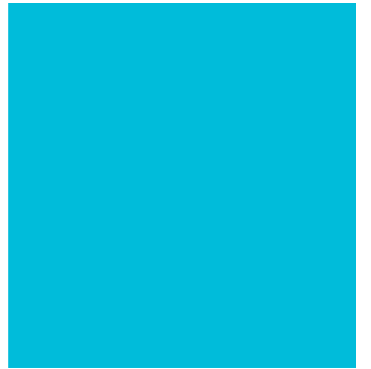
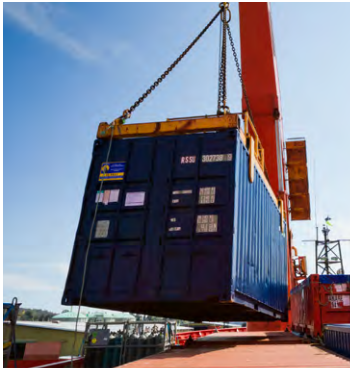
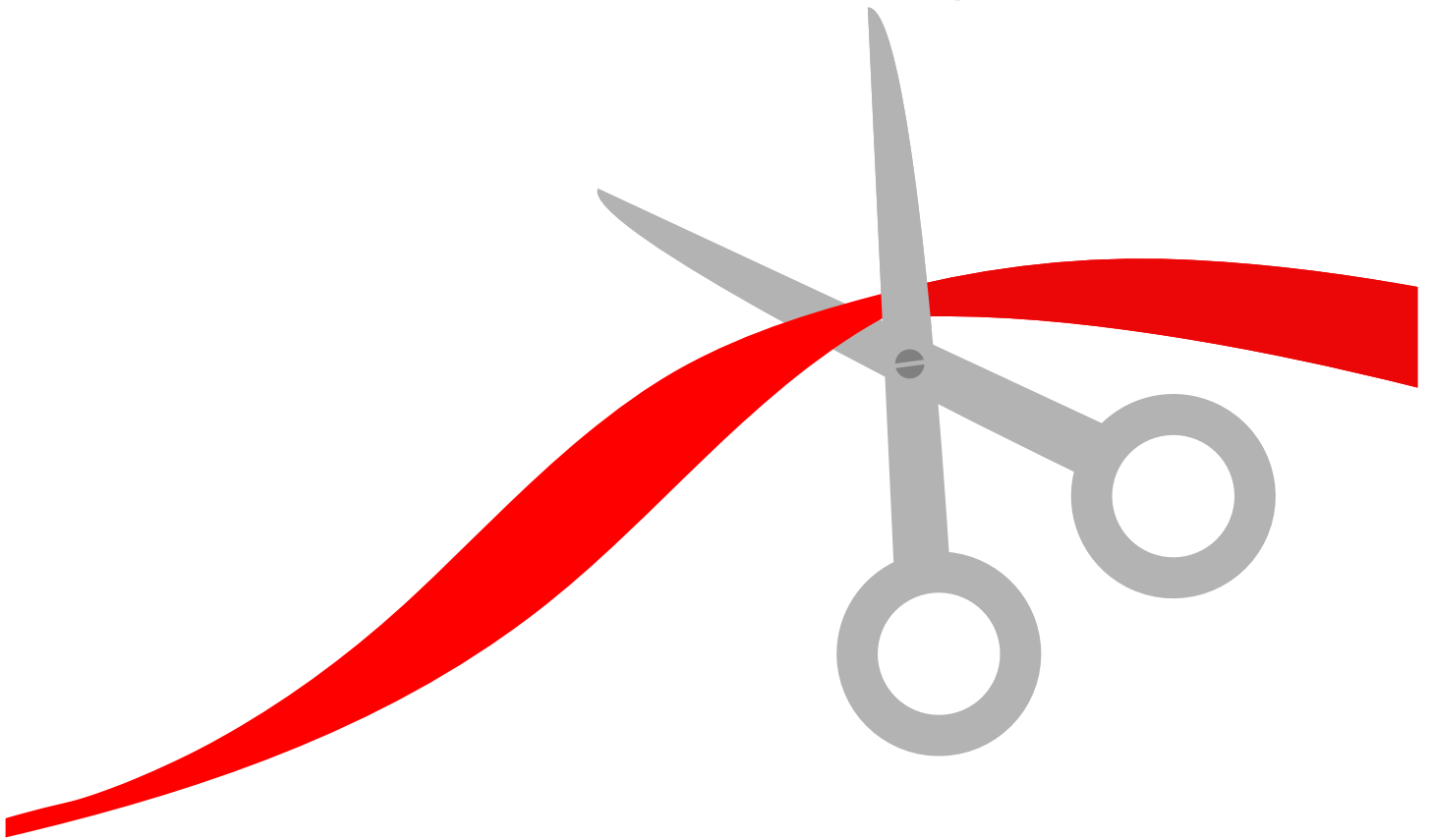


Tasmanian Red Tape Audit Report 2016



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Minister's foreword



The Tasmanian Government has a strong commitment to remove unnecessary or inefficient regulation imposed on individuals, business and the community through its red tape reduction program.

The release of our second Red Tape Audit report provides an overview of the Government's continued positive progress to date.

Through industry consultation and direct engagement with businesses we have delivered a wide range of red tape reforms to make doing business in Tasmania easier and more productive. Many of the red tape reforms have had immediate and significant benefits across all industries and the wider community.

The single Statewide planning scheme is one such macro reform that will benefit Tasmanians wanting to build their first home or erect a garden shed through to major developers wanting a consistent planning scheme across the state.

Dovetailing with planning reforms is the complete overhaul of the Building Act which dramatically simplifies the building and plumbing permit process including removing the need for permits for low risk structures such as farm sheds and minor home renovations.

The report further outlines the work with industry sectors to remove red tape issues which impede productivity and create unnecessary administrative burdens with 72 red tape issues having been resolved.

The Government has an ongoing commitment to reduce the red tape burden at every opportunity.

A handwritten signature in blue ink that reads "Matthew Groom". The signature is fluid and cursive, with a long horizontal flourish at the end.

Matthew Groom MP

Minister for State Growth

Removing red tape for small business



Small businesses are often the hardest hit by red tape on the basis they have limited resources to work their way through the myriad of rules and regulations governing their operations.

A number of small businesses have enlisted the assistance of the Red Tape Reduction Coordinator to work through regulatory hurdles.

Often these red tape matters are isolated to an individual business or industry sector and do not require significant legislative reform but rather a guiding hand to find a pathway forward.

Working on red tape issues at the coal face level is becoming an increasingly important function of the Red Tape Reduction Coordinator. It represents an ongoing opportunity to refine the business environment in Tasmania and make it one of the best places in Australia to do business.

This section of the report provides some examples of the type of red tape issues that have been presented by small businesses across the state to the Red Tape Reduction Coordinator:

A caravan manufacturer on the North West was struggling to get its caravans registered for interstate buyers who wanted to tour the State before heading home. We were able to resolve the issue by creating a dealer registration that was able to register the caravan locally and then be transferred to the owner when they returned home interstate.

A West Coast windfarm development that was encumbered with reserve roads on its title that dated back to solidier settlement grants. Working with relevant agencies we removed the covenants pertaining to the artificial roads that had never been built and existed only on paper.

A Northern vineyard finding the current Temporary Occupancy Permits for marquees overly cumbersome and duplicative. We amended the Building Act to allow temporary permits to be extended for up to 3 years rather than each time the marquee or structure is erected.

A Southern refrigeration company that was advised its occupational licence no longer allowed them to undertake commercial work they had been performing for over 40 years. Working with the relevant agency we were able to issue a guidance note acknowledging the qualifications and experience levels that were relevant to commercial work and this enabled the business concerned to continue to successfully tender for such work.

A Central Highlands trout fishing company was struggling with the regulations surrounding maritime qualifications that were more suited to commercial sea operations than inland tours using a 14ft dinghy. Working through the complex federal legislation we were able to secure an appropriate exemption for the tour operations.

A West Coast tourism operator was unable to gain access to a car park owned by a government entity to launch their rafts into the local river. By facilitating meetings with the government entity we were able to negotiate access to both the car park and the river underpinned by appropriate safety management plans.

Whiskey producers across the state were concerned about building regulations surrounding Bond Stores and Distilleries which were not appropriately suited to the production of fine whiskey. We facilitated discussions with the relevant agency and industry is now working through the process of securing amendments to the Building Code.

Each of the former matters provide an insight into how small businesses can become frustrated with the current regulatory environment and a perception of insurmountable red tape develops when in reality it is often a single obstacle that can be worked through and resolved.

We encourage any business encountering red tape to make contact with the Red Tape Reduction Coordinator, Stuart Clues, email stuart.clues@cg.tas.gov.au or phone 0438 319 753.

A handwritten signature in black ink, appearing to read 'R Jaensch', enclosed within a hand-drawn, irregular oval shape.

Roger Jaensch

Parliamentary Secretary for Small Business, Trade and Red Tape Reduction.

Executive summary of red tape issues

Red tape reforms by industry sector	Red tape cut	Red tape work in progress	Completion Date	Reform Instrument	Primary Benefit
Agriculture, forestry and fishing					
Extension of industrial hemp licence period from one to five years	✓		2015	Legislation	Reduced Administration
Increase the allowable tetrahydrocannabinol (THC) threshold for industrial hemp from 0.35 to 1 per cent	✓		2015	Legislation	Reduced Administration
Special purpose legislation for the production of industrial hemp	✓		2015	Legislation	Reduced Administration
Simplifying the dam works approval process, including abolishing the Assessment Committee for Dam Construction	✓		2016	Legislation	Reduced Administration
Review of biosecurity legislation to develop a streamlined, coherent and integrated model		✓	2017	Legislation	Reduced Administration
Simplifying the 'right to farm' law	✓		2016	Legislation	Improved Competition
Browsing animals reforms (crop protection permits)	✓		2016	Regulation	Reduced Administration
Remove requirements for farmers to complete an annual statutory declaration to continue to receive a vehicle registration rebate	✓		2014	Policy	Reduced Administration
Amend the <i>Marine Farming Planning Act 1995</i> to abolish the Board of Advice and Reference	✓		2015	Legislation	Reduced Administration
Amend and simplify the <i>Fisheries (Commercial Dive) Rules 2011</i>	✓		2014	Regulation	Increased Productivity
Development of new fishing permits for commercial fishers to explore value adding to low-value species in Tasmanian waters	✓		2015	Policy	Increased Productivity
Amend the <i>Fisheries (Abalone) Rules 2009</i> to provide more flexibility in relation to over-catch	✓		2014	Regulation	Reduced Administration
Amend the <i>Fisheries (Rock Lobster) Rules 2011</i> to reduce the penalty for failing to submit a telephone report		✓	2017	Regulation	Reduced Administration
Exemption order to allow rock lobster fishers to traverse closed areas with baited pots on deck	✓		2014	Regulation	Increased Productivity
Remaking the <i>Threatened Species Protection Regulations 2006</i>	✓		2016	Regulation	Reduced Administration
Amendments to the <i>Natural Resource Management Act 2002</i>		✓	2017	Legislation	Reduced Administration
Poppy regulation reforms	✓		2016	Legislation	Increased Productivity and competition

Red tape reforms by industry sector	Red tape cut	Red tape work in progress	Completion Date	Reform Instrument	Primary Benefit
Construction and property					
Building regulatory framework review	✓		2016	Legislation	Increased Productivity
Streamline the residential tenancy bonds process	✓		2016	Policy	Increased Productivity
Amend the <i>Residential Tenancy Act</i> to reduce the compliance burden associated with cooking facilities and restrictions on photographing rental properties	✓		2015	Legislation	Improved Competitiveness
Review of rural properties entered on the Tasmanian Heritage Register	✓		2016	Policy	Reduced Administration
Review of Tasmanian Heritage Register to ensure it contains only entries that meet the criteria		✓	2017	Policy	Reduced Administration
Reform the <i>Historic Cultural Heritage Act 1995</i> to streamline the works approval process	✓		2016	Policy	Reduced Administration
Extend building practitioner renewal period	✓		2017	Legislation	Reduced Administration
Removal of net tangible assets regulations	✓		2017	Legislation	Reduced Administration
Amendment of <i>Land Use Planning and Approvals Act 1993</i> to allow councils to extend permits by an extra two years reducing the need for developers to re-apply	✓		2015	Legislation	Reduced Administration
Review <i>Property Agents and Land Transactions Act 2005 (PALTA)</i>		✓	2016	Legislation	Reduced Administration
Duplication for bush fire plans removed	✓		2016	Regulation	Reduced Administration
Streamlining occupational licencing	✓		2017	Legislation	Reduced Administration
Risk based building and plumbing approvals	✓		2016	Legislation	Increased Productivity
<i>National Trust Preservation Fund (Winding Up) Amendment Bill 2016</i>		✓	2017	Legislation	Reduced Administration
<i>Historic Cultural Heritage Regulations 2016</i>	✓		2016	Regulation	Reduced Administration
The <i>Building and Construction Industry Training Fund Act 1990</i> Reform	✓		2017	Legislation	Increased Productivity
Landholder reforms to the <i>Duties Act</i>		✓	2016	Legislation	Reduced Administration
First Floor CBD Development		✓	2017	Legislation	Increased Productivity

Red tape reforms by industry sector	Red tape cut	Red tape work in progress	Completion Date	Reform Instrument	Primary Benefit
Retail and wholesale trade					
Motor traders red tape reforms (demonstrator and loan cars)	✓		2016	Legislation	Increased Productivity
Security licensing administration	✓		2015	Regulation	Reduced Administration
Amend the <i>Food Act 2003</i> to create a state-wide registration system for temporary food stalls	✓		2015	Legislation	Reduced Administration
Removal of regulations in the <i>Firearms Act 1996</i> prohibiting paintball businesses from operating in Tasmania	✓		2015	Legislation	Improved Competitiveness
Registrar of Motor Vehicles to authorise private sector driving instructors to undertake L2 driving assessments	✓		2014	Policy	Increased Productivity
Streamlined licensing and accreditation for passenger transport operators	✓		2015	Policy	Reduced Administration
Fireworks night retained	✓		2017	Legislation	Increased Productivity
Hire and Drive Vehicle Inspection Program	✓		2016	Policy	Increased Productivity
Development of online training resource for stakeholders who conduct services on behalf of the Registrar of Motor Vehicles	✓		2016	Policy	Increased Productivity
Implementation of smart forms for vehicle inspection services	✓		2016	Policy	Increased Productivity
Tourism, hospitality and racing					
Review the on-course bookmaker regulatory arrangements	✓		2016	Legislation	Reduced Administration
Review the appeal provisions of the <i>Racing Regulation Act 2004</i>	✓		2015	Legislation	Increased Productivity
Amalgamate the Integrity Assurance Board and the Tasmanian Racing Appeal Board	✓		2015	Legislation	Increased Productivity
Repeal the <i>Travel Agents Act 1987</i> to remove the duplication of regulation in the travel industry	✓		2014	Legislation	Reduced Administration
Reduction of the public consultation process for wildlife imports from 20 days to 10 days		✓	2017	Policy	Reduced Administration
Streamline import of exotic animals for zoos, pet stores and animal exhibitors without compromising biosecurity	✓		2016	Policy	Reduced Administration
Introduction of online passes for national parks	✓		2014	Policy	Reduced Administration
Erecting temporary structures	✓		2017	Legislation	Reduced Administration
Merger of Tasmanian Gaming Commission and Liquor Licensing Board	✓		2015	Legislation	Reduced Administration
Simplifying gaming licence renewals	✓		2015	Policy	Reduced Administration
Extend duration of out-of-hours permits	✓		2016	Legislation	Reduced Administration
Improved risk-related assessment of gaming licences	✓		2015	Legislation	Reduced Administration
Airbnb and free market reforms		✓	2017	Legislation	Improved Competition

Red tape reforms by industry sector	Red tape cut	Red tape work in progress	Completion Date	Reform Instrument	Primary Benefit
Education and training					
Review of the <i>Education Act 1994</i>	✓		2017	Legislation	Improved Competitiveness
Review of the <i>Education Act 1994</i> – systems of non-government schools	✓		2017	Legislation	Improved Competitiveness
Anti-discrimination amendment – reducing the administrative burden for faith-based schools	✓		2015	Legislation	Reduced Administration
Traineeships and apprenticeships information system reform		✓	2016	Policy	Reduced Administration
2016 User Choice program	✓		2015	Policy	Reduced Administration
Health and human services industry					
Eliminating duplication of state regulations where community sector organisations have nationally accredited quality management systems in place	✓		2016	Policy	Reduced Administration
Introduction of an electronic grants management system	✓		2015	Policy	Reduced Administration
Charity and not for profit reporting requirements	✓		2016	Regulation	Improved Productivity
Online Tobacco Seller's Licence Applications and Renewals		✓	2017	Policy	Reduced Administration
Streamline regulatory processes for licensing of private health facilities and day procedure centres - reporting requirements		✓	2017	Regulation	Reduced Administration
Simplification and standardisation of contracts and pre-qualification for community services providers		✓	2017	Policy	Reduced Administration

Red tape reforms by industry sector	Red tape cut	Red tape work in progress	Completion Date	Reform Instrument	Primary Benefit
General application across all industries and other red tape reforms					
Review of workers' compensation arrangements		✓	TBA	Legislation	Reduced Administration
Review directors' liability provisions to ensure national consistency and more equitable approach to criminal liability provisions		✓	2018	Legislation	Reduced Administration
Local government traffic facilities approvals: remove the need for approval from the Department of State Growth	✓		2015	Policy	Reduced Administration
Pre-approve road networks for a suite of heavy vehicles to remove the need for operators to obtain heavy vehicle road permits	✓		2015	Policy	Increased Productivity
Planning reform - state planning provisions		✓	2017	Legislation	Reduced Administration
Planning reform - major projects		✓	2017	Legislation	Reduced Administration
A single civil and administrative tribunal		✓	2018	Legislation	Reduced Administration
Reducing limitation on leasing and licensing Crown land	✓		2015	Legislation	Reduced Administration
Reviewing model work health and safety laws		✓	TBA	Legislation	Reduced Administration
Making it easier for businesses to register for government events	✓		2015	Policy	Reduced Administration
Streamlined process for Tasmanian Government nominations for skilled migration	✓		2016	Policy	Reduced Administration
Amendment of <i>Local Government Act 1993</i> to abolish 29 individual code of conduct panels and replace with an independent state-wide code of conduct panel	✓		2015	Legislation	Reduced Administration
Simplifying Stamp Duty on corporate restructures		✓	2016	Legislation	Reduced Administration
Provision of online forms for external clients for Mineral Tenement processes	✓		2016	Policy	Reduced Administration
Streamlining of Mineral Tenement Administration Processes		✓		Policy	Reduced Administration
Professional Standards Act amendments to remove s.27 and introduce mutual recognition provisions	✓		2016	Legislation	Improved Competition
National Business Simplification Initiative		✓	2017	Policy	Reduced Administration

Red tape reforms by industry sector	Red tape cut	Red tape work in progress	Completion Date	Reform Instrument	Primary Benefit
Community					
Reduced place of assembly licensing requirements	✓		2015	Regulation	Reduced Administration
Removing duplication of regulatory requirements in the child care industry	✓		2015	Legislation	Reduced Administration
Introduced online transfer of vehicle service for clients, removing the need to attend a Service Tasmania shop to undertake this transaction	✓		2014	Policy	Reduced Administration
Abolish the requirement for drivers over the age of 75 to have compulsory medical assessments if they do not have a medical condition that could impact on their ability to drive safely	✓		2014	Policy	Reduced Administration
Electronic Service of Police Infringement Notices (ESOP)	✓		2016	Legislation	Reduced Administration
Simplifying the quarantine procedures for passengers arriving in Tasmania on the <i>Spirits of Tasmania</i>	✓		2015	Policy	Increased Productivity
Improve Fitness-to-Drive management processes	✓		2016	Policy	Reduced Administration
Introduce a new driver assessment booking system	✓		2016	Policy	Increased Productivity
Holders of permits to keep reptiles to be able to increase the number of animals they keep		✓	2017	Policy	Reduced Administration
Removal of the moratorium on bird and reptile imports while maintaining biosecurity		✓	2017	Policy	Reduced Administration
Review of small passenger vehicle regulation	✓		2016	Legislation	Improve Competition

Red tape reduction issues for agriculture, forestry and fishing industries

Extension of industrial hemp licence period from one to five years

The requirement for industrial hemp growers and processors to apply annually for an industrial hemp licence has been identified as an unnecessary barrier to industry growth.

Regulator/agency

Department of Health and Human Services

Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

Poisons Act 1971

Background/consultation

The House of Assembly *Inquiry into the Tasmanian Industrial Hemp Industry Report No. 1 of 2013* found over-regulation to be a significant impediment to the establishment of a viable industrial hemp industry in Tasmania. Onerous licensing requirements were highlighted as a barrier to entry for industry.

These findings were supported by the Industrial Hemp Association of Tasmania, the Tasmanian Farmers & Graziers Association and Tasmania Police.

Red tape reforms

The Minister for Health has extended the licence period for industrial hemp licences issued under section 52 of the *Poisons Act 1971* from one to five years.

Special purpose legislation for the industrial hemp industry will cut red tape and facilitate expansion of the sector. The *Industrial Hemp Bill 2015* was passed by Tasmanian Parliament in the 2015 Spring Session. A five-year licence term is specified in the Bill.

Defining the term of a licence in legislation will provide clarity for industry. It also provides certainty that changes to licensing obligations will only be possible through legislative amendment, not ministerial discretion.

Status of the red tape reform

Enacted and finalised.

Increase the allowable tetrahydrocannabinol (THC) threshold for industrial hemp from 0.35 per cent to 1 per cent

Red tape burden

The allowable threshold of THC of cultivated industrial hemp material was inconsistent with other jurisdictions, including New South Wales and Queensland. This prevents easy transfer of plant material between jurisdictions, which is a barrier for Tasmanian industrial hemp growers and processors. Tasmania's maximum allowable threshold was 0.35 per cent compared to 1 per cent in other jurisdictions. Even at the higher level of 1 per cent there is no risk of the psychoactive effects associated with illicit cannabis. The regulatory burden is created under the *Poisons Act 1971* which enables the production and processing of industrial hemp.

Regulator/agency

Department of Health and Human Services

Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

Poisons Act 1971

Background/consultation

The House of Assembly *Inquiry into the Tasmanian Industrial Hemp Industry Report No.1 of 2013* recommended that the maximum allowable THC threshold be increased from 0.35 per cent to 1 per cent for consistency with other jurisdictions.

This was supported by the Industrial Hemp Association of Tasmania, the Tasmanian Farmers & Graziers Association and Tasmania Police.

Red tape reforms

The Minister for Health has increased the maximum allowable THC threshold on industrial hemp licences issued under section 52 of the *Poisons Act 1971*.

Special purpose legislation for the industrial hemp industry will cut red tape and facilitate expansion of the sector. The *Industrial Hemp Bill 2015* was passed by the Tasmanian Parliament in the 2015 Spring Session. The Bill specifies a maximum THC threshold of 1 per cent.

Aligning the THC threshold with some other jurisdictions presents an opportunity for the industrial hemp sector to expand.

Status of the red tape reform

Enacted and finalised.

Special purpose legislation for the production of industrial hemp

Red tape burden

Industrial hemp production is currently regulated under the *Poisons Act 1971* which does not recognise its potential as an agricultural crop. Industrial hemp is valued for its fibre and seed and has no value as a drug, but while the crop is regulated under poisons legislation it will be constantly associated with illicit varieties of cannabis. This is a barrier to growth of the industry.

Regulator/agency

Department of Health and Human Services

Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

Poisons Act 1971

Background/consultation

The House of Assembly *Inquiry into the Tasmanian Industrial Hemp Industry Report No. 1 of 2013* recommended responsibility for regulation of the industrial hemp industry transfer from the Minister for Health under the *Poisons Act 1971* to the Minister for Primary Industries and Water to promote industry expansion and recognise industrial hemp as an agricultural not drug crop. This was supported by the Industrial Hemp Association of Tasmania, the Tasmanian Farmers & Graziers Association and Tasmania Police.

Red tape reforms

Specific purpose legislation for the industrial hemp industry will cut red tape and facilitate expansion of the sector. The *Industrial Hemp Bill 2015* was passed by the Tasmanian Parliament in the 2015 Spring Session.

The Bill will enable research in, cultivation and supply of industrial hemp in accordance with a licensing scheme to be administered by the Secretary of the Department of Primary Industries, Parks, Water and Environment. All jurisdictions that allow for the growing of industrial hemp do so under a licensing model.

The Tasmanian Government has looked at how these models operate in other jurisdictions to simplify Tasmania's licensing requirements.

Status of the red tape reform

Enacted and finalised.

Simplifying the dam works approval process, including abolishing the Assessment Committee for Dam Construction

Red tape burden

Notwithstanding earlier reforms to the dam works approval process farmers remain concerned that it is too complex, costly and time consuming, potentially creating a barrier to further dam construction.

Regulator/agency

Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

Water Management Act 1999

Background/consultation

The concerns raised by farmers largely stem from very complex legislation and underlying administrative processes which together make up the dam works approval process. The *Water Management Amendment (Dam Works) Bill 2015*, which has now been passed by Tasmanian Parliament, simplifies the legislation and will enable more streamlined administrative processes to be developed.

Significant consultation has occurred with the Tasmanian Farmers & Graziers Association's water committee in developing the *Water Management Amendment (Dam Works) Bill 2015*. In addition, stakeholders more broadly – including peak agricultural bodies, the Local Government Association of Tasmania, the Tasmanian Conservation Trust and the Environmental Defenders Office – were consulted.

Red tape reforms

Amend the *Water Management Act 1999* by repealing Part 8 and inserting a new Part 8 (*Water Management Amendment (Dam Works) Bill 2015*).

- Part 8, which deals with dam works and their approval, has been repealed in its entirety. As a result, the Assessment Committee for Dam Construction will be abolished and a new, simplified Part 8 has been inserted.
- Supporting administrative processes will be developed to ensure a more efficient dam works approval process is realised when the amended legislation takes effect on 1 January 2016.

Status of the red tape reform

Enacted and finalised.

Review of biosecurity legislation to develop a streamlined, coherent and integrated model

Red tape burden

Biosecurity regulation is currently split across many different Acts and subordinate legislation, representing an overly complex framework that does not take advantage of contemporary approaches to issues such as co-regulation, accreditation and compensation.

Nor does the current framework always achieve desired regulatory outcomes efficiently or effectively. It is therefore not simple for industry stakeholders to comply with the various legislative requirements.

Regulator/agency

Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

Plant Quarantine Act 1997

Animal Health Act 1995

Seeds Act 1985

Weed Management Act 1999

Vermin Control Act 2000

Animal (Brands and Movement) Act 1984

Animal Farming (Registration) Act 1994

Background/consultation

The Tasmanian Biosecurity Strategy, developed after broad community and industry consultation, identifies principles and concepts for a contemporary biosecurity approach.

The current legislative framework for biosecurity does not meet all agreed principles of the Tasmanian Biosecurity Strategy. Agriculture, tourism and the Tasmanian brand are at risk if the state does not maintain its current biosecurity status.

Red tape reforms

Biosecurity Tasmania has concluded a major review of the State's suite of biosecurity legislation and recommendations for reform are now with Government for consideration.

Recommendations include the drafting of one Biosecurity Act to replace the seven existing Acts, and contemporary measures to promote a shared responsibility for biosecurity involving government, business and the community.

Status of the red tape reform

Public consultation on proposed reforms concluded in April 2016 and recommendations are now with Government for consideration.

Simplifying the 'right-to-farm' law

Red tape burden

The *Primary Industry Activities Protection Act 1995* protects Tasmanian farmers against nuisance lawsuits from their neighbours. However, a recent review of the Act indicated that the legislation requires farmers to meet nine different conditions before that protection can be relied on.

Regulator/agency

Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

Primary Industry Activities Protection Act 1995

Background/consultation

At the direction of the Minister for Primary Industries and Water, AgriGrowth Tasmania undertook a review of the *Primary Industry Activities Protection Act 1995* which is also sometimes referred to as Tasmania's 'right to farm' law.

The submissions indicated that the Act is very difficult to interpret due to its confusing drafting and that farmers must meet nine different conditions in order to qualify for the protection. These conditions relate to the farmer as an individual, the land on which the contested activity is undertaken or the activity itself.

Red tape reforms

Based on the findings of the review and further consultation with industry stakeholders, in August 2016 the Government amended the *Primary Industry Activities Protection Act 1995* to simplify and extend its protections from frivolous and vexatious nuisance lawsuits on agricultural land and to farm forestry activities on private land.

Status of the red tape reform

Enacted and finalised.

Browsing animals reforms (crop protection permits)

Red tape burden

The Tasmanian Farmers & Graziers Association and the wider farming community have been resolute that for too long red tape associated with crop protection permits has got in the way of managing a sustainable wallaby and possum population.

Regulator/agency

Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

Wildlife (General) Regulations 2010

Background/consultation

In consultation with the Tasmanian Farmers & Graziers Association it has been recognised that one of the many challenges facing farmers is the significant pasture and crop losses and damage caused by over-abundant wildlife – specifically possums and wallabies.

Recent good seasons coupled with modern farm improvements have caused populations to explode to the point where they are having a devastating impact on farm productivity and profitability.

Red tape reforms

Crop protection permits were previously only issued for 12 months.

Under amendments to the *Wildlife (General) Regulations 2010*, crop protection permits for common species of wallabies and possums are now able to be issued for five years and separate permits to shoot wallabies or brushtail possums have now been combined into a single permit.

The *Wildlife (General) Regulations 2010* have also been amended to allow landholders with crop protection permits to authorise other persons to assist them in controlling wildlife under the authority of their permit.

The process of obtaining approval to use 1080 poison for browsing animal management has also been simplified, while safety and environmental controls remain unchanged. Farmers are no longer required to engage a private contractor to assess a property to use 1080 poison and to provide an assessment report.

All applications to use 1080 poison are assessed by a Departmental officer within two working days, except where a property inspection is required. In addition, the previous restriction on using 1080 poison at the same site within a three year period has been removed.

All policy changes have been approved by the Minister and announced in Parliament, and legislative amendments to the *Wildlife (General) Regulations 2010* have been proclaimed.

Status of the red tape reform

Enacted and finalised.

Remove requirement for farmers to complete an annual statutory declaration to continue to receive a vehicle registration rebate

Red tape burden

The requirement to complete a farmers rebate statutory declaration each time the vehicle is renewed is inefficient and creates an inconvenience and a barrier for the rural sector. As the farmers rebate must be applied at the time of renewal the registered operator cannot utilise electronic payment options.

Regulator/agency

Registrar of Motor Vehicles, Department of State Growth

Act/regulatory instrument

Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010

Background/consultation

The issue pertaining to the Motor Tax rebate for vehicles engaged in horticultural or farming activities has been a long standing practice instigated to ensure the appropriate rebates were applied fairly and consistently.

Consultation about the proposed solution occurred with a number of impacted stakeholders prior to implementation. The Registrar of Motor Vehicles approved the implementation of the proposed solution to reduce the red tape issues.

Red tape reforms

- The farmers rebate will be recorded against relevant vehicles permanently.
- The farmers rebate will remain recorded against the vehicle until it is either disposed of or transferred, or the rebate is cancelled.
- As the farmers rebate will be recorded permanently the registered operator will be able to utilise all payment channels (such as BPay, Internet etc.) and receive the rebate at the time of making payment.

Status of the red tape reform

Revised process was successfully implemented in July 2014.

Amend the *Marine Farming Planning Act 1995* to abolish the Board of Advice and Reference

Red tape burden

The Board of Advice and Reference is a redundant statutory body that potentially adds unnecessary costs and requirements to the efficient allocation of water to support the development of the marine farming industry.

Regulator/agency

Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

Marine Farming Planning Act 1995

Background/consultation

Government policy is to abolish unnecessary statutory boards and committees to reduce the cost to government and to provide streamlined and efficient administrative processes impacting on business.

The Board of Advice and Reference, established under the provisions of the *Marine Farming Planning Act 1995*, has become redundant as a result of the marine farming industry maturing, and the method for planning and providing for new water for the activity having evolved.

Red tape reforms

Abolition of the Board of Advice and Reference

- The Board of Advice and Reference was abolished by the Minister for Primary Industries and Water on 11 July 2015 using existing provisions of the *Marine Farming Planning Act 1995*.
- No amendment to the Act has been found to be necessary. Previous amendments to the Act relating to amendment processes for marine farming development plans have delivered streamlining of planning approval processes to facilitate future industry development.

Status of the red tape reform

Enacted and finalised.

Amend and simplify the *Fisheries (Commercial Dive) Rules 2011*

Red tape burden

The *Fisheries (Commercial Dive) Rules 2011* were designed to support an 'owner-operator' fishery. This meant that a person could hold only a single licence and there were strict restrictions on the capacity to place a supervisor on a licence.

This was identified as an impediment to the development of a fishery for the long-spined sea urchin where a proponent needed to secure a number of dive licences and have the flexibility to add supervisors to this licence to provide certainty of access to the resource.

Rules also limited the use of a purge site to a single operator which was a limitation to commercial divers and was an inefficient use of these sites.

Regulator/agency

Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

Fisheries (Commercial Dive) Rules 2011

Background/consultation

A proponent developing a business to process long-spined sea urchin (*Centrostephanus*) roe identified impediments to investment and business development associated with restrictions contained in the *Fisheries (Commercial Dive) Rules 2011* (being the restricted ownership of a licence and the ability to place supervisors on a licence).

In addition, commercial divers identified that these rules were restrictive in relation to the use of purge sites that prevented multiple divers from using a single purge site.

The rules were reviewed in consultation with the Commercial Divers Association and the proponent developing the *Centrostephanus* fishery.

Red tape reforms

Amendment of the *Fisheries (Commercial Dive) Rules 2011* to provide for individuals to hold up to a maximum of three licences, licence holders to place supervisors on their licences and for purge sites to be used by multiple licence holders.

The *Fisheries (Commercial Dive) Rules 2011* were reviewed, and amended rules were approved by the Minister on 14 September 2014, in accordance with the statutory processes prescribed in the *Living Marine Resources Management Act 1995*.

Status of the red tape reform

Enacted and finalised.

Development of new fishing permits for commercial fishers to explore value adding to low-value species in Tasmanian waters

Red tape burden

Various fisheries rules and regulations limit access to some underutilised or low-value species.

Regulator/agency

Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

Living Marine Resources Management Act 1995

Background/consultation

There is large suite of rules and regulations in place that provide for sustainable management of Tasmania's living marine resources. However, there may be opportunities to target some underutilised or low-value species that sit outside the current rules.

Permits can be issued under the *Living Marine Resources Management Act 1995* to provide for fisheries development activities to test, and attempt to develop, opportunities identified to have merit and potential long-term benefit to the Tasmanian economy.

Red tape reforms

Framework to assess and support fisheries development opportunities

- A framework to assess and support fisheries development opportunities has been developed and was approved by the Minister in February 2015.
- Applications are received and assessed under this framework. Permits are issued to applications with merit and long-term potential.

Status of the red tape reform

Framework developed and approved, assessment of applications ongoing.

Amend the *Fisheries (Abalone) Rules 2009* to provide more flexibility in relation to over-catch

Red tape burden

The *Fisheries (Abalone) Rules 2009* restricted the capacity for an abalone diver to cover an over-catch with another unit to within 30 days of the over-catch being taken.

Regulator/agency

Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

Fisheries (Abalone) Rules 2009

Background/consultation

The over-catch provisions of the abalone fishery rules have been refined over a long period to provide workable arrangements to enable divers to address circumstances where they take abalone in excess to the units that they have attached to their abalone dive licences.

One option for divers has been to cover an over-catch with an additional unit (or units) within 30 days of the over-catch being taken.

Abalone divers sought greater flexibility to have this option available to them for the whole of the remainder of a quota year. The Tasmanian Abalone Council Limited was consulted about this amendment to the *Fisheries (Abalone) Rules 2009*.

Red tape reforms

Amendment of the *Fisheries (Abalone) Rules 2009* to provide greater flexibility in the use of an additional unit to cover an over-catch event

- The *Fisheries (Abalone) Rules 2009* were amended by an order in accordance with the provisions of the *Living Marine Resources Management Act 1995*.
- The changes to the Rules, extending the time in which a diver could cover an over-catch with an additional unit (or units) to the remainder of a quota year, were approved by the Minister for Primary Industries and Water on 24 September 2014.

Status of the red tape reform

Enacted and finalised.

Amend the *Fisheries (Rock Lobster) Rules 2011* to reduce the penalty for failing to submit a telephone report

Red tape burden

The excessive penalty for the offence of a rock lobster fisher failing to submit a telephone report.

Regulator/agency

Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

Fisheries (Rock Lobster) Rules 2011

Background/consultation

The prescribed penalty for failing to submit a telephone report was considered by the Department of Primary Industries, Parks, Water and Environment to be excessive and not reflective of the significance of the action. Consultation on the issue has occurred with the Tasmanian Rock Lobster Fisherman's Association and the rules will be amended at the next available opportunity to reduce the prescribed minimum and maximum penalty.

Red tape reforms

Amendment of the *Fisheries (Rock Lobster) Rules 2011*.

Consulted with Tasmanian Rock Lobster Fisherman's Association about this issue and support was received for the proposed amendments to the *Fisheries (Rock Lobster) Rules 2011*.

Amendment to be progressed at the earliest opportunity when a suite of administrative refinements is progressed (expected to be advanced late 2015 early 2016).

Status of the red tape reform

Draft amendment rules containing the planned amendment were subject to public exhibition during September 2016.

Exemption order to allow rock lobster fishers to traverse closed areas with baited pots on deck

Red tape burden

Requirement for rock lobster fishers traversing through closed areas with only unbaited pots on their decks and consequent compliance complications.

Regulator/agency

Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

Fisheries (Rock Lobster) Rules 2011

Background/consultation

There was a regulatory requirement for rock lobster fishers traversing closed areas to have only unbaited pots on their decks. This requirement was imposed as a simple measure to enable the effective policing of fishing within closed areas.

The requirement was challenged by rock lobster fishers who considered it onerous and impacting on the efficiency of their fishing operations.

The Minister for Primary Industries and Water determined to lift the requirement pending a review of options to enable effective policing of compliance.

This was effected by an exemption order pursuant to the *Living Marine Resources Management Act 1995*. This initiative was supported by the Tasmanian Rock Lobster Fisherman's Association.

Red tape reforms

The order exempting rock lobster fishers from the requirement to have only unbaited pots on deck when traversing closed areas was implemented on 13 August 2014 following approval by the Minister's delegate (Director, Marine Resources).

Status of the red tape reform

Enacted and finalised.

Remaking the *Threatened Species Protection Regulations 2006*

Red tape burden

The statutory requirements for researchers, developers and land managers wishing to take threatened species were not clearly expressed under the existing legislation and have frequently involved proponents having to seek further clarification from regulators.

Regulator/agency

Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

Threatened Species Protection Act 1995

Threatened Species Protection Regulations 2006

Background/consultation

In addition to feedback received over the course of the operation of the Regulations since 2006 (which has been preserved in a register of potential legislative amendments) additional consultation with other Departments was undertaken in accordance with statutory and policy requirements.

Red tape reforms

The *Threatened Species Protection Regulations 2016* more clearly set out the statutory requirements for those wishing to take threatened species.

Status of the red tape reform

The *Threatened Species Protection Regulations 2016* were tabled in Parliament on 21 September 2016 and will come into force on 11 October 2016 (subject to consideration by the Parliamentary Standing Committee on Subordinate Legislation).

Amendments to the *Natural Resource Management Act 2002*

Red tape burden

To remove the statutory requirement for accreditation criteria and repeal the roles and functions of the Tasmanian Natural Resource Management Council.

The Minister will instead be able to form a special purpose committee to provide advice on an as needs basis.

Regulator/agency

Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

Natural Resource Management Act 2002

Background/consultation

A draft amendment bill has been developed for consultation. Regional committees and Natural Resource Management organisations to be approached for comment. More detailed consultation was undertaken during the course of the 2015 review of the *Tasmanian Natural Resource Management Framework 2002* and the *Tasmanian Natural Resource Management Act 2002*.

Red tape reforms

A minor amendment to remove the statutory requirement for accreditation criteria is proposed. This will not affect the Minister's ability to accredit regional strategies.

Repeal the roles and functions of the Tasmanian Natural Resource Management Council and enable the Minister to instead form a special purpose committee on an as needs basis.

Status of the red tape reform

A consultation draft has been developed. Regional committees and Natural Resource Management organisations will be approached for comment.

Poppy regulation reforms

Red tape burden

Prior to March 2016 three State Government Agencies had regulatory responsibilities for the Poppy Advisory Control Board (the Board) and grower licences were only able to be issued by the Minister for Health for one year.

The reforms extend grower licences from one to five years and directly empower the Board, which was transferred to the Department of Primary Industries, Parks, Water and Environment, to issue commercial grower licences, reducing the number of agencies involved, aligning the Board with industry expertise and increasing responsiveness to growers.

The Board must now have an independent Chair and an independent member with skills relevant to the poppy industry, giving balance to what is otherwise a Board of government officials.

Regulator/agency

Department of Primary Industries, Parks, Water and Environment.

Responsibility for the Board has been transferred from the Attorney-General to the Minister for Primary Industries and Water so that the regulation of agricultural crops, including commercial poppy cultivation and grower compliance, now resides within the Primary Industries portfolio.

The regulation of narcotic drug manufacture, research and imports will continue to be the responsibility of the Health portfolio.

Act/regulatory instrument

Poisons Act 1971

Background/consultation

The reforms streamline grower licensing and ensure regulatory rigour is informed by industry expertise. The Government consulted extensively with Tasmanian poppy growers and processors to ensure that the reforms will maintain the Tasmanian poppy industry's global reputation and competitive edge.

The reforms were also guided by the findings of the 2013 Ramsay Review into Tasmanian Poppy Industry Regulation.

Under the reforms, the Board will continue to play a critical advisory role, as well as its role in maintaining local expertise and best practice.

The Board will be able to issue practical guidelines to inform poppy growers about site suitability and other safety and security matters, to support a new simplified annual grower returns process.

Red tape reforms

The Government's *Poisons Amendment (Poppy Industry Reform) Bill 2016* to modernise and streamline poppy industry regulation passed the Tasmanian Parliament on 21 September 2016.

Status of the red tape reform

Enacted and finalised.

Red tape reduction issues for construction and property

Building regulatory framework review

Red tape burden

Significant regulatory burden across the building sector.

Regulator/agency

Department of Justice

Act/regulatory instrument

Building Act 2000

Background/consultation

The review of the *Building Act 2000* commenced in 2013 and has involved extensive consultation with key industry groups and practitioners along with local and state government agencies.

Four reference groups were established for the reform process.

Red tape reforms

The Building Reform Package, consisting of three main elements; the *Building Bill 2016*, the *Residential Building Work Contracts and Dispute Resolution Bill 2016* and the *Occupational Licensing Amendment Bill 2016*, has been passed by both Houses of Parliament.

The reforms introduce a risk-based approach to building approval and for most building work in Tasmania it will now be fairer, faster, simpler and cheaper to build.

Status of the red tape reform

- New *Building Act 2016* finalised and received Royal Assent.
- New Building Regulations finalised. Draft to be released in November 2016.
- Determinations are being developed, some drafts have been released for public comment.
- Promotional programs underway.
- Education programs underway.

Streamlining the residential tenancy bond process

Red tape burden

The Real Estate Industry of Tasmania (REIT), as the peak real estate industry representative group, has requested that an electronic bond management system be introduced as a means of reducing the administrative burden for property managers.

Regulator/agency

Department of Justice

Act/regulatory instrument

Residential Tenancy Act 1997

Background/consultation

Currently bond lodgements and claims are processed through a paper based system where property managers complete forms and forward them to the Rental Deposit Authority (RDA) within the Department of Justice. REIT requested that an electronic system be implemented. REIT has put forward a system that is currently used in other states.

Red tape reforms

The electronic bond management system has been tested by the RDA. The plan is for the claims process to go live before the end of October 2016. REIT and the Department of Justice will discuss the second phase of lodgements following successful implementation of the claims module.

The RDA bond management system contract is due to expire on 30 June 2018. A review of the system and options for it going forward are to be investigated with a view to adding further enhancements for the industry, consumers and the RDA.

Status of the red tape reform

- Testing system.
- Phase one completed October 2016.

Amend the *Residential Tenancy Act* to reduce the compliance burden associated with cooking facilities and restrictions on photographing rental properties

Red tape burden

The Real Estate Institute of Tasmania raised a red tape issue related to the *Residential Tenancy Amendment Act 2013*.

Further amendments were required to reduce the compliance burden to property owners relating to the minimum number of cooking elements required in a rental property (four in a three-bedroom property) and restrictions on the publication of photographs of the rental property that may restrict the owner's ability to sell or let a property (owner must obtain written permission prior to displaying photographs of the tenants' belongings).

Regulator/agency

Consumer, Business and Occupational Services

Act/regulatory instrument

Residential Tenancy Amendment Act 2013

Background

The *Residential Tenancy Amendment Act 2013* reforming the *Residential Tenancy Act 1997* was passed in 2013 by the previous government. Two provisions (section 19 and section 26) were excluded from the commencement of the Amendment Act following further consultation with stakeholders including the Real Estate Institute of Tasmania which requested two further amendments in relation to cooking elements and publication of photographs of the rental property.

The issue of taking photographs of a tenanted property in particular, had been a 'grey area' for some time raising questions of the ability of the owner to advertise to sell, or let the property and safeguarding the privacy and security of the tenant.

Red tape reforms

The *Residential Tenancy Amendment Bill 2015* provides amendments that seek to reduce the financial impact to property owners and agents in relation to two provisions.

The minimum number of cooking elements has been amended so that premises with three or more bedrooms are to have at least three cooking elements and premises with two bedrooms or less have at least two cooking elements.

The provision preventing the display of photographs of tenanted properties has been amended so that tenant permission is required for photos, film or video recordings or any other object that may identify the tenant or any other person.

Status of the red tape reform

Enacted and finalised.

Review of rural properties entered on the Tasmanian Heritage Register

Red tape burden

During 2014-15 a project commenced to review those rural entries on the Tasmanian Heritage Register where whole of title entries had been used, resulting in a larger portion of rural land being entered than was necessary and where the consequences of this for the owners had been managed using rural exclusion agreements.

Regulator/agency

Tasmanian Heritage Council

Act/regulatory instrument

Historic Cultural Heritage Act 1995

Background/consultation

Initial consultation occurred with the Tasmanian Farmers & Graziers Association and also occurred with affected property owners as each entry has been reviewed.

Red tape reforms

Many of the first entries made to the Heritage Register for large farming properties were based on the title boundary. This meant that in many cases large areas of farmland that had no discernible heritage features or values were entered and as a result were subject to the works approval process of the *Historic Cultural Heritage Act 1995*.

In response, informal rural exclusion agreements were adopted in order to identify a smaller area of land, thereby defining and limiting the Heritage Council's area of interest.

Rural exclusion agreements are being replaced by formal plans in the Central Plan Register. This is one option to define the boundaries of a place under the *Historic Cultural Heritage Act 1995*, with entries being progressively reviewed and replaced. Over time, all affected entries will have a clear and concise cadastral boundary that focuses specifically on key heritage features and does not unnecessarily list large tracts of agricultural land.

Status of the red tape reform

- This is a long-term project that commenced in 2014-15 and is being implemented by the Tasmanian Heritage Council and Heritage Tasmania in the Department of Primary Industries, Parks, Water and Environment. To date in excess of 30 000 hectares of land has been removed from the Heritage Register for rural properties in the Northern and Southern Midlands.
- The current focus of the project is on preparing entries for a polygon layer in the Land Information System Tasmania (LIST) and reviewing entries on the Heritage Register.

Review of Tasmanian Heritage Register to ensure it contains only entries that meet the criteria

Red tape burden

During 2013-14 an audit of the Heritage Register confirmed that 70 per cent of the entries satisfy the registration criteria prescribed in the *Historic Cultural Heritage Act 1995* and that 30 per cent were considered unlikely to satisfy the criteria.

This situation creates an excessive onus on owners of these 30 per cent of registered places, and since the majority of these entries are (more appropriately) listed at a local level their removal has been proposed.

Regulator/agency

Tasmanian Heritage Council

Act/regulatory instrument

Historic Cultural Heritage Act 1995

Background/consultation

During 2014-15 all entries that were earmarked for review were re-assessed. Those entries deemed unlikely to satisfy the criteria were then subject to an intention to remove process. This process involved 590 individual properties. Key stakeholders, organisations and planning authorities were briefed on the project and affected property owners, planning authorities and the public were involved in a formal consultation process for those entries identified for removal.

Red tape reforms

It is anticipated that the integrity project will enhance the credibility and integrity of the Heritage Register as it will contain only places that satisfy the criteria. Entries that do not satisfy the criteria will be removed.

Status of the red tape reform

This project is continuing into 2016-17 and is being implemented by the Tasmanian Heritage Council and Heritage Tasmania, in the Department of Primary Industries, Parks, Water and Environment.

Reform the *Historic Cultural Heritage Act 1995* to streamline the works approval process

Red tape burden

Prior to 1 March 2014 the owner of a place entered on the Tasmanian Heritage Register who wanted to undertake works needed to lodge a separate development application and a separate works application. This practice duplicated applications, lodgement fees, advertising and assessments, and there was potential for the decisions of the two statutory bodies involved to conflict, causing considerable confusion to the applicant.

Regulator/agency

Tasmanian Heritage Council

Act/regulatory instrument

Historic Cultural Heritage Act 1995

Background/consultation

These reforms had been proposed for some time and were based on consultation with local planning authorities, the Local Government Association of Tasmania and other key stakeholders prior to and during the parliamentary process.

Red tape reforms

A single development application is now required in these circumstances. The process better aligns with the *Land Use Planning and Approvals Act 1993* and a single decision is issued thus reducing confusion. In addition, a process for issuing certificates of exemption has been introduced along with an expectation that works guidelines be issued. Feedback on the inaugural works guidelines has been very positive and the next version is about to be released.

Status of the red tape reform

Enacted and finalised.

Extend building practitioner renewal period

Red tape burden

Currently Building Practitioners are accredited for a 12 month period only, which results in an annual renewal process.

Regulator/agency

Department of Justice

Act/regulatory instrument

Occupational Licensing Act 2005

Background/consultation

As part of the building reform process, the building industry highlighted that the process of needing to renew an accreditation every 12 months was an unnecessary regulatory burden.

Red tape reforms

As part of the building reform process, occupational licencing for Building Practitioners (to be Building Services Providers) has been moved out of the building legislation and into the occupational licencing legislation to sit alongside the electrical, plumbing and gas trades. Building Services Providers will be able to apply for a licence for a period of either 12 or 36 months.

Status of the red tape reform

- Enacted effective 1 January 2017.
- Information to Building Practitioners has been distributed.

Removal of net tangible assets regulations

Red tape burden

Currently Builders are required to demonstrate that they have at least \$50,000 in net tangible assets before being granted Accreditation as a Building Practitioner. The Statement of Assets needs to be signed by a financial consultant or accountant which adds to the red tape burden.

Regulator/agency

Department of Justice

Act/regulatory instrument

Building Act 2000

Amendments to the Occupational Licensing Act 2005

Background/consultation

As part of the ongoing assessment of Builders under the Scheme for the Accreditation of Building Practitioners, it became evident that the consumer protection offered by requiring Builders to have at least \$50,000 in assets was of no real benefit to consumers. It also did not allow the Director of Building Control to make any better decision as to the financial viability of applicants to be accredited as a builder.

Red tape reforms

The Contracts and Dispute Resolution legislation introduced as part of the building reform package provides greater protection for consumers and builders alike for the formation of written contracts with mandatory terms.

Status of the red tape reform

- Accreditation of Building Practitioners moves to the *Occupational Licensing Act 2005* as of 1 January 2017.
- The *Accreditation Scheme 2008* will be re-issued as a Determination by the Administrator of Occupational Licensing prior to January 2017. That will provide for the opportunity to dispense with the requirement to prove Net Tangible Assets.

Amendment of the *Land Use Planning and Approvals Act 1993* to allow councils to extend permits by an extra two years reducing the need for developers to re-apply

Red tape burden

This amendment to the *Land Use Planning and Approvals Act 1993* provides planning authorities with the discretion to extend an existing permit to give an additional two years for substantial commencement – the compliance test – to a maximum of six years.

The benefit here is that there is built-in flexibility in relation to an existing development permit that for a range of reasons may be held up in terms of the existing compliance test and could lapse. If such a permit were to lapse it would require a new permit and associated costs.

Regulator/agency

Local Government, Tasmanian Planning Commission

Act/regulatory instrument

Land Use Planning and Approvals Act 1993

Background/consultation

The red tape issues relating to the compliance test for substantial commencement in relation to development applications have been a long standing issue for developers and community members who on occasion find that their intended timelines for substantial commencement have been extended through external factors.

They face the prospect of having their existing development application lapse, together with the costs associated with its preparation. If they wished to proceed, they were faced with the requirement for a new application, new costs and delays.

Consultation on this initiative was conducted through the Local Government Association of Tasmania and the various stakeholders in the business, building and construction sectors.

Red tape reforms

The *Land Use Planning and Approvals Act 1993* has been amended so that local planning authorities have the discretion to extend permits by an additional two years for substantial commencement.

Status of the red tape reform

Enacted and finalised.

Review *Property Agents and Land Transactions Act 2005* (PALTA)

Red tape burden

A review of the *Property Agents and Land Transactions Act 2005* (PALTA) has not been conducted since its enactment. A number of parts of the legislation were seen by industry to be unnecessary red tape.

Regulator/agency

Department of Justice

Act/regulatory instrument

Property Agents and Land Transactions Act 2005

Background/consultation

In 2015 the Minister and the Property Agents Board (PAB) agreed to review PALTA. A consultation group was formed that included the government, the PAB and the Real Estate Institute of Tasmania.

There has been extensive consultation with industry throughout the review process.

Red tape reforms

A number of red tape reforms have been introduced in the new legislation, including:

- removing the un-commenced Part 10 of the Act, the section that dealt with cooling off periods and vendor disclosure,
- introducing a more efficient complaints procedure, and introducing laws that complement the use of new technologies for advertising and publishing,
- introducing licencing and continuing education for all property agents which will help with mutual recognition, and
- simplifying processes concerning the Property Agents Trust, the Property Agents Guarantee Fund and professional indemnity insurance.

Status of the red tape reform

Bill has passed both houses of Parliament.

Duplication for bush fire plans removed

Red tape burden

Currently building in bush fire prone areas can require bush fire mitigation plans needing to be developed at the planning and building phases. This is a duplication of planning laws and building regulations.

Regulator/agency

Department of Justice

Act/regulatory instrument

Building Act 2000

Land Use and Planning Approvals Act 1993

Background/consultation

There have been a number of attempts to reduce the regulatory burden. There has been extensive consultation with stakeholders such as the Tasmanian Planning Commission, Tasmania Fire Service, local councils, building industry associations and accredited bush fire assessors.

Red tape reforms

The *Building Regulations 2016* currently being developed have included more comprehensive provisions for working in hazardous areas including bush fire prone areas and consistency with the draft planning scheme.

Status of the red tape reform

- Regulations amended in March 2016.
- Interim Planning Directive was issued in February 2016 and now subject of public hearing.
- Relevant provisions will also be carried forward into State Planning Provisions and new Building regulatory framework.

Streamlining occupational licencing

Red tape burden

Currently occupational licencing for the building industry is managed via two pieces of legislation adding unnecessary red tape.

Regulator/agency

Department of Justice

Act/regulatory instrument

Building Act 2000

Occupational Licencing Act 2005

Background/consultation

The review of the *Building Act 2000* commenced in 2013 and has involved extensive consultation with key industry groups and practitioners, along with local and state government agencies. Four reference groups were established for the reform process.

Red tape reforms

As part of the building reform process, occupational licencing for Building Practitioners (to be Building Services Providers) has been moved out of the building legislation and into the occupational licencing legislation to sit alongside the electrical, plumbing and gas trades

One act for everyone in the building industry instead of two will reduce the regulatory burden. It also offers a clearer administrative process including one set of forms.

The *Occupational Licencing Amendments Act* transfers Building Practitioners into the *Occupational Licencing Act 2005* from 1 January 2017.

Status of the red tape reform

- Enacted and finalised.
- Information including Fact Sheets are being developed.

Risk based building and plumbing approvals

Red tape burden

The current building and plumbing approvals process for lower risk work involves excessive time and complexity in order to gain a building approval.

Regulator/agency

Department of Justice

Act/regulatory instrument

Building Act 2000

Background/consultation

The review of the *Building Act 2000* commenced in 2013 and has involved extensive consultation with key industry groups and practitioners along with local and state government agencies. Four reference groups were established for the reform process.

Red tape reforms

The regulatory framework has passed both Houses of Parliament and takes effect from 1 January 2017. The current focus is on developing the associated regulations and the various determinations necessary for the legislation to function.

A series of information sessions has been rolled out to the various stakeholder groups with more detailed sessions were run in October and November.

Status of the red tape reform

- New Building Act 2016 finalised and received Royal Assent.
- New Building regulations complete. Draft to be released for public comment in November 2016.
- Determinations are being developed, some drafts have been released for public comment.
- Promotional programs underway.
- Education programs underway.

National Trust Preservation Fund (Winding Up) Amendment Bill 2016

Red tape burden

The *National Trust Preservation Fund (Winding Up) Amendment Bill 2016* is being introduced to reflect current provisions in the Hobart City Council's planning scheme and gives heritage property owners access to funds that help facilitate the conservation of locally-listed heritage places.

Regulator/agency

Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

National Trust Preservation Fund (Winding Up) Act 1999

National Trust Preservation Fund (Winding Up) Amendment Bill 2016

Background/consultation

The current *National Trust Preservation Fund (Winding Up) Act 1999* ties the release of funds held in the Hobart City Council's Heritage Account to places in the City of Hobart that are listed on the (defunct and archived) National Trust list or the Tasmanian Heritage Register, which focuses on places of State significance. As such, these funds cannot be released for sites listed in recently developed local historic planning codes.

This Bill is designed to update the Act to reflect the subsequent emergence of local heritage listing through heritage schedules and more recently local historic heritage codes, and provide some flexibility should listing provisions change again in the future.

The Hobart City Council requested the amendment. The Hobart City Council and the Chair of the Board of the National Trust have both been engaged at key stages in the development of the Amendment Bill.

Red tape reforms

This Bill is anticipated to be considered by Parliament in 2016.

The only means of releasing the funds available in the Heritage Account is to amend the Act. While the repeal of the Act was explored it would not provide the desired solution.

Status of the red tape reform

- Bill and Parliamentary Package drafted.
- Bill awaiting tabling in Parliament.

Historic Cultural Heritage Regulations 2016

Red tape burden

The *Historic Cultural Heritage Regulations 2016* help clarify whether a place is eligible for entry on the Tasmanian Heritage Register.

There is a segment of the community and business sector that view historic heritage listing as an unnecessary burden on development.

Regulator/agency

Department of Environment, Parks, Heritage and Environment

Act/regulatory instrument

Historic Cultural Heritage Act 1995

Historic Cultural Heritage Regulations 2016

Background/consultation

With the enactment of the *Historic Cultural Heritage Act 1995*, it was acknowledged that entering places on the Tasmanian Heritage Register could be viewed as an impost on property owners and developers. In response, provisions were made to provide assurances as to whether a place was affected by the Act through the issuing of 'certificates of affected places'.

The *Historic Cultural Heritage Regulations 2016* ensure the correct operation of those provisions, and this has, and continues to be seen, as a positive step. The administrative mechanism for issuing the certificates has been streamlined over the past decade, and as such no amendments or increases in fees were made during the remaking of the Regulations.

Red tape reforms

The continuing operation of these Regulations is an important part of confirming the absence of red tape with respect to places that are not listed on the Tasmanian Heritage Register.

The Regulations were remade and tabled in both Houses of Parliament on 21 September 2016.

Status of the red tape reform

Enacted and finalised.

The Building and Construction Industry Training Fund Act 1990 Reform

Red tape burden

The *Building and Construction Industry Training Fund Act 1990* (the Act) prescribes that a training levy must be paid to the Tasmanian Building and Construction Industry Training Board (TBCITB) for building or construction works valued at 0.2 per cent of the estimated value of the work (\$12,000).

Regulator/agency

Department of State Growth

Act/regulatory instrument

The Building and Construction Industry Training Fund Act 1990

The Building and Construction Industry Training Fund Amendment Act 2006

Background/consultation

The original threshold of \$12,000 for payment of the building and construction levy has been in place since 2005. Since then, there has been considerable cost increases and structural changes in the industry over the past 10 years.

The Act was in need of review to reflect these real cost increases and industry changes. The proposed threshold increase also aligns with red tape reduction for changes to the Building Permit Levy threshold to \$20,000.

Key building industry stakeholders were consulted on the changes to the Act and all support the proposed changes, including Master Builders' Association and local authorities.

Red tape reforms

The amendments to the *Building and Construction Industry Training Fund Act 2016* will raise the levy threshold for the value of building works from \$12,000 to \$20,000.

This means there is likely to be an increase in the number of exemptions for low-cost projects that are valued at under \$20,000.

The red tape reduction measure will result in a smaller administrative workload for building contractors, local authorities and less impost on project developers where the value of the build is less than \$20,000.

This means a more efficient administration of the industry training fund.

Status of the red tape reform

The Act with the new increased \$20 000 threshold will be proclaimed and become operational 1 January 2017.

Landholder reforms to the *Duties Act 2001*

Red tape burden

Tasmania's *Duties Act 2001*, like other states, charges duty on a change of ownership in companies and unit trusts, where those entities own land. This includes duty payable on the direct acquisition of land, and on an indirect acquisition of an interest in land, where for example someone buys shares in a private company that holds land.

The current land-rich provisions in the *Duties Act 2001* are outdated, out of step with the provisions for charging duty on direct acquisitions of land, and out-of-step with similar provisions in all other jurisdictions. Most notably, the current provisions contain a complicated land-ratio test, which is used to determine whether an entity is a landholding entity.

Due to these shortcomings, the current provisions can make it difficult for people considering investing in Tasmania to comply with.

Regulator/agency

Department of Treasury and Finance

Act/regulatory instrument

Duties Act 2001

Background/consultation

All jurisdictions, with the exception of Tasmania, have adopted a landholder model for charging duty on indirect acquisitions of land.

Consultation has occurred with key stakeholders on both the policy changes and during drafting of the Bill, and stakeholders were generally supportive.

Red tape reforms

Replacing the current land-rich provisions with landholder provisions in the *Duties Act 2001* will make it easier for taxpayers to comply with the relevant duty provisions, and easier to administer, and will provide greater certainty to taxpayers and their representatives.

Other benefits to taxpayers include greater clarity and increased consistency across jurisdictions which should make it easier for individuals and companies that are considering investing in Tasmania.

Status of the red tape reform

The *Duties Amendment (Landholder and Corporate Reconstruction and Consolidation) Bill 2016* was passed by the House of Assembly on 20 September 2016 and, as at 10 October 2016, awaits debate in the Legislative Council.

First Floor CBD Development

Red tape burden

A long standing issue in Launceston has been the regulatory obstacles to redevelopment and adaptive use of first floor space above heritage CBD buildings.

As a consequence Launceston CBD has significant underutilised first floor space in the CBD, at a time when CBD revitalisation is a priority for the region.

Regulator/agency

Department of Justice

Act/regulatory instrument

Building Code of Australia, Building Act 2000

Land Use Planning and Approval Act

Background/consultation

The Launceston Chamber of Commerce commissioned a report in 2014 identifying compliance with Building Code and Planning regulations made the cost of adapting First Floor developments not financially viable.

Red tape reforms

It is proposed to work with the relevant local, state and federal authorities to develop options for adaptive reuse of First Floor accommodation that satisfy safety requirements and encourage private investment to revitalise the Launceston CBD

It is anticipated the reforms could enable development of attractive student accommodation options to support the relocation of the University into the Launceston CBD.

Status of the red tape reform

The Parliamentary Secretary for Small Business, Trade and Red Tape Reduction has commenced discussions with key stakeholders.

On 14 March 2016 the Building Regulations were amended for a variation to the National Construction Code (NCC). This NCC variation will allow (with some limits) for two story buildings to not require an installation of a lift or ramps to give access to flats on the second level if the first level is a commercial use.

This amendment only applies in these very limited circumstances. It does not apply to the construction of any new buildings that will contain residential units, or to any existing buildings that do not have commercial space on the ground floor or to buildings which have more than two storeys.

Red tape reduction issues for retail and wholesale trade

Motor traders red tape reforms (demonstrator and loan cars)

Red tape burden

The definition of 'demonstration' under the *Duties Act 2001* for demonstrator vehicles is very narrow and does not reflect modern trading and operational requirements for new motor vehicle dealers and traders.

As a consequence of the current regulations, such dealerships are unable to use demonstrator vehicles for a variety of purposes that are contemporary business practices for new motor vehicle dealerships.

Dealerships are unable to use demonstrator vehicles for carrying advertising decals or for use as service loan vehicles, without the risk of being penalised by the State Revenue Office.

In addition, the stamp duty requirements for service loan vehicles do not reflect the requirements of modern franchise agreements which encourage dealerships to use new cars as service loan vehicles to promote their sale.

Regulator/agency

Department of Treasury and Finance

Act/regulatory instrument

Duties Act 2001

Background/consultation

The Tasmanian Automobile Chamber of Commerce is concerned that the current definition of 'demonstration' under the *Duties Act 2001* is unnecessarily restricting the use of demonstrator vehicles, thereby impeding their productive use as a sales tool.

The current regulations are putting new motor vehicle dealers and traders in the difficult situation of either breaching their franchise agreements to avoid stamp duty or facing penalties for using demonstrator vehicles for advertising and promotion purposes outside of the strict definition of the *Duties Act 2001*.

Red tape reforms

The *Duties Amendment (Motor Vehicle Industry Red Tape Reduction) Bill 2016* broadens the permitted use of demonstrator vehicles and introduces a duty exemption for service loan vehicles.

The duty exemption allows exempt demonstrator and service loan vehicles to be used interchangeably for demonstration and service loan purposes, and for other permitted uses, including advertising of the motor dealing business, and use by sales staff for familiarisation purposes.

A 15 000 kilometre cap will be introduced covering the permitted uses which should reduce the compliance burden on motor vehicle dealers and traders and the State Revenue Office.

Status of the red tape reform

The *Duties Amendment (Motor Vehicle Industry Red Tape Reduction) Bill 2016* received Royal Assent on 7 October 2016.

Security licensing administration

Red tape burden

Accredited security employees currently have to renew their accreditation annually.

Teachers employed by a registered training organisation are currently issued with 'trainer licences'. Trainer licences are not a licensing requirement in other jurisdictions.

Regulator/agency

Occupational Licensing, Department of Justice

Act/regulatory instrument

Security and Investigations Agents Act 2002

Background/consultation

Accredited security employees currently have to renew their accreditation annually. This will be extended to three years to reduce the red tape burden on employees and regulators.

Teachers employed by a registered training organisation are currently issued with 'trainer licences'. Trainer licences are not a licensing requirement in other jurisdictions. Removing the need to hold such a licence will reduce red tape and bring Tasmania into line with other jurisdictions.

Red tape reforms

To reduce unnecessary red tape on security licence holders and to improve the licensing process for the Regulator, the following initial changes that can be implemented through administrative arrangements have been identified:

- The Regulator will introduce a three-year licensing period for security employees, thereby reducing costs and improving efficiencies to both the applicants and the Regulator. This will remove the cost of having a police check done each year and reduces the annual processing for the Regulator.
- The Regulator will no longer issue 'trainer licences' to teachers who undertake security training under the employment of a registered training organisation regulated by the Australian Skills Quality Authority. Trainer licences are not a licensing requirement in other jurisdictions. Addressing the need not to hold such a licence will bring Tasmania in line with other jurisdictions.

Status of the red tape reform

Administrative changes which took effect on 1 October 2015.

Amend the *Food Act 2003* to create a state-wide registration system for temporary food stalls

Red tape burden

Currently state-wide registration of food businesses is restricted to those conducted 'in a vehicle'. All other food businesses are required to register with every local council within which they operate and pay the relevant fee.

The Tasmanian Government intends to amend the *Food Act 2003* to extend state-wide registration to a wider class of mobile food businesses including, for example, those conducted in tents or from trestle tables, mobile BBQs or ovens.

Regulator/agency

Department of Health and Human Services

Act/regulatory instrument

Food Act 2003

Background/consultation

In late 2013, stallholders expressed support for state-wide registration through a petition signed by 640 people and presented to Parliament. Despite the then Minister for Health expressing support for the initiative no action was taken and stallholders continue to ask for this reform through social media.

The Local Government Association of Tasmania and all 29 local councils have been consulted at officer level (environmental health officers). There is wide support for the initiative with recognised benefits in ensuring food safety through improving sharing of information and consistency of enforcement between local councils.

Operational guidelines on this initiative will be subject to further consultation with local councils and businesses prior to finalisation and release.

Red tape reforms

Amend the *Food Act 2003* so that the single registration approach in section 88 applies to a wider range of mobile food businesses.

Status of the red tape reform

Enacted and finalised.

Removal of regulations in the *Firearms Act 1996* prohibiting paintball businesses from operating in Tasmania

Red tape reduction

Paintball is an activity that is available in all other jurisdictions in Australia. Currently the activity constitutes an offence of taking part in a war game under the *Firearms Act 1996*.

Members of the public have previously raised interest in creating paintball businesses within Tasmania if the legislation was changed to allow such activities.

Regulator/agency

Department of Police and Emergency Management

Act/regulatory instrument

Firearms Act 1996

Background/consultation

The provisions of the Tasmanian legislation, prohibiting paintball, have been in operation since the proclamation of the original *Firearms Act in 1996*.

Red tape reforms

- The *Firearms (Miscellaneous Amendments) Act 2015* will introduce amendments allowing paintball businesses to operate.
- Section 119 of the *Firearms Act* will be amended to exclude paintball from the meaning of war games.
- Part 6A will be inserted into the Act allowing an approved operator to carry out a paintball business on an approved range.
- Other relevant parts of the Act relating to definitions and the obtaining of a licence for the purpose of conducting a paintball business will be created.

Status of the red tape reform

Enacted and finalised.

Registrar of Motor Vehicles to authorise private sector driving instructors to undertake L2 driving assessments

Red tape burden

Waiting times for driving assessments have consistently been outside the acceptable four-week timeframe at various assessment centres across the state. This has resulted in a delay for some learner drivers commencing to undertake their mandatory 50 hours of supervised driving, prior to undertaking a provisional (PI) driver licence assessment.

Regulator/agency

Registrar of Motor Vehicles, Department of State Growth

Act/regulatory instrument

Vehicle and Traffic Act 1999

Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010

Background/consultation

Extensive consultation took place with driving instructors across the state on the new service delivery model, with a commitment to improving the learning experience for all novice drivers without compromising road safety.

Red tape reform

The Registrar of Motor Vehicles has individually authorised suitably qualified driving instructors to undertake L2 driving assessments.

The authorisation has a set of strict conditions which must be met for all assessments.

The Registrar's priority is to ensure that the experience and assessment that is delivered to a novice driver is the same regardless of who undertakes the assessment.

The mandatory 28-day waiting period between assessments for learner drivers who fail their L2 driving assessments has also been removed. This initiative has greatly increased the pool of available assessors able to undertake L2 assessments. There are now 42 driving instructors authorised to undertake L2 assessments.

Status of the red tape reform

The new service delivery model commenced in December 2014.

Streamlined licensing and accreditation for passenger transport operators

Red tape burden

The *Taxi and Hire Vehicle Industries Act 2008* and *Passenger Transport Services Act 2013* processes and procedures required streamlining to ensure that it is easier for the passenger transport service providers to comply with their legislative responsibilities.

Regulator/agency

Department of State Growth

Act/regulatory instrument

Taxi and Hire Vehicle Industries Act 2008

Passenger Transport Services Act 2013

Background/consultation

The above Acts provide the regulatory framework for passenger transport operators, including bus, taxi, luxury hire car and restricted hire car vehicles. The *Taxi and Hire Vehicles Industries Act 2008* intends to promote a safe, demand-responsive transport system that adequately meets the needs of consumers and ensures that the operators are appropriately licensed.

The *Passenger Transport Services Act 2013* ensures that operators have systems and processes in place to manage the safety, security and related risks of the passenger transport service.

Red tape reforms

In early 2015, as part of a review of regulatory compliance with the passenger transport legislation, business processes were reviewed and redesigned (including streamlined) to aid the end user and the Regulation and Concessions business unit. As part of this process any unnecessary process tasks were removed.

Information provided to operators through a variety of tools such as accreditation manuals, forms, internet site, newsletters and brochures, are being reviewed to ensure that they are correctly targeted with clear and relevant information.

In addition, as part of everyday business improvement, processes, forms and internet materials continue to be reviewed with the view of meeting the needs of the end user.

Status of the red tape reform

Enacted and finalised.

Fireworks night retained

Red tape burden

A new framework for the management of fireworks in Tasmania is required to better balance the needs and interests of community members and to give greater clarity and certainty with regard to public access and use of fireworks.

Regulator/agency

WorkSafe Tasmania, Department of Justice

Act/regulatory instrument

Explosives Regulations 2012

Background/consultation

The then Minister announced there would be a review of fireworks laws in response to ongoing safety and amenity issues arising from the use of Type 2 fireworks. A discussion and options paper formed the basis of consultation with stakeholders and the broader community as part of the review of Tasmania's fireworks laws.

On the basis of this consultation, the Government announced that a new framework for the use of fireworks in Tasmania will be developed that restricts the use of Type 2 fireworks to Cracker Night only.

The new framework will improve notification requirements, and provide a balanced approach that better protects domestic animals and wildlife, the environment and amenity, while still allowing Tasmanians to enjoy the event.

Red tape reforms

An options paper has been provided to the Minister on the preferred approach for the administration and use of fireworks in Tasmania. The Department will develop the preferred approach, when known, into a detailed proposal including a potential implementation schedule.

Following additional public consultation, the details of the new framework will be finalised with agreement by the Minister and legislative change progressed accordingly.

The extensive lead time for the manufacture and supply of fireworks means that the primary retailer of Type 2 fireworks in Tasmania will have already finalised its order relating to Cracker Night 2017. Given this, it would not be appropriate to implement a new framework in its entirety prior to Cracker Night 2017.

Status of the red tape reform

Awaiting determination of the preferred approach.

Hire and Drive Vehicle Inspection Program

Red tape burden

The Hire Car industry is concerned that new hire vehicles, under three years of age, are required to have 10,000 km safety checks in addition to pre hire inspections and normal manufacturer servicing.

Regulator/agency

Department of State Growth

Act/regulatory instrument

Passenger Transport Services Act 2011

Background/consultation

Current accreditation documentation does not clearly reflect legislative requirements for the inspection and accreditation for Hire and Drive operators for small vehicles (less than nine seats).

Current requirements:

- Safety inspection – every six months or 10,000 km, whichever comes first; The time period (ie six months) and distance travelled (10,000 km) is reset (ie starts again) when the vehicle has a full service by an authorised dealership (eg a vehicle service is performed during the warranty period).
- Regulatory roadworthiness inspection under the Registrar of Motor Vehicles' Inspection Program, for a vehicle –
 - under three years no inspection
 - three years or more but less than 15 years every six months, and
 - 15 years or more every 12 months

The time period for these inspections is never reset.

There has been some concern from industry that vehicles are required to undergo safety inspection shortly after servicing, giving rise to additional costs and time off the road.

Red tape reforms

The Department is updating the "Passenger Transport Services Operator Accreditation - Hire and Drive Manual" on the Department of State Growth website, to clarify the safety inspection requirements and that no roadworthiness inspection is required for vehicles under three years.

Status of the red tape reform

Complete.

Development of online training resource for stakeholders who conduct services on behalf of the Registrar of Motor Vehicles

Red tape burden

Training of external service providers involved in the provision of a service for the Registrar of Motor Vehicles has traditionally been face-to-face at times that have not always been convenient to businesses.

Regulator/agency

Department of State Growth

Act/regulatory instrument

N/A

Background/consultation

The Department has developed an e-training website to allow service providers to undertake necessary training at a time that suits their business needs.

A range of e-training courses are now available for our service providers who include proprietors of Approved Inspection Stations, proprietors of Approved Motor Body Repair Inspection Stations, Vehicle Examiners, L2 Authorised Driving Instructors and providers of the Learner Licence Assistance Program.

Red tape reforms

The implementation phase of the e-training website is complete and in operation.

Status of the red tape reform

Complete.

Implementation of smart forms for vehicle inspection services

Red tape burden

The vehicle inspection industry use a manual process and paper-based forms for periodical vehicle inspections. It is time consuming for the vehicle examiner to complete an inspection and for the Department of State Growth to process the forms.

Regulator/agency

Department of State Growth

Act/regulatory instrument

N/A

Background/consultation

Administrative processes for passenger transport service vehicle inspection reports have been reviewed, with new streamlined administrative processes introduced.

The first smart form for vehicle inspections of large passenger transport vehicles was developed in consultation with key stakeholders.

This form was implemented in November 2015 and replaced the existing manual process and paper-based form. This form makes it quicker for the vehicle inspection industry to complete an inspection.

It has automated user processes and the Department's data systems are now updated in real time. This has resulted in increased efficiencies for operators of large passenger transport service vehicles and for the Department as the time required to complete the processes has reduced.

Two further smart forms are being built – for small passenger transport vehicles and an on-line audit form for Approved Inspection Stations audit officers.

Red tape reforms

A new electronic large passenger vehicle inspection form has been completed and is now in use.

Ongoing work has continued in 2016-17 to develop additional smart forms for vehicle inspection services.

Status of the red tape reform

Completed.

Red tape reduction issues for tourism, hospitality and racing

Review on-course bookmakers regulatory arrangements

Red tape burden

The number of Tasmania's on-course bookmakers has been steadily declining over a number of years. In 2009/10, there were 18 bookmakers registered; in 2014/15 there were only nine. On-course bookmaking operations are important to the overall race day experience.

The emergence of corporate bookmakers and online wagering has continued to negatively impact these on-course bookmakers. To reverse their decline it is essential to identify and address the regulatory constraints that effect their operations.

Regulator/agency

Office of Racing Integrity, Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

Racing Regulation Act 2004

Background/consultation

The Director of Racing has undertaken a review of on-course bookmaker activities to identify any and all constraints that impact on-course bookmaking operations in this state. There have been ongoing discussions between the Director of Racing, the Tasmanian Bookmakers Association and the Australian Bookmakers Association.

Red tape reforms

Potential amendment to the *Racing Regulation Act 2004* and the *Racing (Bookmaker Betting) Regulations 2004*.

The Director of Racing has completed a comprehensive review of the racing legislation to identify constraints that impact on-course bookmaking operations in Tasmania.

The Director's final report, including any recommendations in terms of legislative changes to the existing regulatory arrangements that could enhance the competitiveness of on-course bookmakers, will be available for the Minister for Racing's consideration by the end of 2015.

Cabinet approved the drafting of legislation to amend the *Racing Regulation Act 2004* with the intention of "providing Tasmania's on-course bookmakers enhanced opportunities to compete in an ever changing wagering landscape and to regulate, where necessary, unlicensed persons participating in the racing industry."

Status of the red tape reform

The Bill was passed in Parliament on 22 September 2016 in the Upper House and requires Royal Assent before this red tape priority can be classed as completed.

Review the appeal provisions of the *Racing Regulation Act 2004*

Red tape burden

Following a review of the Tasmanian Racing Appeal System in mid-2009, a number of legislative changes were made to the structure and processes of the Tasmanian Racing Appeal Board, which were implemented in 2010.

The overarching principle underpinning these changes was to provide a more effective, efficient and contemporary appeals system in Tasmania. It was generally recognised by stakeholders that the 2010 legislative amendments had contributed to some improvements in the regulatory system.

However, there remained concerns that the changes, while aimed at greater efficiency, had the effect of reducing checks and balances important to the fairness of the appeal process.

Regulator/agency

Office of Racing Integrity, Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

Racing Regulation Act 2004

Background/consultation

During parliamentary debate on the amending legislation in late 2009, a number of concerns were raised. To address these concerns, a 'sunset clause' was inserted in the Bill to cause a review of specified amendments three years from commencement of that legislation.

In early 2013, an independent panel was established to undertake that review. The panel consulted extensively with stakeholders, including industry participants, Tasracing, and the chairpersons of the Tasmanian Racing Appeal Board and the Integrity Assurance Board.

Red tape reforms

Amendment to the *Racing Regulation Act 2004* required the repeal of the provision limiting the powers of the Tasmanian Racing Appeal Board's chairperson.

- Only one of the panel's 13 recommendations involved legislative amendment – to remove a limitation on the power of the Tasmanian Racing Appeal Board's chairperson to suspend, under certain circumstances, the operation of a penalty, pending the hearing of an appeal.
- The Government accepted this recommendation and a repealing provision was incorporated in the *Racing Regulation Amendment (Board Amalgamation) Bill 2015* (refer Reform No 37), which was subsequently passed during the Autumn 2015 session of Parliament and commenced on 1 July 2015.
- A recommendation that the Tasmanian Racing Appeal Board utilise appointed racing advisers at hearings involving serious offences has been adopted by the Board.
- A further recommendation that industry misperceptions regarding the appeals process be addressed through education, will inform the mandated consultation process between the Board and industry.
- The remaining recommendations were to maintain the status quo.

Status of the red tape reform

Enacted and finalised.

Amalgamate the Integrity Assurance Board and the Tasmanian Racing Appeal Board

Red tape burden

Since 2009, the Tasmanian Racing Industry has been serviced by two racing appeal boards – the Integrity Assurance Board and the Tasmanian Racing Appeal Board. Generally, the Integrity Assurance Board adjudicated appeals against decisions made under the *Racing Regulation Act 2004*, whereas the Tasmanian Racing Appeal Board adjudicated appeals against decisions and penalties imposed under the Rules of Racing.

Both boards were funded by the administering Department. In 2013-14, the Integrity Assurance Board dealt with three appeals and the Tasmanian Racing Appeal Board with 18.

Given this disparity it was appropriate to rationalise the two boards to generate savings and ensure a more efficient use of resources.

Regulator/agency

Office of Racing Integrity, Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

Racing Regulation Act 2004

Background/consultation

In 2014, a review of the Integrity Assurance Board and the Tasmanian Racing Appeal Board was undertaken in terms of their purpose, role, size, composition, cost and other relevant aspects.

The review identified that it was feasible for a single board to undertake the duties and responsibilities of both boards without compromising integrity. Consultation was undertaken with the Department of Treasury and Finance, Department of Premier and Cabinet, Solicitor General, Tasracing and the chairpersons of the Integrity Assurance Board and Tasmanian Racing Appeal Board.

Red tape reforms

Amendments to the *Racing Regulation Act 2004* and the *Racing (Miscellaneous) Regulations 2004* required to dissolve the Integrity Assurance Board and transfer its functions and powers to the Tasmanian Racing Appeal Board.

Legislation to amalgamate the two boards was passed during the Autumn 2015 session of Parliament and commenced on 1 July 2015.

Status of the red tape reform

Enacted and finalised.

Repeal the *Travel Agents Act 1987* to remove the duplication of regulation in the travel industry

Red tape burden

Repealing the *Travel Agents Act 1987* will remove red tape and a financial cost on travel agents operating in the state. It will thereby remove the disadvantage that travel agents face when competing with overseas and online agencies.

Regulator/agency

Consumer, Business and Occupational Services, Department of Justice

Act/regulatory instrument

Travel Agents Act 1987 – replaced by the *Travel Agents Repeal Bill 2014* as a reform measure

Background/consultation

Repealing the *Travel Agents Act 1987* occurred to remove the duplication of regulation in the industry now that Australian consumer law covers travel services.

New business models coupled with technological advancements have gradually reduced the relevance and effectiveness of the existing system.

This market change has also steadily disadvantaged local travel businesses that find themselves competing with offshore providers operating outside the regulatory framework.

The Act will be entirely wound up by the end of 2015.

Red tape reforms

Repealed the *Travel Agents Act 1987* – this removed red tape and a financial cost on travel agents operating in the state. It will thereby remove the disadvantage that travel agents face when competing with overseas and online agencies.

Status of the red tape reform

Enacted and finalised.

Reduction of the public consultation process for wildlife imports from 20 days to 10 days

Red tape burden

Current biosecurity risk assessment processes require a 20-day public comment period which wildlife parks find problematic as they often need to accept offers of wildlife from interstate or overseas zoos at short notice.

A reduction in the public consultation period will reduce the risk of wildlife parks missing out on offers of animals in favour of other zoos that work in jurisdictions that can be more flexible in their import assessment processes.

Regulator/agency

Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

Wildlife (General) Regulations 2010

Background/consultation

During recent stakeholder consultation on the existing Wildlife Import Policy, discussion of reducing approval times for new collections within wildlife parks arose as a stakeholder consideration.

Red tape reforms

Ongoing consultation with stakeholder groups is occurring in relation to imports of reptiles and birds, and consideration of reducing approval times has been considered as part of the package of proposed reforms.

Status of the red tape reform

The Minister for Environment, Parks and Heritage is currently reviewing the updated Wildlife Import Policy.

The new policy will reduce approval times for importation of new species of wildlife by shortening the public consultation period on risk assessments from 20 to 10 days.

Streamline import of exotic animals for zoos, pet stores and animal exhibitors without compromising biosecurity

Red tape burden

Tasmanian wildlife parks often wish to acquire and import exotic animals that become available from time to time from interstate or overseas zoos.

The current state approvals process which undertakes a rigorous biosecurity assessment is sometimes not sufficiently flexible to allow a fast approval, and wildlife parks may miss out on the opportunity to secure new wildlife for their collections.

Regulator/agency

Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

Wildlife (General) Regulations 2010

Background/consultation

After consultation with wildlife parks, it has been agreed the Department will establish a list of risk assessed and pre-approved animals of interest, to these entities and collectors.

In this manner, a list of animals which have had a biosecurity risk assessment and have had consideration of the conditions of possession, will be made publically available.

Those collectors who can meet the conditions of possession will then be able to access animals that become available on short notice for their collections.

Red tape reforms

A case manager will be appointed within the Department's Natural and Cultural Heritage Division to liaise more closely with wildlife parks and assist them to plan the work required to secure access to species.

The case manager will advise on species that are approved for import, the level of difficulty that applications for various new species may face, the likelihood of success and the timeframes involved.

During the approvals process the case manager will advise wildlife parks and zoos on the progress of the assessment and manage the internal process in the Department to ensure timely passage.

Status of the red tape reform

Enacted and finalised.

Introduction of online passes for national parks

Red tape burden

In the past, park passes have been available mainly through an in-person purchase in Service Tasmania shops and Parks and Wildlife Service visitor centres.

A visitor to a national park may not have had access to an outlet prior to visiting a national park, necessitating a cash purchase onsite.

With the trend to a more cashless society, visitors to national parks may not be in a position to pay cash and may incur a notice of breach for non-payment, requiring extra contact to be made with Parks and Wildlife Service administrative staff to clear the notice.

Regulator/agency

Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

National Parks and Reserves Management Act 2002

Background/consultation

In seeking to reduce the administrative burden on staff and visitors and to provide a modern solution to the purchase of national park passes, the Department of Primary Industries, Parks, Water and Environment developed a bespoke system for the purchase of park passes online.

This system was delivered for the summer season of 2014/15. The park pass system has since had ongoing improvements including the provision of downloadable PDF documents for compliance officers to check against in the field, even if in a remote Internet blackspot.

The system does not preclude visitors from purchasing their park passes in person in Service Tasmania shops, at various agents and through the Parks visitor centres.

Red tape reforms

Creation of a new online park pass purchasing system and associated administrative access platforms and databases.

Status of the red tape reform

Enacted and finalised.

Erecting temporary structures

Red tape burden

Currently many temporary structures such as marquees, require approval via a permit from council. This permit would often only be issued after a Building Surveyor confirmed that the structure is suitable.

This is a duplication of process for this type of low risk work.

Regulator/agency

Department of Justice

Act/regulatory instrument

Building Act 2000

Background/consultation

The cost in time and money to erect temporary structures was often prohibitive.

Industry requested that this process be made simpler and cheaper and that it match the risk profile.

Red tape reforms

Under the building reform legislation, Temporary Occupancy Permits can be issued by a Building Surveyor for up to three years for a building such as a barn or marquee that is erected for a particular event.

This permit is transferrable to another local government area rather than an applicant needing to apply to each council.

This is particularly valuable for an outfit such as a circus, markets, sports, food and wine and cultural events.

Status of the red tape reform

- Enacted and finalised.
- Effective 1 January 2017.

Merger of Tasmanian Gaming Commission and Liquor Licensing Board

Red tape burden

Up until the recent legislative change there were two regulatory bodies performing regulatory assessment functions across gaming and liquor licence applications.

Applications for liquor licences and other related matters previously had to go through the Liquor Licensing Board on a formal basis, requiring applicants to generally have to wait for scheduled board meetings to occur prior to being notified of the outcomes. This could add time and red tape to the process when some matters could have been dealt with more effectively and in a timelier manner under a different assessment process.

Regulator/agency

Department of Treasury and Finance

Act/regulatory instrument

Liquor Licensing Act 1990

Gaming Control Act 1993

Background/consultation

N/A

Red tape reforms

Through an Act of Parliament, the functions of the Liquor Licensing Board and the Tasmanian Gaming Commission were merged to create a single regulatory body for industry to work with.

By allocating licence decision making powers to the Commissioner, relevant decisions are made on a continuous basis delivering faster decisions to industry.

Status of the red tape reform

Enacted and finalised.

Simplifying gaming licence renewals

Red tape burden

Members of the Tasmanian Hospitality Association raised the issue of having to provide a large volume of information for the renewal of their gaming licence, despite the fact that it had not changed since their original application.

The application form to obtain a gaming licence is very comprehensive (12 pages) and covers gaming activities, business experience, financial projections, gaming systems, human and IT resources, training, marketing strategies and details of the premises including access and security arrangements.

Where information has not changed there would be scope to reduce the administrative burden on applicants.

Regulator/agency

Department of Treasury and Finance

Act/regulatory instrument

Gaming Control Act 1993

Background/consultation

The Coordinator-General and the Red Tape Reduction Coordinator met with the Tasmanian Hospitality Association recently as a part of the industry consultation process to identify red tape issues.

The Board of the Tasmanian Hospitality Association nominated a range of issues and it was agreed the issues surrounding permits for gaming, tobacco and liquor were the most appropriate issues to pursue at this point.

The general consensus of industry was that the current regulations did have an important role to play in regulating the industry; however, the process surrounding renewal of permits and licences was unnecessarily duplicative and too frequent.

Red tape reforms

The Liquor and Gaming branch in the Department of Treasury and Finance has created a new Licensed Premises Gaming Licence renewal form which streamlines the renewal process.

The new form is pre-populated with current details of the applicant and associates, and the application only requires notification of any changes to associates or updates to any relevant contact details.

The form also provides consent for the Tasmanian Liquor and Gaming Commission or a member of the Liquor and Gaming branch to obtain financial or confidential information if required for the purposes of assessing the renewal application.

Status of the red tape reform

The Liquor and Gaming Branch has created and implemented a new Licensed Premises Gaming Licence renewal form, streamlining the information required from applicants.

Extend duration of out-of-hours permits

Red tape burden

Under section 12 and section 34 of the *Liquor Licensing Act*, the Commissioner has the capacity to authorise the sale of liquor outside the general liquor licence times of 5:00 am to midnight.

The application for an out-of-hours permit is used largely by pubs wanting to stay open for an extra couple of hours during peak trading periods such as Saturday night through to early Sunday morning.

The Commissioner, in granting such a licence, needs to be satisfied that such a permit will not cause undue annoyance or disturbance.

The issue for the hospitality industry is not the requirement for the permit, but rather the limited duration for which the permit can be granted – a period not greater than 12 months.

The industry argues that the nature of its trading requirements does not fundamentally change from year to year and that the need to apply for the permit each year is a red tape burden.

Regulator/agency

Department of Treasury and Finance

Act/regulatory instrument

Liquor Licensing Act 1990

Liquor Licensing (Fees) Regulations 2015

Background/consultation

The Coordinator-General and the Red Tape Reduction Coordinator met with the Tasmanian Hospitality Association as a part of the industry consultation process to identify red tape issues.

The Board of the Tasmanian Hospitality Association nominated a range of issues and it was agreed the issues surrounding permits for gaming, tobacco and liquor were the most appropriate issues to pursue at this point.

The general consensus of industry was that the current regulations did have an important role to play in regulating the industry; however, the process surrounding renewal of permits and licenses was unnecessarily duplicative and too frequent.

Red tape reforms

Effective from 1 September 2016, the Government has further simplified the renewal process by amending liquor regulations to allow the Commissioner for Licensing to issue permits of either one, two or three years in duration.

A streamlined renewal form for out-of-hours permits is in use and is largely pre-populated for the applicant. The form requires the applicant to identify any changes to the hours of operation and to provide a short paragraph addressing section 34(1) and (2) of the *Liquor Licensing Act 1990* (this relates to the application being in the best interests of the community and not causing undue noise or disturbance).

The duration of an out-of-hours permit remains a matter for the Commissioner for Licensing and will be subject to the circumstances of each application.

Status of the red tape reform

Amended regulations to provide for the Commissioner for Licensing to issue extended out-of-hours permits for up to three years came into effect from 1 September 2016.

Improved risk-related assessment of gaming licences

Red tape burden

The requirement that all applicants who apply for a special employee's licence must have their fingerprints taken seems excessive and places a red tape burden on industry that adds time and cost to the process.

Regulator/agency

Department of Treasury and Finance

Act/regulatory instrument

Gaming Control Act 1993

Application for a special employee's or technicians licence

Background/consultation

The Coordinator-General and the Red Tape Reduction Coordinator met with the Tasmanian Hospitality Association recently as a part of the industry consultation process to identify red tape issues.

The Board of the Tasmanian Hospitality Association nominated a range of issues and it was agreed the issues surrounding permits for gaming, tobacco and liquor were the most appropriate issues to pursue at this point.

The general consensus of industry was that the current regulations did have an important role to play in regulating the industry; however, the process surrounding renewal of permits and licences was unnecessarily duplicative and too frequent.

Red tape reforms

From 1 May 2015, in keeping with national trends, it is no longer required that special employee's licence applicants have their fingerprints taken. Notwithstanding this approach the Commission does, however, reserve the right to have special employee's licence applicants fingerprinted on a case by case basis should the need arise.

This reduces the time and process required by applicants to seek a licence and has also reduced the costs they face in doing so by 35 per cent.

All gaming associate applicants and technician licence applicants continue to be fingerprinted.

The Commission will continue as part of an applicant's suitability assessment process to seek a National Police Certificate from Tasmania Police for all gaming applicants.

Status of the red tape reform

Enacted and finalised.

Airbnb and free market reforms

Red tape burden

The Government is committed to embracing the sharing economy, including providing regulatory reforms for short-term tourist accommodation such as Airbnb.

Currently, short-term visitor accommodation is regulated across the state under interim planning schemes.

The majority of these planning schemes have requirements for permits for visitor accommodation in most zones and theoretically, ALL short-term stay rentals require a permit from councils to operate as a visitor accommodation use.

The Government recognises this red tape burden and has proposed an exemption from requiring planning approval for the use of dwellings for visitor accommodation for up to 42 nights a year in its draft State Planning Provisions.

Regulator/agency

Department of Justice

Act/regulatory instrument

Land Use Planning and Approvals Act 1993 (planning schemes)

State Planning Provisions

Background/consultation

The Government's proposal follows consultation with a range of stakeholders including the short-term stay rental sector, the hospitality industry and local government, with a view to refining the exemptions and the other planning controls.

Red tape reforms

The Government, in its draft State Planning Provisions, has proposed an exemption from requiring planning approval for the use of dwellings for visitor accommodation for up to 42 nights a year.

The exemption will provide clarity for short stay operations, like Airbnb, by enabling residential buildings to operate for up to 6 weeks (42) nights per year before permits are required.

Status of the red tape reform

The changes are contained in the draft of the State Planning Provisions which is currently being assessed by the Tasmanian Planning Commission.

Red tape reduction issues for education and training

Review of the *Education Act 1994*

Red tape burden

A comprehensive review of the *Education Act 1994* has been undertaken to provide a contemporary, flexible and enduring legislative framework that meets the needs of learners now and into the future. It provides for greater national consistency where this increases social and economic opportunities for Tasmanians whilst responding to the local needs and circumstances of the state.

There were opportunities to streamline some aspects of the system while maintaining appropriate protection for children and establishing a framework that supports the government's approach to kindergarten to year 12 education/training.

Regulator/agency

Department of Education, Schools Registration Board (registers non-government schools)

Tasmanian Home Education Advisory Committee (registers home educators)

Act/regulatory instrument

Education Act 1994

Youth Participation in Education and Training (Guaranteeing Futures) Act 2005

Education and Training (Tasmanian Academy) Act 2008

Background/consultation

The review has been comprehensive with all aspects of the Act being considered. Extensive consultation has been undertaken, both with stakeholders and the broader community.

This included receiving written submissions, public and targeted forums, meeting with stakeholders and further public information sessions on the release of the draft Bill on 14 March 2016.

Red tape reforms

A comprehensive review of the *Education Act 1994* has been completed.

The current legislative framework is fragmented with three Acts regulating the kindergarten to year 12 education and training.

The *Education Act 2016* will replace the current *Education Act 1994*, *Youth Participation in Education and Training (Guaranteeing Futures) Act 2005* and the *Education and Training (Tasmanian Academy) Act 2008*.

A single Education Act will promote a seamless education system through to Year 12.

Status of the red tape reform

The *Education Bill 2016* passed both Houses of Parliament on Tuesday 15 November.

Review of the *Education Act 1994* – systems of non-government schools

Red tape burden

The current act does not distinguish between the registration processes for new schools and schools that are re-registering. Further to this, it does not allow systems of schools that operate under a single governance arrangement to register as a system, such as Catholic schools.

Regulator/agency

Department of Education, Schools Registration Board (registers non-government schools)

Act/regulatory instrument

Education Act 1994

Background/consultation

The Schools Registration Board ensures that non-government schools comply with standards for education by accessing and registering all non-government schools in Tasmania.

Extensive consultation has been undertaken, both with stakeholders (including Catholic Education and Independent Schools Tasmania) and the broader community.

Red tape reforms

Separate and more tailored processes will exist for the registration of new schools and the re-registration of existing schools.

Also, systems of schools that operate under a single governance, for example Catholic schools, will also now be able to register as a system.

By tailoring these processes, more clarity and protection will be provided for schools seeking registration. It also acknowledges and streamlines the different processes and regulations required.

Status of the red tape reform

The *Education Bill 2016* passed both Houses of Parliament on Tuesday 15 November.

Anti-discrimination amendment – reducing the administrative burden for faith-based schools

Red tape burden

The Government has passed an amendment that will allow faith-based schools to give preference in their admissions to students who have religious beliefs, affiliations or activities consistent with those of the school.

Under previous laws, religious schools were able to apply for an exemption to the Act for any years they were oversubscribed. However, the process could be cumbersome and uncertain as it is difficult for schools to predict in advance whether a year group may be oversubscribed with students seeking admission.

In implementing this change, the Government is reducing the red tape burden on faith-based Tasmanian schools that existed under previous arrangements.

The passage of legislation brings Tasmanian law more in line with all other states and territories.

Regulator/agency

Department of Justice

Act/regulatory instrument

Anti-Discrimination Act 1998

Background

These changes are the fulfilment of an election commitment made by the Liberal Party.

The amendment to the *Anti-Discrimination Act 2015* will allow faith-based schools to give preference at the admission stage to students of the same faith and is about providing consistency and certainty to Tasmania's faith-based schools, bringing Tasmanian law into line with all other states and territories.

Red tape reforms

Anti-Discrimination Act 1998 by inserting section 51A:

1. A person may discriminate against another person on the grounds of religious belief or affiliation or religious activity in relation to admission of that other person as a student to an educational institution that is or is to be conducted in accordance with the tenets, beliefs, teachings, principles or practices of a particular religion.
2. Subsection (1) does not apply to a person who is enrolled as a student at the educational institution referred to in that subsection.
3. Subsection (1) does not permit discrimination on any grounds referred to in section 16 other than those specified in that subsection.
4. A person may, on a ground specified in subsection (1), discriminate against another person in relation to the admission of the other person as a student to an educational institution, if the educational institution's policy for the admission of students demonstrates that the criteria for admission relates to the religious belief or affiliation, or religious activity, of the other person, the other person's parents or the other person's grandparents.

Status of the red tape reform

Enacted and finalised.

Traineeships and apprenticeships information system reform

Red tape burden

The current system does not allow organisations such as apprenticeship network providers, registered training organisations, employers and schools to easily access the current status of training contracts associated with their organisation.

The current system is very much paper-based which has a significant effect on resources in all organisations. The new Traineeships and Apprenticeships Information System (TApIS) will allow information to be received and sent electronically between Skills Tasmania and the above-mentioned organisations, reducing the amount of paperwork associated with the current system.

Regulator/agency

Skills Tasmania

Act/regulatory instrument

Training and Workforce Development Act 2013

Background/consultation

Skills Tasmania utilises the DELTA application for the management of apprenticeships and traineeships under a training contract in Tasmania. DELTA, being in place since 1998, has been patched to extend its lifetime.

A project to replace DELTA is in its final stages and will allow information to be received and sent electronically between relevant organisations within the VET sector.

The development of TApIS and TApISNet will address long standing paper-based processes currently in place and allows Skills Tasmania to provide to, and receive from, the above-mentioned organisations timely information pertaining to training contracts. This is in line with reforms currently required under the National Partnership on Skills Reform.

Red tape reforms

TApIS is in the final stages of development and will have a second component, TApISNet, which will allow organisations to log on to a portal that displays their training contracts. This portal will allow organisations to see the status of their training contracts and can be used to validate their enrolments.

Skills Tasmania will also be able to receive information from these organisations and load it into its system, thus reducing the amount of paperwork associated with the current system.

These reforms to the system fall in line with the National Partnership on Skills Reform to improve linkages between registered training organisations, employers, service providers and other state and local organisations to improve outcomes.

Status of the red tape reform

TApIS is in the final stages of development, with TApISNet business requirements finalised.

2016 User Choice program

Red tape burden

The User Choice program is an annual program that provides training subsidies to Skills Tasmania endorsed registered training organisations (RTOs) to help cover the cost of providing training and assessment services for nationally recognised qualifications to Tasmanian apprentices and trainees.

The 2016 User Choice program has shifted from a procurement-based funding process to an open grants round, making funding easier, simpler and more accessible.

In addition, the initial allocation of funded training places to RTOs will now be based on verifiable previous activity, meaning the need for further applications and variation through User Choice will also be reduced.

Regulator/agency

Skills Tasmania

Act/regulatory instrument

Training and Workforce Development Act 2013

Background/consultation

In September 2015, the General Manager of Skills Tasmania held two forums (one in the south and one in the north of the state) to discuss the administration of Skills Tasmania funding. Feedback received from these forums helped to inform the development of the 2016 User Choice program. In addition to this, extensive consultation with internal stakeholders also took place.

Red tape reforms

In 2015 User Choice administration involved a modest allocation of funded training places to RTOs through a procurement process.

Administration through this system, coupled with a small allocation of training places, resulted in a strong demand for further training places. To meet legal obligations, further training places were approved through an intensive variation process.

For training needs that emerged post-procurement, it was necessary to develop requests for quotations and requests for tenders.

This funding model proved to be inflexible and did not appropriately reflect the dynamism of the training sector.

To improve efficiency by reducing the need variations and requests for quotations and tenders, as well as increasing flexibility and response-ability to industry demand, Skills Tasmania sought legal advice from Crown Law to transfer the administration of funding from procurement to grants.

This was approved by Crown Law and the Minister in October 2015. User Choice will now be administered as an open grants round, meaning funding will be available throughout the year.

Skills Tasmania also reviewed its funding allocation practices and in 2016 will use collected data to verify the previous training activity of RTOs and consequently allocate training places accordingly, thus reducing the need for variations.

Status of the red tape reform

Policy approved by relevant Minister.

Red tape reduction issues for health and human services industry

Eliminating duplication of state regulations where community sector organisations have nationally accredited quality management systems in place

Red tape burden

Duplication of quality and safety reporting between the national and state levels.

Regulator/agency

Department of Health and Human Services (DHHS)

Act/regulatory instrument

The DHHS administers the *Quality and Safety Framework for Tasmania's DHHS Funded Community Sector*

Background/consultation

Under the Framework, program areas are responsible for monitoring DHHS funded organisations' compliance with standards and continuous improvement initiatives.

Under the Framework, the DHHS recognises organisations which are nationally accredited under other quality and safety regulation systems.

Red tape reforms

In these cases, the DHHS does not conduct separate quality and safety reviews, but rather acknowledges the external accreditation.

This removes duplication for organisations with nationally accredited systems in place.

Status of the red tape reform

Duplication removed for organisations with national accredited systems in place.

Introduction of an electronic grants management system

Red tape burden

The Tasmanian community sector has raised concerns that the mutual reporting and grants management system is an area that causes significant administrative burden and the obstruction of easily sharing and accessing of information.

Regulator/agency

Department of Health and Human Services

Act/regulatory instrument

N/A

Background/consultation

The Tasmanian community sector has raised reporting and contract management systems as an area that causes undue administrative burden on its organisations.

Manual processes, including the use of spreadsheets, have previously been used to keep track of vital reporting information and contract details. Community sector organisations reported that this system was time consuming and did not allow for sharing of information.

In addition, business process and risk mitigation reviews determined that it would be best for an integrated electronic system to be implemented.

Red tape reforms

Introduction of the system has provided an IT solution allowing for integrated management of grants both internally to the Department, and for the community sector.

This system allows for accurate information recording and sharing between organisations and the Department and reduces administrative tasks.

Status of the red tape reform

Enacted and finalised.

Charity and not for profit reporting requirements

Red tape burden

Not for profit organisations, including charities and sporting clubs, registered as Incorporated Associations in Tasmania were required to submit financial reports to both the Australian Charities and Not-for-profit Commission (ACNC) and the Tasmanian Commissioner for Corporate Affairs.

In addition, many Incorporated Associations were required to undertake financial audits of accounts.

Regulator/agency

Department of Health and Human Services

Act/regulatory instrument

N/A

Background/consultation

There are similar financial reporting requirements under both the Tasmanian and Commonwealth Acts for Incorporated Associations. The situation resulted in Tasmanian Incorporated Associations that are registered and lodge financial statements to the ACNC, also being required to submit the same statements to the Commissioner for Corporate Affairs, the Regulator under the *Associations Incorporation Act*.

This duplication created unnecessary administrative and regulatory burdens on many charitable organisations.

In addition, there was a need for Incorporated Associations to undertake financial audits and submit audited statements regardless of the size of the organisation. Many of these organisations have a low risk profile.

Red tape reforms

Two amendments to the Incorporated Association legislation were made that reduce the administrative burden on Tasmanian registered charities and not for profit organisations.

The first amendment removed the requirement for Tasmanian registered charities to submit financial reports to the Tasmanian Commissioner for Corporate Affairs if that charity is also registered with, and is providing financial statements to, the Australian Charities and Not-for-profit Commission (ACNC).

The second amendment exempts incorporated associations with annual revenues below \$250,000 from supplying audited financial statements to the Commissioner for Corporate Affairs.

Status of the red tape reform

- Enacted.
- Regulation amendments underway to “Model Rules” that act as a guide to Incorporated Associations.

Online Tobacco Seller's Licence Applications and Renewals

Red tape burden

Paper-based applications and renewal forms for Tobacco Seller's Licences are currently managed annually through arrangements between the Department of Health and Human Services, Service Tasmania and the retailer.

There are delays and the potential for errors with changes (such as addresses or fees) that are not addressed with the current system.

Regulator/agency

Department of Health and Human Services (DHHS)

Act/regulatory instrument

Public Health Act 1997 (the Act)

Background/consultation

In 2009, DHHS customised a database that receives payments from Service Tasmania electronically but a paper-based new application form is still required. It must be submitted at any Service Tasmania outlet (or sent via post directly to DHHS Tobacco Licensing Officer by the retailer.)

This form is then sent from Service Tasmania to the DHHS Tobacco Licensing Officer by the internal post. Each year, interstate applicants ask how to submit a new Tobacco Seller's Licence application without attending a Service Tasmania Outlet.

Tobacco Control Officers in DHHS often take compliance action with retailers when a Tobacco Seller's Licence is overdue. Selling without a tobacco licence is an offence under the Act and may lead to penalties. Retailers will report they have submitted the paper-based renewal form, however the time taken with the current system means it is received after the due date.

In renewing a licence, the application and the fee are required to assess the application.

Red tape reforms

Introduction of an online licencing system will enhance timeliness of the process, free up administrative (and sometimes duplicated, as outlined above) burden on staff that can be directed to face to face work in tobacco control. It will also streamline the application process.

Status of the red tape reform

Policy approved by Minister for Health in the *Healthy Tasmania* plan, and is subject to approval to increase licencing fees.

Streamline regulatory processes for licensing of private health facilities and day procedure centres – reporting requirements

Red tape burden

Small day procedure centres have raised concerns about the cost of annual licence fees levied under the *Health Service Establishments Regulations 2011*.

Regulator/agency

Department of Health and Human Services

Act/regulatory instrument

Health Service Establishments Act 2006

Health Service Establishments Regulations 2011

Background/consultation

Under the *Health Service Establishments Act 2006* (the Act) fees apply to licence applications, renewals and transfers with fee units prescribed in the *Health Service Establishments Regulations 2011* (the Regulations).

Through the annual renewal process, the Department received feedback from services regarding the current prescribed fee structure. In particular, concerns were expressed by some smaller establishments that the fee structure places an unequal regulatory cost burden on small practices in comparison with larger private hospitals and does not accurately reflect the scope and breadth of services provided by different health service organisations.

Red tape reforms

The Act and Regulations commenced on 1 October 2011 and day procedure centres have been required to be licensed from 1 April 2012.

Given the licensing framework set out in the Act and Regulations has now been operational for a number of years, it is timely to review the practical application of the prescribed fees to ensure that they meet their regulatory objective.

The Department has undertaken a review of licensing fees, and has consulted with all licensed services through the release of a consultation paper.

The consultation paper proposed different options for a new fee structure that can be transparently and consistently applied to health service establishments, in line with best practice regulatory principles.

Status of the red tape reform

Office of Parliamentary Counsel drafting revised Regulations.

Simplification and standardisation of contracts and pre-qualification for community services providers

Red tape burden

Across the Department, contract management with community service providers is complicated by duplicative, inconsistent or disproportionate administrative requirements, which create a burden for the community sector when time and resources could be better spent providing services to Tasmanians.

Regulator/agency

Department of Health and Human Services

Act/regulatory instrument

Treasurer's Instruction TI 709

Section 23 of the *Financial Management and Audit Act 1990*

Background/consultation

The red tape concerns raised by the community sector relate to contracts with the Department of Health and Human Services for the provision of community services.

There are concerns that the contracts are not streamlined, do not provide flexibility and do not allow organisations to undertake long-term strategic planning.

The requirement of organisations to undertake extensive, time consuming and sometimes duplicative reporting is also of concern. Contracts for three years or less also result in organisations having limited ongoing security and certainty. Additional complications arise for organisations that have multiple contracts.

Red tape reforms

The Minister for Health and the Minister for Human Services have jointly commissioned a review of the processes for purchasing services from the community sector. Ongoing discussions to be held with peak community sector bodies.

A trial of the Australian Government's DEx Information Exchange system allowing access to reporting, increasing information sharing and reducing red tape, will also be commencing in the near future.

Status of the red tape reform

Report completed.

Red tape reduction issues for general application across all industries and other red tape reforms

Review of workers' compensation arrangements

Red tape burden

Certain aspects of Tasmania's workers rehabilitation and compensation scheme have been cumbersome for employers and unnecessarily burdensome for stakeholders, including workers and their dependents, employers, medical practitioners and insurers.

Regulator/agency

WorkSafe Tasmania, Department of Justice

Act/regulatory instrument

Workers Rehabilitation and Compensation Act 1988

Background/consultation

Comprehensive consultation with stakeholders has been undertaken in the development of the approved policy positions.

Red tape reforms

Proposed amendments emphasise a movement away from administrative processes and focus instead on achieving positive outcomes for stakeholders.

They will reduce red tape involved with the administration of the Act and make other miscellaneous amendments that improve the operation of the WorkCover Tasmania Board, the operation of the Act, and the effectiveness of review provisions.

Recently the Minister wrote to the WorkCover Tasmania Board asking that it review the regulatory functions and activities assigned to it and identify opportunities to reduce red tape and inefficiencies within regulation imposed by the Board.

Status of the red tape reform

The Bill was introduced into Parliament on 26 October 2016. It is anticipated that the amendments will commence on 1 July 2017.

Review directors' liability provisions to ensure national consistency and more equitable approach to criminal liability provisions

Red tape burden

The Australian Institute of Company Directors has identified 50 pieces of legislation that include liability provisions which it believes should be repealed or amended, including 33 so called 'type 3' provisions under the Council of Australian Governments (COAG) reform process.

Type 3 provisions presume that a Director is guilty of the corporation's criminal offence unless the Director can prove otherwise.

The Institute has put forward economic arguments for such reforms and in particular the removal of type 3 directors' liability provisions in terms of making Tasmania a more attractive place to do business, invest and create jobs.

Regulator/agency

Consumer, Business and Occupational Services, Department of Justice

Act/regulatory instrument

The Australian Institute of Company Directors has identified 33 Acts that include type 3 directors' liability provisions.

Background/consultation

Directors' liability reforms were agreed to under COAG's National Partnership Agreement to deliver a seamless national economy.

The aim of the directors' liability project is to remove blanket liability provisions from statutes and impose targeted liability where appropriate.

Red tape reforms

The Government supports in principle the appropriate removal or amendment of directors' liability provisions where it is clearly in the public's interest.

However, this is a significant project requiring an audit of over 30 pieces of legislation and will need to be considered in the context of other portfolio priorities.

Status of the red tape reform

The Attorney-General has written to the Australian Institute of Company Directors to advise that directors' liability reform is on this Government's legislation agenda and will be progressed during the term of this government.

Local government traffic facilities approvals: remove the need for approval from the Department of State Growth

Red tape burden

It had been a long standing convention that the Commissioner for Transport, through delegation of authority to departmental staff, approves all plans for installation of traffic control devices on roads in Tasmania, including roads managed by Local Government under the *Local Government (Highways) Act 1982*.

Councils were required to submit a set of plans for approval by the Commission. Up to six staff were involved in the processing of applications, with each application taking several days/weeks to progress and issue. Applications from the north of the state generally took longer as hard copy drawings had to be sent to the south for signature by the delegate.

Regulator/agency

Transport Commission, Department of State Growth

Act/regulatory instrument

This has been a convention supported by a direction of the Commission under Section 59 of the *Traffic Act 1925* rather than a legislated requirement of the Act.

Background/consultation

The Local Government Association of Tasmania advised through its General Manager that Tasmania's Local Government General Managers supported the proposed change to traffic facilities approvals as it will allow councils, the road owners, to manage local roads to meet the needs of their communities.

Red tape reforms

Approvals are still provided by the Commission where explicitly required under the *Local Government (Highways) Act 1982* or *Traffic Act 1925*.

Status of the red tape reform

Transport Commission direction issued in 2014, effective 1 January 2015. No legislative change required.

Pre-approve road networks for a suite of heavy vehicles to remove the need for operators to obtain heavy vehicle road permits

Red tape burden

Heavy vehicle operators currently require a permit for operating over-size and/or over-mass vehicles in a large number of cases. These permits cost \$70 and can take up to 28 days to obtain.

By declaring the most frequently used parts of the road network open to access, operators may no longer require a permit, saving both time and money.

Regulator/agency

National Heavy Vehicle Regulator; Department of State Growth

Act/regulatory instrument

Heavy Vehicle National Law (Tasmania) Act 2013

Background/consultation

Under the Heavy Vehicle National Law heavy vehicle operators must apply through the NHVR to the relevant road managers for access to the road network. Road managers, which includes not only the Department of State Growth but local councils and private road owners must advise the NHVR of their consent to an application, before a permit can be issued.

The permit approval process can be protracted, leading to unacceptable delays.

Red tape reforms

The Department of State Growth has been working with the Local Government Association of Tasmania and councils to identify strategic routes and to assess their suitability for over-size and over-mass vehicles.

The 2015-16 budget allocated \$1.7 million to the Department to provide engineering consultants to assist Local Government in the assessment of the infrastructure, especially bridges. This has allowed local councils to join the Department in describing pre-approved networks for a suite of heavy vehicles.

These networks were placed in a gazetted notice in November 2015 by the National Heavy Vehicle Regulator removing the need for operators to gain a permit to travel on those networks.

Ongoing work has continued during 2016-17 to assess additional networks and bridge assets which in turn are providing greater ability for road managers to grant access to industry. Additional Notices have been developed for additional vehicle combinations (for example, agricultural vehicles).

Status of the red tape reform

Enacted and being finalised.

Planning Reform – State Planning Provisions

Red tape burden

The variation and complexity in existing planning schemes across the State is a long standing impediment to streamlined and predictable development approvals requiring developers to work within different constraints for the same types of use and development.

Expertise to determine the requirements from one council to another may be required.

Regulator/agency

Department of Justice

Act/regulatory instrument

Land Use Planning and Approvals Act 1993 (planning schemes)

Background/consultation

The Planning Reform Taskforce was established by the Minister in early 2014 to advise on a model for a single statewide planning scheme. This formed the basis of amendments to the Act to prepare the Tasmanian Planning Scheme consisting of 2 parts – State Planning Provisions (SPPs) and Local Provisions Schedules (LPS).

The Taskforce then prepared a set of draft SPPs including extensive consultation with stakeholders across industry, community and infrastructure sectors. These draft SPPs were then approved by the Minister for the statutory public consultation process and reporting by the Tasmanian Planning Commission.

The Commission is required to report by 9 December 2016. The Minister will make the final SPPs after considering any recommended modifications and direct local councils to prepare their LPSs to give effect to the consistent SPPs.

The Act provides for the LPSs to have limited variations from the SPPs where exceptional circumstances warrant that.

Red tape reforms

The drafting of the SPPs by the Planning Reform Taskforce presents a consistent and streamlined set of planning scheme provisions which have reduced unnecessary use and development applications by increasing exemptions, removed duplication in approvals processes, and rationalised the application of certain planning controls to areas consistent with the purpose of particular zones.

The current hearings and assessment of these draft SPPs by the Tasmanian Planning Commission is providing the opportunity for scrutiny and enhancement based on representations, including from local councils.

On completion of the Commission's report, the Minister will seek further advice as he sees fit, including from the Planning Reform Taskforce and the Department of Justice's Planning Policy Unit, before determining what recommended modifications to accept.

Status of the red tape reform

- Legislative changes enacted and the reforms are in the drafting and assessment stages.
- Delivery of the reforms through Local Provisions Schedules will commence in 2017.

Planning Reform – Major Projects

Red tape burden

The major projects assessment process under the *Land Use Planning and Approvals Act 1993* (LUPAA) provides for a limited number of planning, environment and heritage approvals, with proponents required to seek separate approval under several other Acts.

Proponents may also invest significant time and resources in providing detailed technical documentation for assessment with little certainty of whether a planning approval is likely to be granted until the assessment process is complete.

The proposed reforms will provide for an integrated assessment and permit, and for the staged approval of major projects.

Regulator/agency

Department of Justice

Act/regulatory instrument

Land Use Planning and Approvals Act 1993 (LUPAA)

Background/consultation

The Planning Reform Taskforce has advised the Minister on proposed reforms to the major projects assessment process in LUPAA. The Department of Justice is further developing the model and will undertake public and stakeholder consultation on a draft Bill in 2017.

Red tape reforms

The changes will establish a more integrated assessment process covering a range of environment and heritage approvals and for a staged approval that provides greater certainty at an earlier stage of whether a final planning approval may be granted.

The reforms will support greater use of Ministerial call-in powers and will be supported by the Office of the Coordinator-General which will advise proponents on assessment processes.

The state will engage with the Australian Government with a view to ensuring the assessment process continues to be recognised under the Commonwealth Assessment Bilateral Agreement made pursuant to the *Environment Protection and Biodiversity Conservation Act 1999*.

Status of the red tape reform

- Policy approved by relevant Minister (in broad terms).
- Cabinet Minute approved.
- Office of Parliamentary Counsel drafting legislative reform.

A single civil and administrative tribunal

Red tape burden

Tasmania is the only Australian state that does not have a single tribunal and administrative appeals framework. Tasmania has over 25 different administrative decision making or review bodies.

A single tribunal could result in greater uniformity and consistency in processes across jurisdictions whilst retaining the important specialist features of the individual tribunals.

Reform of this kind to Tasmania's civil and administrative decision-making processes, has the potential to improve service delivery, provide better access to justice, and reduce red tape and duplication.

Regulator/agency

Department of Justice

Act/regulatory instrument

Dozens of Acts across Government ranging from the *Abandoned Lands Act 1977* to the *Work Health and Safety Act 2012*.

Background/consultation

Tasmania is the only state that does not have a single tribunal structure in place. Each existing tribunal has its own administrative and legislative framework requiring a high level of resourcing and support that could be streamlined to deliver a more efficient and accessible service.

The Department of Justice has developed a discussion paper which examines the range of bodies suitable for amalgamation as well as the possible structure, legislative requirements, governance and leadership of a single tribunal.

Any development of a single tribunal would ensure that the tribunal continues to have access to the expertise required and would focus on eliminating duplication of administration and support costs.

Red tape reforms

The Department of Justice has consulted on a Discussion Paper and prepared an Options Paper that details how the Government could advance the reforms.

Status of the red tape reform

A Discussion Paper was released for consultation in September 2015. Consultation on the Discussion Paper has now concluded.

Options for the development of a single administrative tribunal have now been developed for the Government to consider.

This process has been thorough and well consulted and provided Government with a clear pathway forward to implement a structure that reduces red tape, improves service delivery and consistency of processes, provides better access to justice, and reduces duplication.

Reducing limitations on leasing and licensing Crown land

Red tape burden

A red tape issue has arisen in relation to Government departments seeking to lease Crown land containing a dwelling. Present provisions of the *Crown Lands Act 1976* place limitations on portfolio Ministers leasing residential properties to non-departmental employees.

In particular, the limitations impact upon the Government's ability to provide greater security of tenure to non-government sector health service providers operating residential care facilities on Crown land.

Regulator/agency

Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

Crown Lands Act 1976

Background/consultation

The *Crown Lands Act 1976* currently places restrictions on Government departments seeking to lease Crown land containing dwellings to non-departmental employees. At present, a portfolio Minister may lease 'residential portfolio land' to a departmental employee on such rental, terms and conditions as the Minister deems appropriate, or to a person, who is not an employee of that Minister's department, for a period of no longer than 12 months and at a market rate.

By contrast, a portfolio Minister has broader powers to lease all 'other portfolio land' under their department's control without the limitations which currently apply to properties containing a dwelling.

The inherent limitations on leasing 'residential portfolio land' to third parties (that is non-departmental employees) have created difficulties for the Department of Health and Human Services when seeking to lease Crown land to the non-government sector for the provision of residential health care services such as group homes and aged care facilities.

Red tape reforms

Amend the *Crown Lands Act 1976* to remove the distinction between 'residential portfolio land' and 'other portfolio land' by replacing these two categories with a single category of 'portfolio land'. As a result of the amendments, portfolio Ministers will be able to:

- lease or license any Crown land managed by their departments without the limitations currently imposed by the Act with regard to 'residential portfolio land' lease or,
- license all land under their department's management in accordance with the powers that already apply in relation to the existing category of 'other portfolio land'.

Status of the red tape reform

Enacted and finalised.

Reviewing model work health and safety laws

Red tape burden

National consistency in work health and safety laws is of particular importance for business.

Regulator/agency

WorkSafe Tasmania, Department of Justice

Act/regulatory instrument

Work Health and Safety Act 2012

Background/consultation

The proposed amendments to work health and safety laws were considered and agreed by the requisite majority of jurisdictions at a national level but have not, as yet, been introduced by any jurisdiction.

Red tape reforms

The proposed amendments were not agreed by all jurisdictions. This, coupled with some subsequent changes of Governments and corresponding changes in policy positions, has resulted in a situation where only a small number of jurisdictions are considering introducing the amendments.

Should Tasmania progress the amendments as intended, Tasmania's Act would move out of alignment with the Acts of the other jurisdictions that have implemented the nationally consistent laws.

Status of the red tape reform

Progressing at a timeline consistent with implementation in other jurisdictions.

Making it easier for businesses to register for government events

Red tape burden

Previously, businesses registering for Government events needed to ring or email Business Tasmania which would manually manage registrations.

Regulator/agency

N/A

Act/regulatory instrument

N/A

Background/consultation

N/A

Red tape reforms

Business Tasmania streamlining event registrations using Eventbrite. Businesses are able to register, pay and import the event into their diaries in one step.

In 2014-15 Business Tasmania handled 40 events across the state attended by 1 827 participants.

Refer to business.tas.gov.au/content/upcoming-events

Status of the red tape reform

Enacted and finalised.

Streamlined process for Tasmanian Government nominations for skilled migration

Red tape burden

The Business and Skilled Migration team within the Department of State Growth is integrating a customer relationship management (CRM) functionality into the Migration Tasmania website, which will result in a clearer and more streamlined process for skilled migrants to apply for state nomination.

Integrating the approval process is more efficient, resulting in reduced turnaround times for applications.

Regulator/agency

Department of State Growth

Act/regulatory instrument

Migration Act 1958

Background/consultation

All other State Government departments that manage skilled migration nominations have CRM functionality integrated into their online application process. Applications for skilled migration to the Department of State Growth are increasing, and a streamlined process is necessary to ensure applications are processed quickly and efficiently without the need for duplication or further resourcing.

The new website also actively promotes Tasmania as a desirable place for skilled migrants to live, with a focus on lifestyle options and business and investment opportunities. It also promotes opportunities for international students who graduate in Tasmania to continue to live and work in the state.

The website aims to clearly explain the guidelines and requirements for state nomination, helping users to find relevant information and reduce the need to manage inquiries of a general nature.

Red tape reforms

The revised Migration Tasmania website was launched on 21 April 2016, which includes an online application process for potential overseas migrants, information about visa types and application processes, as well as information about living in Tasmania.

Status of the red tape reform

Completed.

Amendment of *Local Government Act 1993* to abolish 29 individual code of conduct panels and replace with an independent state-wide code of conduct panel

Red tape burden

The new code of conduct framework replaces the 29 separate council code of conduct panels and the Local Government Association of Tasmania Standards Panel with a single and independent state-wide code of conduct panel.

This provides a strengthened and streamlined code of conduct framework.

Regulator/agency

Local Government Association of Tasmania

Local Government Division, Department of Premier and Cabinet

Act/regulatory instrument

Local Government Amendment (Code of Conduct) Bill 2015 as an amendment to the *Local Government Act 1993*

Background/consultation

The establishment of a streamlined, efficient code of conduct panel for Local Government in Tasmania has been in the development stage since 2010.

The Local Government Association and the Local Government Division in the Department of Premier and Cabinet have undertaken extensive consultation with local government to develop the proposed single state-wide code of conduct framework.

Red tape reforms

The Bill inserts a new Division 3A within Part 3 of the *Local Government Act* to provide new provisions relating to code of conduct complaints.

The code of conduct panel is constituted of three members derived from the pool of members appointed by the Minister responsible for Local Government. One member is an Australian lawyer and the remaining two members are persons with experience in Local Government.

An Executive Officer is appointed by the Department of Premier and Cabinet to undertake the administrative functions of the panel. The chairperson of the panel will be a member with experience in Local Government.

Status of the red tape reform

Enacted and a Ministerial Order enacted for the Model Code of Conduct.

Simplifying Stamp Duty on corporate restructures

Red tape burden

Currently, a corporate reconstruction or consolidation in Tasmania attracts a duty liability under the *Duties Act 2001* where a direct or indirect acquisition of land occurs.

Historically, the Treasurer has provided duty relief for internal corporate restructures through discretionary ex-gratia payments made under an administrative arrangement.

The Government considers that where it is a genuine internal corporate restructure and confined to members of the same corporate group, there should be an ability under the Act to provide an exemption from duty rather than using a more complex and costly administrative work-around through ex-gratia payments.

Regulator/agency

Department of Treasury and Finance

Act/regulatory instrument

Duties Act 2001

Background/consultation

All jurisdictions, with the exception of Tasmania, provide a legislative exemption from duty for corporate reconstructions.

Currently in Tasmania the Department of Treasury and Finance considers several principles when assessing whether ex-gratia relief should be granted for internal corporate restructures. These principles are generally consistent with the criteria that other jurisdictions have prescribed in legislation.

Red tape reforms

In order to provide transparency, certainty and a more streamlined process, the *Duties Act 2001* is to be amended so that the Commissioner of State Revenue can grant a full exemption from duty if satisfied that a corporate reconstruction or consolidation meets the specified statutory criteria.

Status of the red tape reform

The *Duties Amendment (Landholder and Corporate Reconstruction and Consolidation) Bill 2016* was passed by the House of Assembly on 20 September 2016.

Provision of online forms for external clients for Mineral Tenement processes

Red tape burden

Mining and exploration companies are required to submit exploration and production returns to Mineral Resources Tasmania (MRT) on a quarterly basis.

These detail company exploration and/or production activities for the previous quarter. Currently, MRT mail a hardcopy of the forms and most are completed by hand and sent by return mail.

Implementing an online process would streamline this process and reduce the administrative burden for both industry and MRT.

Regulator/agency

Mineral Resources Tasmania, Department of State Growth

Act/regulatory instrument

Mineral Resources Development Act 1995

Background/consultation

MRT is embarking on the digitisation and online provision of a number of Mineral Tenement forms to enable clients to fill out and lodge electronically via the MRT website.

This process improvement is a timely development that will streamline distribution, collection and administration of data. In instances where companies or individuals prefer to be mailed out a physical form to complete, MRT will also continue to support a manual approach.

Red tape reforms

Forms are currently being digitised in readiness for making available on the MRT website.

Status of the red tape reform

Enacted and in progress.

Streamlining of Mineral Tenement Administration Processes

Red tape burden

Mineral Resources Tasmania (MRT) is working to improve internal processing and efficiencies to enable a quicker turnaround in assessments and advice for both industry and government.

Currently, when MRT receives applications from industry for new leases, lease extensions and renewals and similar, physically files are created and administered manually. Work is underway to map and streamline this approach and improve transparency and turnaround times, including utilising the Department's electronic data management systems workflow functionality.

The benefit of this process improvement will be particularly important to support the efficient sharing of information between MRT's Hobart and Burnie offices.

Regulator/agency

Mineral Resources Tasmania, Department of State Growth

Act/regulatory instrument

Mineral Resources Development Act 1995

Background/consultation

The current methodology for handling the tenement administration process involves physical handing of files between MRT's experts such as the tenement administration team, land management experts and geologists.

Red tape reforms

As part of the MRT relocation to Burnie, a review and streamlining of internal Mineral Tenement administration processes is taking place. This process has been scoped and work commenced on process mapping to enable a review and conversion to workflow to take place.

As of September 2016, two processes have been converted to workflows. The handling of exploration and production returns has been converted to workflow and are being trialled over the next quarter.

There are a number of complex tenement processes that need to be mapped, reviewed and converted to workflow. It is envisaged that this process will take approximately 18 months to fully implement. Work is progressing towards a full implementation at the end of March 2018.

Status of the red tape reform

In progress.

Professional Standards Act Amendments to remove section 27(c) and introduce mutual recognition provisions

Red tape burden

The existence of section 27(c) meant that the Tasmanian legislation differed from that in all other Australian jurisdictions, requiring Professional Associations to apply for separate professional standards schemes in Tasmania.

Regulator/agency

Department of Justice

Act/regulatory instrument

Professional Standards Act 2005

Background/consultation

A joint Department of Treasury and Finance and Department of Justice review of section 27(c) in 2014 resulted in a discussion paper being released to stakeholders. All submissions received requested the removal of section 27(c) and the introduction of mutual recognition provisions.

Red tape reforms

The *Professional Standards Amendment Bill 2016* has now passed both Houses of Parliament, and received Royal assent on Thursday 24 November 2016.

Status of the red tape reform

Enacted and finalised.

National Business Simplification Initiative

Red tape burden

Businesses often struggle to identify the permits and approvals required by Local State and Federal Government. Furthermore, the information required by the relevant agencies is often similar in nature which leads to time consuming duplication.

Regulator/agency

Scope to work with all government agencies.

Act/regulatory instrument

NA

Background/consultation

The Commonwealth Government through the Minister for Industry, Innovation and Science has written to all states inviting them to participate in the National Business Simplification Initiative.

Red tape reforms

The initiative will initially target one or two industry sectors in each state to create single entry points for businesses engaging with local, state and federal approval processes.

The system will be built around Australian Business Licensing Service (Next Generation).

Status of the red tape reform

Tasmania was one of the first states to sign up to the National Business Simplification Initiative. The Parliamentary Secretary for Small Business, Trade and Red Tape Reduction has met with the Federal Minister for Small Business and Assistant Minister for Industry, Innovation and Science to progress the initiative, and identify federal-state red tape reduction opportunities for Tasmania.

Red tape reduction issues for the community

Reduced place of assembly licensing requirements

Red tape burden

Under the Guidelines for Places of Assembly owners/operators of public buildings such as cinemas and theatres, night clubs, public swimming pools and convenors of large outdoor events were required to hold a place of assembly licence issued by local councils for a fee.

The requirements under the guidelines largely related to building operation and safety requirements which have been separately regulated under the National Construction Code for many years. This duplication imposed an unnecessary regulatory burden on owners/operators of public buildings, including licensing costs. The duplication also resulted in an unnecessary compliance burden on councils.

Regulator/agency

Department of Health and Human Services

Local Government

Act/regulatory instrument

Public Health Act 1997

Background/consultation

The red tape issues pertaining to places of assembly regulations have been long standing issues for building owners/operators, event organisers and councils.

The Department of Health and Human Services' Public Health Services unit has been in active consultation with councils on this issue and chaired a working group with representatives from both rural and urban councils. The working group unanimously supported this change.

Worksafe Tasmania has been fully consulted on the change.

Red tape reforms

The acting Director of Public Health amended a notice under section 75A of the *Public Health Act 1997* to restrict the class of place to which a place of assembly licence is required to only a 'mass outdoor public event'. In the revised section 75A notice, 'mass' will be defined to mean 1 000 people or more, present for two hours or more; and 'public event' will include (but is not limited to) any performance, exhibition, circus, festival, food festival, pageant, regatta, sports event, dance and publicly advertised lecture.

Status of the red tape reform

The acting Director of Public Health issued a direction to revoke all pre-existing notices issued under section 75A of the *Public Health Act 1997* and to specify that a place of assembly licence is only required for mass public events. The direction was published in the *Tasmanian Government Gazette* on 22 July 2015.

Removing duplication of regulatory requirements in the child care industry

Red tape burden

The *Registration to Work with Vulnerable People Act 2013* provides for a centralised system for the background checking and registration of people who work, or wish to work, in various regulated activities with vulnerable people, including children.

The Act created a red tape burden for some workers in the child care industry already subject to regulation and background checking under the *Child Care Act 2001*. The *Child Care Amendment Bill 2014* incorporated the Registration to Work with Vulnerable People Act's checks into the *Child Care Act* to remove duplication of regulatory requirements and overcome inconsistencies in legislation.

Regulator/agency

Building Standards and Occupation Licensing Division, Department of Justice

Secretary, Department of Education

Act/regulatory instrument

Child Care Amendment Bill 2014

Background/consultation

A red tape issue pertaining to the registration of workers in the child care industry was created with the implementation of the *Registration to Work with Vulnerable People Act 2013* and regulations.

This created a new process of registration for some workers in the child care industry already subject to regulation under the *Child Care Act 2001*.

The *Registration to Work with Vulnerable People Act 2013* provides for a centralised system for the background checking and registration of people who work, or wish to work, in various regulated activities with vulnerable people, including children.

The *Child Care Amendment Bill 2014* proposed amendments to the *Child Care Act 2001* as a consequence of and to facilitate the implementation of the *Registration to Work with Vulnerable People Act 2013*. The Education and Care Unit (Department of Education) and Building Standards and Occupational Licensing (Department of Justice – screening unit) were consulted on the Bill.

Red tape reforms

The *Child Care Amendment Bill 2014* replaced these criminal history checks with a requirement that the person be registered under the *Registration to Work with Vulnerable People Act 2013*.

The checks done under the *Registration to Work with Vulnerable People Act 2013* are more extensive than the criminal history matters taken into account in the fit and proper person test under the *Child Care Act 2001*.

The red tape burdens were unnecessary and costly duplication of regulation and inconsistencies in legislation.

Status of the red tape reform

Enacted and finalised.

Introduce online transfer of vehicle service for clients, removing the need to attend a Service Tasmania shop to undertake this transaction

Red tape burden

Clients are now able to complete the transfer of vehicle registration online when purchasing a vehicle without the need to visit a Service Tasmania shop. This complements the vehicle registration disposal transaction when selling a vehicle which is also available online.

In addition to client convenience and time saving, there is the additional benefit of registration details being updated in a timelier fashion on the Motor Registry System.

Regulator/agency

Department of State Growth

Act/regulatory instrument

Vehicle and Traffic Act 1999

Background/consultation

Tasmanians undertake over 110 000 registration transfer transactions every year. Prior to implementation of the online option there was a requirement to attend a Service Tasmania shop to complete the transaction.

The timely updating of registered operator details enables improved customer service ensuring renewal reminder notices and other correspondence are delivered to the correct operator.

Red tape reforms

The issue was addressed by the development of an online application that uses web browsers and mobile devices enabling payment by credit card.

This is linked to and accessible from both Service Tasmania and the Department of State Growth web pages. Renewal notices have been adapted to inform customers of the new service.

Status of the red tape reform

The application went live in July 2014.

Abolish the requirement for drivers over the age of 75 to have compulsory medical assessments, if they do not have a medical condition that could impact on their ability to drive safely

Red tape burden

Drivers over the age of 75 were required to undertake mandatory annual medical assessments to maintain their driver licence. The need to undertake a mandatory medical assessment on the basis of age alone is discriminatory as drivers aged 75 years or more are not over represented in crash statistics.

Normal ageing does not increase crash risk as older drivers compensate for any gradual decline in driving abilities. The community perceived this requirement as burdensome and discriminatory.

Regulator/agency

Registrar of Motor Vehicles, Department of State Growth

Act/regulatory instrument

Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010

Background/consultation

A review of the Older Driver Licensing System found no evidence that older drivers are more likely to cause a crash and that older drivers are under-represented in crash statistics. Older drivers are generally very good at self-assessing their driving skills and are driving within their capacity.

Prior to removing this requirement extensive consultation with stakeholders was undertaken including medical practitioners, relevant associations and support groups. In addition, a campaign was undertaken to increase awareness around the importance of individuals self assessing their fitness to drive.

Red tape reforms

The requirement for drivers over the age of 75 to have compulsory medical assessments if they did not have a medical condition that could impact on their ability to drive safely was abolished in October 2014.

Government resources are now being utilised to assess the 18 000 drivers with existing medical conditions that may impact on their driving, rather than the blanket assessing of healthy older drivers.

Status of the reform

Revised policy was implemented in October 2014.

Electronic Service of Police Infringement Notices (ESOP)

Red tape burden

Previous legislation restricted Police Infringement Notices being sent electronically.

Regulator/agency

Department of Police, Fire and Emergency Management (DPFEM)

Act/regulatory instrument

Acts Interpretation Act 1931 (Administrator of Act – Minister for Justice)

Background/consultation

The Police Infringement Notice System (PINS) introduced in June, 2014, was a first of its kind mobile application for Tasmania Police to issue infringement notices electronically on their tablet computers instead of continuing to utilise a paper-based system.

About 90 0000 infringement notices are issued by Tasmania Police every year.

An amendment to legislation was required to allow the notices to be sent electronically, with the consent of the recipient.

Red tape reforms

A bill was introduced to Parliament to amend Section 30A of the *Acts Interpretation Act 1931 (Tas)* to enable infringement notices to be served electronically.

Status of the red tape reform

- Completed.
- The enhancement to PINS went live on 19 September, 2016. It provides for the option of receiving PINs electronically via email once verbal consent is provided to the issuing officer.

Simplification the quarantine procedures for passengers arriving in Tasmania on the *Spirits of Tasmania*

Red tape burden

Implementation of new quarantine clearance process to ensure passengers travelling to Tasmania on the *Spirits of Tasmania* spend less time in queues. After a successful trial, passengers now enjoy faster disembarkation in Devonport with the quarantine clearance undertaken at the Port of Melbourne.

Passengers now receive information on legal obligations and Tasmanian biosecurity requirements when booking, during the loading process and while on board. These changes strengthen the biosecurity and quarantine arrangements.

Regulator/agency

TT-Line

Biosecurity Tasmania

Act/regulatory instrument

Memorandum of Understanding between Biosecurity Tasmania and TT-Line

Background/consultation

Under a Memorandum of Understanding between Biosecurity Tasmania and TT-Line a new quarantine clearance process was trialled at the Port of Melbourne and is now in operation reducing frustration for passengers disembarking in Devonport.

The new process reduces offloading times for passengers at Devonport and strengthens Tasmania's biosecurity frontline.

Red tape reforms

Quarantine inspections now involve a three-stage process that begins in the Port of Melbourne rather than when people are already in Tasmania.

Food, plant and other materials that may be harmful to the state's primary industries and environment can be identified and removed before arrival in Tasmania, with the quarantine message beginning at the start and continuing during the journey.

Targeted inspections can then be undertaken by Biosecurity Tasmania staff as required on arrival.

Status of the red tape reform

Implemented.

Improve Fitness-to-Drive management processes

Red tape burden

Streamline Fitness-to-Drive assessment processes.

Regulator/agency

Department of State Growth

Act/regulatory instrument

Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010

Background/consultation

The red tape issues around the Fitness-to-Drive processes have been identified from a range of sources, including client feedback, consultation with and feedback from stakeholders, such as medical practitioners and Tasmania Police. A review of current processes will ensure that we can provide a customer-focussed approach aimed at supporting both road safety and keeping people within the licensing system for as long as it is reasonable to do so.

The review will consult with a range of stakeholders including:

- medical practitioners
- Tasmania Police
- interest groups
- support groups (Diabetes Tasmania, National Heart Foundation etc.)
- our clients

with the aim of creating a clear, streamlined and supportive process for clients.

Red tape reforms

A review of all current Fitness-to-Drive processes and practices has been completed with a key focus on providing the right balance between road safety, regulatory responsibilities and client focus.

Outcomes that have been implemented are:

- new Medical Fitness-to-Drive Decision Making Guidelines have been developed and are in use
- new Returning Driver Decision Making Guidelines; Fitness-to-Drive (driving capability) Decision Making Guidelines; and Public Passenger Vehicle Ancillary Certificate (adjunct to driver licence) Decision Making Guidelines have also been developed and are now in use
- a new streamlined process between Transport Access Scheme and driver licensing to support medical Fitness-to-Drive decisions has been successfully implemented
- new internal process for efficient processing of initial medical advice has been developed and implemented
- new Medical Fitness-to-Drive Assessment form has been developed. Consultation undertaken with medical practitioners and communication completed. Form now in use and
- a case management approach for all aspects of Fitness-to-Drive has been implemented, including multi-skilling of Driver Licensing team and moving to client-based workloads as opposed to activity specific workloads, ensuring a better customer experience for our clients.

Status of the red tape reform

Complete.

Introduce a new driver assessment booking system to enable clients to book and pay for an assessment online

Red tape burden

Clients are required to visit a Service Tasmania centre to book and pay for a Driver Assessment.

Regulator/agency

Department of State Growth

Act/regulatory instrument

Vehicle and Traffic Act 1999

Background/consultation

Driver assessment bookings and payments were only available by visiting a Service Tasmania centre and clients had to revisit if they wanted to change an appointment.

This was time consuming and inconvenient, especially for people living in remote or rural areas.

If clients were unsuccessful in gaining their licence, they were required to wait a further 28 days before resitting an assessment for a provisional licence, resulting in long wait times for people to gain their PI licence.

Red tape reforms

A new online application is now accessible by the public to book, pay and change Driver Assessments. It allows assessments for L2 and PI licences to be booked, paid for and moved online 24 hours a day.

Further, the 28 day waiting period has now been removed and assessors now provide feedback to unsuccessful clients, prior to their next assessment.

Status of the red tape reform

Complete.

Holders of permits to keep reptiles to be able to increase the number of animals they keep

Red tape burden

Members of the community who collect and keep reptiles and amphibians are limited by the conditions on the permit in the number and type of animals they may have in their collections.

This affects their ability to breed animals and engage in legitimate trade.

Regulator/agency

Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

Wildlife (General) Regulations 2010

Background/consultation

During recent stakeholder consultation on the Department's Wildlife Import Policy conditions around the keeping of reptiles and amphibians were discussed. Interest groups called for a review of existing administrative policy on permit and licence conditions and redrafting of some conditions.

Red tape reforms

Ongoing consultation with stakeholder groups including the Herpetological Society has occurred on changes they see appropriate to the existing Wildlife Import Policy and particular permit conditions.

The Department of Primary Industries, Parks, Water and Environment has also received advice from the Red Tape Reduction Coordinator.

Status of the red tape reform

The Minister for Environment, Parks and Heritage is currently reviewing the Wildlife Import Policy and ongoing consultation will occur with stakeholder groups on additional changes.

The Department has finalised arrangements that allow businesses that display reptiles for educational purposes to import and possess a small number of new species.

Under the new arrangements, these businesses are eligible to apply to import and possess Central Bearded Dragons (*Pogona vitticeps*), Children's Pythons (*Antaresia* spp.) and Carpet Pythons (*Morelia spilota*).

The Department has assessed the biosecurity risk of these species, and considers them to be suitable for handling and interacting with the public provided strict requirements are met.

A proposal for black-headed pythons to be imported by businesses that display reptiles for educational purposes, noting that strict permit conditions will apply to ensure the overall biosecurity risk remains low, is also being considered.

Removal of the moratorium on bird and reptile imports while maintaining biosecurity

Red tape burden

During the past few years there has been increasing interest within the community to import exotic species of birds and reptiles, particularly from aviculture and herpetological clubs and societies.

Such groups feel that the current Wildlife Import Policy has an overly conservative approach to the importation of such species and they have expressed a strong desire for this approach to be reconsidered.

Regulator/agency

Department of Primary Industries, Parks, Water and Environment

Act/regulatory instrument

Wildlife (General) Regulations 2010

Background/consultation

Tasmania has had a long standing policy of prohibiting importation of exotic species, including birds and reptiles, to protect the state's favourable biosecurity status, environment and industries.

Recent consultation during the review of the Wildlife Import Policy highlighted a strong desire from collectors to be able to import a wider range of species.

Along with this feedback, the Tasmanian Farmers & Graziers Association and other stakeholders also noted the importance of biosecurity and supported a considered approach to any new imports of exotic wildlife.

Red tape reforms

Businesses that display reptiles for educational purposes are now able to import a small number of reptile species. Conditions on possession are applied to mitigate the biosecurity risk to low.

The key conditions are to limit access to bona fide businesses involved in education; limit the species that are permitted; and strictly limit potential for breeding and numbers of specimens that can be kept.

Changes have also been made to the import of cage birds following requests from private aviculturists. Under the new arrangements, low threat birds can be imported without conditions on possession.

Moderate threat birds can be listed as Restricted (Special Purpose) Wildlife and imported with suitable conditions on possession. These changes provide aviculturists with greater access to low and moderate threat bird species while protecting Tasmania's biosecurity status.

Status of the red tape reform

The Minister for Environment, Parks and Heritage is currently reviewing the revised Wildlife Import Policy and ongoing consultation will occur with stakeholder groups.

Review of small passenger vehicle regulation

Red tape burden

Ride sourcing service providers such as UBER are unable to legally enter the Tasmanian market.

Regulator/agency

Department of State Growth

Act/regulatory instrument

Taxi and Hire Vehicle Industries Amendment Act 2016

Background/consultation

The Hodgman Liberal Government is committed to embracing the opportunities presented by the sharing economy, which includes ride-sharing or ride-sourcing services, such as Uber.

The Government has been working towards facilitating the entry of ride-sourcing services to the Tasmanian market, subject to appropriate regulatory protections being in place. This has entailed extensive consultation with relevant stakeholders including the taxi and hire vehicle industry representatives and the disability sector.

We have committed to commence a wholesale policy and regulatory review of the Taxi and Hire Vehicle Industries before the end of 2016.

The initial operation of ride-sourcing – which will be subject to close observation and a range of regulatory protections – will offer important practical evidence to inform the review and future policy and regulatory settings. The result will be more efficient regulation of the taxi and hire vehicle industries, including ride-sourcing services.

Red tape reforms

The Government introduced the *Taxi and Hire Vehicle Industries Amendment Act 2016* into Parliament and it has now received Royal Assent.

This reform will deliver productivity improvements, competition, consumer choice and jobs, with many Tasmanians already registering their interest as Uber drivers.

Status of the red tape reform

- Department officials have held discussions with Uber regarding the details of the proposed regulatory framework and what will be required of ride-sourcing drivers if they wish to operate in the Tasmanian market.
- Uber is expected to commence operations before the end of the year.
- Completion of the review and implementation of any reforms is to be undertaken by January 2018.



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