

12 February 2021

## **Deregulation Taskforce**

Department of the Prime Minister and Cabinet  
PO Box 6500  
Canberra ACT 2600  
Australia

## **Consultation on Automatic Mutual Recognition of Occupational Registrations**

The Association of Australian Certifiers (AAC) represents Registered Certifiers employed in private practice and local governments across NSW.

The AAC has reviewed the Australian Government's intention to introduce a uniform scheme for the automatic mutual recognition (AMR) of occupational registration across jurisdictions. The AAC thanks the Deregulation Taskforce for the opportunity to provide this feedback.

### **Background**

AMR allows a person who is licensed or registered for an occupation in one jurisdiction to be considered registered to perform the same activities in another jurisdiction, without the need to go through further application processes or pay additional registration fees.

The AMR scheme aims to apply to registrations currently covered by existing mutual recognition arrangements. The scheme will make it quicker, simpler and less expensive for people to work across jurisdictions while maintaining high standards of consumer protection and worker and public health and safety.

### **Recommendations**

The AAC strongly supports the application of the AMR scheme for Building Surveyors and Certifiers based on the following key principles:

1. A new Part 3A will establish a second mutual recognition principle that **a person who is registered for an occupation in their home state is entitled to carry on those activities authorised under their home state registration in a second state.**
2. This principle **will be operationalised through automatic deemed registration**, whereby a person who is registered for an occupation in their home state is taken to be registered in the second state for the purposes of carrying on those activities permitted under their home state registration.
3. A registered person **will not be required to pay extra fees or meet any additional requirements for the issue or renewal of a registration** to undertake permitted activities in the second state. The person will have to meet requirements relating to insurance, fidelity funds, trust accounts or the like, as well as other requirements such as working with children checks, that are designed to protect the public, consumers and others. States may also require notification of intent to work in their jurisdiction.
4. A registered person **will need to comply with local laws in the second state and is subject to any applicable disciplinary actions.** A registered person subject to disciplinary action or who has conditions on their licence as a result of disciplinary, civil or criminal action in relation to the activity will not be eligible for automatic deemed registration.
5. A registered person **will need to apply for a new home state registration should their home state change.** In this situation, the registered person could apply for a new registration through existing mutual

recognition arrangements. A person will continue to have access to automatic deemed registration, relying on their original home state registration until a registration from the new home state is issued.


6. A Minister in the second state **may declare that specific registrations are exempt from automatic deemed registration in their jurisdiction** where they determine there is a significant risk to consumer protection, or the health or safety of workers or the public. These exemptions will be published, sunset after five years and be subject to review by the state if they are to be renewed.
  - a. Additionally, a Minister in the second state will be able **to declare a specific registration temporarily exempt from automatic deemed registration**, where the Minister is not satisfied that there is no significant risk to consumer protection, or the health or safety of workers or the public in that state or territory.
7. States and local registration authorities **will be required to make available to each other relevant information about a registered person and prepare and publish guidance** on the operation of automatic deemed registration, consistent with the existing mutual recognition arrangements.
8. The proposed amendments will **not prevent a person from seeking mutual recognition under the existing framework** in Part 3 of the Act nor will it disrupt existing national registration schemes or existing state-based automatic mutual recognition schemes, such as the NSW scheme for electrical trade work licences.

The above items are supported regarding Building Surveyors and Certifiers as this system of mutual recognition currently exists however, we propose the following to enhance any changes:

9. due to the large variations in legislation and accreditation schemes this becomes difficult in application. The AAC would encourage the BMF to endorse a nationally consistent accreditation scheme.
10. The legislation that enacts the Building Surveyor and Certifier functions could be modified where reference is made to have a more consistent approach and assist in the implementation of the system.

For further information do not hesitate to contact the Association on 1300 735 935.

Yours sincerely



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