



New South Wales

# Automatic Mutual Recognition Legislation Amendment Bill 2024

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend certain Acts for occupational licensing as a consequence of the introduction of the automatic mutual recognition scheme in the *Mutual Recognition Act 1992* of the Commonwealth (the *MR Act*).

## Outline of provisions

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act.

## Schedule 1      **Amendment of Conveyancers Licensing Act 2003 No 3**

**Schedule 1[1]** inserts proposed sections 5A and 5B into the *Conveyancers Licensing Act 2003* (the *CL Act*).

Proposed section 5A provides that the CL Act is intended to have extraterritorial application to the extent the legislative powers of the State permit.

Proposed section 5B provides that—

- (a) because of the MR Act, the CL Act applies to an interstate conveyancer in the same way it applies to the holder of a licence under the CL Act, and
- (b) a reference to a licence includes a reference to the automatic deemed registration of an interstate conveyancer, and

- (c) the CL Act must be interpreted in a way compatible with the MR Act and the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth (the *mutual recognition Acts*).

**Schedule 1[4]** provides that an applicant for a licence under the CL Act must pay the application fee prescribed by the regulations. **Schedule 1[2] and [3]** make consequential amendments.

**Schedule 1[7]** provides that a holder of a licence, which includes an automatic deemed registration, must pay the contribution and any levy required to be paid from time to time under the *Property and Stock Agents Act 2002*, and provides that the Commissioner for Fair Trading (the *Secretary*) may suspend a licence when payment is outstanding. **Schedule 1[5], [6] and [8]** make consequential amendments.

## **Schedule 2 Amendment of Fair Trading Act 1987 No 68**

**Schedule 2** inserts proposed section 60AA into the *Fair Trading Act 1987* (the *FT Act*). The proposed section provides that—

- (a) because of the MR Act, the FT Act, Part 5 applies to an interstate commercial agent in the same way it applies to the holder of a licence under the FT Act, and
- (b) a reference to a licence includes a reference to the automatic deemed registration of an interstate commercial agent, and
- (c) the FT Act must be interpreted in a way compatible with the mutual recognition Acts.

## **Schedule 3 Amendment of Motor Dealers and Repairers Act 2013 No 107**

**Schedule 3[1]** inserts proposed sections 9A and 9B into the *Motor Dealers and Repairers Act 2013* (the *MDR Act*).

Proposed section 9A provides that MDR Act is intended to have extraterritorial application to the extent the legislative powers of the State permit.

Proposed section 9B provides that—

- (a) because of the MR Act, the MDR Act applies to certain interstate occupations in the same way it applies to a holder of certain licences and certificates under the MDR Act, and
- (b) a reference to certain licences or certificates of registration includes the automatic deemed registration of certain interstate occupations, and
- (c) the MDR Act must be interpreted in a way compatible with the mutual recognition Acts.

**Schedule 3[2]** provides that a holder of a licence, which includes an automatic deemed registration, must pay the contribution required to be paid from time to time under the MDR Act, and provides that the Secretary may suspend a licence when payment is outstanding. **Schedule 3[3] and [4]** make consequential amendments.

## **Schedule 4 Amendment of Property and Stock Agents Act 2002 No 66**

**Schedule 4[1]** inserts proposed sections 6 and 7 into the *Property and Stock Agents Act 2002* (the *PASA Act*). **Schedule 4[7]** makes a consequential amendment.

Proposed section 6 provides that the PASA Act is intended to have extraterritorial application to the extent the legislative powers of the State permit.

Proposed section 7 provides that—

- (a) because of the MR Act, the PASA Act applies to certain interstate occupations in the same way it applies to a holder of certain licences and certificates of registration under the PASA Act, and

- (b) a reference to certain licences or certificates of registration includes a reference to the automatic deemed registration of certain interstate occupations, and
- (c) the PASA Act must be interpreted in a way compatible with the mutual recognition Acts.

**Schedule 4[2]** provides that an applicant for a licence or certificate of registration under the PASA Act must pay the applicant fee prescribed by the regulations.

**Schedule 4[4]** provides that a holder of a licence, which includes an automatic deemed registration, must pay the contribution and any levy required to be paid from time to time under the PASA Act, Part 10, Division 2 and provides that the Secretary may suspend a licence when payment is outstanding. **Schedule 4[3], [5], [6] and [8]** make consequential amendments.

## **Schedule 5      Amendment of Tow Truck Industry Act 1998 No 111**

**Schedule 5** inserts proposed sections 7 and 8 into the *Tow Truck Industry Act 1998* (the *TTI Act*).

Proposed section 7 provides that TTI Act is intended to have extraterritorial application to the extent the legislative powers of the State permit.

Proposed section 8 provides that—

- (a) because of the MR Act, the TTI Act applies to interstate tow truck drivers and operators in the same way it applies to holders of tow truck operators licences and tow truck drivers certificates under the TTI Act, and
- (b) a reference to certain licences or certificates of registration includes automatic deemed registration of certain interstate occupations, and
- (c) the TTI Act must be interpreted in a way compatible with the mutual recognition Acts.