

Tasmanian Red T pe Audit Report 2021-22



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Minister's foreword



Businesses, investors, individuals and families can all, at times, feel the burden and cost of unnecessary or outdated regulations commonly called 'red tape'.

Poorly drafted or administered regulation that is heavy handed, duplicative or out of date is clearly red tape and should be reformed or removed.

Whether it is opening a new factory, changing the use of a shop or connecting a new home to essential services, red tape can dishearten those that find themselves tangled up in it.

This is not to say that all regulation is red tape; good regulation makes things easier and clearer for all involved, providing necessary safeguards for industry and the public. Good regulation is not red tape when it serves to protect people, places, products and brands that make our state what it is.

We are committed to reducing the regulatory burden for small business and the wider Tasmanian community to make it easier for business to have the certainty to put their money into growth opportunities in our state and for each of us to make those improvements in life such as building a new home.

This report is a summary of the red tape reforms that were either commenced, substantially progressed or completed since the last report in 2021.

The report also shows all red tape issues identified since 2014 and their status. This illustrates that since establishment 166 red tape issues have been identified with 85 per cent resolved to date. Of the remaining 15 per cent, work is either underway or nearing completion towards a suitable resolution.

There have been several significant achievements over the last 12 months including the implementation of statutory service standards for Taswater and TasNetworks, reform of the road permits arrangements for the heavy haulage and freight sector, commencement of a review into requirements for opening or operating a distillery and a review of the regulations governing agri-tourism.

Importantly, the red tape cut over recent years has come about through direct engagement with small businesses, larger industries and the wider community and by working closely with the respective levels of government.

The latest consolidated Tasmanian Red Tape Reduction report is also available from the Office of the Coordinator General website at cg.tas.gov.au.

A handwritten signature in black ink, appearing to read 'Guy Barnett'.

Guy Barnett MP

Minister for State Development

Executive summary: list of red tape issues (2021-22)

Red tape reforms	Red tape cut	Red tape work in progress	Completion Date
Electricity and power regulations	✓		2021
E-Scooters and other personal mobility devices	✓		2021
Quicker turnaround for processing of prospecting Licence applications and extension of licence period from 1 year to 5 years	✓		2021
Airports and Protection of airspace regulations		✓	2024
Small Business Regulatory and Process Reform Project		✓	2023
Reduction in the requirement for road network access permits for the ADF heavy vehicle fleet	✓		2021
Agritourism Regulatory Mapping Project		✓	2023
Electric Car Imports	✓		2023
Distillery (Whiskey & Spirits) Regulatory Review		✓	2023
Electronic conveyancing		✓	2022
Automatic mutual recognition for occupational licences	✓		2022
No permit required assessments	✓		2022
Review of <i>Industrial Hemp Act 2015</i>		✓	2023
Review of small passenger vehicle regulation	✓		2021/22
Review of Categories of Building and Demolition Work and Categories of Plumbing Work	✓		2021/22
Water and sewerage infrastructure spatial data capture	✓		2022
Bushfire prone area spatial data capture	✓		2022
Private Forests Service levy Rebate Scheme	✓		2021
Transition to Tasmania's commercial wild-capture fisheries to digital processes		✓	2023
Private Forestry (miscellaneous legislative amendments)		✓	2022
Automated water/sewerage/bushfire Assessment as part of development application.		✓	2022
Wildlife regulations review	✓		2021
RegTech Commonwealth and State Project		✓	2022
Further reduction in the requirement for a heavy vehicle access permit		✓	2022
Simplification and standardisation of contracts and pre-qualification for community services providers	✓		2021
Reduction in the requirement for an Oversize Over mass heavy vehicle access permit	✓		2021
Overlapping Commonwealth Regulations Project		✓	2022
Refining the lease and licensing functions for Parks and Wildlife		✓	2023
Reviewing model work health and safety laws		✓	2022
Reserve Activity Assessment Reforms		✓	2022
<i>Strata Titles Act 1998</i> Review		✓	2022

Red tape reforms	Red tape cut	Red tape work in progress	Completion Date
Streamlining planning referrals to TasNetworks		✓	2022
Online application lodgement and tracking of development related applications.		✓	2022
Review of minor works requiring reporting to authorities under the <i>Building Act 2016</i>		✓	2022
Online fire alarm/system permits		✓	2022
Environment, Public Health and Local Heritage Permit Assessments		✓	2022
Reduction in the requirement for a SPV access Permit	✓		2021

Executive summary: consolidated list of red tape issues (2014-22)

Red tape reforms by industry sector	Red tape cut	Red tape work in progress	Completion Date
Agriculture, forestry and fishing			
Extension of industrial hemp licence period from one to five years	✓		2015
Increase the allowable tetrahydrocannabinol (THC) threshold for industrial hemp from 0.35 to 1 per cent	✓		2015
Special purpose legislation for the production of industrial hemp	✓		2015
Simplifying the dam works approval process, including abolishing the Assessment Committee for Dam Construction	✓		2016
Review of biosecurity legislation to develop a streamlined, coherent and integrated model	✓		2019
Simplifying the 'right to farm' law	✓		2016
Browsing animals reforms (crop protection permits)	✓		2016
Remove requirements for farmers to complete an annual statutory declaration to continue to receive a vehicle registration rebate	✓		2014
Amend the <i>Marine Farming Planning Act 1995</i> to abolish the Board of Advice and Reference	✓		2015
Amend and simplify the <i>Fisheries (Commercial Dive) Rules 2011</i>	✓		2014
Development of new fishing permits for commercial fishers to explore value adding to low-value species in Tasmanian waters	✓		2015
Amend the <i>Fisheries (Abalone) Rules 2009</i> to provide more flexibility in relation to over-catch	✓		2014
Amend the <i>Fisheries (Rock Lobster) Rules 2011</i> to reduce the penalty for failing to submit a telephone report	✓		2017
Exemption order to allow rock lobster fishers to traverse closed areas with baited pots on deck	✓		2014
Remaking the <i>Threatened Species Protection Regulations 2006</i>	✓		2016
Amendments to the <i>Natural Resource Management Act 2002</i>	✓		2018
Poppy regulation reforms	✓		2016
Approval to allow industrial hemp seed to be consumed as a food	✓		2017
Extension of the period of crop protection permits for deer from 1 to 5 years	✓		2020
Charter for working on private farm land (between Government Business Enterprises and the Tasmanian Farmers and Graziers Association)	✓		2019
Extension of genetically modified organism moratorium from 5 years to 10 years	✓		2019
Fisheries Digital Transition Project: Phase I “Making Life Easier”	✓		2019
Improving efficiency in the regulation of forest practices	✓		2019
Review of <i>Industrial Hemp Act 2015</i>		✓	2023
Private Forests Service levy Rebate Scheme	✓		2021
Private Forestry (miscellaneous legislative amendments)		✓	2022
Transition to Tasmania’s commercial wild-capture fisheries to digital processes		✓	2023

Red tape reforms by industry sector	Red tape cut	Red tape work in progress	Completion Date
Construction and property			
Building regulatory framework review	✓		2016
Streamline the residential tenancy bonds process	✓		2018
Amend the <i>Residential Tenancy Act</i> to reduce the compliance burden associated with cooking facilities and restrictions on photographing rental properties	✓		2015
Review of rural properties entered on the Tasmanian Heritage Register	✓		2016
Review of Tasmanian Heritage Register to ensure it contains only entries that meet the criteria	✓		2016
Reform the <i>Historic Cultural Heritage Act 1995</i> to streamline the works approval process	✓		2016
Extend building practitioner renewal period	✓		2017
Removal of net tangible assets regulations	✓		2017
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
Review <i>Property Agents and Land Transactions Act 2005 (PALTA)</i>	✓		2017
Duplication for bush fire plans removed	✓		2017
Streamlining occupational licencing	✓		2017
Risk based building and plumbing approvals	✓		2017
<i>National Trust Preservation Fund (Winding Up) Amendment Bill 2016</i>	✓		2017
<i>Historic Cultural Heritage Regulations 2016</i>	✓		2016
The <i>Building and Construction Industry Training Fund Act 1990</i> Reform	✓		2017
Landholder reforms to the <i>Duties Act</i>	✓		2016
First Floor CBD Development	✓		2017
Repeal of Section 146(2) of the <i>Land Titles Act</i>	✓		2018
Security deposits by instalment	✓		2019
Tasmanian Development Regulatory Reform	✓		2020
Water and sewerage infrastructure spatial data capture	✓		2022
Bushfire prone area spatial data capture	✓		2022
Automated water/sewerage/bushfire Assessment as part of development application.		✓	2022
Integrated/Interface of licensing, registration and related systems.	✓		2019
Environment, Public Health and Local Heritage Permit Assessments		✓	2022
Online fire alarm/system permits		✓	2022
Activating a valid planning permit	✓		2020
Crown land leases and landholder consent	✓		2020

Red tape reforms by industry sector	Red tape cut	Red tape work in progress	Completion Date
Early issue of titles for new subdivisions	✓		2020
Electricity and power regulations	✓		2021
EPA review of case for assessment	✓		2020
Minor amendments to planning permits	✓		2020
Nature conservation and special permits	✓		2020
No permit required assessments	✓		2022
Planning permit conditions	✓		2020
Request for additional information (RFI) by councils	✓		2020
Sealing of plans	✓		2020
Strata titles	✓		2020
Water and sewerage regulations	✓		2021
Review of minor works requiring reporting to authorities under the <i>Building Act 2016</i>		✓	2022
Automatic mutual recognition for occupational licences	✓		2022
Streamlining planning referrals to TasNetworks		✓	2022
Electronic conveyancing		✓	2022
<i>Strata Titles Act 1998</i> Review		✓	2022
Reserve Activity Assessment Reforms		✓	2022
Online application lodgement and tracking of development related applications.		✓	2022
Review of Categories of Building and Demolition Work and Categories of Plumbing Work	✓		2021/22
Retail and wholesale trade			
Motor traders red tape reforms (demonstrator and loan cars)	✓		2016
Security licensing administration	✓		2015
Amend the <i>Food Act 2003</i> to create a state-wide registration system for temporary food stalls	✓		2015
Removal of regulations in the <i>Firearms Act 1996</i> prohibiting paintball businesses from operating in Tasmania	✓		2015
Registrar of Motor Vehicles to authorise private sector driving instructors to undertake L2 driving assessments	✓		2014
Streamlined licensing and accreditation for passenger transport operators	✓		2015
Fireworks night retained	✓		2018
Hire and drive vehicle inspection program	✓		2016
Development of online training resource for stakeholders who conduct services on behalf of the Registrar of Motor Vehicles	✓		2016
Implementation of smart forms for vehicle inspection services	✓		2016

Red tape reforms by industry sector	Red tape cut	Red tape work in progress	Completion Date
Simplifying the process for the disposal of uncollected goods	✓		2020
Enhanced PI assessment arrangements	✓		2019
Peer to peer car rental	✓		2020
Distillery (Whiskey & Spirits) Regulatory Review		✓	2022
Electric Car Imports	✓		2023
E-Scooters and other personal mobility devices	✓		2021
Tourism, hospitality and racing			
Review the on-course bookmaker regulatory arrangements	✓		2016
Review the appeal provisions of the <i>Racing Regulation Act 2004</i>	✓		2015
Amalgamate the Integrity Assurance Board and the Tasmanian Racing Appeal Board	✓		2015
Repeal the <i>Travel Agents Act 1987</i> to remove the duplication of regulation in the travel industry	✓		2014
Reduction of the public consultation process for wildlife imports from 20 days to 10 day	✓		2017
Streamline import of exotic animals for zoos, pet stores and animal exhibitors without compromising biosecurity	✓		2016
Introduction of online passes for national parks	✓		2014
Erecting temporary structures	✓		2017
Merger of Tasmanian Gaming Commission and Liquor Licensing Board	✓		2015
Simplifying gaming licence renewals	✓		2015
Extend duration of out-of-hours permits	✓		2016
Improved risk-related assessment of gaming licences	✓		2015
Airbnb and free market reforms	✓		2017
Agritourism Regulatory Mapping Project		✓	2022
Education and training			
Review of the <i>Education Act 1994</i>	✓		2017
Review of the <i>Education Act 1994</i> – systems of non-government schools	✓		2017
Anti-discrimination amendment – reducing the administrative burden for faith-based schools	✓		2015
Traineeships and apprenticeships information system reform	✓		2018
2016 User Choice program	✓		2015
Change of eligibility criteria for the Student Assistance Scheme	✓		2020

Red tape reforms by industry sector	Red tape cut	Red tape work in progress	Completion Date
Health and Community services industry			
Eliminating duplication of state regulations where community sector organisations have nationally accredited quality management systems in place	✓		2016
Introduction of an electronic grants management system	✓		2015
Charity and not for profit reporting requirements	✓		2016
Online tobacco seller's licence applications and renewals	✓		2020
Streamline regulatory processes for licensing of private health facilities and day procedure centres - reporting requirements	✓		2017
Simplification and standardisation of contracts and pre- qualification for community services providers	✓		2021
Reducing paperwork and administrative burden for radiation licence holders	✓		2019
Portfolio lease agreements with community organisations	✓		2019
Review of registration requirements for private water supplies		✓	2023
<i>Poisons Amendment Act 2017</i>	✓		2017
General application across all industries and other red tape reforms			
Review of workers' compensation arrangements	✓		2018
Review directors' liability provisions to ensure national consistency and more equitable approach to criminal liability provisions		✓	TBA
Local government traffic facilities approvals: remove the need for approval from the Department of State Growth	✓		2015
Pre-approve road networks for a suite of heavy vehicles to remove the need for operators to obtain heavy vehicle road permits	✓		2019
Planning reform - state planning provisions	✓		2017
Planning reform - major projects	✓		2020
A single civil and administrative tribunal	✓		2021
Reducing limitation on leasing and licensing Crown land	✓		2015
Reviewing model work health and safety laws		✓	2022
Making it easier for businesses to register for government events	✓		2015
Streamlined process for Tasmanian Government nominations for skilled migration	✓		2016
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
Simplifying Stamp Duty on corporate restructures	✓		2016
Provision of online forms for external clients for mineral tenement processes	✓		2021
<i>Professional Standards Act</i> amendments to remove s.27 and introduce mutual recognition provisions	✓		2016
National business simplification initiative	✓		2021
Abolition of registration labels from heavy vehicles	✓		2017
Cutting red tape for the mining industry	✓		2017

Red tape reforms by industry sector	Red tape cut	Red tape work in progress	Completion Date
Review of Tasmania's local government legislation		✓	2022
Refining the lease and licensing functions for Parks and Wildlife		✓	2023
Wildlife regulations review	✓		2021
Overlapping Commonwealth Regulations Project		✓	2022
RegTech Commonwealth and State Project		✓	2022
Further reduction in the requirement for a heavy vehicle access permit		✓	2022
Small Business Regulatory and Process Reform Project		✓	2022
Reduction in the requirement for road network access permits for the ADF heavy vehicle fleet	✓		2021
Reduction in the requirement for a SPV access Permit	✓		2021
Reduction in the requirement for an Oversize Over mass heavy vehicle access permit	✓		2021
Quicker turnaround for processing of prospecting Licence applications and extension of licence period from 1 year to 5 years	✓		2021
Community			
Reduced place of assembly licensing requirements	✓		2015
Removing duplication of regulatory requirements in the child care industry	✓		2015
Introduced online transfer of vehicle service for clients, removing the need to attend a Service Tasmania shop to undertake this transaction	✓		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	✓		2014
Electronic Service of Police Infringement Notices (ESOP)	✓		2016
Simplifying the quarantine procedures for passengers arriving in Tasmania on the <i>Spirits of Tasmania</i>	✓		2015
Improve Fitness-to-Drive management processes	✓		2016
Introduce a new driver assessment booking system	✓		2016
Holders of permits to keep reptiles to be able to increase the number of animals they keep	✓		2017
Removal of the moratorium on bird and reptile imports while maintaining biosecurity	✓		2017
Review of small passenger vehicle regulation	✓		2021/22
<i>New Place Names Act</i>	✓		2020
Streamlining legislative provisions relating to Anzac Day activities	✓		2019
Removal of library fines for late returns	✓		2018
Bushfire Mitigation Measures Bill		✓	2021
Airports and Protection of airspace regulations		✓	2022

Electricity and power regulations

Red Tape Burden

Historically Tasnetworks had no statutory service standards for the assessment, design and connection of electricity and their internal service standards did not distinguish between small, medium and large-scale projects.

Regulator/agency

Treasury

Act/regulatory instrument

Electricity Supply Industry Amendment Regulations 2021

Background/consultation

Following consultation with TasNetworks, Energy Security and Regulations Branch of State Growth and key industry stakeholders the electricity supply industry regulations were agreed.

Red tape reforms

The making of the regulations establish service standards for the assessment, design and connection of electricity for small, medium and large scale works and allow the installation of powerlines on private property as works of minor nature.

The regulations provide 45 days for assessment, design and connection for small works; medium scale works within 60 days and large-scale complex works within 160 days. These standards override the former internal service standard of 160 days for all works.

Status of the red tape reform

Enacted and Finalised

E-scooters and other personal mobility devices

Red Tape Burden

Prior to December 2021, Tasmania's regulatory framework permitted some e-scooters providing they had a maximum power output of 200 watts and were not capable of going faster than 10 km/h when propelled by the motor. The majority of e-scooters available for purchase on the market exceeded these requirements and different forms of devices, such as e-skateboards were becoming available as new technology emerged.

Australia's infrastructure and transport ministers tasked the National Transport Commission (NTC) to identify the regulatory barriers to the safe and legal use of personal mobility devices (PMDs), such as e-scooters in the model Australian Road Rules (ARRs), which form the basis of state and territory road rules.

Regulator/agency

Department of State Growth

Act/regulatory instrument

Road Rules 2019, Traffic (Compliance and Enforcement) Regulations 2017, Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2021, and Traffic Act 1925.

Background/consultation

The NTC led a two-year project to develop a national framework for the use of PMDs, which considered criteria of safety, access and amenity, broader economic costs and benefits, and compliance and enforcement. The criteria were considered both from the perspective of PMD users and other road users, such as pedestrians. The NTC also undertook extensive consultation and sought feedback from government, industry and community stakeholders, including through a public consultation process.

Red tape reforms

The NTC's recommendation to include PMDs and rules for their use in the ARRs was endorsed by state and territory transport and infrastructure Ministers in May 2021.

Tasmania's regulations and legislation, including the Road Rules 2019 (Road Rules), were subsequently amended to give effect to these rules and permit the use of PMDs on some public infrastructure such as footpaths, share paths, bicycle paths and local roads. The Road Rules also contain rules that PMD users must also follow, such as wearing a helmet while riding, adhering to speed limits, and not carrying passengers.

Status of the red tape reform

The rules for using PMDs commenced in Tasmania in December 2021. The Tasmanian Government is committed to reviewing the regulatory framework 12 months post-implementation, which will be in December 2022.

Quicker turnaround for processing of Prospecting Licence applications and extension of licence period from 1 year to 5 years

Red Tape Burden

Completion and issuing of prospecting licence applications is a very manual and handwritten process. The original licence provided was paper based and handwritten and prone to durability issues, especially given that it was required to be produced should it be requested by a Mineral Resources Tasmania (MRT) Inspector. Furthermore, there was also some confusion on the term of a licence.

Regulator/agency

Department of State Growth, Mineral Resources Tasmania

Act/regulatory instrument

Mineral Resources Development Act 1995 (MRDA)

Background/consultation

With a growing number of prospecting licence applications and some confusion about the licence terms, MRT undertook a review of the process. After analysis, it was concluded that the application process could be more streamlined and there were significant long-term benefits for the introduction of a plastic licence card.

Changing the process to include more electronic input would reduce time and the licence could be in a form similar to other government licence cards, such as a driver's licence.

Other state and territory licence application processes were also reviewed, in particular the term of the licence and then assessed relative to the Tasmanian situation.

Red tape reforms

The tenement administration team introduced an electronic system which enables processing of applications more quickly. The applicant now receives a durable, plastic licence card which is printed by MRT. Time taken to process an application has been reduced, licence durability has improved significantly, and the term of a prospecting licence has been increased from 1 year to a standard 5 years without a change in licence fees.

The changes undertaken have enjoyed widespread acceptance in the prospecting community.

Status of the red tape reform

Enacted and Finalised

Airports and protection of airspace regulations

Red Tape Burden

The Airports (Protection of Airspace Regulations) 1996 contain a requirement to observe the Safeguarding of Airports Code. The Clarence City Council is the permit authority with responsibility for observing the code because the Hobart Airport is within its municipality.

The regulatory issue is a significant area of land around the airport has natural ground levels above the obstacle limitation surface (OLS) prescribed by the code. The impact of the code is there are approximately 1600 lots that are above the specified OLS and therefore cannot be developed without express approval from the Commonwealth.

Regulator/agency

Department of State Growth.

Act/regulatory instrument

Airport Act 1996

Background/consultation

The government is working with Clarence City Council and the Commonwealth to resolve the OLS issue.

Red tape reforms

The Commonwealth have acknowledged the regulatory issue associated with the OLS and indicated they are prepared to work with the Clarence City Council to streamline the permit approval process.

Status of the red tape reform

The Commonwealth have indicated they are reviewing the legislative instruments under *Airports Act 1996* which are due to sunset in 2024. The review provides an opportunity to examine whether the regulations including airspace protection are fit for purpose.

Small Business Regulatory and Process Reform Project

Red Tape Burden

The Northern Midlands Business Association (NMBA) and Kentish and Latrobe Independent Business Association (KaLIBA) have written to the government seeking support for a project titled 'Small Business Regulatory and Process Reform'. The aim of the project is to identify complicated policies and regulation that hamper the operations of small business and or the capacity to grow.

Regulator/agency

Department of State Growth

Act/regulatory instrument

To be confirmed based on issues identified through stakeholder engagement.

Background/consultation

The NMBA are currently undertaking a survey of their 1000 plus members and wider Tasmanian Chamber Alliance community to identify regulatory issues and potential reforms for small business.

The NMBA has briefed the Minister for Small Business, Business Tasmania and is working with the Small Business Advocate.

Red tape reforms

Potential regulatory reforms from the project will be published in paper by the NMBA and presented to the government for consideration.

Status of the red tape reform

The NMBA have issued a survey to its membership and will commence workshops to further understand the issues raised in the survey before developing a paper detailing the findings.

Reduction in the requirement for road network access permits for the Australian Defence Force (ADF) heavy vehicle fleet

Red Tape Burden

Australian Defence Force (ADF) vehicles are a potential key provider in the theatre of emergency management and disaster recovery operations.

As with most states and territories in Australia, the ADF utilises the ADF Road Transport Exemption Framework to access approved routes. However, these approved routes are currently inflexible and the ADF have managed the additional network access required to respond to critical events through permits issued through the National Heavy Vehicle Regulator (NHVR). Application and issuance of these permits suffer from significant red tape and can take many days to process in time-sensitive scenarios.

Regulator/agency

National Heavy Vehicle Regulator/Department of State Growth/Local Government

Act/regulatory instrument

Heavy Vehicle National Law (Tasmania) Act 2013

Background/consultation

Permits can induce delays to the safe and contained emergency management and disaster recovery response times of the ADF heavy vehicle fleet as they react to incidents in the community, but also as they might conduct their activities more generally.

Extensive consultation has resulted in strong collaboration and alignment with the Department of Defence and the ADF to reduce this red tape burden, as it was jointly recognised that these safety and containment requirements cannot be optimised by responding with a permit-based access system.

Red tape reforms

The Department of State Growth has developed an online self-serve network access system for the ADF. The system, known as the Heavy Vehicle Access Management System (HVAMS), is available 24/7 and is the first of its kind in Australia.

HVAMS facilitates network access for ADF vehicles without the need for a permit (except in a few extraordinary cases), by utilising a robust, data-driven approach that displays networks that are matched/suited to ADF vehicles. The development approach taken with HVAMS has also allowed similar red tape reduction benefits to be enjoyed by certain segments of the commercial heavy vehicle fleet.

Status of the red tape reform

HVAMS is the established and accepted heavy vehicle access management system operating in Tasmania for the majority of the ADF fleet, uniting state and local road managers to effectively present one road network to the ADF.

Completed.

Agritourism Regulatory Mapping Project

Red Tape Burden

The current regulatory environment for establishing a business in the agritourism sector in Tasmania has not been mapped and is not well understood by many businesses in terms of permits required, time and financial implications.

Regulator/agency

Department of State Growth.

Act/regulatory instrument

There are possibly 8 or more legislative instruments governing this sector from *Land Use Planning and Approvals Act 1993* through to *Liquor Licensing Act 1990*.

Background/consultation

The Regulatory Mapping Project is part of the broader Accelerating Agritourism Project that is funded through the Australian Government Recovery for Regional Tourism Project. This project is governed by the T2I Steering Committee and reports directly to a cross-agency steering group.

The project will engage with up to 40 agritourism businesses, as well as local councils and regulatory bodies.

In addition, ten detailed case studies will be conducted to understand the steps in setting up an agritourism business ranging from farms, distilleries, seafood tours, fruit harvesting, farm stays, wineries, food producers and foraging, flowers and honey businesses.

Red tape reforms

The regulatory mapping and reform process will map the end-to-end approvals process and engage with operators and regulators to identify opportunities to simplify and streamline the process to reduce compliance costs, timeframes for permit approvals and barriers to entry.

Status of the red tape reform

The project has commenced mapping the current regulatory approval process for businesses in Tasmania with a focus on identifying barriers to entry to the sector and ways to streamline the approval process.

The stakeholder engagement process with Tasmanian agritourism businesses will commence soon along with councils, regulatory bodies and regional tourism organisations.

Electric Car Imports

Red Tape Burden

The current regulatory system for importing second hand electric cars into Australia is managed by the Road Vehicle Regulator (ROVER) under the *Road Vehicle Standards Act 2018*.

Under the current regulations there is a quota system that limits the number of second-hand electric vehicles that can be imported by registered automotive workshops to 100 units.

Regulator/agency

Department of Infrastructure, Transport, Regional Development and Communications

Act/regulatory instrument

Road Vehicle Standards Act 2018.

Background/consultation

The state government has been contacted by a local vehicle importer that specialises in importing good quality second electric vehicles into the state from overseas that are not available through major dealerships.

Red tape reforms

Contact has been made with Department of Infrastructure, Transport, Regional Development and Communications seeking to end the quota for second hand electric vehicles to support the broader use of such vehicles at an affordable cost.

Status of the red tape reform

The Commonwealth have indicated they are committed to removing the quota by July 2023 when the new ROVER system is fully implemented.

During the interim the quota for importing electric vehicles has been increased from 100 to 130 for registered automotive workshops.

Distillery (Whiskey & Spirits) Regulatory Review

Red Tape Burden

The Tasmanian Whiskey and Spirits Association (TWSA) is concerned the regulatory environment governing the production of whiskey, gin and other distilled products is not a good fit for the industry and is hampering growth. For example, under the National Construction Code whiskey and gin are treated as a flammable liquid under AS/NZ 1940 and distilleries and bond stores as Hazardous Areas under AS/NZ 60079. Whilst the industry concedes ethanol is a flammable liquid, they contend it is wrong to classify whiskey, gin and other spirits in the same class as petrochemicals.

Regulator/agency

Consumer Building and Occupational Services (CBOS)

Act/regulatory instrument

Building Act 2000 and Work Health and Safety Act 2012

Background/consultation

TWSA have been in discussions with the Office of the Coordinator General and the Director of Building Control at CBOS to discuss their industry reforms and a pathway forward.

Red tape reforms

The TWSA have undertaken a “Scoping Study Report- TWSA Guideline for Distillery Hazard Management” and presented it to CBOS. The TWSA intend to undertake a full review of the work health and safety and building standards governing the industry with a view to creating an industry code of practice that could be adopted nationally.

Status of the red tape reform

The TWSA have undertaken to complete their review and present their findings to CBOS and the Minister for consideration as a part of their overall regulatory reform program. The TWSA acknowledge this is a complex project that will take time.

Electronic Conveyancing

Red Tape Burden

The Electronic Conveyancing Strategy for Tasmania is aiming to address inefficiencies related to paper-based processes.

Regulator/agency

Department of Natural Resources and Environment Tasmania.

Act/regulatory instrument

Land Titles Act 1980

Background/consultation

Tasmania is one of two jurisdictions that are not yet participating in the National Electronic Conveyancing system.

In November 2021, consultation was undertaken on the Electronic Conveyancing National Law (ECNL) Amendment Bill at a national level with Electronic Lodgement Network Operators, as well as National entities including the Australian Banking Association, the Australian Competition and Consumer Commission, and the Law Council of Australia.

Additionally, between November and December 2021, state-wide consultation was undertaken with relevant bodies such as the Law Society of Tasmania, the Institute of Conveyancers, and local financial institutions.

The ECNL Amendment Bill is currently before the Legislative Council of the New South Wales Parliament, having already been passed by the Legislative Assembly. When passed, it will automatically be adopted as Tasmanian Law per section 4 of the *Electronic Conveyancing (Adoption of National Law) Act 2013*.

Red tape reforms

The Electronic Conveyancing Strategy will highlight the work programs which will need to be undertaken to improve the current paper-based processes, and implement electronic conveyancing and entry to National Electronic Conveyancing.

The strategy is to:

- Implement electronic conveyancing and the adoption of the National Electronic Conveyancing System (NECS) in Tasmania.
- Align paper-based and electronic conveyancing processes.
- Improve the current paper process, reduce risks associated with the current process, and increase the security of land tenure in Tasmania.

Status of the red tape reform

A project to implement Electronic Conveyancing in Tasmania has commenced, with engagement with key stakeholders and Electronic Lodgement Network Operators to continue.

Legislative amendments will be progressed to provide a framework for these reforms, working towards a target of tabling the changes in Parliament in late 2022

Automatic mutual recognition for occupational licences

Red Tape Burden

Under the existing mutual recognition (MR) scheme for occupational licences (which has been in place since 1992), workers who are licensed in one Australian jurisdiction must go through a registration process and may need to pay an additional licence fee before working in another state.

Regulator/agency

Coordinated by the Department of Treasury and Finance.

Act/regulatory instrument

The Mutual Recognition (Tasmania) Amendment Act 2021.

Background/consultation

In 2015, the Productivity Commission found that Australia's MR arrangements generally worked well but there would be cost savings from automating these processes. In 2020, National Cabinet agreed to establish an Intergovernmental Agreement outlining jurisdictions' commitment to implement an automatic mutual recognition (AMR) scheme.

Under AMR, a person registered for an occupation in their home state is able to carry on, in a second state, the activities covered by their home state registration without further assessment of their qualifications or a licence fee. A person with adverse compliance and enforcement decisions is not eligible for AMR.

AMR is intended to increase the strength and resilience of the Australian economy by reducing the time and cost incurred when registered workers respond to new job opportunities across jurisdictional borders.

Agencies have been consulting with a range of stakeholders in order to develop appropriate implementation arrangements for each occupational licence or registration.

Red tape reforms

Legislation to introduce AMR in Tasmania was passed by the Parliament in October 2021. AMR subsequently commenced in Tasmania on 22 December 2021 following proclamation of the Act.

Status of the red tape reform

As part of the initial implementation phase, a number of temporary arrangements are in place to exempt occupations from AMR until 1 July 2022. When fully implemented, AMR will apply to a broad range of occupations.

Introduce no permit required assessments

Red Tape Burden

Before issuing building approval, building surveyors and council permit authorities currently request that an owner confirm that planning approval has been granted or that planning approval is not required.

To receive this confirmation, the owner must then contact the local council and request a review and confirmation that the work does not require planning approval. Depending on council resourcing and workload, this process may take some time, potentially delaying the commencement of building work.

Some councils provide this service for no cost, whereas some charge a nominal fee.

The Minister for State Growth identified this potential reform as relevant to the PESRAC Interim Report recommendation 26 in October 2020.

Regulator/agency

Consumer, Building and Occupational Services, Department of Justice

Act/regulatory instrument

Building Act 2016 and Occupational Licensing Act 2005

Background/consultation

Consumer, Building and Occupational Services (CBOS) led a two-stage consultation process in the development of the reform. The first consultation stage, receiving public submissions in January and February 2021, was in response to an options paper providing for private planners to provide such certificates, either with or without an occupational licensing system or the status quo. The preferred option was identified as private planning certification with occupational licensing, and the second stage consultation in September and October 2021 was in respect of draft instruments to that effect. CBOS engaged with stakeholders, including councils and the Planning Institute of Australia.

Red tape reforms

On 22 December 2021, the Administrator of Occupational Licensing in CBOS made amendments to the Occupational Licensing (Building Services Work) Determination, under the *Occupational Licensing Act 2005*, to give effect to a new scheme for the licensing of private planners for the production of 'no planning approval required' certificates. The scheme came into effect on 1 January 2022. Building surveyors can rely on such certificates under provisions within the *Building Act 2016* when assessing proposed building work.

Status of the red tape reform

Amended Determinations finalised and commenced 1 January 2022.

Review of Industrial Hemp Act 2015

Red Tape Burden

There is an opportunity to streamline regulation of the industrial hemp industry.

Regulator/agency

Department of Natural Resources and Environment Tasmania.

Act/regulatory instrument

Industrial Hemp Act 2015

Background/consultation

The Government has commenced a review of the *Industrial Hemp Act 2015* to ensure that the Act continues to provide proportionate regulation to the industry after five years in operation. The review also provides an opportunity to smooth out any implementation issues that have been identified since the Act commenced.

The Tasmanian Government will work closely with industry, including the Tasmanian Hemp Association and the Tasmanian Farmers and Graziers Association, during the review.

Red tape reforms

Amendments to streamline the Industrial Hemp Act and supporting policy will be introduced in late 2022 or early 2023.

Status of the red tape reform

Legislation anticipated to be tabled in later 2022 or early 2023.

Review of small passenger vehicle regulation

Red Tape Burden

Prior to 2016, ride-sourcing service providers such as Uber were not considered in Tasmanian legislation, preventing their entry into the passenger transport market.

The Tasmanian taxi and hire vehicle industries are subject to a complex range of Government regulatory requirements, which include restrictions on the overall number and distribution of taxis, the fares that taxis can charge, and various driver and vehicle standards.

Regulator/agency

Department of State Growth

Act/regulatory instrument

Taxi and Hire Vehicle Industries Act 2008 and Taxi Industry Regulations 2018, Luxury Hire Car Regulations 2018 and Restricted Hire Vehicle Industry Regulations 2013

Passenger Transport Services Act 2011 and Passenger Transport Services Regulations 2013

Vehicle and Traffic Act 1999 and Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2020.

On-Demand Passenger Transport Services Industry (Miscellaneous Amendments) Act 2020

Background/consultation

In October 2015 the Government committed to modernising the regulatory framework for the taxi and hire vehicle industries via a two-stage process, which included:

- Introducing legislation in 2016 to enable the lawful operation of ride-sourcing services such as Uber in Tasmania; and
- Undertaking a comprehensive review of the current legislative framework for taxi and hire vehicle services in Tasmania.

Legislation to facilitate the operation of ride-sourcing services, subject to a range of regulatory controls, passed the Tasmanian Parliament in August 2016, delivering on the first part of the Government's commitment.

Red tape reforms

The *On-Demand Passenger Transport Services Industry (Miscellaneous Amendments) Act 2020* contains new laws arising out of the stage 2 review through extensive consultation with the on-demand sector, including ride-sourcing providers and the taxi industry.

The new framework provides for a safe, competitive and accessible operation of the on-demand passenger transport industry. In particular, the framework is designed to respond to emerging technology and service models, streamline regulatory arrangements, and administrative costs that have historically only been associated with the taxi and hire vehicle industry, is now shared across all operators.

Status of the red tape reform

The *On-Demand Passenger Transport Services Industry (Miscellaneous Amendments) Act 2020* passed Parliament in 2020 and is being proclaimed in stages. The reforms which have begun include:

- new age limits for taxis
- reduction of the credit card surcharge; and
- Taxi areas identified by electronic map.

There has been good progress made on implementing the remainder of the reforms with the following to begin later in 2022:

- booking service provider accreditation
- changes to the eligibility criteria for taxi and ride source drivers to streamline entry
- introduction of a Code of Conduct and new industry-based training
- the review of new fare structure and licence cost in accordance with the Economic Regulator; and

- introduction of a compliance framework with chain of responsibility.

Review of Categories of Building and Demolition Work and Categories of Plumbing Work

Red Tape Burden

Categories of work for building, demolition and plumbing work require varying levels of assessment and approval before the work can be commenced. The Tasmanian Government committed to reviewing the two determinations under the *Building Act 2016* that specify the work categories to remove regulatory approvals for certain works that are considered low-risk.

Regulator/agency

Consumer, Building and Occupational Services, Department of Justice

Act/regulatory instrument

Building Act 2016:

- Director's Determination – Categories of Building and Demolition Work
- Director's Determination – Categories of Plumbing Work

Background/consultation

The *Building Act 2016* commenced in January 2017 and created a new risk-based regulatory framework for building, demolition and plumbing work in Tasmania. One key concept in this risk-based framework was the categorisation of work by risk. Each 'work category', from low-risk to high-risk (Permit Work), has different assessment, approval and work performance requirements dependent on the categorisation of the proposed work.

The Work Categories are specified in Determinations made by the Director of Building Control.

Public and stakeholder consultation on amended draft determinations was carried out in 2020 for the Categories of Building and Demolition Work determination and in late 2021 for the Plumbing Work determination.

Red tape reforms

The Department of Justice carried out an internal review of the two Determinations in August 2020.

This review identified a number of key changes to ease the regulatory burden, including:

- clarifying the scope of the Determinations;
- updating the structure of the Determinations to provide for simpler interpretation;
- refining the requirements associated with Notifiable/Permit building work in terms of how this work relates to planning; and
- updating the standard limitations which apply for low risk work.

Status of the red tape reform

Categories of Building and Demolition Work

A revised Director's Determination – Categories of Building and Demolition Work was published in March 2021 and commenced on 12 April 2021. This reform is now completed.

Categories of Plumbing Work

The Director of Building Control continues to progress amendments to this Determination following stakeholder and public consultation in late 2021. The revised Determination is expected to be approved and become law during 2022.

Water and Sewerage Infrastructure Spatial Data Capture

Red tape burden

Historically, the spatial data held by TasWater has been incomplete or, in some cases, indicative only causing delays and additional cost to developments.

Regulator/agency

Consumer Building and Occupational Services, Department of Justice

Act/regulatory instrument

Water and Sewerage Industry Act 2008

Water and Sewerage Industry (General) Regulations 2009

Standards and Guidelines

Background/consultation

The spatial data projects for water and sewerage will save time and money for every small business undertaking a development from expanding their warehouse to eco-tourism ventures.

It is estimated there are on average 3,000-4,000 small businesses per annum in Tasmania that will benefit from making this spatial data for water and sewerage readily available.

There are also time savings whereby water and sewage ground surveys can delay projects by up to 14 days.

Project time saved in the current Tasmanian economy where demand is outstripping supply in the building and construction sector equates to a significant saving.

Red tape reforms

The *Water and Sewerage Infrastructure Spatial Mapping* project has been funded as part of Tasmania's schedule of reforms under the Small Business Regulatory Reform Agenda. The project will deliver water infrastructure spatial data in a digital format to assist small businesses undertaking development projects in Tasmania.

This spatial data is now available to developers using the PlanBuild Tasmania portal.

Status of the red tape reform

The project has been delivered by the PlanBuild Tasmania project. All Tasmanian water and sewerage spatial mapping data is now available online using the PlanBuild Tasmania enquiry functionality which went live on 24 February 2022.

Bushfire Prone Area Spatial Data Capture

Red tape burden

Currently most development located in or near a bushfire zone are required to undertake a bushfire assessment as there is no state-wide mapping of bushfire zones.

Regulator/agency

Consumer, Building and Occupational Services, Department of Justice

Act/regulatory instrument

N/A

Background/consultation

The savings for small businesses seeking to undertake development in bushfire prone zones is estimated at \$1 500 per site as they will no longer need onsite investigation.

The time saving for businesses operating in bushfire zones will be in the order of two to three days. Around 1,140 small businesses will be assisted annually.

Red tape reforms

The *Bushfire Risk Spatial Mapping* project has been funded as part of Tasmania's schedule of reforms under the Small Business Regulatory Reform Agenda. The project will deliver bushfire risk spatial data in a digital format to assist small businesses undertaking development projects in Tasmania. The bushfire risk spatial data will be available to developers using the PlanBuild Tasmania portal.

Status of the red tape reform

The project is currently being delivered by the PlanBuild Tasmania project. All Tasmanian bushfire risk spatial data has been mapped and provided to councils for inclusion as part of the interim planning scheme or Local Provision Schedule. 25 of the 29 councils have published these maps. This data is now available online using the PlanBuild Tasmania enquiry functionality which went live on 24 February 2022.

Private Forests Service Levy Rebate Scheme

Red Tape Burden

Under the *Private Forests Act 1994*, landowners are required to pay a private forests service levy when planting a new commercial forest on their land.

Regulator/agency

Private Forests Tasmania (PFT)

Act/regulatory instrument

Private Forests Act 1994

Background/consultation

Payment of the private forests service levy is a legislated requirement dating back to the early 2000s. It was intended that private forest growers make a contribution to PFT's running costs for the services and advocacy that PFT provides them. The levy is payable at the time of harvest of a timber crop but also at the time of planting a new area to forest.

While the payment at time of harvest is not under question, the payment at the time of planting has over time come to act as a disincentive to landowners to plant new commercial timber crops, which is counterproductive to PFT's current corporate goals and objectives to expand the private forest estate. This particular fee is also payable at a time when the landowner is yet to receive any income from the timber crop. PFT has received consistent feedback over a number of years from landowners and other stakeholders that it is an additional and unjustified cost.

Red tape reforms

As a legislated requirement, PFT is obliged to collect the levy and does not have the power to waive it under any circumstances. The legal obligation is extinguished once the levy is collected. Advice was that if PFT wanted to then issue a rebate to the grower for the whole or part of the collected levy, then that was a policy decision for PFT. The PFT Board approved such a levy rebate scheme in late 2020 and it has been in place since 1 July 2021.

Status of the red tape reform

The private forest service levy rebate scheme for new agroforestry plantings commenced on 1 July 2021 and is currently scheduled to run until 30 June 2022.

PFT is currently looking to amend the legislation to make a more permanent change to the arrangements for the levy.

Transition of Tasmania's commercial wild-capture fisheries to digital processes

Red Tape Burden

Tasmania's commercial fisheries rely on manual reporting processes for administering commercial licences and to report their catch and effort – for example what they caught, where they caught it, what fishing gear they used, etc. This requires the completion of paper application forms and dockets, and reporting various fishing and fish processing activities via telephone. For the fishing industry and Government officers, this is a lengthy and manual process that requires the use of hard copy mail, document scanning, manual data entry, and the manual checking of information to ensure compliance with fisheries licensing and monitoring controls. Telephone reporting at-sea can also be problematic, particularly in adverse weather conditions.

Regulator/agency

Department of Natural Resources and Environment Tasmania.

Act/regulatory instrument

Living Marine Resources Management Act 1995 (LMRMA)

Background/consultation

In 2018, the Tasmanian Government committed to transition commercial fisheries to a digital format. The Fisheries Digital Transition Project (FDTP) is reforming existing processes and implementing improvements which centre on the greater use of electronic mobile applications and reduced manual paperwork. Consultation is occurring with the Tasmanian Seafood Industry Council and other fishing bodies.

Red tape reforms

Since 2018, the FDTP has implemented several significant changes which have set the foundations for the extension of digital interactions between government and the fishing industry:

- The *Making Life Easier* sub-project reviewed licensing transaction processes and redeveloped application forms to substantially reduce the amount of paperwork that commercial fishers and processors are required to complete as part of their everyday business with the Department. As a result, several paper forms and around 61,000 fields are no longer required to be populated every year, and the data entry impost on the Department has reduced by almost 50,000 fields.
- The *Living Marine Miscellaneous Amendments (Digital Processes) Act 2021 (DPA)* was enacted in November 2021, and amended the *LMRMA* to facilitate the automatic electronic processing of transactions by alleviating the requirements for manual interventions. This provided the necessary legislative foundations for electronic interactions between government systems and processes and the commercial fishing industry.
- *FishPort*, a customer self-serve web portal, has been developed to allow customers to make electronic licence applications and payments. Further functionality is being developed to facilitate the provisions enabled by the *DPA*, and these are due to be rolled out in 2022-23.
- *FishReport* is a new mobile application in development to replace the current telephone reporting service, which is used by fishers and fish processors to provide information to the Department on a range of activities. *FishReport* is due to be rolled out for certain key fisheries during 2022-23, and will be followed by a proposed new mobile application for catch reporting.

Status of the red tape reform

Substantial progress has been made, with work continuing.

Private Forestry (miscellaneous legislative amendments)

Red Tape Burden

A range of miscellaneous red tape issues have been identified for amendment in legislation relevant to private forestry. Together these issues reduce the efficiency and processing time for private timber reserve applications and reduce equity in the application of the private forest service levy.

Regulator/agency

Private Forests Tasmania (PFT)

Act/regulatory instrument

Private Forests Act 1994 and Forest Practices Act 1985

Background/consultation

PFT have established a legislative reform project to develop a package of amendments to the Private Forests Act 1994 including:

- moving private timber reserve provisions into the Private Forests Act (from the FP Act)
- addressing matters identified on PFTs register of potential legislative amendments to reduce red tape, and
- potential amendments to the private forest levy system.

These issues have been identified during ongoing consultation with PFT stakeholders over recent years.

Red tape reforms

The expected outcomes of the legislative changes would be improved administrative efficiency for PFT and the Forest Practices Authority (FPA), reduced red tape and confusion for private forest growers and forestry rights holders, and a fairer more equitable and efficient levy system.

Status of the red tape reform

A project plan has been prepared to progress the proposed legislative reforms.

Automated Water/Sewerage/Bushfire Assessment as part of Development Application

Red tape burden

Currently a large number of development applications require referral to TasWater or Tasmanian Fire Service which causes delays and additional costs to developments across the state.

Regulator/agency

Consumer, Building and Occupational Services, Department of Justice

Act/regulatory instrument

N/A

Background/consultation

The data indicates that approximately 30 per cent of development applications require referral to TasWater or Tasmanian Fire Service for assessment.

The centralised and coordinated referral process will reduce delays in referral requests from permit authorities and ensure the rules which apply to a referral request, are consistently applied across Tasmania, making the process more consistent and transparent for small business.

Red tape reforms

The PlanBuild Tasmania portal will provide a central online referral process that will allow faster referral processing time. PlanBuild Tasmania will allow a developer to use the automated enquiry service to be informed about their responsibilities and any approvals that may be required prior to lodging an application. This service will allow small businesses and developers to understand the assessment process and the infrastructure or bushfire requirements that can be submitted with a development application.

Status of the red tape reform

The project is currently being delivered by the PlanBuild Tasmania project. PlanBuild Tasmania will allow development application referrals to internal and external referral authorities resulting in a more efficient and coordinated online application and assessment process.

Phase two of the PlanBuild Tasmania functionality will be delivered in the 2022-23 financial year.

Wildlife Regulations Review

Red Tape Burden

Sub-ordinate legislation under the *Nature Conservation Act 2002* regulates the taking, possession and trading of wildlife and wildlife products, hunting, and wildlife exhibition and display. Licensees are required to undertake a large number of administrative tasks to obtain and retain licences and permits for their activities.

Regulator/agency

Department of Natural Resources and Environment Tasmania.

Act/regulatory instrument

Nature Conservation (Wildlife) Regulations 2021

Background/consultation

The remaking of the regulations has identified opportunities to reduce the inefficiency of some administrative processes – including reducing the administrative burden on stakeholders – while strengthening their effectiveness. While the intent of the regulations remains the same, the draft regulations have been updated to reflect contemporary wildlife management, improve efficiency and cut unnecessary red tape.

The Department completed targeted consultation during 2019, which provided peak bodies, business, industry and wildlife conservation organisations with the opportunity to identify possible reforms.

Following development of draft regulations, the Department carried out a public consultation period from 1 – 30 September 2021. Fifty-four submissions were received during the consultation period, from a wide range of stakeholders and individuals. Public consultation was a key part of the review process, and feedback from the Tasmanian public has been considered in finalising the regulations.

Red tape reforms

The Nature Conservation (Wildlife) Regulations 2021 were significantly reformed to combine the former Wildlife (General) Regulations 2010 and the Wildlife (Exhibited Animals) Regulations 2010, thereby reducing the total number of statutory rules.

Several notable changes were made to the newly remade regulations, including:

- Capacity for granting sub-authorisation of selected permit types to significantly reduce the number of permits required, and empowering permit holders to better manage their business.
- Simplified requirements relating to commercial use of wildlife to reduce the total number of permits being required.
- Creation of a new permit type for wildlife rehabilitation which can cover multiple species and individuals of wildlife, reducing the number of permits required by rehabilitators.
- Removed the requirement for local government to seek permits to possess and remove roadkill from public roads for public safety.
- Improved clarity of what constitutes wildlife products, thereby reducing the number of activities that require permitting.
- Simplified scientific/research permits to reduce the total number of permits being issued.
- Removed the requirement to physically surrender cancelled permits and licences.

Status of the red tape reform

The revised regulations are now in effect and are being implemented.

Regtech Commonwealth and State Project

Red Tape Burden

Regulation should achieve its goals at the lowest possible cost by supporting more efficient regulation by regulators and compliance by regulated entities. The Commonwealth has established a steering group with the state and territory jurisdictions to identify opportunities to collaborate on regtech solutions to advance regulatory reforms.

Regulator/agency

Department of State Growth.

Act/regulatory instrument

To be confirmed based on findings of the review.

Background/consultation

A steering group established by Commonwealth's Department of Prime Minister and Cabinet and the Commonwealth's Department of Industry, Science, Energy and Resources is working with nominated representatives from each state and territory.

The steering group is drawing upon a broad stakeholder reference group comprising peak bodies, external experts and business representatives.

Red tape reforms

The project has commenced with stakeholder engagement and a workplan for several issues already identified including compliance using remote sensing technologies, managing regulatory enquires using artificial intelligence, managing registers and targeting compliance with predictive analytics.

Status of the red tape reform

The work of the steering group has commenced with stakeholder engagement and development of a workplan. The work of the steering group will report back to the Heads of Treasuries.

Further reduction in the requirement for a heavy vehicle access permit

Red Tape Burden

Heavy vehicles are a key enabler of the Tasmanian economy, providing an essential service to many of its critical parts, including agriculture, communications, construction, defence, energy, forestry, manufacturing, mining, retail, and transport systems. The level of success achieved in enabling heavy vehicles to appropriately navigate the road network, both safely and productively, is critical to economic development and critical to avoiding economic stagnation. These safety and productivity requirements cannot be optimised by responding with a permit-based access system.

Regulator/agency

National Heavy Vehicle Regulator/Department of State Growth/Local Government

Act/regulatory instrument

Heavy Vehicle National Law (Tasmania) Act 2013

Background/consultation

Permits induce delays to the efficient servicing of heavy vehicle industry clients and reduces the potential for optimised heavy vehicle productivity. Permit based access frameworks, perversely, also support the business models of those operators who are prepared to evade the permit request and consent process, thus enabling them to immediately respond to a client's request, albeit unlawfully.

Extensive consultation and strong collaboration and alignment with the heavy vehicle industry and its associations and with local road managers and their association is occurring to facilitate the significant reduction of this red tape burden.

Red tape reforms

The Department of State Growth has developed an online and on demand self-serve access system. The system, known as the Heavy Vehicle Access Management System, or HVAMS for short, is available 24/7 and is the first of its kind in Australia. HVAMS facilitates access predominantly under Notice without the need for a permit (permits are utilised in a minority of cases).

At this time HVAMS is delivering significantly reduced permit-based access for the Over Size Over Mass load carrying and Special Purpose Vehicle, e.g., mobile crane, industries as well as the ADF Land 121 fleet.

The Department continues on its development pathway for HVAMS and within two to three years (subject to ongoing development funding) the system will provide on demand permit free access in real time self-serve 24/7, considering all State and Local roads, for all restricted heavy vehicles, including freight vehicles and any future heavy vehicles yet to be manufactured (for example designers/manufacturers of high productivity freight vehicles or the introduction of electric heavy vehicles).

Status of the red tape reform

Under development (subject to ongoing funding).

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

Red Tape Burden

Across the Department of Health and Department of Communities Tasmania, 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 Department of Communities Tasmania

Act/regulatory instrument

Treasurer's Instruction FC12

Financial Management Act 2016

Background/consultation

The red tape concerns raised by the community sector relate to contracts with the Department of Health and Department of Communities Tasmania 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

Communities Tas has undertaken a Review of the Purchasing Framework, which reviewed administrative burden. The next stage of this work will be to extend the methodology to remaining grants administered by Communities Tas in Communities, Sport and Recreation. There are also two PESRAC recommendations that relate to this:

- The State Government should immediately modify contracts with community service providers, where performance has met expectations, to extend their duration to provide appropriate funding certainty.
- Contracts should provide flexibility in the nature of service delivery, reflecting new models developed during COVID-19.

The previously reported trial of DEX will be considered in the response to these two recommendations that have been assigned to Communities Tas and will be actioned after the budget passes and full year funding is confirmed for community sector organisations for 2020-21. Priority will be given to looking at agreements due to expire from June 2021.

Status of the red tape reform

Enacted and Finalised

Communities Tas has reviewed key Community Services contracts and found many were already on a multi-year footing. Those that were due to expire in the prior year have all been renewed and extended for the maximum period possible, consistent with business plans and approved government funding across forward estimates. Communities Tasmania will continue to review contracts to align their duration with Government funding programs and policy.

The relevant PESRAC recommendations have been reported as *complete*.

Reduction in the requirement for an Over Size Over Mass heavy vehicle access permit

Red Tape Burden

Heavy vehicles are a key enabler of the Tasmanian economy, providing an essential service to many of its critical parts, including agriculture, communications, construction, defence, energy, forestry, manufacturing, mining, retail, and transport systems. The level of success achieved in enabling heavy vehicles to appropriately navigate the road network, both safely and productively, is critical to economic development and critical to avoiding economic stagnation. These safety and productivity requirements cannot be optimised by responding with a permit-based access system.

Regulator/agency

National Heavy Vehicle Regulator/Department of State Growth/Local Government

Act/regulatory instrument

Heavy Vehicle National Law (Tasmania) Act 2013

Background/consultation

Permits induce delays to the efficient servicing of heavy vehicle industry clients and reduces the potential for optimised heavy vehicle productivity. Permit based access frameworks, perversely, also support the business models of those operators who are prepared to evade the permit request and consent process, thus enabling them to immediately respond to a client's request, albeit unlawfully.

Extensive consultation has resulted in strong collaboration and alignment with the heavy vehicle industry and its associations and with local road managers and their association has occurred to facilitate the significant reduction of this red tape burden.

Red tape reforms

The Department of State Growth has developed an online and on demand self-serve access system. The system, known as the Heavy Vehicle Access Management System, or HVAMS for short, is available 24/7 and is the first of its kind in Australia. HVAMS facilitates access predominantly under Notice without the need for a permit (permits are utilised in a minority of cases).

Status of the red tape reform

HVAMS is the established and accepted heavy vehicle access management system operating in Tasmania for Over Size Over Mass (OSOM) load carrying heavy vehicles, uniting multiple road managers to effectively present one road network to the Heavy Vehicle Industry.

HVAMS provides for 80% of OSOM access under a Notice, harmonised across all State and Local roads since 2016, and is available in real time self-serve 24/7. There is now no permit requirement for 80% of OSOM activity.

Completed.

Overlapping Commonwealth Regulations Project

Red Tape Burden

The Commonwealth is working with the states through the Council on Federal Financial Relations (CFFR) to reduce the burden of overlapping regulations on business. The issues being examined include duplication of information between jurisdictions, inconsistent regulatory approaches, not recognising international standards and cumulative effect of regulations across jurisdictions.

Regulator/agency

Department of State Growth.

Act/regulatory instrument

To be confirmed based on findings of the review.

Background/consultation

The National COVID-19 Commission Advisory Board and the Deregulation Taskforce within the Department of the Prime Minister and Cabinet; recently consulted with more than 50 business stakeholders about the burden of overlapping regulations.

The Taskforce is working with each of the states through the CFFR framework and engaging with relevant agencies depending on the regulatory issue.

Red tape reforms

The project has commenced with stakeholder engagement and a workplan for several issues already identified including examining product safety regulations, fundraising regulations; clinical trials, modernising pesticide and veterinarian medicine regulations and working with vulnerable children checks.

Status of the red tape reform

The resolution of business concerns about the unnecessary costs of overlapping regulations will require the collaboration among regulators across states and territories and the Commonwealth Government.

Refining the Leasing and Licencing Functions for the Parks and Wildlife

Red Tape Burden

The Parks and Wildlife Service (PWS) will reduce the administrative burden for its stakeholders in relation to leasing and licencing activities, by providing consistency in the management of the Department of Natural Resources and Environment Tasmania's (NRE Tasmania) land and assets, under the *Crown Lands Act 1976* and the *National Parks and Reserves Management Act 2002*.

Modernising resources and management procedures across NRE Tasmania will increase the efficiency and effectiveness of activities associated with the leasing and licencing of Crown land, reserved land, and commercial visitor services.

Regulator/agency

Department of Natural Resources and Environment Tasmania.

Act/regulatory instrument

Crown Lands Act 1976

National Parks and Reserves Management Act 2002

Forestry (Rebuilding the Forest Industry) Act 2014

Background/consultation

The PWS has centralised the staff involved in the assessment of leases and licences for the use of PWS-managed land and is currently progressing a program of initiatives to streamline workflow in this area and create efficiency for customers.

Red tape reforms

- Co-location and pooling of resources across NRE Tasmania – complete.
- Assessment of lease and licence applications under a land tenure blind system – complete.
- Review of policies to improve consistency – in progress, but significantly progressed.
- Development of a Customer Service Charter – in progress, but significantly progressed.
- Enhancement and streamlining of application forms and public interface documents and platforms – in progress.
- Working with key stakeholders such as the Office of the Valuer-General to standardise requests and information – in progress, but significantly progressed, almost complete.

Status of the red tape reform

Due to the wide range of activities, some items have been completed, and others are in progress, however significant progress has been made.

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 model work health and safety (WHS) laws include the model WHS Act, model WHS Regulations and model Codes of Practice, supported by the *National Compliance and Enforcement Policy*. Safe Work Australia, an Australian government statutory body, has responsibility for national policy relating to WHS. Any proposed changes to the model WHS laws must be agreed upon by a two-third majority of Ministers responsible for work health and safety (WHS Ministers). Changes to the model WHS laws must be formally adopted before they have effect in Tasmania.

In 2018, a review of the national model WHS laws was undertaken by an independent reviewer. The review examined how the model WHS laws are operating in practice, whether they are achieving the objects stated in the model WHS Act, and if they have resulted in any unintended consequences. The final report of the review, which was publicly released in February 2019, found that the model WHS laws are largely operating as intended, and proposed 34 recommendations to improve clarity and consistency.

On 24 June 2019, Safe Work Australia released a Consultation Regulation Impact Statement (Consultation RIS) which invited stakeholder feedback on the anticipated impacts of implementing the recommendations. Safe Work Australia received 102 submissions to the Consultation RIS from a broad range of stakeholders including unions, industry representatives, WHS regulators, businesses and individuals. This feedback informed Safe Work Australia's preparation of a Decision Regulation Impact Statement (DRIS).

Red tape reforms

On 20 May 2021, WHS Ministers announced their decisions on each of the review's recommendations. For almost all of the review's 34 recommendations, WHS Ministers agreed to either implement the recommendation as it stands or adopt another approach taken from the DRIS to address the underlying issue. A table of WHS Ministers' decisions on each of the review's recommendations is available on the Federal Attorney-General's website on the following page: <https://www.ag.gov.au/industrial-relations/publications/work-health-and-safety-ministers-meetings>.

Status of the red tape reform

Implementation of the agreed recommendations is on track with measures to be completed or substantially completed by the end of 2022.

Reserve Activity Assessment Reforms

Red Tape Burden

The Reserve Activity Assessment (RAA) process is used by the Parks and Wildlife Service (PWS) to assess environmental, social and economic impacts of use and development proposals on reserved land. The RAA process has been subject to a number of reviews that has led to improvements. This includes an external review in 2016, and an internal review in 2020, which identified improvement measures ranging from process improvements to legislative reform.

Regulator/agency

Department of Natural Resources and Environment Tasmania.

Act/regulatory instrument

National Parks and Reserves Management Act (NPRMA) 2002

Land Use Planning and Approvals Act 1993 (LUPAA) as required to reduce duplication.

Background/consultation

The two reviews of the RAA process identified a number of improvements and recommendations to remove barriers to achieving appropriate investment in recreational and tourism ventures on reserved land. Lack of certainty about the process, particularly for larger projects, along with limited avenues to appeal a decision (except through Judicial Review), have been identified as contributors to unnecessary commercial risk for an investor. A proponent is also usually required to obtain a planning permit under LUPAA and may trigger Schedule 2 of the *Environment Management and Pollution Control Act 1994 (EMPCA)*, which risks duplication. The need for role clarity and independence in decision-making has also been an area for improvement in instances where the PWS is both the proponent and the managing authority for an area of land.

Red tape reforms

The PWS is well advanced in implementing process improvement measures that can be achieved in the short-term while legislative changes are progressed, particularly for major projects (Level 3 assessments). These changes are designed to ensure greater consistency in how processes are applied across the three regions, as well as providing clarity and certainty for proponents.

This body of work lays the foundation for upcoming legislative reforms planned for 2022 that will introduce a statutory assessment process for RAA into the NPRMA 2002. A key element of the proposed legislative amendments is to remove duplication of assessments that may otherwise occur under the NPRMA and LUPAA.

Status of the red tape reform

This work is underway, with process improvements to the Level 3 RAA process well advanced. Consultation is due to commence in the coming months to inform the drafting of legislation to implement the remaining findings of the review. It is anticipated that legislation will be tabled in Parliament later this year.

Strata Titles Act 1998 Review

Red Tape Burden

The Act has not been reviewed since enactment in 1998 and is inadequate for the current strata titles environment. The proposed reforms will introduce improved regulation to address gaps in the current Act, provide clarity and guidance on stakeholders' rights and responsibilities, and to be in alignment with other jurisdictions.

Regulator/agency

Department of Natural Resources and Environment Tasmania.

Act/regulatory instrument

Strata Titles Act 1998

Background/consultation

A Reference Group, consisting of government departments and peak industry groups, was consulted with and contributed to a Discussion Paper that was distributed for public consultation.

Public consultation for the review occurred on 9 May 2020 and concluded on 19 June 2020. Twenty four submissions were received.

Based on the feedback received, a Consultation Feedback Report was published on 19 November 2021, containing recommendations for amendments of the Act. The Report indicated that there was a requirement for further analysis and research, and additional consultation with stakeholders of the strata environment.

The review and the resulting legislative amendments is being progressed in three tranches. A further targeted consultation phase in relation to the first tranche was conducted during the period from 24 January 2022 to 21 March 2022, with some organisations granted minor extensions to provide responses.

Red tape reforms

Based on consultation feedback, a key part of the proposed reforms will be to provide owners and body corporates of two-lot strata titles development more freedom and flexibility to determine matters relating to their development, with lower levels of regulation when compared to strata titles developments with more lots.

Status of the red tape reform

Based on research and feedback received during the original public consultation and the targeted consultation in relation to Tranche I, a list of the proposed amendments for Tranche I is being finalised.

Streamlining planning referrals to TasNetworks

Red Tape Burden

Planning approvals processes often require unnecessary applications going to TasNetworks, placing a burden on those working through the planning system where applications are not really required.

Regulator/agency

TasNetworks/Department of Treasury and Finance

Act/regulatory instrument

Electricity Supply Industry Regulations 2018

Background/consultation

“The *Building and Construction Legislation Amendment Act 2020* introduced a requirement for local councils to refer development applications to TasNetworks in case the proposed development might have an adverse impact on its infrastructure. There was a provision that classes of works could be exempted from this requirement, but no guidance was given at the time.

We are currently working with TasNetworks (and through TasNetworks to the Local Government Association of Tasmania) to outline the classes of works where referrals do not have to be sent to TasNetworks. This will present a saving to both TasNetworks and those undertaking the planning approvals process to remove applications that are not required.

Status of the red tape reform

Amendments to the ESI Regulations are being prepared in consultation with the Office of Parliamentary Counsel.

Online application lodgement and tracking of development related applications – PlanBuild Tasmania portal

Red tape burden

PlanBuild Tasmania is an online portal which will allow for the lodgment of all planning, building and other related applications associated with development and construction in Tasmania.

The project aims to deliver on the Government's strategic objectives to reduce the regulatory burden on the planning and development community and provide a faster, fairer, simpler planning system for Tasmania by providing greater access to development approval rules, reducing administrative delays and increasing transparency of the approvals process.

Regulator/agency

Consumer, Building and Occupational Services, Department of Justice

Act/regulatory instrument

N/A

Background/consultation

Public perception of the regulatory system for development is that it is complex, confusing and difficult to understand. Information on the rules for new development is fragmented across various state and local government authorities. Applications are lodged with different authorities, with varied methods for lodgment and tracking of applications.

This can be complex, confusing and time-consuming, particularly for those involved in development across the state, such as building surveyors and designers, who all lodge applications in a variety of ways across the state, depending on the council area where the development is taking place.

Red tape reforms

The overarching PlanBuild Tasmania project has been funded by the State and Commonwealth, the latter through reforms under the Small Business Regulatory Reform Agenda. The project will deliver a state-wide online process for applying for development related applications.

Applications will be available to the Tasmanian community, including small businesses and developers using the PlanBuild Tasmania portal.

The portal will allow these applications to be pre-populated, lodged and tracked online.

Status of the red tape reform

The PlanBuild Tasmania project has delivered phase one enquiry functionality which provides access to planning and building rules. For properties operating under the Tasmanian Planning Scheme, enquirers can work through a series of questions and determine who to consult, who can do the work and what they may need to apply for.

Later functionality to be rolled out during the 2022-23 financial year will allow for application lodgment, payment and tracking.

Review of minor works requiring reporting to reporting authorities under the *Building Act 2016*

Red Tape Burden

The *Building Act 2016* requires the relevant building surveyor to request a report from a reporting authority if the work relates to certain prescribed matters. The prescribed authorities are the:

- Chief Officer of the Tasmania Fire Service if the work relates to the operations suitability of fire safety requirements.
- Environmental Health Officer for the relevant municipal area if the work relates to food safety; and
- Anti-Discrimination Commissioner if the work relates to disability access.

Building industry stakeholders have raised concerns regarding a significant number of referrals required under the Act for work which is considered minor in nature.

Making a referral to a reporting authority takes time for the building surveyor and time for the reporting authority to assess and report on the proposed work.

Regulator/agency

Consumer, Building and Occupational Services, Department of Justice

Act/regulatory instrument

Building Act 2016

Background/consultation

Industry stakeholders raised this matter with Consumer, Building and Occupational Services.

This review will include comprehensive consultation with building and construction stakeholders, regulators, local councils and industry associations.

Red tape reforms

To provide a timelier assessment of notifiable and permit building work, the Director of Building Control is to draft and provide for consultation a new Determination. This Determination will set out what work is considered minor in nature and therefore will not need to be referred to reporting authorities.

This reform may reduce administrative burden and time delays for notifiable and permit building work that includes minor work relating to reporting authorities.

Status of the red tape reform

New Director's Determination – Minor Works for Reporting Authorities to be drafted, provided for consultation and finalised in 2022-23.

Online Fire Alarm/System Permit

Red Tape Burden

In accordance with the General Fire Regulations 2010, the Tasmania Fire Service administers a permit system licensing the installation, maintenance, repair and removal of Fire Protection Equipment and Fire Protection Systems. Fire Protection Systems include fire detection and alarm systems, sprinkler systems, fire hydrant and extinguishing systems, fire hose reels and smoke detection systems. The current application process for Permits is a manual process, where applicants download a form that is filled in electronically or by hand, and either mailed or emailed to TFS for processing.

Regulator/agency

Tasmanian Fire Service

Act/regulatory instrument

General Fire Regulations 2010

Background/consultation

Formal discussions are now underway with key stakeholders to transfer management of applications for Fire Protection System Permits to the CBOS online licensing system.

Red tape reforms

The Department of Justice operates a licensing system for Consumer Building and Occupational Services (CBOS), which could be used to process Fire Protection Systems Permits. Use of the CBOS licensing system will potentially reduce the number of different licensing systems used by the two agencies. The use of the online system used by CBOS for processing licensing applications, rather than the manual process by TFS, will be just one of the benefits to licensees.

Status of the red tape reform

This reform will be finalised as a part of the CBOS online portal.

The current legislation provides that the fire service permits / regulates the fire protection industry, and this needs to be removed in the new legislation if TFS is to hand over this function to CBOS (DoJ). This matter incorporates part of the current Fire Service Act review.

Environment, Public Health and Local Heritage Permit Assessments

Red tape burden

Environmental, Public Health and Heritage Permits are all separate permits issued by local government and Heritage Tasmania.

These permits are required to be integrated into development applications which can cause duplication and additional cost in the process.

Regulator/agency

Consumer, Building and Occupational Services, Department of Justice

Act/regulatory instrument

N/A

Background/consultation

Based on Hobart City Council (HCC) data and extrapolated to a state-wide level, total Environmental Health project assessments are around 1,250.

Based on HCC data and extrapolated to state-wide level, development applications associated with heritage listed properties are about 3,000 per year.

The ability to have permits automatically integrated into development applications will speed up application processes, minimise rework caused by entry errors and enable compliance checks to be completed automatically resulting in significant labour cost savings for these small businesses.

Red tape reforms

The *Environmental, Public Health and Heritage Application Assessments* project has been funded as part of Tasmania's schedule of reforms under the Small Business Regulatory Reform Agenda. The project will deliver a state-wide online process for applying for environmental permits, heritage assessments and food permits, for example caf , vineyards and other food venues.

These permits and assessments will be available to small businesses and developers by using the PlanBuild Tasmania portal. The portal will allow these applications to be pre-populated and lodged online via the central system.

Status of the red tape reform

The project is currently being delivered by the PlanBuild Tasmania portal. All environmental, public health and heritage applications will be able to be lodged online using PlanBuild Tasmania when phase two functionality of PlanBuild Tasmania is launched.

Phase one enquiry functionality provides the ability to answer a series of questions to understand what approvals may be required based on the property location (e.g heritage listed) and the type of business they wish to operate (e.g cafes, mobile food vans etc).

Reduction in the requirement for a Special Purpose Vehicle access permit

Red Tape Burden

Heavy vehicles are a key enabler of the Tasmanian economy, providing an essential service to many of its critical parts, including agriculture, communications, construction, defense, energy, forestry, manufacturing, mining, retail, and transport systems. The level of success achieved in enabling heavy vehicles to appropriately navigate the road network, both safely and productively, is critical to economic development and critical to avoiding economic stagnation. These safety and productivity requirements cannot be optimised by responding with a permit-based access system.

Regulator/agency

National Heavy Vehicle Regulator/Department of State Growth/Local government

Act/regulatory instrument

Heavy Vehicle National Law (Tasmania) Act 2013

Background/consultation

Permits induce delays to the efficient servicing of heavy vehicle industry clients and reduces the potential for optimised heavy vehicle productivity. Permit based access frameworks, perversely, also support the business models of those operators who are prepared to evade the permit request and consent process, thus enabling them to immediately respond to a client's request, albeit unlawfully.

Extensive consultation has resulted in strong collaboration and alignment with the heavy vehicle industry and its associations and with local road managers and their association has occurred to facilitate the significant reduction of this red tape burden.

Red tape reforms

The Department of State Growth has developed an online and on demand self-serve access system. The system, known as the Heavy Vehicle Access Management System, or HVAMS for short, is available 24/7 and is the first of its kind in Australia. HVAMS facilitates access predominantly under Notice without the need for a permit (permits are utilised in a minority of cases).

Status of the red tape reform

HVAMS is the established and accepted heavy vehicle access management system operating in Tasmania for Special Purpose Vehicles (SPV), e.g., mobile cranes, uniting multiple road managers to effectively present one road network to the Heavy Vehicle Industry.

HVAMS provides for 95% of SPV access under a Notice, harmonised across all State and Local roads since August 2019, and is available in real time self-serve 24/7. There is now no permit requirement for 95% of SPV activity.

Completed.

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