill 2017. There was also a Simplify Day in 2016. • Businesses can submit red tape reduction feedback to the Simpler Regulation Unit through an online form.
Regulatory practice	<p>Initiatives under the Change@SouthAustralia program include:</p> <ul style="list-style-type: none"> • Public sector values: Developed in 2015 with input from over 600 public sector employees. • 90-day projects: Supports organisations to deliver projects that address complex problems. Projects can be from both inside and outside of government. Improving Apprentice Licensing was a 90-day project completed in 2016. • A Change management toolkit: Assists agencies to “lead sustainable and productive change”.
Framework reviews	N/A.

Table 14: Tasmania

Agencies and bodies	<ul style="list-style-type: none"> • Economic Reform Unit: Assists agencies to comply with the <i>Subordinate Legislation Act 1992</i> and the Legislation Impact Assessment Guidelines. In addition, the unit identifies opportunities for economic reform. • Office of the Coordinator-General: Responsible for “supporting small business in Tasmania through the deregulation of the business environment in order to boost productivity and reduce operating costs.” • Regulation Reduction Coordinator: Reports to the Coordinator-General. The Coordinator's functions (described in 2015 in the Tasmanian Government's submission to the Productivity Commission's review of barriers to business entries and exits in the Australian economy) include: <ul style="list-style-type: none"> ➤ Developing a framework to measure, monitor and report on red tape reduction. ➤ Consulting with business and industry to identify areas of greatest compliance burden, and develop a priority list to respond. ➤ Working with regulators to identify opportunities to reduce red tape. • Parliamentary Standing Committee on Subordinate Legislation: Examines every regulation, by-law and rule to determine whether it, among other things: <ul style="list-style-type: none"> ➤ Contains matters that should be dealt with by an act. ➤ Complies with the requirements of the <i>Subordinate Legislation Act 1992</i>.
---------------------	--

Regulation	<ul style="list-style-type: none"> • The Subordinate Legislation Act 1992 legislates the regulatory impact statement process for regulations. • The Treasurer has gazetted guidelines, in accordance with the <i>Subordinate Legislation Act 1992</i>, for the preparation of subordinate legislation that agencies must comply with. • The Office of Parliamentary Counsel has published a Manual for the Preparation of Bills and a Manual for the Preparation of Statutory Rules. • The Subordinate Legislation Act 1992 establishes a sunset regime, where regulations are repealed on the tenth anniversary of the date on which they were made.
Regulatory practice	<ul style="list-style-type: none"> • Businesses can submit red tape reduction feedback to the Office of the Coordinator-General (via email).
Framework reviews	<ul style="list-style-type: none"> • The Tasmanian Red Tape Audit Report 2017/18 provides an overview of red tape reduction initiatives completed between 2014 and 2018.

Table 15: Australian Capital Territory

Agencies and bodies	<ul style="list-style-type: none"> • Chief Minister of the Treasury and Economic Development Directorate: Responsible for the regulatory impact assessment process. • Regulatory Reform Team: Established in 2013 to “coordinate and facilitate regulatory reform across government”. • Standing Committee on Justice and Community Safety: Examines whether bills, among other things: <ul style="list-style-type: none"> ➤ Inappropriately delegate legislative powers. ➤ Insufficiently subject the exercise of legislative power to parliamentary scrutiny. <p>The Committee also examines whether subordinate legislation, among other things, contains matter which should be dealt with in an act.</p>
Regulation	<ul style="list-style-type: none"> • The Legislation Act 2001 legislates the regulatory impact assessment process for regulations. • The Parliamentary Counsel’s Office has published a Drafting Practice Guide. • The Regulatory Reform Team lists current regulatory reform initiatives on its website. • The government consults with the community on regulatory reform projects through the YourSay website. For example, consultation on the review of the Cemeteries and Crematoria Act 2003 closed in December 2018.
Regulatory practice	<p>The Open Government website provides the public with access to government information and processes, including Cabinet decisions, information that has been released through freedom of information requests and government data.</p> <p>A framework has been developed to improve community outcomes and enhance government accountability and performance (Strengthening Performance and Accountability: A Framework for the ACT Government). The “process” for achieving these objectives includes:</p> <ul style="list-style-type: none"> • Performance reporting. • Clear expression of government priorities, agency objectives, agency activities and performance indicators. • Flexible government priority-setting to balance long-term goals and the need to respond to emerging issues in the short term. • Close alignment between government direction and priority-setting, agency planning, and resource allocation. • Strong coordination of activity across government. • Well-informed planning and policy development. • Strong performance capability across government.
Framework reviews	<ul style="list-style-type: none"> • The ACT Government commenced a review of its regulatory impact assessment processes in 2012, and released an issues paper in 2013. It is unclear whether this review was completed.

Table 16: Northern Territory

Agencies and bodies	<ul style="list-style-type: none"> • Regulation Impact Committee: Responsible for reviewing the regulatory impacts and benefits of proposed regulation. It comprises officers from the Departments of Treasury and Finance; the Chief Minister; the Attorney-General and Justice; and Trade, Business and Innovation. • Regulation Impact Unit in the Department of Treasury and Finance: Is the contact for agencies preparing regulatory impact assessment documents, and provides administrative support to the Regulation Impact Committee.
Regulation	<ul style="list-style-type: none"> • The Regulation-Making Framework establishes a regulatory impact assessment process that applies to all regulatory proposals. The framework states that agencies should take the principles of best practice regulation agreed by COAG into account when developing regulations. The framework also establishes the Regulation Impact Committee.
Regulatory practice	<ul style="list-style-type: none"> • The Department of Treasury and Finance publishes a list of 'red tape reforms' on the 'Cutting Red Tape' webpage. The webpage provides an avenue for the public to submit ideas on reducing red tape. • An Open Data Portal has been established to improve government transparency. In 2020 the community will be able to access government data free of charge.
Framework reviews	N/A

APPENDIX G:

SUBMISSIONS ON SPECIFIC LICENSING SCHEMES

This list includes all licensing schemes raised by stakeholders in submissions, and broadly summarises the nature of the issue raised. Submissions are [available on the ERA website](#).

Licensing scheme	Submission	Nature of issue raised		
		Achieving outcome	Compliance and enforcement	Administrative efficiency
Assignable business licence	WA TAB Agents Association	√		
Builders and trades licences (general)	Construction, Forestry, Mining and Energy Union ⁴⁶⁴	√		
	Kemp, P. ⁴⁶⁵	√	√	√
	Shuttleworth, D. ⁴⁶⁶	√	√	
Building approvals	Happ, E. (1)			√
	Town of Port Hedland			√
	Western Australian Local Government Association ⁴⁶⁷			√
Caravan park licence ⁴⁶⁸	Town of Port Hedland			√
Electricians licences	Electrical Trades Union WA (2)	√		
	Master Electricians Australia	√		√
	National Electrical and Communications Association WA ⁴⁶⁹	√	√	√
Electricity generation licence	Synergy ⁴⁷⁰	√		
Electricity retail licence	Synergy	√		√
Employment agent licence	Community Public Sector Union and Civil Service Association	√	√	
	Construction, Forestry, Mining and Energy Union	√		
	Electrical Trades Union WA (2)	√		
Engineering services ⁴⁷¹	Anonymous-8	√		
	Engineers Australia	√		
	Marsh, B.	√		
	Neethling, W.	√		
	Westcott, J.	√		
Extractive industry licence	Jackson, K.			√

464 This submission calls for licensing of certain trades.

465 Mr. Kemp submitted to the online questionnaire and the draft report.

466 Mr. Shuttleworth submitted to the online questionnaire and the draft report. The draft report submission calls for licensing of certain trades and for more stringent licensing of some trades.

467 The Western Australian Local Government Association submitted to the consultation paper and the draft report.

468 This licence is administered by local governments.

469 The National Electrical and Communications Association WA submitted to the consultation paper and the draft report. In its submission to the consultation paper, the Association highlighted the benefits of the licensing scheme, rather than raising issues of concern. In its submission to the draft report, the Association provided information on problems with the licensing scheme.

470 Synergy submitted to the consultation paper and the draft report.

471 The submissions listed call for licensing of this profession.

Licensing scheme	Submission	Nature of issue raised		
Fire protection / safety practitioners ⁴⁷²	National Fire Industry Association Australia	√	√	
General purpose lease and licences for laydown areas and accommodation	Town of Port Hedland	√		
High risk work licences	Anonymous-5 ⁴⁷³	N/A	N/A	N/A
	Construction, Forestry, Mining and Energy Union	√		
Licence to impound and manage livestock ⁴⁷⁴	Town of Port Hedland			√
Licences needed to manage a port: <ul style="list-style-type: none"> • Environmental licensing under Part 5 of the <i>Environmental Protection Act 1986</i> • Security sensitive ammonium nitrate storage licensing • Application for special berth (non-explosive) declarations • Licences administered by the Department of Transport 	Pilbara Ports Authority			√
Licences needed to operate a business in the café, restaurant and catering industry	Restaurant and Catering Industry Association			√
Licences needed to operate a winery	Wines of WA			√
Liquor licensing	Anonymous-6			√
	Lenton Brae Wines	√		√
	Willow Bridge Estate			√
	Western Australian Local Government Association			√
Local planning schemes for home occupation/business ⁴⁷⁵	Town of Port Hedland	√		
Mining licences and approvals	Young, P.			√
Omnibus licence and drivers licence (F extension)	Timmins, T.			√

472 This submission called for licensing of this profession.

473 No specific issue raised.

474 This licence is administered by local governments.

475 This licence is administered by local governments.

Licensing scheme	Submission	Nature of issue raised		
Painters registrations ⁴⁷⁶	Anonymous-1	√		
	Anonymous-7	√	√	
	Fuller, J.W.	√		
	Mackie, S.	√	√	√
	Mackie, T.	√	√	
	Master Painters and Decorators Australia	√	√	√
	Williams, G.	√	√	
	Shuttleworth, D. ⁴⁷⁷	√		
Permit to promote tourism ventures on Crown land ⁴⁷⁸	Town of Port Hedland	√		
Permit to undertake works within a road reserve ⁴⁷⁹	Western Australian Local Government Association	√		
Planning and development approvals ⁴⁸⁰	Town of Port Hedland			√
	Western Australian Local Government Association			√
Plumbers licences	Master Plumbers and Gasfitters Association of WA	√		√
	Power, A.	√	√	
Prescribed premises licence under the <i>Environmental Protection Act 1986</i> (including works approvals)	Community Public Sector Union and Civil Service Association			√
	Waste Management Association of Australia		√	√
	Western Australian Local Government Association	√		√
	Synergy			√
Settlement agent licence	Anonymous (consultation paper)	√		
Temporary accommodation land use requirements ⁴⁸¹	Town of Port Hedland	√		
Temporary edge protection services ⁴⁸²	Anonymous (draft report)	√	√	
Water licences	Water Corporation			√
Wine and beer producer's licence	Anonymous-3	√		
	Anonymous-4 ⁴⁸³	√		
	Happ, E. (1)	√		√
Total number of times issue was raised		41	13	30

476 The submissions listed call for more stringent licensing of this profession.

477 This submission highlighted the benefits of the licensing scheme, rather than raising issues of concern.

478 This submissions called for licensing of this activity.

479 This licence is administered by local governments.

480 This licence is administered by local governments.

481 This licence is administered by local governments.

482 This submissions called for licensing of this profession.

483 This submission highlighted the benefits of the licensing scheme, rather than raising issues of concern.

APPENDIX H:

LIST OF STATE GOVERNMENT BUSINESS LICENSING SCHEMES

Introduction

The Treasurer asked the ERA to identify all state government business licences in Western Australia.

This list shows the business licences the ERA identified by reviewing Western Australian legislation and subsidiary legislation, the Small Business Development Corporation's Business Licence Finder and responses to a questionnaire the ERA provided to state government agencies about the business licences they administer. The list is current as of April 2018.

For tabling purposes, a list of all business licences is included in this appendix, but a more accessible version is [published in Excel on the ERA website](#).

It is an important record of the state's business licensing assets, and assists the government to better understand the current stock of business licensing schemes. The ERA recommends that the list continue to be updated by the licensing support unit.

What is considered a 'licence'?

For the purpose of developing this list, the ERA defined a 'licence' as a requirement from government that has all of the following characteristics:

- Notification – specified information is required to be supplied to a regulator.
- Approval – approval is obtained from a regulator to undertake a prescribed activity.
- Standards – a minimum level of standards is specified.
- Enforcement – requirements are legally enforceable and allow for the application of sanctions.

This definition is broad, and captures licences, registrations, notifications, authorisations, accreditations, permits, approvals and certifications.

What licences are covered?

The inquiry covered state government business licences. For the purpose of developing this list, the ERA defined a:

- 'business' licence as one needed to operate a business or to work in a particular profession
- 'state government' licence as one where the obligation to administer the licence comes from state government legislation.

Business licences where aspects of their administration are delegated to local government or national agencies are included in the list. Business licensing schemes created by Commonwealth legislation, local government laws or voluntary industry arrangements are not included in the list.

Description of tabs

Masterlist	A complete list of all licences identified by the ERA, verified by state government agencies in their questionnaire responses.
State agencies	Licences administered by state agencies.
National agencies	Licences administered by national agencies.
Local governments	Licences administered by local government.
List of licences added	Licences that agencies added to the list of licences.
List of licences deleted	Licences that agencies identified as not a licence, or a duplicate of an existing licence on the list.
Supplementary list of licences	A subset of licences that agencies identified as not a licence, but that the ERA considers fit the definition of a licence.

Description of categories

UniqueID	Unique identifier used by the ERA.
Type	The type of instrument, according to the legislation: licence, registration, notification, authorisation, accreditation, permit, approval, or certification.
State / Local / National	Level of government where administration of the licence takes place.
Name of licence	The name given to the licence in legislation and the Small Business Development Corporation's Business Licence Finder.
Agency	The agency that has final approval of the licence application. ⁴⁸⁴
Primary legislation (if applicable)	The primary legislation that gives effect to the licence. ⁴⁸⁵
Subsidiary legislation (if applicable)	The subsidiary legislation that gives effect to the licence and/or specifies the conditions and administration of the licence.
Industry classification	The industry or industries the licence is relevant to. ⁴⁸⁶

⁴⁸⁴ Multiple agencies can be involved in the policy, administration, and compliance and enforcement of a licence. Several agencies may also be involved in the approval process. The list of business licences seeks to identify the agency that is responsible for the final approval of a licence application.

⁴⁸⁵ In some cases the licence is required by subsidiary legislation and does not appear in the primary legislation (even if the subsidiary legislation is given effect by primary legislation). The distinction is important in the ERA's review as the process for changing primary and subsidiary legislation differs. Where the licence is required by subsidiary legislation in the first instance, the primary legislation is not listed.

⁴⁸⁶ Industry classifications were identified in agency responses to the ERA state government agency questionnaire. A fuller description of the ANZIC codes used is [available on the ABS website](#).

ERA stocktake of business licences - consolidated list

Uniquid	Type	State / Local / National	Name of licence	Agency	Primary legislation	Secondary legislation	A - Agriculture and Primary Industry	C - Mining Services	D - Recreational and Wellness Services	I - Trade Construction	Q - Retail Trade	Accommodation and Food Services (Wholesale)	Information and Communications Technology	K - Financial and Insurance Services	L - Transport and Motor Vehicle	M - Professional Services (Health, Safety and Environment)	N - Professional Services (Business Support, Technical)	O - Other Services	P - Arts and Entertainment Services
BL000139	License	State	Animal Care Licence	Department of Health and Family Services	Animals Act 2004	Animal Care Regulations 2006								X					
BL000140	Registration	National	Animal Quarantine Licence	Department of Health and Family Services	Animal Quarantine Act 1972	Animal Quarantine Regulations 1972									X				
BL000141	Registration	National	Animal Welfare Licence	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000142	Registration	National	Animal Welfare Licence (Non-Commercial)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000143	Registration	National	Animal Welfare Licence (Commercial)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000144	Registration	National	Animal Welfare Licence (Professional)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000145	Registration	National	Animal Welfare Licence (Specialist)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000146	Registration	National	Animal Welfare Licence (Specialist - Non-Commercial)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000147	Registration	National	Animal Welfare Licence (Specialist - Commercial)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000148	Registration	National	Animal Welfare Licence (Specialist - Professional)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000149	Registration	National	Animal Welfare Licence (Specialist - Non-Commercial - Specialised)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000150	Registration	National	Animal Welfare Licence (Specialist - Commercial - Specialised)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000151	Registration	National	Animal Welfare Licence (Specialist - Professional - Specialised)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000152	Registration	National	Animal Welfare Licence (Specialist - Non-Commercial - Specialised - General Practice)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000153	Registration	National	Animal Welfare Licence (Specialist - Commercial - Specialised - General Practice)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000154	Registration	National	Animal Welfare Licence (Specialist - Professional - Specialised - General Practice)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000155	Registration	National	Animal Welfare Licence (Specialist - Non-Commercial - Specialised - General Practice - Specialised)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000156	Registration	National	Animal Welfare Licence (Specialist - Commercial - Specialised - General Practice - Specialised)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000157	Registration	National	Animal Welfare Licence (Specialist - Professional - Specialised - General Practice - Specialised)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000158	Registration	National	Animal Welfare Licence (Specialist - Non-Commercial - Specialised - General Practice - Specialised - General Practice)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000159	Registration	National	Animal Welfare Licence (Specialist - Commercial - Specialised - General Practice - Specialised - General Practice)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000160	Registration	National	Animal Welfare Licence (Specialist - Professional - Specialised - General Practice - Specialised - General Practice)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000161	Registration	National	Animal Welfare Licence (Specialist - Non-Commercial - Specialised - General Practice - Specialised - General Practice - Specialised)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000162	Registration	National	Animal Welfare Licence (Specialist - Commercial - Specialised - General Practice - Specialised - General Practice - Specialised)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000163	Registration	National	Animal Welfare Licence (Specialist - Professional - Specialised - General Practice - Specialised - General Practice - Specialised)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000164	Registration	National	Animal Welfare Licence (Specialist - Non-Commercial - Specialised - General Practice - Specialised - General Practice - Specialised - General Practice)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000165	Registration	National	Animal Welfare Licence (Specialist - Commercial - Specialised - General Practice - Specialised - General Practice - Specialised - General Practice)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000166	Registration	National	Animal Welfare Licence (Specialist - Professional - Specialised - General Practice - Specialised - General Practice - Specialised - General Practice)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000167	Registration	National	Animal Welfare Licence (Specialist - Non-Commercial - Specialised - General Practice - Specialised - General Practice - Specialised - General Practice - Specialised)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000168	Registration	National	Animal Welfare Licence (Specialist - Commercial - Specialised - General Practice - Specialised - General Practice - Specialised - General Practice - Specialised)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000169	Registration	National	Animal Welfare Licence (Specialist - Professional - Specialised - General Practice - Specialised - General Practice - Specialised - General Practice - Specialised)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			
BL000170	Registration	National	Animal Welfare Licence (Specialist - Non-Commercial - Specialised - General Practice - Specialised - General Practice - Specialised - General Practice - Specialised - General Practice)	Department of Health and Family Services	Animal Welfare Act 2001	Animal Welfare Regulations 2001										X			

ERA stocktake of business licencs - consolidated list (continued)

Urgency	Type	Issue / Local relevance	Area of science	Agency	Primary legislation	Subsidiary legislation	A - Agreements and Funding	M - Money	M - Mandatory	P - Permits and Licences	E - Environmental and Planning	C - Construction	W - Wholesale	D - Retail	A - Accommodation	T - Transport	M - Media and Advertising	F - Financial Services	H - Health	S - Safety	R - Road	M - Maritime	A - Air	S - Space	C - Cultural	O - Other
RU 1522-1	License	Camping (Caravan)	Caravan (Caravan)	Department of Local Government, Sport and Communities	Caravan Act 1984	Caravan (Caravan) Regulations 1984																				
RU 1522-2	License	Camping (Camping)	Camping (Camping)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Camping) Regulations 1984																				
RU 1522-3	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-4	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-5	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-6	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-7	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-8	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-9	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-10	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-11	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-12	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-13	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-14	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-15	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-16	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-17	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-18	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-19	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-20	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-21	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-22	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-23	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-24	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-25	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-26	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-27	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-28	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-29	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				
RU 1522-30	License	Camping (Day Camp)	Camping (Day Camp)	Department of Local Government, Sport and Communities	Camping Act 1984	Camping (Day Camp) Regulations 1984																				

ERA stocktake of business licences - consolidated list (continued)

Uniqued	Type	Name / Local / National	Agency	Primary legislation	Industry legislation	A - Agriculture, Forestry and Hunting	B - Mining	C - Manufacturing	D - Electricity Services	E - Construction Work	F - Trade	G - Retail	H - Accommodation and Food Services	I - Transport, Information and Communications	J - Health and Welfare Services	K - Rental of Real Estate and Other Services	L - Administration and Support Services	M - Professional, Technical and Other Services	N - Arts and Recreation Services	
RU 132674	License	State of Western Australia (Swags) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132675	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132676	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132677	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132678	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132679	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132680	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132681	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132682	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132683	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132684	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132685	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132686	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132687	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132688	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132689	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132690	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132691	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132692	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132693	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132694	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132695	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132696	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132697	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132698	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132699	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															
RU 132700	License	Swags (Licence) License	Department of Planning, Lands and Heritage	Swags (Licence) Act 2007	Swags (Licence) Act 2007															

ERA stocktake of business licences (includes ONLY licences administered by state government agencies) (continued)

Scheme ID	Type	Name / Subsector	Name of licence	Agency	Primary legislation	Secondary legislation	A - Amenity, Power and Mining	Q - Electricity	E - Construction Work	F - Retail Trade	G - Accommodation and Food Services	H - Information and Communication	K - Insurance and Financial Services	L - Real Estate Services	M - Professional and Technical Services	N - Administration and Support Services	O - Public Administration and Safety	P - Health and Social Assistance	R - Arts and Recreation Services
BL1-000-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-001-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-002-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-003-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-004-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-005-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-006-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-007-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-008-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-009-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-010-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-011-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-012-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-013-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-014-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-015-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-016-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-017-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-018-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-019-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-020-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-021-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-022-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-023-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-024-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-025-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-026-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-027-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-028-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-029-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														
BL1-030-00-00-00	Approval	State	Member of the Queensland Authority Development Agreement	Member of the Queensland Authority	Member of the Queensland Authority Act 2013														

ERA stocktake of business licences (includes ONLY licences administered by national agencies)

UniqueID	Type	State / Local / National	Name of licence	Agency	Primary legislation	Subsidiary legislation
BLR-003-RG	Registration	National	Gas Facility Registration	Australian Energy Market Operator	Gas Services Information Act 2012	Gas Services Information Regulations 2012
BLR-004-RG	Registration	National	Gas Market Participant Registration	Australian Energy Market Operator	Gas Services Information Act 2012	Gas Services Information Regulations 2012
BLR-005-RG	Registration	National	Register as a Chinese Medicine Practitioner	Australian Health Practitioner Regulation Agency	Health Practitioner Regulation National Law (WA) Act 2010	
BLR-006-RG	Registration	National	Register as a Chiropractor in Australia	Australian Health Practitioner Regulation Agency	Health Practitioner Regulation National Law (WA) Act 2010	
BLR-007-RG	Registration	National	Register as a Dental Practitioner	Australian Health Practitioner Regulation Agency	Health Practitioner Regulation National Law (WA) Act 2010	
BLR-008-RG	Registration	National	Register as a Medical Practitioner	Australian Health Practitioner Regulation Agency	Health Practitioner Regulation National Law (WA) Act 2010	
BLR-009-RG	Registration	National	Register as a Medical Radiation Practitioner	Australian Health Practitioner Regulation Agency	Health Practitioner Regulation National Law (WA) Act 2010	
BLR-010-RG	Registration	National	Register as a Nurse or Midwife	Australian Health Practitioner Regulation Agency	Health Practitioner Regulation National Law (WA) Act 2010	
BLR-011-RG	Registration	National	Register as a Pharmacist	Australian Health Practitioner Regulation Agency	Health Practitioner Regulation National Law (WA) Act 2010	
BLR-012-RG	Registration	National	Register as a Physiotherapist	Australian Health Practitioner Regulation Agency	Health Practitioner Regulation National Law (WA) Act 2010	
BLR-013-RG	Registration	National	Register as a Radiation Therapist	Australian Health Practitioner Regulation Agency	Health Practitioner Regulation National Law (WA) Act 2010	
BLR-014-RG	Registration	National	Register as a Practitioner	Australian Health Practitioner Regulation Agency	Health Practitioner Regulation National Law (WA) Act 2010	
BLR-015-RG	Registration	National	Register as an Aboriginal or Torres Strait Islander Health Practitioner	Australian Health Practitioner Regulation Agency	Health Practitioner Regulation National Law (WA) Act 2010	
BLR-016-RG	Registration	National	Register as an Occupational Therapist	Australian Health Practitioner Regulation Agency	Health Practitioner Regulation National Law (WA) Act 2010	
BLR-017-RG	Registration	National	Register as an Optometrist	Australian Health Practitioner Regulation Agency	Health Practitioner Regulation National Law (WA) Act 2010	
BLR-018-RG	Registration	National	Register as an Osteopath	Australian Health Practitioner Regulation Agency	Health Practitioner Regulation National Law (WA) Act 2010	
BLR-019-LI	Licence	National	Credit Provider's Licence	Australian Securities and Investments Commission (ASIC)	Credit (Administration) Act 1984	
BLR-019-AC	Accreditation	National	Accreditation of Higher Education Courses	Tertiary Education Quality and Standards Agency	Tertiary Education Quality and Standards Agency Act 2011	
BLR-080-AT	Authorisation	National	Authorisation of a Non-University Institution	Tertiary Education Quality and Standards Agency	Tertiary Education Quality and Standards Agency Act 2011	
BLR-240-LI	Licence	National	Finance Broker Licence	Australian Securities and Investments Commission (ASIC)	Corporations Act 2001	
BLR-409-CR	Certification	National	Certificate of Competency - Commercial or Fishing Vessel Operation	Australian Maritime Safety Authority	Marine Safety (Domestic Commercial Vessel) National Law Act 2012	Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013
BLR-410-LI	Licence	National	Company Director Licence	Australian Securities and Investments Commission (ASIC)	Corporations Act 2001	
BLR-423-LI	Licence	National	License to Operate Commercial Hire and Drive Vessel Service	Australian Maritime Safety Authority	Marine Safety (Domestic Commercial Vessel) National Law Act 2012	Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013
BLR-445-AP	Approval	National	Approval of fittings, fixtures and pipes (water services) (WaterMark Certification)	Australian Building Code Board	Water Services Regulations 2013	Water Services Regulations 2013
BLR-511-AC	Accreditation	National	Accreditation of a GMO Organisation	Gene Technology Regulator	Gene Technology Act 2006	Gene Technology Regulations 2007
BLR-606-RG	Registration	National	Accreditation for Rail Transport Operator	Office of the National Rail Safety Regulator	Rail Safety National Law (WA) Act 2015	Rail Safety National Law (WA) Regulations 2015
BLR-607-RG	Registration	National	Registration of Rail Infrastructure manager of a Private Siding	Office of the National Rail Safety Regulator	Rail Safety National Law (WA) Act 2015	Rail Safety National Law (WA) Regulations 2015
BLR-625-AP	Approval	National	Approval of Scheme Limiting Occupational Liability	Professional Standards Council	Professional Standards Act 1997	Professional Standards Regulations 1998
BLR-721-AC	Accreditation	National	Notice of Accreditation	Public Transport Authority	Rail Safety National Law (WA) Act 2015	Rail Safety National Law (WA) Regulations 2015

ERA stocktake of business licences (includes ONLY licences administered by local governments)

UniqueID	Type	State / Local / National	Name of licence	Agency	Primary legislation	Subsidiary legislation
BLR-025-LI	Local	Local	Parking Bay Licence	City of Perth	Perth Parking Management Act 1969	Perth Parking Management Regulations 1969
BLR-208-CR	Local	Local	Building Approval Certificate	Local governments	Building Act 2011	Building Regulations 2012
BLR-209-CR	Local	Local	Building Approval Certificate Strata	Local governments	Building Act 2011	Building Regulations 2012
BLR-210-PE	Local	Local	Building Permit (certified and uncertified)	Local governments	Building Act 2011	Building Regulations 2012
BLR-212-CR	Local	Local	Certificate of building compliance	Local governments	Building Act 2011	Building Regulations 2012
BLR-213-CR	Local	Local	Certificate of construction compliance	Local governments	Building Act 2011	Building Regulations 2012
BLR-214-CR	Local	Local	Certificate of design compliance	Local governments	Building Act 2011	Building Regulations 2012
BLR-223-PE	Local	Local	Demolition Permit	Local governments	Building Act 2011	Building Regulations 2012
BLR-280-PE	Local	Local	Occupancy Permit Strata	Local governments	Building Act 2011	Building Regulations 2012
BLR-281-PE	Local	Local	Occupancy Permit Strata	Local governments	Building Act 2011	Building Regulations 2012
BLR-487-AP	Local	Local	Approval of development (Mandatory)	Development Assessment Panels	Planning and Development (Development Assessment Panels) Regulations 2009	Planning and Development (Development Assessment Panels) Regulations 2009
BLR-488-AP	Local	Local	Approval of development (Optional)	Development Assessment Panels	Planning and Development (Development Assessment Panels) Regulations 2009	Planning and Development (Development Assessment Panels) Regulations 2009
BLR-517-AP	Local	Local	Approval for camping on private or unapproved land	Local governments	Caravan Parks and Camping Grounds Act 1985	
BLR-518-AP	Local	Local	Approval for non-complying event	Local governments	Caravan Parks and Camping Grounds Act 1985	
BLR-519-AP	Local	Local	Approval for septic tank pump out and removal of liquid waste	Local governments	Environmental Protection Act 1986	
BLR-520-AP	Local	Local	Approval of a Noise Management Plan - Motor Sport Venue	Local governments	Environmental Protection Act 1986	Environmental Protection (Noise) Regulations 1997
BLR-521-AP	Local	Local	Approval of a Noise Management Plan - Shooting Venue	Local governments	Environmental Protection Act 1986	Environmental Protection (Noise) Regulations 1997
BLR-522-AP	Local	Local	Approval of a Noise Management Plan - Waste Collection (Class 1 and 2)	Local governments	Environmental Protection Act 1986	Environmental Protection (Noise) Regulations 1997
BLR-523-AP	Local	Local	Approval of a Noise Management Plan - Waste Collection (Class 1 and 2)	Local governments	Environmental Protection Act 1986	Environmental Protection (Noise) Regulations 1997
BLR-524-AP	Local	Local	Approval to breed cats	Local governments	Local Government Act 1995	
BLR-525-AP	Local	Local	Approval to conduct an event on local government property	Local governments	Local Government Act 1995	
BLR-526-AP	Local	Local	Approval to deposit commercial or industrial waste in a receptacle	Local governments	Health (Miscellaneous Provisions) Act 1911	
BLR-527-AP	Local	Local	Approval to erect a stable	Local governments	Health (Miscellaneous Provisions) Act 1911	
BLR-528-AP	Local	Local	Approval to erect a large animal	Local governments	Health (Miscellaneous Provisions) Act 1911	
BLR-529-AP	Local	Local	Approval to keep or sell rats	Local governments	Health (Miscellaneous Provisions) Act 1911	
BLR-530-AP	Local	Local	Approval to Operate a Hairdressing Premises	Local governments	Health (Miscellaneous Provisions) Act 1911	
BLR-531-AP	Local	Local	Approval to use containers other than a receptacle	Local governments	Health (Miscellaneous Provisions) Act 1911	
BLR-532-PE	Local	Local	Approval to remove rubbish from a verge, receptacle or premise	Local governments	Health (Miscellaneous Provisions) Act 1911	
BLR-533-PE	Local	Local	Approval to remove rubbish from a verge, receptacle or premise	Local governments	Health (Miscellaneous Provisions) Act 1911	
BLR-534-PE	Local	Local	Blasting in and Townsite Permit	Local governments	Dangerous Goods Safety Act 2004	Dangerous Goods Safety (Explosives) Regulations 2007
BLR-535-LI	Local	Local	Building Licence	Local governments	Local Government (Miscellaneous Provisions) Act 1960	
BLR-536-LI	Local	Local	Camping Ground Licence	Local governments	Caravan Parks and Camping Grounds Act 1985	Caravan Parks and Camping Grounds Regulations 1987
BLR-537-LI	Local	Local	Caravan Licence	Local governments	Caravan Parks and Camping Grounds Act 1985	Caravan Parks and Camping Grounds Regulations 1987
BLR-538-PE	Local	Local	Cat Management Facility Permit	Local governments	Health (Miscellaneous Provisions) Act 1911	Health Local Law
BLR-539-RG	Local	Local	Registration	Local governments	Health (Miscellaneous Provisions) Act 1911	
BLR-540-RG	Local	Local	Consent to Establish an offensive trade and registration of the premises	Local governments	Local Government (Miscellaneous Provisions) Act 1960	
BLR-541-LI	Local	Local	Demolition Licence	Local governments	Planning and Development Act 2005	
BLR-542-AP	Local	Local	Development Approval	Local governments	Local Government Act 1995	
BLR-543-PE	Local	Local	Right of Way Operator Permit	Local governments	Local Government Act 1995	
BLR-544-LI	Local	Local	Funeral Home Licence	Local governments	Cemeteries Act 1986	Cemeteries Local Law
BLR-545-PE	Local	Local	Funeral Home Licence	Local governments	Cemeteries Act 1986	
BLR-546-AP	Local	Local	Home Occupation Approval	Local governments	Planning and Development Act 2005	
BLR-547-LI	Local	Local	License of a supply authority to construct and maintain transmission works	Local governments	Electricity Act 1945	
BLR-548-LI	Local	Local	License to be approved kennel establishment	Local governments	Dog Act 1976	Dog Regulations 2013
BLR-549-LI	Local	Local	License to carry out monumental works	Local governments	Cemeteries Act 1986	
BLR-550-LI	Local	Local	License to remove waste from a waste facility	Local governments	Health (Miscellaneous Provisions) Act 1911	
BLR-551-AP	Local	Local	Licensed Liquor Premises Health Approval (s.39 Certificate)	Local governments	Liquor Control Act 1988	
BLR-552-AP	Local	Local	Licensed Liquor Premises Planning Approval (s.40 Certificate)	Local governments	Liquor Control Act 1988	
BLR-553-RG	Local	Local	Local Registration/Notification of a Food Business	Local governments	Food Act 2008	Food Regulations 2009
BLR-554-LI	Local	Local	Local Registration/Notification of a Food Business	Local governments	Food Act 2008	Food Regulations 2009
BLR-555-LI	Local	Local	Local Registration/Notification of a Food Business	Local governments	Food Act 2008	Food Regulations 2009
BLR-556-LI	Local	Local	Local Registration/Notification of a Food Business	Local governments	Food Act 2008	Food Regulations 2009
BLR-557-RG	Local	Local	Notification of a retail pet meat shop	Local governments	Health (Miscellaneous Provisions) Act 1911	Public Places and Local Government Property Local Law
BLR-558-RG	Local	Local	Notification of a Skin Penetration Premises	Local governments	Health (Miscellaneous Provisions) Act 1911	Public Places and Local Government Property Local Law
BLR-559-RG	Local	Local	Notification of animal food processing premises	Local governments	Health (Miscellaneous Provisions) Act 1911	Public Places and Local Government Property Local Law
BLR-560-PE	Local	Local	Obstruction Permit	Local governments	Food Act 2008	Food Regulations 2009
BLR-561-PE	Local	Local	Obstruction Permit	Local governments	Food Act 2008	Food Regulations 2009
BLR-562-PE	Local	Local	Permission to teach, coach or train for profit	Local governments	Local Government Act 1995	
BLR-563-PE	Local	Local	Permission to undertake commercial activities at an airport	Local governments	Local Government Act 1995	
BLR-564-PE	Local	Local	Permit to alter, obstruct or interfere in a street or public place	Local governments	Local Government Act 1995	
BLR-565-PE	Local	Local	Permit to alter, obstruct or interfere with a watercourse, drain, tunnel or bridge	Local governments	Local Government Act 1995	
BLR-566-PE	Local	Local	Permit to Discharge Fireworks	Local governments	Dangerous Goods Safety Act 2004	Dangerous Goods Safety (Explosives) Regulations 2007
BLR-567-PE	Local	Local	Permit to erect a building or infrastructure on local government property	Local governments	Local Government Act 1995	
BLR-568-PE	Local	Local	Permit to erect a public structure on local government property	Local governments	Local Government Act 1995	
BLR-569-PE	Local	Local	Permit to erect an electrified, barbed wire or razor wire fence	Local governments	Local Government Act 1995	
BLR-570-PE	Local	Local	Permit to erect or maintain a sign	Local governments	Local Government Act 1995	
BLR-571-PE	Local	Local	Permit to interfere with vegetation on local government property	Local governments	Local Government Act 1995	
BLR-572-PE	Local	Local	Permit to keep bees	Local governments	Health (Miscellaneous Provisions) Act 1911	Health Local Law
BLR-573-PE	Local	Local	Permit to Light a Fire or Burn Material	Local governments	Health (Miscellaneous Provisions) Act 1911	Health Local Law
BLR-574-PE	Local	Local	Permit to possess liquor in public place	Local governments	Liquor Control Act 1988	Liquor Control Regulations 1989
BLR-575-PE	Local	Local	Permit to undertake works on a thoroughfare	Local governments	Local Government Act 1995	
BLR-576-PE	Local	Local	Permit to use large animal on a thoroughfare	Local governments	Health (Miscellaneous Provisions) Act 1911	Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations
BLR-577-PE	Local	Local	Permit to use large animal on a thoroughfare	Local governments	Health (Miscellaneous Provisions) Act 1911	Health Local Law
BLR-578-PE	Local	Local	Permit to use premises as feedlot	Local governments	Health (Miscellaneous Provisions) Act 1911	Health (Public Buildings) Regulations 1992
BLR-579-CR	Local	Local	Public Building Certificate of Approval	Local governments	Health (Miscellaneous Provisions) Act 1911	

ERA stocktake of business licences (includes ONLY licences administered by local governments) (continued)

UniqueID	Type	State / Local / National	Name of licence	Agency	Primary legislation	Subsidiary legislation
BLR-580-RG	Registration	Local	Registration of a local food business	Local governments	Food Act 2008	
BLR-581-RG	Registration	Local	Registration of a Lodging house	Local governments	Health (Miscellaneous Provisions) Act 1911	
BLR-582-RG	Registration	Local	Registration of Analysts	Local governments	Health (Miscellaneous Provisions) Act 1911	
BLR-584-PE	Permit	Local	Single Funeral Permit	Local governments	Cemeteries Act 1986	Cemeteries Local Law
BLR-585-PE	Permit	Local	Street entertainer's permit	Local governments	Local Government Act 1995	
BLR-586-LI	Licence	Local	Street market licence	Local governments	Local Government Act 1995	Public Places and Local Government Property Local Law
BLR-587-PE	Permit	Local	Street trader's permit	Local governments	Local Government Act 1995	
BLR-588-PE	Permit	Local	Temporary Occupancy Permit for Incomplete Building	Local governments	Building Act 2011	Building Regulations 2012
BLR-589-RG	Registration	Local	Temporary Registration/Notification of a Food Business	Local governments	Food Act 2008	Food Regulations 2009
BLR-590-LI	Licence	Local	Transtit Park Licence	Local governments	Caravan Parks and Camping Grounds Act 1995	Caravan Parks and Camping Grounds Regulations 1997
BLR-591-AP	Approval	Local	Transport of butcher's waste approval	Local governments	Health (Miscellaneous Provisions) Act 1911	

ERA stocktake of business licences – licences deleted from the stocktake

UniqueID	Type	State / Local / National	Name of licence	Agency	Primary legislation	Subsidiary legislation
BLR-039-LI	Licence	State	Licence to Disturb or Remove a Natural Feature in an Environmental Reserve	Department of Biodiversity, Conservation and Attractions	Conservation and Land Management Act 1984	
BLR-059-LI	Licence	State	Mooring Licence in an Environmental Reserve	Department of Biodiversity, Conservation and Attractions	Conservation and Land Management Act 1984	
BLR-069-LI	Licence	State	Zoological Licences	Department of Biodiversity, Conservation and Attractions		Wildlife Conservation Regulations 1970
BLR-082-RG	Registration	State	Licence to use tangible property other than property relating to student residence	Department of Education	School Education Act 1999	
BLR-087-RG	Registration	State	Registration for Insurance Duty	Department of Finance	Insurance Act 2002	
BLR-088-RG	Registration	State	Fire Brigade Registration	Department of Fire and Emergency Services	Dikes Act 2008	
BLR-089-LI	Licence	State	Activity Licence	Department of Health	Public Health Act 1942	
BLR-097-AP	Approval	State	Approval of Non-Complying Temporary Toilets	Department of Health	Public Health Act 2016	Health (Temporary Sanitary Conveniences) Regulations 1997
BLR-145-AP	Approval	State	Approval of Organisations to Display Restricted and Classified Films at Events	Department of Justice	Health (Miscellaneous Provisions) Act 1911	Casino Control (Burswood Island) (Licensing of Employees) Regulations 1985
BLR-162-LI	Licence	State	Casino Licence	Department of Local Government, Sport and Cultural Industries	Classification (Publications, Films and Computer Games) Enforcement Act 1996	Casino Control Act 1984
BLR-177-NT	Notification	State	Notification of Commencement of Employment	Department of Local Government, Sport and Cultural Industries		Casino Control Act 1984
BLR-178-NT	Notification	State	Notification of Termination of Employment	Department of Local Government, Sport and Cultural Industries		Casino Control Act 1984
BLR-183-RG	Registration	State	Registration as a Combat Sport Industry Participant	Department of Local Government, Sport and Cultural Industries	Combat Sports Act 1967	Combat Sports Regulations 2004
BLR-189-CR	Certification	State	Report on gaming premises (s.55 Certificate)	Department of Local Government, Sport and Cultural Industries	Gaming and Wagering Commission Act 1987	
BLR-190-LI	Licence	State	Supplier's Licence	Department of Local Government, Sport and Cultural Industries	Gaming and Wagering Commission Act 1987	Gaming and Wagering Commission Regulations 1988
BLR-201-AP	Approval	State	Approval of an Electrical Appliance	Department of Mines, Industry Regulation and Safety	Electricity Act 1945	Electricity Regulations 1947
BLR-204-AP	Approval	State	Approval to Act as a Conclator	Department of Mines, Industry Regulation and Safety	Electricity Act 1945	Electricity (Licensing) Regulations 1991
BLR-251-LI	Licence	State	In-House Electrical Installing Work Licence	Department of Mines, Industry Regulation and Safety	Electricity Act 1945	Electricity (Licensing) Regulations 1991
BLR-252-CR	Certification	State	Inspector's certificate	Department of Mines, Industry Regulation and Safety	Electricity Act 1945	Electricity (Licensing) Regulations 1991
BLR-270-NT	Notification	State	Notification of changes to information in relation to licence	Department of Mines, Industry Regulation and Safety	Electricity Act 1945	Electricity (Licensing) Regulations 1991
BLR-294-RG	Registration	State	Painting Contractor Registration	Department of Mines, Industry Regulation and Safety	Building Services (Registration) Act 2011	Debt Collectors Licensing Regulations 1964
BLR-302-LI	Licence	State	Real Estate and Business Agent Licence (Body Corporate)	Department of Mines, Industry Regulation and Safety	Building Services (Registration) Act 2011	Building Services (Registration) Regulations 2011
BLR-306-RG	Registration	State	Real Estate and Business Agent Licence (Partnership)	Department of Mines, Industry Regulation and Safety	Building Services (Registration) Act 2011	Building Services (Registration) Regulations 2011
BLR-330-RG	Registration	State	Small filling station certificate	Department of Mines, Industry Regulation and Safety	Real Estate and Business Agents Act 1976	Real Estate and Business Agents (General) Regulations 1979
BLR-342-AP	Approval	State	Approval to Subdivide Land by Strata Title	Department of Mines, Industry Regulation and Safety	Real Estate and Business Agents Act 1976	Real Estate and Business Agents (General) Regulations 1979
BLR-346-RG	Registration	State	Registration etc. of some land dealings without Commission's approval	Department of Planning, Lands and Heritage	Retail Trading Hours Act 1987	Extended Trading Hours Regulations 1988
BLR-347-AP	Approval	State	Subdivision Approval	Department of Planning, Lands and Heritage	Strata Titles Act 1985	Strata Titles General Regulations 1996
BLR-357-LI	Licence	State	Area Licence	Department of Planning, Lands and Heritage	Planning and Development Act 2005	Planning and Development Regulations 2009
BLR-404-AP	Approval	State	Approval for Activities in Marine and Harbour Departmental Areas	Department of Primary Industries and Regional Development	Planning and Development Act 2005	Marketing of Potatoes Regulations 1987
BLR-474-NT	Notification	State	Approval of Taxi Driver Uniform	Department of Transport	Marketing of Potatoes Act 1946	Marine and Harbour (Departmental Areas) Regulations 1998
BLR-480-LI	Licence	State	Notification of Employment of Licensed Drivers	Department of Water and Environmental Regulation	Taxi Act 1994	Environmental Protection (Controlled Waste) Regulations 2004
BLR-487-LI	Licence	State	Drainage Services Licence	Economic Regulation Authority	Water Services Act 2012	Water Services Regulations 2013
BLR-512-CR	Certification	State	Stratification Licence	Economic Regulation Authority	Water Services Act 2012	Water Services Regulations 2013
BLR-515-RG	Registration	State	Approved Inspector Certificate	Heritage Council of Western Australia	Heritage of Western Australia Act 1980	Heritage of Western Australia Regulations 1981
BLR-583-AP	Approval	Local	Registration as a Licensed Land Surveyor	Local government	Licensed Surveyors Act 1909	
BLR-592-AC	Accreditation	State	Residential Codes Variation Approval	Land Surveys Licensing Board of Western Australia	Planning and Development Act 2005	
BLR-609-NT	Notification	State	Accredited Pilot	Main Roads Western Australia	Road Traffic Act 1974	Road Traffic Code 2000
BLR-610-NT	Notification	State	Notification of Major Plumbing Work	Plumbers Licensing Board	Planning and Development Act 2005	Plumbers Licensing and Plumbing Standards Regulations 2000
BLR-616-AT	Authorisation	State	Authorisation to Bunker a Vessel in a Port	Ports Authorities	Road Traffic Act 1974	Plumbers Licensing and Plumbing Standards Regulations 2000
BLR-619-AT	Authorisation	State	Authorisation to Conduct Activities in a Port	Ports Authorities	Port Authorities Act 1999	Plumbers Licensing and Plumbing Standards Regulations 2000
BLR-681-LI	Licence	State	Authorisation to Place Goods on Port Facility or Port Land	Ports Authorities	Port Authorities Act 1999	Port Authorities Regulations 2001
BLR-684-LI	Licence	State	Business Notification/Permit	Ports Authorities	Port Authorities Act 1999	Port Authorities Regulations 2001
BLR-674-CR	Certification	State	Business Notification/Permit	Western Australia Police	Security and Related Activities (Control) Act 1996	Port Authorities Regulations 2001
BLR-677-PE	Permit	State	National Police Certificate	Western Australia Police	Security and Related Activities (Control) Act 1996	Port Authorities Regulations 2001
BLR-701-LI	Licence	State	Permit for Public Meetings or Processions on Public Roads	Western Australia Police	Public Order in Streets Act 1984	Public Meetings and Processions Regulations 1984
BLR-709-LI	Licence	State	Individual Port Bulk Handling Services Licence	Port Authorities	Port Authorities Act 1999	Port Authorities Regulations 2001
BLR-709-LI	Licence	State	Individual Port Transport Services Licence	Port Authorities	Port Authorities Act 1999	Port Authorities Regulations 2001

ERA stocktake of business licences – supplementary list of licences

Uniquelid	Type	State / Local / National	Name of licence	Agency	Primary legislation	Subsidiary legislation
BLR-147-RG	Registration	State	Registration to sell restricted publications	Department of Justice	Classification (Publications, Films and Computer Games) Enforcement Act 1996	
BLR-149-AP	Approval	State	Approval of a Person in a Position of Authority (Liquor Licence)	Department of Local Government, Sport and Cultural Industries	Liquor Control Act 1988	Liquor Control Regulations 1989
BLR-152-AT	Authorisation	State	Authorisation to conduct internet betting on racing or sports events	Department of Local Government, Sport and Cultural Industries	Betting Control Act 1954	Betting Control Regulations 1978
BLR-153-AT	Authorisation	State	Authorisation to Conduct Telephone Betting on Racing or Sports Events	Department of Local Government, Sport and Cultural Industries	Betting Control Act 1954	Betting Control Regulations 1978
BLR-167-AP	Approval	State	Central Door Licence	Department of Local Government, Sport and Cultural Industries	Liquor Control Act 1988	Liquor Control Regulations 1989
BLR-169-PE	Permit	State	Extended Trading Approval	Department of Local Government, Sport and Cultural Industries	Liquor Control Act 1988	Liquor Control Regulations 1989
BLR-180-PE	Permit	State	Permit to Conduct a Designated Sporting Event	Department of Local Government, Sport and Cultural Industries	Betting Control Act 1954	Betting Control Regulations 1978
BLR-450-AP	Approval	State	Approval to Designate a Transit Zone for Temporary Storage of Controlled Weapons	Department of Water and Environmental Regulation	Environmental Protection Act 1986	
BLR-456-AP	Approval	State	Approval to Interfere with Water Infrastructure	Department of Water and Environmental Regulation	Water Services Act 2012	Water Services Regulations 2013
BLR-460-AP	Approval	State	Approval to Transfer Responsibility for Remediation of a Site	Department of Water and Environmental Regulation	Contaminated Sites Act 2003	Contaminated Sites Regulations 2006
BLR-593-AP	Approval	State	Approval to Construct, Form or Lay out Access to a Controlled Access Road	Main Roads Western Australia	Main Roads Act 1930	
BLR-594-AP	Approval	State	Approval to Erect a Commercial Advertising Sign on a Road or Highway	Main Roads Western Australia	Main Roads Act 1930	Main Roads (Control of Advertisements) Regulations 1996
BLR-595-AP	Approval	State	Approval to Move Livestock through a Controlled Access Road	Main Roads Western Australia	Main Roads Act 1930	
BLR-596-AP	Approval	State	Approval to Place Structures on Roads Subject to Control of Access	Main Roads Western Australia	Main Roads Act 1930	
BLR-628-AP	Approval	State	Approval to Erect or Maintain a Gate	Main Roads Western Australia	Main Roads Act 1930	
BLR-629-AP	Approval	State	Approval to Erect or Maintain a Gate Near a Level Crossing	Main Roads Western Australia	Main Roads Act 1930	Road Traffic (Events on Roads) Regulations 1991
BLR-629-CN	Consent	State	Consent to use Corridor Land	Public Transport Authority	Road Traffic (Events on Roads) Act 1994	
BLR-630-CN	Consent	State	Consent for Construction on Corridor Land	Public Transport Authority	Rail Freight System Act 2000	
BLR-647-AP	Approval	State	Consent to Cross Government Railway	Public Transport Authority	Rail Freight System Act 2000	
BLR-648-PE	Permit	State	Radiation Protection Programme (Transport) Approval	Public Transport Authority	Government Railways Act 1904	Radiation Safety (Transport of Radioactive Substances) Regulations 2002
BLR-686-LI	Licence	State	Radioactive Disposal Permit	Radiological Council	Radiation Safety Act 1975	Radiation Safety (General) Regulations 1983
		State	Temporary licence (security activities and agent services)	Western Australia Police	Security and Related Activities (Control) Act 1996	

APPENDIX I:

TERMS OF REFERENCE

On 30 November 2017, the Treasurer of Western Australia asked the Economic Regulation Authority (ERA) to undertake the following:

INQUIRY INTO REFORM OF BUSINESS LICENSING IN WESTERN AUSTRALIA

TERMS OF REFERENCE

I, BEN WYATT, Treasurer, pursuant to Section 32 (1) and Section 38 (1) (a) of the *Economic Regulation Authority Act 2003*, request that the Economic Regulation Authority (the ERA) undertake an inquiry into options to reduce the regulatory burden and other economic costs of State government business and occupational licences (business licences) in Western Australia.

In conducting this inquiry, the ERA will:

- identify all State government business licences in Western Australia;
- develop an analytical framework to help:
 - assess when licensing is the most efficient way of addressing identified problems and risks compared with other options;
 - assess whether the design elements of a licence are consistent with its purpose;
 - assess any other significant ways to improve the administration of licences;
- consider best practice design elements across licence types and in other jurisdictions;
- identify priority areas of reform for business licences in Western Australia and the impacts of the current licensing arrangements in those areas on all relevant stakeholders;
- assess high priority business licences against the analytical framework to determine whether individual licences are necessary, well-designed and well-administered;
- recommend reforms to specific business licences and licensing arrangements more generally that will produce net benefits for Western Australia;
- identify opportunities to improve the overall administration of business licences in Western Australia; and
- develop a guideline that Departments can use to self-assess against the framework.

In undertaking the inquiry and proposing changes, the ERA is to have regard to the approach, findings and recommendations of the NSW Independent Pricing and Regulatory Tribunal's 2014 report *Reforming licensing in NSW*.

The ERA will release an issues paper as soon as possible after receiving this terms of reference. The paper is to facilitate public consultation on the basis of invitations for initial written submissions from State government agencies, the business community and other relevant stakeholder groups, including the general community.

The ERA will release a draft report, including recommendations, for further targeted consultation.

The ERA will complete a final report, including recommendations, by 22 February 2019.

BIBLIOGRAPHY

References

- ACT Government, 'Open Access – Summaries of cabinet decisions', 2019, ([online](#)) [accessed 4 January 2019].
- Atkins, J., Stanley, I., and Roocke, N., 'Review of the Liquor Control Act 1988', report to the Minister for Racing and Gaming, Perth, 2014 ([online](#)).
- Atkins, J., Stanley, I., Roocke, N., *Liquor Control Act 1988: Report of the Independent Review Committee*, presented to the Minister for Racing and Gaming, December 2013.
- Australian Attorney-General's Department, *Guide to Managing Sunsetting of Legislative Instruments*, Government of Australia, 2016, ([online](#)).
- Australian Business Licence and Information Service, ([online](#)) [accessed 20 November 2018].
- Australian Communications Consumer Action Network, *Our impact this year: 2017 – 2018 Annual Report*, June 2018, ([online](#)).
- Australian Competition and Consumer Commission, 'Compliance & enforcement policy & priorities', ([online](#)) [accessed 8 January 2019].
- Australian Consumer Law, *Ministerial Council on Consumer Affairs Meeting Friday 15 August 2009*, Canberra, Government of Australia, 2009, ([online](#)).
- Australian Department of the Prime Minister and Cabinet, *Guidance Note: Sunsetting Legislative Instruments*, Government of Australia, 2016, ([online](#)).
- Australian Government Attorney-General's Department, *Review of the Operation of the Sunsetting Provisions in the Legislation Act 2003 Consultation Paper*, May 2017.
- Australian Government, Department of the Prime Minister and Cabinet, Office of Best Practice Regulation, *User guide to the Australian Government Guide to Regulation*, February 2016.
- Australian New Zealand School of Government, 'About the Community', 2018, ([online](#)) [accessed 12 September 2018].
- Australian Office of Parliamentary Counsel, 'Drafting Directions', September 2018 ([online](#)) [accessed 3 January 2019].
- Australian Office of Parliamentary Counsel, 'Training', ([online](#)), [accessed 3 January 2019].
- Australian Office of Parliamentary Counsel, *Instruments Handbook*, 2018.
- Australian Office of Parliamentary Counsel, *Plain English Manual*, 2013.
- Australian Office of Parliamentary Counsel, *Reducing Complexity in Legislation*, 2016.
- Ayto, J., 'Why Departments Need to be Regulatory Stewards', *Policy Quarterly*, vol. 10, no. 4, 2014.
- Baines, R., 'Tasmanian taxi drivers cry 'unfair' on Government's green light for Uber', *ABC News*, 14 September 2015, ([online](#)) [accessed 14 September 2018].
- Bills, K. and Agostini D., *Offshore Petroleum Safety Regulation: Varanus Island Incident Investigation*, report to the Minister for Mines and Petroleum, Perth, 2009, ([online](#)).
- Building Commission and Master Painters and Decorators, 'Survey of the Western Australian Painting and Decorating Industry', May 2015.
- Building Commission, 'Painters' News: Special edition – summary of painters' survey results', May 2014.
- Bureau of Industry Economics, *Business licences: International benchmarking*, Commonwealth of Australia, Canberra, 1996.
- Campbell, K., 'Gun laws to target WA's most dangerous criminals', *PerthNow*, 26 August 2018, ([online](#)) [accessed 12 September 2018].

- Commissioner for Better Regulation, *Victorian Guide to Regulation. Toolkit: Requirements and processes for making subordinate legislation*, 2016.
- Commonwealth of Australia Sunsetting Review Committee, *Report on the Operation of the Sunsetting Provisions in the Legislation Act 2003*, 2017.
- Commonwealth of Australia, *Regulator Performance Framework*, 2014.
- Community Development and Justice Standing Committee, *Near Enough Is Not Good Enough*, October 2018.
- Council of Australian Governments, *Competition Principles Agreement – 11 April 1995 (As amended to 13 April 2007)*, Canberra, 2007, ([online](#)).
- Council of Australian Governments, *Intergovernmental Agreement on Competition and Productivity – Enhancing Reforms*, Canberra, 2016, ([online](#)).
- Council of Australian Governments, *Maintaining consistency with the Australian Consumer Law: A guide to maintaining a harmonized and consistent approach when developing and reviewing legislation*, Canberra, 2013, ([online](#)).
- Council of Australian Governments, *National Partnership Agreement to Deliver a Seamless National Economy: Report card prepared by the COAG Business Advisory Forum Taskforce*, Canberra, Government of Australia, 2013, ([online](#)).
- Council of Australian Governments, *Seamless National Economy: Part 2*, Canberra, Government of Australia, 2011, ([online](#)).
- Cox, C., and Foster, S., *The Costs and Benefits of Occupational Regulation*, Federal Trade Commission, USA, 1990, ([online](#)).
- Cox, C., and Foster, S., *The State of Occupational Licensing: Assessing State Policy and Practice*, National Conference of State Legislatures, USA, 2017, ([online](#)).
- Davies, R, 'Uber loses appeal in UK employment rights case', *The Guardian*, 11 November 2017, ([online](#)) [accessed 17 October 2018].
- Deloitte Access Economics, *Economic effects of ridesharing in Australia*, 2016, ([online](#)).
- Department of Biodiversity Conservation and Attractions, *2017-18 Annual Report*, 2018.
- Department of Biodiversity, Conservation and Attractions, *Review of the Swan and Canning Rivers Management Act 2006*, Report to the Minister for Environment, 2018, ([online](#)).
- Department of Biodiversity, Conservation and Attractions, 'Licences and Authorities', Parks and Wildlife Service, ([online](#)) [accessed 23 January 2019].
- Department of Biodiversity, Conservation and Attractions, 'Welcome to Wildlife Licensing', ([online](#)) [accessed on 7 December 2018].
- Department of Commerce, *Consumer Protection Enforcement and Prosecution policy*, September 2011.
- Department of Commerce, *Prosecution Policy*, November 2008.
- Department of Commerce, *Statutory Review of Retail Trading Hours*, October 2015, ([online](#)).
- Department of Commerce, *WorkSafe's Enforcement Policy*, (undated).
- Department of Fisheries (former), *Status reports of the fisheries and aquatic resources of Western Australia 2016-17*, 2017, ([online](#)).
- Department of Health, 'Compliance and enforcement of food legislation in WA', ([online](#)) [accessed 7 December 2018].

- Department of Health, 'Part 14 Improvement notices and enforcement orders', ([online](#)) [accessed 8 December 2018].
- Department of Health, 'Public Health Act Handbook for Local Government', ([online](#)) [accessed 8 December 2018].
- Department of Health, *Annual Report 2017-18*, 2018.
- Department of Health, *Medicines and Poisons Regulations 2015 – Consultation Regulation Impact Statement*, 2015, ([online](#)).
- Department of Health, *Review of the Anatomy Act 1930: Position Paper*, 2014, available from the Department of Health.
- Department of Housing and Works, *Annual Report 2004-05*, 2005.
- Department of Local Government, Sport and Cultural Industries, 'Local Government Compliance Framework', ([online](#)) [accessed 23 January 2019].
- Department of Local Government, Sport and Cultural Industries, 'Local Government Act Review', 2018, ([online](#)) [accessed 17 October 2018].
- Department of Local Government, Sports and Cultural Industries, *Annual Report 2017-2018*, 2018.
- Department of Mines and Petroleum, *Annual Report 2016-17*, 2017, ([online](#)).
- Department of Mines and Petroleum, *Enforcement Policy*, 2015.
- Department of Mines and Petroleum, *Prosecution Guidelines*, 2015.
- Department of Mines, Industry Regulation and Safety, 'Electrical appliance approval marks', 2014, ([online](#)) [accessed 31 August 2018].
- Department of Mines, Industry Regulation and Safety, 'Licensed occupations', ([online](#)) [accessed 3 September 2018]
- Department of Mines, Industry Regulation and Safety, 'New Application – Real Estate and Business Sales Representative Registration', ([online](#)) [accessed 21 September 2018].
- Department of Mines, Industry Regulation and Safety, 'Quicklinks & forms', ([online](#)) [accessed 6 February 2019].
- Department of Mines, Industry Regulation and Safety, 'Renewal reminder notices', 2018, ([online](#)) [accessed 14 January 2019].
- Department of Mines, Industry Regulation and Safety, 'What's new for dangerous goods safety legislation?', 2014, ([online](#)) [accessed on 29 November 2018].
- Department of Mines, Industry Regulation and Safety, *Annual Report 2017-18*, 2018.
- Department of Mines, Industry Regulation and Safety, *Guideline for Mining Proposals in Western Australia*, 2016.
- Department of Mines, Industry Regulation and Safety, *Submission to Economics and Industry Standing Committee Inquiry into Western Australia's Smash Repair Industry*, 2018.
- Department of Primary Industries and Regional Development, *Annual Report 2017-18*, 2018.
- Department of Primary Industries and Regional Development, *Western Australian Fisheries Compliance Strategy*, 2018.
- Department of Primary Industry and Regional Development (Fisheries), 'State of the Fisheries report', 2018, ([online](#)) [accessed 4 October 2018].
- Department of the Premier and Cabinet (Service Priority Review), *Working Together: One Public Sector Delivering for WA* (Final Report), 2017.
- Department of the Premier and Cabinet (Service Priority Review), *Background Paper: Overview of the Budget Process*, 2017.
- Department of the Premier and Cabinet (Service Priority Review), *Background Paper: Engaging with the Community*, 2017.

- Department of the Premier and Cabinet (Service Priority Review), *Background Paper: Privacy and information sharing*, 2017.
- Department of the Premier and Cabinet, 'Premier's Circular 2009/06 – Regulatory Impact Assessment Guidelines for Western Australia', 24 November 2009, ([online](#)) [accessed on 31 August 2018].
- Department of the Premier and Cabinet, 'Public Sector Reforms', 2018, ([online](#)) [accessed 17 January 2019].
- Department of the Premier and Cabinet, *Cabinet Handbook*, 2017.
- Department of the Premier and Cabinet, *Public Sector Reform Unit: Overview of early initiatives*, 2018, ([online](#)).
- Department of Transport, 'About On-demand transport reform', 2018, ([online](#)) [accessed on 12 September 2018].
- Department of Transport, 'About the DoT – overview, role and structure', ([online](#)).
- Department of Transport, 'On-demand Transport publications by A-Z (On-demand Transport Industry Status Reports)', 2018, ([online](#)) [accessed 4 October 2018].
- Department of Transport, 'Outcome 2: Deliver safe vehicles and safe drivers', 2017, ([online](#)) [accessed 3 October 2018].
- Department of Transport, *Annual Report 2013-2014*, 2014.
- Department of Transport, *Annual Report 2016-17*, 2017.
- Department of Transport, *Annual Report 2017-18*, 2018.
- Department of Transport, *Enforcement and Prosecution Policy*, 2016.
- Department of Transport, *Executive Summary of On-demand Transport Green Paper Consultation Report*, 2015, ([online](#)).
- Department of Transport, *Taxi Industry Service Standards – Quarterly Report: April to June 2016*, 2016, ([online](#)).
- Department of Treasury, 'Archive of Regulatory Impact Documents', ([online](#)) [accessed 2 January 2019].
- Department of Treasury, 'Fact Sheets', ([online](#)) [accessed 23 January 2019].
- Department of Treasury, 'Making it easier to build a single residential dwelling', 2017, ([online](#)) [accessed 12 September 2018].
- Department of Treasury, 'Making it easier to start a restaurant', 2015, ([online](#)) [accessed 12 September 2018].
- Department of Treasury, 'Significance: what is significance?', ([online](#)) [accessed 24 January 2019].
- Department of Treasury, *Costing and Pricing Government Services*, 6th Edition, 2015, ([online](#)).
- Department of Treasury, *Regulatory Impact Assessment support*, ([online](#)) [accessed 13 September 2018].
- Department of Water (former), *Annual Report 2016-17*, 2017, ([online](#)).
- Department of Water (former), *Regulatory Impact Statement for Water Resources Management Reforms*, 2013 ([online](#)).
- Department of Water (former), *Securing Western Australia's water future*, Position paper – reforming water resource management, 2013, ([online](#)).
- Department of Water and Environmental Regulation, 'Index of Biodiversity Surveys for Assessments (IBSA)', 2018, ([online](#)) [accessed 17 September 2018].
- Department of Water and Environmental Regulation, *Annual Report 2017-18*, 2018.
- Department of Water and Environmental Regulation, *Regulatory Performance Report – Quarter 4 2017-18*, 2018, ([online](#)).
- Eddie, R., 'NSW Airbnb guests, hosts face two-strikes-and-you're-out ban', *The New Daily*, 15 August 2018, ([online](#)) [accessed 12 September 2018].
- Energy Consumers Australia, 'What we do', ([online](#)).
- Field, C., *Consumer Advocacy in Victoria, Research Paper No. 7*, paper prepared for Consumer Affairs Victoria, March 2006.

- Frontier Economics, *Case studies on best practice licensing frameworks: a report prepared for the Economic Regulation Authority of Western Australia*, July 2018, ([online](#)).
- Government of Australia Office of Best Practice Regulation, *Submission – Productivity Commission Draft Report Regulatory Impact Analysis: Benchmarking*, 2012.
- Government of Australia, *Australian Government Response to the Competition Policy Review*, Canberra, 2015, ([online](#)).
- Government of Canada, 'Policy on Regulatory Transparency and Accountability', 7 September 2018, ([online](#)) [accessed 24 January 2019].
- Government of Canada, *Cabinet Directive on Regulation*, 17 July 2018, ([online](#)) [accessed on 10 September 2018].
- Government of New South Wales, Department of Finance, Services and Innovation, 'Regulatory Impact Assessments', 2019, ([online](#)) [accessed 4 January 2019].
- Government of Western Australia, 'About this website', 2017, ([online](#)) [accessed 12 September 2018].
- Government of Western Australia, 'Premier's Circular 2010/01 – Statutes (Repeals and Minor Amendments) Bill', 11 February 2010, ([online](#)) [accessed 3 January 2019].
- Government of Western Australia, *Administrative Agreement between Department of Environment and Conservation and Department of Mines and Petroleum*, 2011, ([online](#)).
- Government of Western Australia, *Administrative Agreement between the Department of Mines and Petroleum and Department of Water*, 2015, ([online](#)).
- Government of Western Australia, *Government's response to the review of the Liquor Control Act 1988*, 2014, ([online](#)).
- Government of Western Australia, *Memorandum of Understanding for Collaborative Arrangements between the Office of the Environmental Protection Authority and the Department of Mines and Petroleum*, 2016, ([online](#)).
- Government of Western Australia, *Regulatory Impact Assessment Guidelines for Western Australia*, 2010, ([online](#)).
- Government of Western Australia, *Roadmap for Reform: Changing the way government works*, 2018, ([online](#)).
- Government of Western Australia, *State Budget 2018-19: Budget Paper No. 2, Vol. 1*, 2018, ([online](#)).
- Government of Western Australia, *Subsidiary legislation that have ceased to be in force*, 2018, ([online](#)).
- Government of Western Australia media statement, 18 September 2018, Regulations to protect the biodiversity of WA, ([online](#)) [accessed 18 September 2019].
- Government of Western Australia media statement, 23 August 2018, 'State moves to secure water future with reform of century-old laws', ([online](#)) [accessed on 10 October 2018].
- Government of Western Australia media statement, 6 December 2018, 'Streamline WA: Making it easier to do business in Western Australia', ([online](#)), [accessed 4 January 2019].
- Government of Western Australia media statement, 'New regulations to improve the safe use of combustible cladding', Media Statement, 6 October 2018, ([online](#)) [accessed on 6 October 2018].
- Greiner AC, Hon. N., McCluskey, S., and Stewart-Weeks, M., *NSW Regulatory Policy Framework Independent Review Final Report*, 2017.
- Grenfell Tower Inquiry, 'Terms of Reference', United Kingdom, 2017, ([online](#)) [accessed on 12 September 2018].
- Hackitt, J. DBE, *Independent Review of Building Regulations and Fire Safety: Final Report*, a report for the Ministry of Housing, Communities & Local Government, United Kingdom, 2018, ([online](#)).
- Harper, I., Anderson, P., McCluskey, S., and O'Bryan, M., *Competition Policy Review: Final Report*, Canberra, Government of Australia, 2015, ([online](#)).
- Hartley, A., 'Uber focuses on regional areas during nationwide rollout of services', *ABC News Far North*, 21 September 2017, ([online](#)) [accessed 21 September 2017].
- Her Majesty's Treasury, *The Magenta Book: Guidance for Evaluation*, London, Government of the United Kingdom, 2011, ([online](#)).

- Government of Western Australia media statement, 8 November 2017, 'New regulations to improve safety for electricians', ([online](#)) [accessed 21 January 2019].
- Government of Western Australia media statement, 28 November 2018, 'New Government Chief Information Officer to lead digital reform', ([online](#)) [accessed on 6 December 2018].
- Government of Western Australia media statement, 7 October 2018, 'Toppling furniture Bill to be introduced to Parliament', ([online](#)) [accessed on 7 October 2018].
- Hondros, N., 'Mental health check put forward in 2016 WA gun law inquiry', *WAtoday*, 15 May 2018, ([online](#)) [accessed on 19 September 2018].
- Industry Commission (now the Productivity Commission), *Regulation and its Review 1994/95*, Canberra, 1995, ([online](#)).
- Kleiner, M. M., *Reforming Occupational Licensing Policies: Discussion Paper 2015-01*, The Hamilton Project, USA, 2015, ([online](#)).
- Law Reform Commission of Western Australia, *Review of the Firearms Act 1973 (WA): Project 105 Final Report*, 2016, ([online](#)).
- Liss, J., 'Uber and Workers' Rights in the New Economy', *Open Society Foundations*, 2 July 2015, ([online](#)) [accessed 12 September 2018].
- Master Painters and Decorators, '2018 Industry Pulse Survey Results: Preliminary Findings', February 2018.
- McCullagh, G., *Review of the Dangerous Goods Safety Act 2004*, Report to the Minister for Mines and Petroleum, 2014, ([online](#)).
- Metropolitan Cemeteries Board, *Annual Report 2015-16*, 2016, ([online](#)).
- Metropolitan Cemeteries Board, *Annual Report 2016-17*, 2017, ([online](#)).
- Metropolitan Cemeteries Board, *Funeral Director Licence Code of Conduct*, ([online](#)).
- National Competition Council, *Assessment of governments' progress in implementing the National Competition Policy and related reforms: 2005*, Melbourne, Government of Australia, 2005, ([online](#)).
- National Competition Council, *Legislation Review and Reform*, Melbourne, Government of Australia, ([online](#)).
- National Transport Commission, *Rail Safety National Law Regulatory Impact Statement*, Melbourne, Government of Australia, 2011, ([online](#)).
- New South Wales Government, *Independent Review of the NSW Regulatory Policy Framework: Government Response*, February 2018.
- New Zealand Treasury, 'Regulatory Stewardship', Government of New Zealand, 2017, ([online](#)) [accessed on 18 September 2018].
- NOUS Group, *Review of the Consumer Challenge Panel*, independent report prepared for the Australian Energy Regulator, April 2016, ([online](#)).
- OECD, *Guiding Principles for Regulatory Quality and Performance*, 2005.
- OECD, *Recommendation of the Council on Regulatory Policy and Governance*, 2012.
- Office of the Auditor General Western Australia, 'Implementation of the GovNext-ICT program: Recommendations', 2018, ([online](#)) [accessed 12 September 2018].
- Office of the Auditor General Western Australia, *Implementation of the GovNext-ICT program*, 2018.
- Office of the Auditor General Western Australia, *Information Systems Audit Report*, Report 11, 2013, ([online](#)).
- Office of the Auditor General Western Australia, *Information Systems Audit Report: Navigate – Department of Racing, Gaming and Liquor*, Report 12, 2017, ([online](#)).
- Office of the Auditor General Western Australia, *Management of Pesticides in Western Australia*, Report 14, 2015, ([online](#)).
- Office of the Auditor General Western Australia, *Regulation of Builders and Building Surveyors*, Report 12, 2016, ([online](#)).

- Office of the Auditor General Western Australia, *Regulation of Real Estate and Settlement Agents*, Report 1, 2015, ([online](#)).
- Office of the Auditor General Western Australia, *Regulation of Training Organisations*, Report 11, 2015, ([online](#)).
- Office of the Environmental Protection Authority, *Annual Report 2016-17*, 2017, ([online](#)).
- Office of the Information Commissioner, 'The exemptions', 2019, ([online](#)), [accessed 31 January 2019].
- Parliament of Western Australia, 'Inquiry Details', *Inquiry into Short-Stay Accommodation*, 1 November 2018, ([online](#)), [accessed 14 January 2019].
- Parliament of Western Australia, Economics and Industry Standing Committee, *Western Australia's Smash Repair Industry: Structural Challenges*, 2018.
- Parliament of Western Australia, *Legislative Council Minutes of Proceedings No. 46*, 15 March 2018, ([online](#)).
- Parliament of Western Australia, Standing Committee on Uniform Legislation and Intergovernmental Agreements, Competition Policy: Consideration of the Implementation of a National Competition Policy, 1996, ([online](#)).
- Parliamentary Counsel's Office, *Getting Government Legislation Drafted and Enacted: Guidelines and Procedures*, 2018, ([online](#)).
- Premier's Circular 2015/07, '*Plan to Reinvigorate Regulatory Reform*', 2015.
- Productivity Commission, *Digital Disruption: What do governments need to do?*, Commission Research Paper, Canberra, 2016, ([online](#)).
- Productivity Commission, *Identifying and Evaluating Regulation Reforms*, Research Report, Canberra, 2011, ([online](#)).
- Productivity Commission, *National Water Reform*, Report no. 87, Canberra, 2017, ([online](#)).
- Productivity Commission, *Regulatory Impact Analysis: Benchmarking*, 2012.
- Public Sector Commission, 'Chief Executive Officer 2018/19 performance agreement'.
- Public Sector Commissioner Circular 1998/01, '*Legislation Review Program Under National Competition Policy*', 1998.
- Public Sector Commissioner Circular 2005/13, '*Legislation Review Requirements of National Competition Policy - Public Consultation*', 2005.
- Queensland Productivity Commission, 'Completed Regulatory Impact Statements', 2019, ([online](#)), [accessed 4 January 2019].
- Queensland Productivity Commission, 'QPC releases regulatory advice', 2017, ([online](#)), [accessed 22 January 2019].
- Quinlan SC, P., Heenan, E., and Govinnage, S., *Independent Legal and Governance Review into Policies and Guidelines for Environmental Impact Assessments under the Environmental Protection Act 1986 (WA)*, a report to the Environmental Protection Authority, 2016, ([online](#)).
- Racing, Gaming and Liquor, 'Liquor Control Amendment Act 2018 summary of amendments', *Liquor Control Act 1988*, 11 October 2018, ([online](#)), [accessed 14 January 2019].
- Reid, C., Maddocks Special Counsel, 'Don't let the sunset on your legislative instruments', October 2017, ([online](#)), [accessed 26 November 2018].
- Roberts, R., 'Beth Redbird on Licensing', *The Library of Economics and Liberty* [Podcast], 19 March 2018, ([online](#)), [accessed 12 September 2018].
- Roy Hill Holdings Pty Ltd, *How much is too much? Reducing the regulatory burden*, Submission to the Senate Select Committee on Red Tape's inquiry on Environmental Assessment and Approvals, Parliament of Australia, 2017, ([online](#)).
- Royal Commission on the Pike River Coal Mine Tragedy, *Volume 1*, New Zealand, 2012, ([online](#)).
- Scrutiny of Legislation Committee, Parliament of Queensland, *Review of Part 8 of the Statutory Instruments Act: Forms Authorised by Legislation* (June 2011).

- Senate Standing Committee on Economics, *Matters relating to the gas explosion at Varanus Island, Western Australia*, Canberra, Government of Australia, 2008, ([online](#)).
- Shergold, P. and Weir, B., *Building Confidence: Improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia*, 2018, ([online](#)).
- Small Business Development Corporation, 'Business Licence Finder', 2018, ([online](#)) [accessed on 12 September 2018].
- South Australia Government, 'YourSAy: Driver Training Consultation', ([online](#)), [accessed 21 January 2019].
- South Australia Government, 'YourSAy: Motorcycle Licence Recommendations for Improving Safety', ([online](#)), [accessed 21 January 2019].
- South Australian Department of the Premier and Cabinet, 'Community Engagement', (undated), ([online](#)), [accessed 16 November 2018].
- South Australian Government, 'Better Together Principles: Overview', ([online](#)), [accessed 21 January 2019].
- South Australian Government, 'YourSAy: Past Engagements', 7 January 2019, ([online](#)), [accessed 23 January 2019].
- Standing Committee on Uniform Legislation and Statutes Review, Parliament of Western Australia, *Inquiry into the Form and Content of the Statute Book*, November 2012.
- Travis, A., 'Grenfell Tower fire: was Tory austerity to blame or do problems date back to Blair?', *The Guardian*, 29 June 2017 ([online](#)), [accessed 4 October 2018].
- UK Department for Business Innovation and Skills, *Regulators' Code*, United Kingdom, 2014, ([online](#)).
- UK Department for Business, Innovation and Skills, 'Impact Assessment Toolkit: Sunset Clauses', 2009, ([online](#)), [accessed 17 January 2019].
- UK Department for Business, Innovation and Skills, *Better Regulation Framework Manual, Practical Guidance for UK Government Officials*, 2013.
- UK Department for Business, Innovation and Skills, *Sunsetting Regulations: Guidance*, 2011.
- Victorian Department of Treasury and Finance, *State of Expectations Framework for Regulators*, April 2018.
- Victorian Government, 'About Us', *Commissioner for Better Regulation*, 10 January 2019, ([online](#)), [accessed 17 January 2019].
- Water Corporation, 'Trade Waste', (undated), ([online](#)), [accessed on 1 February 2019].
- Western Australia Police Force, 'Your Safety: alcohol and the law', ([online](#)), [accessed on 5 February 2019].
- Western Australia Police Force, *Annual Report 2018*, 2018.
- Western Australia Police, 'Firearms', ([online](#)), [accessed 7 December 2018].
- Western Australia, *Second Reading*, Legislative Assembly, 17 November 2015, p. 8316g (Hon. Bill Marmion), ([online](#)).
- Western Australia, *Second Reading*, Legislative Assembly, 21 August 2014, p. 5747a (Mr. Paul Miles), ([online](#)).
- Western Australia, *Second Reading*, Legislative Assembly, 25 November 2015, p. 8905 (Mr Albert Jacob), ([online](#)).
- Western Australia, *Second Reading*, Legislative Council, 18 August 2015, p. 5388d (Hon. Colin Holt), ([online](#)).
- Williams, L., 'When Airbnb rentals turn into nuisance neighbours', *The Guardian*, 18 September 2016, ([online](#)), [accessed 12 September 2018].

Legislation

Anatomy Act 1930

Biodiversity Conservation Regulations 2018

Coastal Trading (Revitalising Australian Shipping) Act 2012

Consumer Protection Legislation Amendment Bill 2018

Corporations (Taxing) Act 1990
Corporations (Western Australia) Act 1990
Cremation Act 1929
Dangerous Goods Safety (Explosives) Regulations 2007
Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007
Dangerous Goods Safety (Road and Rail Transport of Non-Explosives) Regulations 2007
Dangerous Goods Safety (Security Sensitive Ammonium Nitrate) Regulations 2007
Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007
Electricity (Licensing) Regulations 1991
Environmental Protection Act 1986
Executors Act 1830 (Imp), Factors (1823) (Imp)
Factors (1825) (Imp)
Factors (1842) (Imp)
Firearms Regulations 1974
Freedom of Information Act 1992
Health Practitioner Regulation National Law (WA) Act 2010
Housing Societies Repeal Act 2005
Imperial Acts Adopting Act 1836
Imperial Acts Adopting Act 1844
Infants' Property Act 1830 (Imp)
Interpretation Act 1984
Judgments Act 1839 (Imp)
Judgments Act 1855 (Imp)
Legislation Act 2001 (ACT)
Legislation Act 2003 (Cth)
Legislation Review Act 1987 (NSW)
Legislation Standards Act 1992 (Qld)
Legislative and Regulatory Reform Act 2006 (United Kingdom)
Licensing and Other Authorisations Amendment Bill 2016
Licensing Provisions Amendment Act 2016
Local Government Act 1995
Mercantile Law Amendment Act 1856 (Imp)
Morawa-Koolanooka Hills Railway Act 1964
Pawnbrokers and Secondhand Dealers Act 1994
Prescription Act 1832 (Imp)
Public Health Act 2016
Public Health Bill 2014
State Sector Act 1988 (NZ)

Statutes (Repeals and Minor Amendments) Bill 2013
 Statutes (Repeals) Bill 2013
 Statutes (Repeals) Bill 2013, Obsolete Legislation Repeal Bill 2015
 Statutes (Repeals) Bill 2016 and Statutes (Minor Amendments) Bill 2017
Statutory Instruments Act 1992 (Qld)
Subordinate Legislation Act 1978 (SA)
Subordinate Legislation Act 1989 (NSW)
Subordinate Legislation Act 1992 (Tas)
Subordinate Legislation Act 1994 (Vic)
Transport (Road Passenger Services) Act 2018
 Transport (Road Passenger Services) Bill 2018
Transport Co-ordination Act 1996
West Australian Trustees Limited (Merger) Act 1989
Wildlife Conservation Act 1950

Submissions

Online questionnaire

Anonymous (3), *Response to Business Licensing Reform inquiry online questionnaire*, April 2018.
 Anonymous (4), *Response to Business Licensing Reform inquiry online questionnaire*, April 2018.
 Anonymous (6), *Response to Business Licensing Reform inquiry online questionnaire*, April 2018.
 Anonymous (7), *Response to Business Licensing Reform inquiry online questionnaire*, April 2018.
 Anonymous (8), *Response to Business Licensing Reform inquiry online questionnaire*, April 2018.
 Kemp, P., *Response to Business Licensing Reform inquiry online questionnaire*, April 2018.
 Mackie, S., *Response to Business Licensing Reform inquiry online questionnaire*, April 2018.
 Mackie, T., *Response to Business Licensing Reform inquiry online questionnaire*, April 2018.
 Marsh, B., *Response to Business Licensing Reform inquiry online questionnaire*, April 2018.
 Master Painters and Decorators Australia, *Response to Business Licensing Reform inquiry online questionnaire*, April 2018.
 Neethling, W., *Response to Business Licensing Reform inquiry online questionnaire*, April 2018.
 Power, A., *Response to Business Licensing Reform inquiry online questionnaire*, April 2018.
 Shuttleworth, D., *Response to Business Licensing Reform inquiry online questionnaire*, April 2018.
 Westcott, J., *Response to Business Licensing Reform inquiry online questionnaire*, April 2018.
 Western Australian Local Government Association, *Submission to Business Licensing Reform inquiry consultation paper*, April 2018.
 Williams, G., *Response to Business Licensing Reform inquiry online questionnaire*, April 2018.
 Wines of Western Australia, *Response to Business Licensing Reform inquiry online questionnaire*, April 2018.
 Young, P., *Response to Business Licensing Reform inquiry online questionnaire*, April 2018.

Submissions to consultation papers

- Anonymous, *Submission to Business Licensing Reform inquiry consultation paper*, April 2018.
- Chamber of Commerce and Industry Western Australia, *Submission to Business Licensing Reform inquiry consultation paper*, April 2018.
- Community and Public Sector Union and Civil Service Association, *Submission to Business Licensing Reform inquiry consultation paper*, April 2018.
- Construction, Forestry, Mining and Energy Union, *Submission to Business Licensing Reform inquiry consultation paper*, April 2018.
- Electrical Trades Union WA (ETU), *Submission 1 to Business Licensing Reform inquiry consultation paper*, April 2018.
- Electrical Trades Union WA, *Submission 2 to Business Licensing Reform inquiry consultation paper*, April 2018.
- Engineers Australia, *Submission to Business Licensing Reform inquiry consultation paper*, April 2018.
- Happ, E., *Submission 1 to Business Licensing Reform inquiry consultation paper*, April 2018.
- Master Electricians Australia, *Submission to Business Licensing Reform inquiry consultation paper*, April 2018.
- Master Plumbers and Gasfitters Association of WA, *Submission to Business Licensing Reform inquiry consultation paper*, April 2018.
- National Electrical and Communications Association, *Submission to Business Licensing Reform inquiry consultation paper*, April 2018.
- Pilbara Ports Authority, *Submission to Business Licensing Reform inquiry consultation paper*, April 2018.
- Restaurant and Catering Industry Association, *Submission to Business Licensing Reform inquiry consultation paper*, April 2018.
- Small Business Development Corporation, *Submission to Business Licensing Reform inquiry consultation paper*, April 2018.
- Synergy, *Submission to Business Licensing Reform inquiry consultation paper*, April 2018.
- Town of Port Hedland, *Submission to Business Licensing Reform inquiry consultation paper*, April 2018.
- WA TAB Agents Association of Australia, *Submission to Business Licensing Reform inquiry consultation paper*, April 2018.
- Waste Management Association of Australia, *Submission to Business Licensing Reform inquiry consultation paper*, April 2018.
- Western Australian Local Government Association, *Submission to Business Licensing Reform inquiry consultation paper*, April 2018.

Submissions to draft report

- Anonymous, *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- Australian Energy Market Operator WA, *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- Chamber of Commerce and Industry of Western Australia, *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- Cobb, B., *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- Department Mines, Industry Regulation and Safety, *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- Department of Biodiversity, Conservation and Attractions, *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- Department of Fire and Emergency Services, *Submission to Business Licensing Reform inquiry draft report*, December 2018.

- Department of Health, *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- Department of Training and Workforce Development, *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- Department of Transport, *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- Department of Water and Environmental Regulation, *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- Electrical Licensing Board, *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- Kemp, P., *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- Lenton Brae Wines, *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- Metropolitan Cemeteries Board, *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- National Electrical and Communications Association of WA, *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- National Fire Industry Association, *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- Pharmacy Guild of Australia WA, *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- Racing and Wagering WA, *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- Shuttleworth, D., *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- Synergy, *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- Teacher's Registration Board WA, *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- Training Accreditation Council WA, *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- Water Corporation, *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- Western Australia Police Force, *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- Western Australian Council of Social Service, *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- Western Australian Local Government Association, *Submission to Business Licensing Reform inquiry draft report*, December 2018.
- Willow Bridge Estate, *Submission to Business Licensing Reform inquiry draft report*, December 2018.



Economic Regulation Authority
WESTERN AUSTRALIA

Level 4, Albert Facey House, 469–489 Wellington St, Perth WA 6000
PO Box 8469, Perth BC WA 6849

www.erawa.com.au | info@erawa.com.au | 08 6557 7900