

LICENSING PROVISIONS AMENDMENT BILL 2015

SECOND READING SPEECH

Mr President

I move that the Bill be now read a second time.

The primary purpose of the Licensing Provisions Amendment Bill 2015 is to make several legislative amendments to reduce red tape and unnecessary administrative burdens on Western Australian businesses.

In total, the Bill amends eight Acts across three portfolios – Commerce, Mines and Petroleum, and Transport.

An important part of the Government's plan to reinvigorate regulatory reform is to cut unnecessary regulation, and thereby support small businesses, investment, and jobs growth.

This Bill, together with the Obsolete Legislation Repeal Bill 2015, the Residential Tenancies Amendment Bill 2015 and the Disposal of Uncollected Goods Amendment Bill 2015 meets this objective.

The four Bills demonstrate the Government's ongoing commitment to ensure that legislation only remains in force for as long as necessary, and that any legislation in force operates effectively and efficiently.

The Bills complement other government actions to reduce red tape, such as moving processes online, creating one stop shops, and reducing duplication across agencies, to make it easier for business and the community to interact with government.

I will now discuss the principal red tape reduction reforms proposed by this Bill.

Firstly, amendments are proposed to streamline licensing processes for businesses.

The Bill amends the *Auction Sales Act 1973* and the *Debt Collectors Licensing Act 1964* to provide for longer licensing periods for auctioneers and debt collectors.

It will allow for licences and renewals to be issued for up to three years rather than one year, reducing costs for business and government and aligning licensing periods with other occupational licences.

Persons applying for an auctioneer's licence will save money as they will no longer be required to provide multiple copies of testimonials with their applications, nor will they be required to advertise a notice of their application in a newspaper. This will save each applicant approximately \$400 for an auctioneer's licence.

The Bill amends the *Transport Coordination Act 1966* to increase the licensing period for aircraft operator licences from one year to up to five years.

At present, the short licence period provided under the Act creates economic uncertainty for aircraft operators that lease or purchase aircraft to operate on public transport air routes, especially on regulated air routes.

In response, the Minister for Transport has to date executed deeds of agreement with aircraft operators, to agree in principle to provide a five-year licensing term.

These deeds are in addition to the mandatory annual licensing requirements that the aircraft operator must comply with.

Clearly, the current annual licensing requirements are not aligned with business needs and are unnecessarily cumbersome and expensive for both business and government. The amendment in this Bill will provide greater economic certainty to aircraft operators by properly allowing for licences to be granted for a period up to five years.

Secondly, amendments are proposed to make it easier for businesses to carry on their day-to-day work.

The *Motor Vehicles Dealers Act 1973* will be amended to allow motor vehicle dealers to provide a statutory declaration as an alternative to completing a trust account audit if the trust account has not recorded any transactions during the financial year.

Motor vehicle dealers are required to use trust accounts where they sell motor vehicles on consignment.

Currently, irrespective of whether or not the motor vehicle dealer has conducted any sales on consignment, dealers must have the trust account audited by a registered company auditor, which can cost up to \$500 per hour.

Motor vehicle dealers who have not had any transactions occur in their trust account during the financial year will now no longer have to incur that cost.

Currently, the *Motor Vehicles Dealers Act 1973* requires that where a second hand vehicle is found to be defective, and the owner of the vehicle elects to hand the vehicle's number plates to a licensing centre, the owner must also complete and submit an approved form with those licence plates.

This is unnecessary regulation as it is the current practice of licensing centres to immediately record the return of the licence plates electronically and issue the owner of the vehicle a receipt on the spot.

The Bill removes the requirement to complete and submit this form, saving both time and money for vehicle owners, which often includes motor vehicle dealers, and for government.

The *Real Estate and Business Agents Act 1978* will be amended to remove the prohibition against commission payments to real estate agents prior to settlement for off-the-plan property sales.

Real estate agents will no longer have to wait years to receive their commission payment, but instead will be able to negotiate with the developer of an off-the-plan strata title project for payment of commissions at the time the real estate agent provides a service and secures a sale.

Rest assured, this will not affect the deposits of purchasers, which will still be required by law to be held in a trust account until the settlement of the property occurs.

The Bill will amend the *Mining Act 1978* to create a single point of contact, known as the designated tenement contact, for all mining tenements and applications for mining tenements.

Currently, where there are multiple tenement applicants or tenement holders with separate addresses, the Department of Mines and Petroleum must send separate letters to each of those applicants or holders. Introducing a single contact point will enable efficiencies in delivering correspondence, save money on postage, and speed up the processing of transactions and queries.

Furthermore, miners, prospectors and explorers will no longer need to separately apply for authorisation to explore or mine for iron ore on any new tenement applications, saving the industry an estimated \$1 to 2 million per year.

Minor amendments are proposed to address drafting anomalies in the *Mining Act 1978* in relation to the provision of a miner's right to a person which may be a corporate entity or a natural person, instead of being restricted to a natural person.

Lastly, amendments are proposed to the *Auction Sales Act 1973*, *Debt Collectors Licensing Act 1964*, *Land Valuers Licensing Act 1978*, *Motor Vehicle Dealers Act 1973*, *Real Estate and Business Agents Act 1978* and *Settlement Agents Act 1981* to set the foundations for a transition to an online licensing system.

These amendments remove the requirement for occupational licence applications and certificates provided to the Commissioner for Consumer Protection to be accompanied by a statutory declaration.

In order to continue to safeguard consumer interests, an offence for providing false or misleading information in relation to an application for the grant of or renewal of a licence or certificate is being included.

Pursuant to Legislative Council Standing Order 126(1), I advise that this Bill is not a uniform legislation Bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the Government of the State is a party. Nor does this Bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the Commonwealth.

I commend the Bill to the House and table the explanatory memorandum.