

Hi Agnes

The following are some comments on Licence Documentation from our agribusiness development team.

DAFWA is pleased to see that the DER has produced a single form that will enable concurrent applications to occur. This is a reduction in red tape that will no doubt be warmly received by all industries. The generation of a single application form also makes the application process much more transparent, and reduces the confusion regarding what information is required when applying for a works approval or licence.

DAFWA supports the risk-based approach to licensing and the development of outcome-based conditions. This will bring WA one step closer to national harmonisation.

One concern is that the documents are geared towards repeat users/consultants. A first time user, small operator with little knowledge of the EP Act or DER's licensing process, would potentially struggle to complete the document/s.

The below comments will hopefully expand on these general comments:

1. The application form is a single form that enables concurrent application for both works approvals and licence – does this also apply to works approvals and registrations? Registrations have been omitted from the application form.
2. On the application form, applicants are required to list the categories of the prescribed premises. Some applicants will simply not know where to find the list of prescribed premises, so it may be worthwhile to include a reference/link to Schedule 1. Other applicants (particularly in the agricultural industries) will be completely unaware of what categories apply to them, and in this situation it is our hope that these applicants are not penalised in any way.
3. When providing copies of Certificate of Title in Attachment 1, it is quite common for the certificate of title for a farm to remain in the parents name once they have retired and operational responsibility has been passed to their child/children. An explanation of what is required in this instance may be worthwhile – e.g. If your name is not listed on the Certificate of Title, it is necessary that you provide additional evidence that you have legal rights to the land.
4. Many intensive animal industry operators have great experience and expertise in their industry, but not necessarily any certificates to prove it. In the Guideline for Applications under Attachment 5, perhaps provide examples of how people can demonstrate fitness and competency – e.g. – industry tickets, certificates, degrees, training course certificates, years of experience in the industry etc.
5. Whilst most intensive industry will produce emissions, asking the applicant to determine if that emission is a risk to public health or the environment (6.1-6.4) seems risky as that is open to interpretation. We would recommend asking for the emissions that are produced from the activity, and then DER can decide if that is a risk to public health and the environment? Otherwise

providing (Plain English) definitions for environment and public health would help applicants answer this question.

6. Completing the Application form whilst trolling through the Guide to Applications document is a fairly tedious process, mostly because the Guide to Applications reproduces the Application Form in its entirety with 'tips for completion' inserted. A more effective method may be to consolidate the comments/tips for completing the Application Form into a short document. Alternatively, the 'tips for completion' could be inserted into the actual Application Form and deleted when the document is completed.
7. Finding the fee calculator on your website was a challenge. Perhaps a link to the calculator could be provided in Attachment 9? We would also recommend making the 'Information and data used to calculate proposed fees' a separate table in Attachment 9, otherwise it may be missed by applicants (particularly when completing a works approval application and the licence fee section above it is not applicable).
8. We support the notion of a risk-based approach to licensing and that the conditions of first resort are to be outcome-based conditions. However we would like to point out that the principle of risk-based licensing and outcome-based conditions is probably not well understood by our clientele.
9. A comprehensible online application process would be encouraged.
10. Part 3 of the Guide to Applications mentions unique or non-industry standard processes. Are industry standard processes deemed to be those in Industry Codes of Practice or Guidelines? Therefore are non-industry standard processes those that deviate from industry Codes of Practice or Guidelines?
11. We understand that most applications across most industries are completed by consultants. The new application form requires the fragmentation of a consultants standard Report into the different Parts of the Application Form – is this a necessary and realistic expectation?
12. This document again refers to the risk to public health of prescribed activities. It is our experience that the regulation of public health is the jurisdiction of the Department of Health. There is a risk of duplication and contradiction if both the Department of Health and the DER regulate public health.
13. The definitions in the Licence document are all legal jargon – not very helpful to the everyday user of the document. Plain English definitions would be preferable.

I hope they comments are useful

Thanks

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