



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON PUBLIC ACCOUNTS  
Mrs Elizabeth Kikkert MLA (Chair), Mr Michael  
Pettersson MLA (Deputy Chair), Mr Andrew Braddock  
MLA (Member)

Inquiry into Auditor - General's Performance Audit Reports January -  
June 2023

Question Taken on Notice (Committee)

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**Asked by:** Mr Michael Pettersson MLA

**Addressed to:** Minister for Business and Better Regulation

**Reference:** UPT page 29

**Hearing Date:** 9 November 2023

**In relation to:** AG Performance audit report 1/2023 and New and renewed application and Out of state disciplinary action

**Question Lodgement Date:** 9 November 2023

**Mr Pettersson:** There are a couple of scenarios in the audit report that I wanted to go to, because they do not lead to specific recommendations, but I would be curious to explore them a bit further. I will just read it for everyone's benefit, so you do not have to try to find it. Paragraph 3.108:

*In assessing applications where applicants have held, or do hold, licences in other states, public databases provide limited data regarding the licensee's occupational discipline in those states. Access Canberra also has relationships with other state licensing authorities, which can provide additional data on request. Whilst Access Canberra seeks information from an applicant's first state licensing authority in the case of mutual recognition applications, information is not sought in the case of new applications or for renewals of licences.*

Is there a reason we are not seeking that information for new applications or for renewals?

**Mr Pryce:** That is page 43 of the report? 3.108, Mr Pettersson?

**Mr Pettersson:** Yes.

**Ms Cheyne:** Sorry, Acting Chair. Just give us a minute. Have you got it, Nick?

**Mr Lhuede:** Not at the moment, sorry. Just working through that statement in 3.108—

**Mr Pryce:** It sort of does lead to the mutual recognition recommendations at a higher level, and it is our, obviously, interactions with multiple jurisdictions and licensing. You said it was not as specific, but it does sort of link in those recommendations.

**Mr Lhuede:** I might have to take this on notice. I believe it relates to the law around mutual recognition and the considerations that come into that mutual recognition process, and information that can be sought in providing that. I am happy to take that matter on notice and clarify that for the committee if that is appropriate.

**Mr Petterson:** Yes. I guess the gist of the question is—and I am not an expert here, so do not take this as me preaching, but to me there is the mutual recognition stream, and then you can also apply for a new licence standalone, not relying upon your experience in other jurisdictions. Is it a deliberate decision that we are not seeking information for new applications, or is that potentially an oversight?

**Minister for Business and Better Regulation: The answer to the Member's question is as follows: –**

New and renewing construction occupations licence applications are considered in accordance with the *Construction Occupations (Licensing) Act 2004* (the Act). Under section 19 of the Act, the Construction Occupations Registrar (the Registrar) may refuse to issue a licence to an applicant in certain circumstances, including based on information from other jurisdictions. However, given there are no national databases or standards in relation to relevant information, obtaining information from other jurisdictions for all 'standalone' licence applications would be a significant and unreasonable administrative burden on both the ACT and other jurisdictions.

To provide further context, to obtain relevant information from other jurisdictions as suggested would require a manual process where Access Canberra would need to communicate with licensing counterparts in other jurisdiction seeking relevant information specific to ACT requirements. To ensure a comprehensive and consistent approach, this would need to be done for all new and renewing applicants. It would also need to cover all jurisdictions, noting applicants can, and do, change addresses, and can be licensed to practice in multiple jurisdictions. Other considerations will further complicate this such as privacy limitations and what may constitute discipline varies from jurisdiction to jurisdiction, noting, for example the ACT is one of only a few jurisdictions that operates a demerit point system on occupational licensees as a ground for undertaking occupational discipline when threshold levels are met.

Where an applicant applies for a licence under the *Mutual Recognition Act 1992*, the Act requires the local authority to consider information from other jurisdictions when making a decision on an entity's eligibility for a licence in its jurisdiction. Once an entity is licensed, if the Registrar takes regulatory action against them, and the Registrar is aware that the entity has a licence of an equivalent nature in another jurisdiction, the *Mutual Recognition Act 1992* requires the Registrar to notify that jurisdiction of the regulatory action. Other jurisdictions have similar obligations, which facilitates information sharing under this Act.

Approved for circulation to the Standing Committee on Public Accounts

Signature: 

Date: 17/11/23

By the Minister for Business and Better Regulation, Tara Cheyne MLA