



Standing Committee on Economy and Gender and Economic Equality

Inquiry into Annual and Financial Reports 2021-2022

ANSWER TO QUESTION TAKEN ON NOTICE

Asked by Ms Leanne Castley MLA on 10 November 2022: Mr Sam Engele took on notice the following question(s):

Reference: Hansard [uncorrected] proof transcript 10 November 2022, page 224, 228.

In relation to: Breakdown of the number of AMR licences

THE CHAIR: They are the exemption—sorry, can you run me through the exemption and how that works and what you are looking at? I am not with that one.

Ms Cheyne: Yes, essentially what it means is that if you are a teacher for example and you are registered and licensed to be a teacher in Queensland and you want to—Queensland is not a good example, Victoria, and you wanted to come to the ACT, then you would need to get the traditional model of licensing and fees for that jurisdiction apply, your licence and recognition in the other state is not automatically recognised yet.

THE CHAIR: I have some supps on that one. You will probably be aware we did an FOI on a couple of things and one of them just said that there were 80 plus occupational licences that would be ready to participate and, as you mentioned, 43 have. I am wondering, can we get the full list of the 43 and what is happening with the gap?

Mr Engele: I would have to confirm that reference to 80 in the FOI because I am not aware of that number. There was quite a lot of work undertaken. I should say, for each one of these occupations significant weight had to go into understanding whether it was within the scope of automatic mutual recognition and that required quite a lot of legal analysis, just because the definition is set by the commonwealth and so we needed to understand whether it applied in the ACT. The 43 plus the seven were the ones that were deemed to be within the scope of the scheme, so it may be that the original analysis that had 80 may have included a number that were subsequently found to be outside of the scope of the scheme, but I would have to confirm against these documents to confirm that.

THE CHAIR: Can we get a list of the licences that—like the 50?

Ms Cheyne: Are you able to provide what you have and we will be able to tell you what we can?

THE CHAIR: No, I just asked. that question was about the ones that are part of the scheme now.

Ms Cheyne: Our part? Yes, we can get that.

Mr Engele: Yes, they should be on line.

Ms Cheyne: Yes. Sorry, sorry, sorry, yes, no problem.

...

Ms Cheyne: Ms Castley, we have a clarification on the significant risk exemptions for AMR.

THE CHAIR: Great.

Mr Engele: I have just been given some information from my team and I want to correct the record. Originally I said that there were 43 occupations and seven others that had significant risk exemptions. Of that seven, that is seven different categories, so within that there are 28 occupations that sit within those categories. As an example teachers there are three registrations, dangerous substances has 12, so we can get you that full list as part of our information to you.

Ms Cheyne: Yes, and construction has several.

Mr Engele: That is correct, construction has ten. It does not quite add up to that 80 that you mentioned previously but it might get closer to that number.

Tara Cheyne MLA: The answer to the Member's question is as follows:–

On the 28 June 2021, the Chief Minister made the *Automatic Mutual Recognition (Australian Capital Territory) (Temporary Exemptions) Declaration 2021 (Cth)* under s42T of the *Mutual Recognition Act 1992 (Cth)* (MR Act).

This instrument temporarily excluded 78 individual occupational licences from the AMR Scheme while essential policy and legislative analysis was undertaken across whole of Government, led by the Better Regulation Taskforce. This number was in addition to the three occupations that entered the AMR Scheme on the 1 July 2021 – water drillers, architects, and commercial pesticide operators. This made the total number of licences identified at this time as 81.

Over time, the number of occupational registrations coming within the scope of AMR has been refined to 71. This is because a number of the registrations included are no longer considered to be occupational registrations for the purposes of the MR Act.

AMR for individual occupational licences was fully implemented in the ACT on 1 July 2022. At this date, 43 occupations were in the Scheme, including the three that entered the Scheme on 1 July 2021. These occupations are:

1. Controlled sports official (including promoter)
2. Controlled sports contestant
3. Surveyor
4. Gaming machine technician
5. Real estate agent
6. Stock and station agent

7. Business agent
8. Real estate salesperson
9. Stock and station salesperson
10. Business salesperson
11. Employment agent
12. Deal in X18+ films
13. Security trainer
14. Security master
15. Security employee
16. Security (temporary)
17. Security (temporary visitor)
18. Motor vehicle dealer
19. Motor vehicle repairer
20. Motor vehicle wholesaler
21. Pawnbroker
22. Second-hand dealer
23. Water driller
24. Road transport – operate regular bus route services and tour and charter bus services
25. Road transport – transport booking services
26. Road transport – taxi service operator
27. Road transport – rideshare driver
28. Road transport – hire car service operator and restricted hire care service
29. Road transport – demand responsive service operator
30. Road transport – driver training course approval
31. Road transport – approved interlock installer
32. Road transport – approved interlock service provider
33. Road transport – driving instructor
34. Road transport – heavy vehicle driver assessor
35. Road transport – examiner
36. Assistance animal assessor
37. Assistance animal trainer
38. Race bookmaker
39. Race bookmaker's agent
40. Sports bookmaker's agent
41. Deal with regulated radiation source
42. Architect
43. Commercial pesticide operator

Because significant risks were identified to the health and safety of workers or the public, and consumer protection, seven significant risk exemptions (SRE) were declared by the Chief Minister in June 2022 under s42S of the MR Act. These seven SREs covered the following 28 occupations:

1. Full teacher registration
2. Provisional teacher registration
3. Permit to teach
4. Manufacturing (explosives) licence
5. Import (explosives) licence
6. Storage (explosive) licence
7. Supply (explosives) licence
8. Shot-firer licence
9. Display operator licence
10. Manufacturing licence for a security sensitive substance

11. Import licence for a security sensitive substance
12. Carrying licence for a security sensitive substance
13. Storage licence for a security sensitive substance
14. Supply licence for a security sensitive substance
15. User licence for a security sensitive substance
16. Labour hire provider
17. Firearms dealer
18. Casino employees
19. Builder
20. Building assessor
21. Building surveyor
22. Drainer
23. Electrician
24. Gasfitter
25. Gas appliance worker
26. Plumber
27. Plumbing plan certifier
28. Works assessor

In addition, to protect consumers buying or selling property in the Territory, registrations under any of the following laws are also exempted:

- a. the *Conveyancers Licensing Act 2003* of New South Wales
- b. the *Agents Licensing Act 1979* of the Northern Territory;
- c. the *Conveyancers Act 1994* of South Australia;
- d. the *Conveyancing Act 2004* of Tasmania;
- e. the *Conveyancers Act 2006* of Victoria; and
- f. the *Settlement Agents Act 1981* of Western Australia.

This is because the ACT does not have a licensing scheme for conveyancing and settlement agents, nor does it have a regulatory framework for conveyancing activities. Instead, in the ACT, conveyancing activities are undertaken by legal practitioners.

These SREs range from a period of one year for casino employees, to three years for labour hire, dangerous substances, and construction occupations, to five years for teachers, firearms dealers, and conveyancing.

The ACT Government is committed to implementing AMR for all individual occupational licences and work will continue by individual policy areas with administering responsibility during the period of the exemptions to resolve any issues and progress the entry of exempted registrations into the AMR Scheme.

The number of occupational registrations that come within the AMR scheme will continue to change over time as new licencing regimes are introduced and existing frameworks amended to remain fit for purpose.

Approved for circulation to the Standing Committee on Economy and Gender and Economic Equality

Signature: 

Date: 20/11/22

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