

Streamline WA regulatory reforms

New regulatory reforms to accelerate decision making and drive efficiencies

Streamline WA (SWA) was established as part of a whole of government effort to drive approvals reform, based on the recommendations of the *Service Priority Review (2017)*. The objective is to make it easier to do business by improving regulation and regulatory practice.

In July 2020, the McGowan Government announced a package of regulatory reforms to accelerate action to streamline approval processes and further regulatory reform to aid economic recovery post COVID-19.

This included approval for seven immediate measures:

1. Online one stop shop (centralised at wa.gov.au)
2. Clear guidance
3. Reduced reporting burden
4. Build common understanding
5. Strengthen case management support
6. Statements of Expectation
7. Performance measurement

Two additional measures were also approved:

8. Small Business Friendly Approvals Project
9. Streamlining legislative reforms

1. Online one stop shop

The online one stop shop will ensure approval processes are part of an easy to navigate virtual one stop shop on wa.gov.au.

- From 1 January 2021, the Department of Mines, Industry Regulation and Safety, the Department of Water and Environmental Regulation and the Department of Planning, Lands and Heritage will transition to the one stop shop.
- By 1 March 2021, the Department of Local Government, Sport and Cultural Industries, the Department of Biodiversity, Conservation and Attractions and the Department of Primary Industries and Regional Development will transition to the one stop shop.

2. Clear guidance

Clear guidance for proponents will ensure adequate guidance material and process maps are available. Guidance material will be:

- in plain language;
- user tested; and
- published on the wa.gov.au website.

3. Reduced reporting burden

This initiative will apply to the Department of Mines, Industry Regulation and Safety and the Department of Water and Environmental Regulation in the first instance. A single annual environment report for mining projects will be administratively instituted and phased in from 1 January 2021. Following three years of satisfactory reporting, this requirement may shift to a biennial reporting requirement, with the reports published online to ensure transparency and public confidence.

4. Build common understanding

This initiative will establish twice yearly training sessions, hosted by regulatory agencies, to build expertise and skills. Peak industry bodies will also be invited to present at the sessions. Regulatory agencies will work together to hold combined training sessions for their approval and assessment officers, and case management officers and include local government and Commonwealth stakeholders. Specific training sessions on topics or sectors of interest such as tourism may also be instituted from time to time.

This is expected to improve the understanding between peak bodies and regulators, build networks between case officers across the approval chain, and allow emerging issues to be identified and addressed.

5. Strengthen case management support

This initiative will aim to have a case manager assigned for all complex proposals. The case management role will be governed by a code setting out obligations and responsibilities.

The code will make it clear that:

- case managers are expected to respect laws, process and obligations of multiple Ministers;
- case managers are not lobbyists; and
- case managers have an active role to play in the approval process.

6. Statements of Expectation

The Statements of Expectation will clarify Government's goals and expectations to help guide agency priorities and outcomes. These Statements are expected to improve whole-of-government regulatory culture by outlining how to reconcile competing legislative objectives. Developers and proponents can also ease their path through regulatory approvals by ensuring they take all reasonable steps to inform themselves, prepare their documentation to meet requirements and observe escalation protocols.

Following Government endorsement, the Statements of Expectation will be published on the Western Australian government portal at wa.gov.au.

7. Performance measurement

This initiative will ensure regulatory agencies responsible for approval processes publish performance data online. Internal consultation within Government will be needed to reach agreement on:

- acceptable timelines for publication; and
- targets for improvements.

8. Small Business Friendly Approvals Project

Support has been provided for the Small Business Development Corporation to expand their Small Business Friendly Approvals Project over the next two years. By working closely with organisations already signed up to the Corporation's Small Business Friendly Local Governments initiative, the project focuses on improving outcomes for small business owners interacting with their local government to access the necessary permits and licences to establish and operate their enterprises.

Through the project, the Small Business Development Corporation will make it easier to start, operate and grow a small business in Western Australia by:

- mapping the local government approvals pathway for small businesses;
- identifying unnecessary obstacles and opportunities to ease the approval burden on small businesses;
- designing reforms to achieve more streamlined approval processes; and
- supporting local governments to implement those reforms.

By working closely with local governments, the project seeks to address:

- risk averse approaches to decision making relating to regulatory approvals;
- inconsistency and uncertainty associated with issuing approvals;
- inefficiencies causing delays in issuing approvals;
- the high number of forms and approvals required;
- duplication of information requests; and
- inconsistency in fees across different local governments.

Pilot programs in 2019 identified 61 opportunities for approvals reform and business efficiency across two local governments. Once implemented, the recommended reforms are anticipated to reduce approval times for development applications by more than 30 days. Based on conservative estimates, this equates to an annual saving of around \$3.7 million for small businesses operating in the two pilot local governments that apply for development approval. Expanding this initiative to other local governments is expected to identify similar opportunities for business efficiency and improvement.

The Small Business Development Corporation anticipates working with 20 local governments over two years, however progress will depend on the local governments being able to commit the required time.

9. Streamlining legislative reforms

A Streamlining Bill is being drafted to simplify decision making and improve business efficiency benefiting business operators particularly in the tourism and mining sectors.

The Bill will make amendments to four Acts: the *Conservation and Land Management Act 1984*, the *Swan and Canning Rivers Management Act 2006* and the *Botanic Gardens and Parks Authority Act 1998* as well as the *Mining Act 1978*.

Approval processes will be improved across the Swan Canning Riverpark. Duplication will be removed from licensing and permit approval procedures and mapping processes will be streamlined to provide clarity and certainty for tourism operators.

A single approval instrument will be introduced to approve mining activities across multiple tenements. A new process for low impact exploration and prospecting activities will allow for automated approvals, subject to acceptance of standardised conditions.

Amendments to the supporting regulations will be made after the Bill has passed through the Parliament.

Other streamlining regulatory reforms and initiatives

There are a range of regulatory reforms and initiatives progressed by Government that align with the objectives of Streamline WA and will benefit a range of industries, including tourism.

The *Planning and Development Amendment Act 2020* establishes a fast-tracked approval process for significant development applications and implements a range of reforms to modernise the planning system.

The *Environmental Protection Amendment Act 2020* will achieve a range of reforms, including:

- Improving regulatory processes under Part IV to streamline the administrative efficiency of the environmental impact assessment process. The amendments will reduce duplication of assessments and approvals.
- Facilitating and streamlining the implementation of bilateral assessment and approval agreements under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

The Government has also progressed other non-legislative reforms such as additional funding for staff at the Department of Water and Environment Regulation to case manage state significant proposals.

The Government is also co-investing with the Commonwealth in an Australian first online platform for environmental assessment and approval processes, supported by a database of biodiversity information, called Environment Online. The initiative will help establish a Commonwealth-State consistent approach to a digital environmental approval regime. The platform will allow project proponents to submit a single application addressing both Commonwealth and Western Australian regulatory requirements via an online portal and to track its progress through this portal. The database of biodiversity studies will store and share information provided by project proponents. These two projects could reduce the timeframe taken for the State and Commonwealth assessment process of some projects by 6 to 18 months through the better use of technology.

Frequently asked questions

Reduced reporting burden

What instruments does this measure apply to?

- Environmental compliance reporting obligations under the *Environmental Protection Act 1986*, *Mining Act 1978* and *Rights in Water and Irrigation Act 1914*.

What kinds of companies are affected?

- Tenement holders under the *Mining Act 1978* with a tenement condition requiring lodgement of an annual environmental report.
- Works approval and licence holders under the *Environmental Protection Act 1986*.
- Ministerial Statement holders under the *Environmental Protection Act 1986*.
- Companies licensed under the *Rights in Water and Irrigation Act 1914*.

How many instruments will be affected?

- Potentially over 3000 instruments issued under the *Environmental Protection Act 1986*, *Mining Act 1978* and *Rights in Water and Irrigation Act 1914* could be affected.

Will the environment suffer because of this decision?

- This proposal will simplify and streamline environmental information required to be submitted to the State Government by mining companies.
- This will enable more effective review and identification of any issues and risks and enable a more coordinated response across government. This in turn will increase the rigour of the collective regulatory framework from a whole of government perspective.
- The proposal also seeks to increase transparency on information reported to increase visibility on environmental performance across the mining sector.

If a company has had three years of satisfactory reporting already, can they go biennial from 1 January 2021?

- Good compliance history is a key consideration to enable companies to move to biennial reporting. If companies can demonstrate a consistent compliance history across all current instruments they can be considered for biennial reporting from 1 January if the current legislative framework permits.

If project conditions stipulate the environment report must be annual, is it legal to go biennial and will the company risk a compliance breach?

- Current instrument(s) conditions relating to reporting will need to be amended to enable companies to transition to biennial reporting.

Can companies put the report on their own website or will the Government post it somewhere?

- Further consultation with industry will be undertaken in respect of the specifics around how publication of annual environmental returns will be progressed.

Do companies still have to do annual environment monitoring if the report is biennial?

- Yes, monitoring will still be required to demonstrate that environmental outcomes are being met.

Companies don't want their AER to be public because it may give their competitors additional information. Can companies receive an exemption?

- Further consultation with industry will be undertaken in respect of the specifics around how publication of annual environmental returns will be progressed.