

**National Licensing System  
for Specified Occupations**

**Decision Regulation Impact Statement**

**APRIL 2009**

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## Glossary

BRCWG	COAG Business Regulation and Competition Working Group
Business Licence	Any licence required for a business entity to work within a specified occupational area
CNLSC/CSRSC	COAG National Licensing Steering Committee (previously COAG Skills Recognition Steering Committee)
COAG	Council of Australian Governments
IGA	Intergovernmental agreement
Implementation phase	The period between the signing of the IGA and the commencement of the national licensing system
Licence	has the same meaning as ‘registration’ under the <i>Mutual Recognition Act 1992</i> , and also covers negative licensing, and in addition includes any equivalent registration going to a business entity, however constituted, required by or under legislation to work within a specified occupational area
‘Licence policy’ and ‘national licence policy’	includes, but is not limited to, such areas as licence eligibility and maintenance requirements; licence classes, categories, conditions and duration; compliance and enforcement standards; disciplinary arrangements and licence fees
MRA	<i>Mutual Recognition Act 1992</i> (Commonwealth)
Negative licensing	a statutory scheme that allows a person or business to practise an occupation unless they breach statutory-based requirements
NLB	national licensing body
NLS	national licensing system
OBPR	Office of Best Practice Regulation (Commonwealth)
Occupational Area	An occupation, trade or profession specified by COAG or the Ministerial Council for inclusion in the national licensing system
Occupational Licence	Any licence required for an individual to carry on an occupation within a specified occupational area
Occupational Licence Policy Advisory Committee	means a committee that is established as part of the national licensing system to provide advice to the national licensing body in relation to an occupational area
RIS	Regulation Impact Statement
Training Package	An integrated set of nationally endorsed competency standards, assessment guidelines and Australian Qualifications Framework qualifications for a specific industry or industry sector that have been developed through the national training system
VET	Vocational Education and Training

# 1 Introduction

On 3 July 2008, the Council of Australian Governments (COAG) agreed to the development of a national trade licensing system in the context of its broader agenda for regulatory reform.

This Decision Regulation Impact Statement (RIS) is intended to provide information to assist COAG in its decision regarding the optimum form and structure of a national licensing system for Australia. It provides information on two implementation models for a national licensing system: the National Single Agency model and the National Delegated Agency model and concludes that the National Delegated Agency option should be the recommended model for the new system.

More information on other options previously considered by COAG for a national licensing system are provided at Attachment B to the RIS. Following analysis of these options, COAG determined that they did not have the features sought by COAG for a national licensing system and would not deliver as high a net benefit to the community as the models considered in this RIS.

This RIS is concerned with the impact of the legislation required to establish the national licensing system. The timeframe and processes for transition to, and implementation of, the system will be a matter for the national governance structures or interim arrangements established under an Intergovernmental agreement (IGA) for national licensing. Once the IGA is signed, substantial further consultation with stakeholders will take place on the implementation of the system as it affects each occupational area. Decisions on implementation will be subject to further regulation impact statements. On current indications, it is expected that the national licensing system would commence for the first occupational areas on 1 July 2012 or as soon as possible thereafter.

The purpose of the IGA is to establish the framework for the operation of the new licensing system. The framework includes areas to be covered in legislation, how governance arrangements will work and the functions that are within the scope of the legislation. The IGA sets out high level principles and objectives for the new system. It does not provide information on how the framework will be implemented for specific occupational areas.

The governance structure for the national licensing system will be established by the IGA and include the Ministerial Council, the national licensing body and its Board and the governance arrangements applying during the transition period.

The obligations of jurisdictions under the IGA are subject to satisfactory resolution of the financial arrangements for the national licensing system, agreed by COAG.

A series of public information and consultation sessions were held in July and October 2008 outlining COAG's decision and inviting industry and regulatory stakeholders to submit their ideas and issues relating to the establishment of the national licensing system (NLS). Feedback from these sessions and submissions from interested parties has been invaluable in developing the broad structural framework for the national licensing system outlined in this paper. Details of the issues raised in these consultations are contained in Section 10.

This Decision RIS has been prepared by the Commonwealth Government in association with State and Territory Governments through COAG's National Licensing Steering Committee (CNLSC) (previously COAG Skills Recognition Steering Committee). The CNLSC works under the auspices of COAG's Business Regulation and Competition Working Group (BRCWG).

## 2 Context

COAG has decided to pursue wide-ranging regulatory reform in order to increase Australia's productivity and provide the environment for a seamless national economy. This follows a number of reviews by governments over time, including "Rethinking Regulation: Report of the Taskforce on Reducing Regulatory Burdens on Business" (the Banks Report) of 2006 and the annual regulation review process by the Productivity Commission arising from its recommendations. COAG believes that Australia's productivity is hampered by duplicative and inconsistent regulations that are compromising economic competitiveness and require reform.

At its 3 July 2008 meeting, COAG:

*... acknowledged that Australia's overlapping and inconsistent regulations impede productivity growth. Without change Australia's future living standards would be compromised, the competitiveness of the economy reduced and our ability to meet the challenges posed by an ageing population diminished.*

*Many of the challenges facing the economy can only be addressed through more effective Commonwealth–State arrangements. By moving towards a seamless national economy through the reform of business and other regulation, COAG's reforms will make it easier for businesses and workers to operate across State and Territory (State) borders. These reforms will make life simpler for businesses and consumers, while continuing to provide the necessary protections and access for consumers and the community.*

As one example of its commitment to a seamless economy, COAG has agreed to a new consumer policy framework comprising a single national consumer law. This will provide uniform and higher-level protection for Australia's consumers while reducing compliance costs for business and increasing access to information on dispute resolution and consumers issues. The Productivity Commission has estimated the economic benefits of the new framework at between \$1.5 billion and \$4.5 billion a year for this single reform.

The national licensing system outlined in this paper builds on this and other COAG initiatives by further reforming regulation and providing consistent linkages between the licensing of occupational areas and national consumer protection law.

COAG established the Business Regulation and Competition Working Group (BRCWG) to oversee reforms that deliver significant improvements to Australia's productivity and internal competitiveness. The BRCWG is currently managing 27 areas of regulatory reform and has been charged by COAG to oversee work on developing a national licensing system. The COAG National Licensing Steering Committee (CNLSC) is supporting the work of the BRCWG. The Steering Committee has also overseen work on improving the mutual recognition of occupational licensing, which arose from a COAG decision of February 2006.

On 3 July 2008 COAG considered recommendations from the BRCWG that were informed by the work of the Steering Committee.

COAG agreed to develop a national licensing system with the following characteristics:

- cooperative national legislation;
- national governance arrangements to handle standard setting and policy issues and to ensure consistent administration and compliance practices;

- all current holders of state and territory licences being deemed across to the new licence system at its commencement;
- the establishment of a publicly available national register of licensees; and
- the Commonwealth having no legislative role in the establishment of the new system

The national licensing system will not compromise Queensland's existing home warranty insurance scheme nor does it create legal relations between the parties or any other person.

COAG agreed that the national licensing system will initially be applied to seven occupational areas:

1. Air conditioning and refrigeration mechanics;
2. Building and building-related occupations;
3. Electrical;
4. Land transport (passenger vehicle drivers and dangerous goods only);
5. Maritime;
6. Plumbing and gasfitting; and
7. Property agents.

These occupations were chosen based on the following selection criteria:

1. at least one critical area of the occupation was licensed across all jurisdictions;
2. all had been subject to the work on achieving full and effective mutual recognition;
3. the importance of the occupation to the economy in terms of level of demand, intrinsic mobility and number of licensees; and
4. the volume and nature of mutual recognition difficulties.

Other occupational areas which were the subject of the COAG work on mutual recognition, but are not proposed to be included in the national licensing system at this time, include motor mechanics, driving instructors, pilot and escort drivers, gaming occupations, shotfirers and pyrotechnicians and pest and weed controllers. Motor mechanics are licensed in two jurisdictions only therefore the benefit of including them in a national system is limited. The remaining occupations feature lower levels of labour market demand, smaller numbers of licences or lower levels of mobility compared with the occupational areas selected.

Additional occupational areas may be included in the national licensing system over time. For example, the CSRSC has received an approach from the Building Ministers' Forum requesting that building certifiers be considered for inclusion in the national licensing system as previous attempts to develop a national framework for this profession had not been successful.

Building certifiers, while licensed, are university-trained and the profession is not considered a 'trade' occupation. It should be noted that licensees working in a number of other occupational areas identified by COAG for inclusion in a national licensing system do not identify themselves as tradespeople. The term 'national trade licensing system' originally used by COAG has therefore been replaced by the more inclusive 'national licensing system' and it is this term which is used throughout this RIS.

Some of the occupations proposed to be covered by the national licensing system are the subject of separate and related COAG activity to provide more unified or harmonised regulation, for example the work of the Australian Transport Council on a national approach to maritime safety in relation to commercial vessels. Progress in relation to these parallel COAG reforms is being monitored to ensure there is no duplication or overlap with these

initiatives. For example, if it transpires that the work being conducted in relation to achieving an integrated approach to maritime safety should also encompass national licensing, it may be appropriate that responsibility for the maritime occupations will transfer from the national licensing system to that initiative.

COAG requested that an IGA would be developed for consideration by COAG. The IGA will provide the high-level framework and parameters to assist in informing the national licensing system on such matters as:

- governance arrangements;
- processes for implementing and amending legislation for the system;
- principles and objectives of the system; and
- policy development issues.

It is important to recognise that the work to date has focussed on determining the structural framework necessary to establish the national licensing system. Once the IGA is agreed by COAG, cooperative national legislation will be developed to implement the framework. This will then provide the basis for developing national licence policies and supporting regulations for each of the seven occupational areas.

This RIS therefore focuses on matters relating to the structure, scope and operation of the national licensing system and on implementation options. It provides comparative information on the possible implementation models for the national licensing system and discusses which functions should fall within the scope of the national system and which should be retained under State and Territory legislation.

### **3 The Problem**

#### *Licensing across jurisdictions is not consistent*

Licensing of occupational areas is predominantly a State and Territory function and is conducted by a range of regulatory bodies in each State and Territory. For historical reasons, licensing systems have developed in different ways in each jurisdiction so that approaches to licensing are not consistent. Depending on the occupational area and/or the jurisdictions involved, the objectives of licensing may focus primarily on consumer protection, occupational health and safety and/or public safety.

Regulatory bodies have responsibility for administering threshold licence entry criteria and ongoing conduct requirements for licensees. They monitor compliance and administer disciplinary procedures, maintain registers of licensees and oversee skills maintenance requirements such as continuing professional development. They may also manage the relationships between licensing systems and the consumer remedies available under a range of legislation.

Due to divergent jurisdictional policies and practices, licences issued for the same occupational area by individual jurisdictions often have different parameters for all these functions and different eligibility requirements and scopes of work allowed. Varying licence nomenclature, duration, licence structures and fee structures commonly apply. Examples follow.

- There is no common approach to the regulation of air-conditioning and refrigeration mechanics. In some states they are regulated as part of the plumbing occupations and in others as air-conditioning and refrigeration mechanics.

- A National Training Package exists for plumbers with an ‘agreed’ four key streams of training. This is used differently by each jurisdiction with different numbers of streams and different units of competency considered mandatory depending on the location of the person being trained and the licence structure applying.
- Some jurisdictions licence both domestic and commercial builders but some only licence domestic builders based on the low risk presented by commercial builders. This presents a problem, for example, for a commercial builder from NSW who is not required to be registered, should they choose to operate in another jurisdiction.
- Some jurisdictions regulate property agents based on the concept of a general agent licensed to undertake work in a variety of areas (for example, a Victorian estate agent covers real estate and business agency) while in others the different areas are licensed separately (for example, New South Wales has categories of real estate agent, stock and station agent, strata managing agent, business agent and residential property manager).
- There has been a lack of progress in attempts to harmonise the regulation of restricted electrical licensing. In 1996, the then Regulators Authorities Licensing Council (RALC) developed a national model of 8 restricted electrical licence categories. Without co-ordinated national support for the implementation of the model, jurisdictions implemented the model in different ways. As a result, the number of licence categories now range from 1 in NSW to 16 in Queensland.

#### *Initial attempts at mutual recognition*

Against the background of such diversity of licensing approaches, the *Mutual Recognition Act 1992* (MRA) was introduced to improve the mobility between jurisdictions of individuals who perform licensed occupations.

Under the MRA, occupational licence holders from one jurisdiction can apply to be registered in a second jurisdiction on the basis of their existing licence and without further assessment of their skills. Regulators in a second jurisdiction have an obligation to issue an applicant under mutual recognition with a licence to undertake activities that are ‘substantially the same’ as those permitted by that person under their licence in the first jurisdiction. They may use conditions on licences to achieve equivalence.

The MRA does not apply to business licences. The Productivity Commission’s 2007 draft report “*Performance Benchmarking of Australian Business Regulation: Quantity and Quality*” noted that for business licences in each jurisdiction over 70 percent of regulators reported that they did not recognise interstate licences for any of the licensing processes they administered<sup>1</sup>.

There have been three completed evaluations of the operation of the mutual recognition arrangements since the Mutual Recognition Act was passed in 1992. The results of the completed assessments found that quantitative data is hard to find, some registration boards do not appear to understand their obligations and there is room for improvement in the operation of the schemes. The Productivity Commission, in its 2003 Report ‘*Evaluation of the Mutual Recognition Schemes*’, considered that improvements could be made to the design of the schemes ‘*in relation to their operation, coverage and scope*’.

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<sup>1</sup> At section 6.5 page 84.

### *Full and effective mutual recognition*

Following a COAG decision of 10 February 2006, the CNLSC was established to bring about full and effective mutual recognition of occupational licences. The CNLSC, through the use of ministerial declarations, has ensured agreement on licence equivalency between jurisdictions for the majority of licences within a number of occupations, including those occupational areas specified by COAG for inclusion in the national licensing system. Considerable work was required to reach agreement and the results of this work are publicly available on the website [www.licencerecognition.gov.au](http://www.licencerecognition.gov.au).

### *The need for a national licensing system*

The direct compliance costs from overlapping regulation that are borne by businesses and eventually consumers include the costs of multiple licence fees, and the indirect costs include those of managing multiple regulatory regimes.

Both direct and indirect costs are particularly high for small to medium sized businesses for which they constitute a greater proportion of total costs. Moreover, the number of businesses affected is growing faster than the sector of the economy within which the majority of them operate. For example Australian Bureau of Statistics figures<sup>2</sup> indicate:

- the construction sector accounts for a significant proportion of employed tradespeople and a significant proportion of licensed contractors;
- between 1 July 2003 and 30 June 2007, firms in this sector employing less than 20 people grew by 45.9%, while construction firms overall grew by 11.3%; and
- during this period, the number of construction firms operating in two jurisdictions grew by 19.9%, and the number of construction firms operating in more than one jurisdiction grew by 30%.

The costs of holding multiple licences can be significant. The following box shows a range of fees that can apply for holding some of the relevant occupational licences, either in the first year or on an ongoing basis. The figures represent the highest and lowest fees of a particular licence category, showing the pro rata cost for one year. These figures are drawn from the table at Attachment A which lists the licensing fees for a selection of licences from these four major occupations. The figures in the table also illustrate the complexity of existing licence administration.

Building - Individual building contractor (new)	\$333.00	to	\$1,010.65
Electrical - Individual electrician/qualified supervisor electrical (renewal)	\$ nil	to	\$350.00
Property – Individual real estate agent (new)	\$262.40	to	\$1,060.50
Maritime – Master Class 3 (new)	\$29.14	to	\$304.66

The implications of mutual recognition remain that a licence issued in one jurisdiction can be equivalent to a number of separate licences in another jurisdiction. For example, a plumbing contractor in South Australia may require up to eight different licences/registrations if they wish to undertake the same scope of work in New South Wales. There are also significant

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<sup>2</sup> ABS 8165.0: Counts of Australian Businesses including entries and exits, June 2003- June 2007: Businesses by Industry Division by Single State/Multi State, by Employment Size Ranges

concerns about the intensive work needed to maintain and update the ministerial declarations agreed.

Despite mutual recognition, while each State and Territory maintains different licensing regimes, licensees who want to move between jurisdictions must still apply for a licence, meet different non-skills requirements and pay a separate licence fee for the equivalent licence(s) in each jurisdiction in which they wish to work. In certain circumstances they may also need to satisfy other additional requirements not covered by mutual recognition. These arrangements are particularly difficult for individuals and/or businesses operating in multiple jurisdictions and for those working in border areas, both of which must comply with different licensing and regulatory requirements.

### Number of licences in occupational areas

To finalise the mutual recognition work for the seven occupational areas to be included in the national licensing system, over 800 licences were identified, as indicated in the following table. This indicates the number of different licence categories, classes and sub-classes, licence levels and licence endorsements listed, or expected to be listed, in the mutual recognition ministerial declarations for these occupational areas. As such, the numbers reflect the complexity of the licence categories rather than the number of base licences alone. Note that these figures are indicative. The ministerial declarations incorporate, as a minimum, 85-90% of all licences available in each occupational area.

<b>Occupational Group</b>	<b>NSW</b>	<b>VIC</b>	<b>QLD</b>	<b>WA</b>	<b>SA</b>	<b>TAS</b>	<b>ACT</b>	<b>NT</b>	<b>Total</b>
Air Conditioning	6	1	3	-	4	1	-	-	15
Building & building related	50	32	84	7	102	22	12	4	313
Electrical	13	11	25	12	18	9	7	16	111
Land Transport	15	12	12	9	17	9	10	13	97
Maritime	16	12	12	13	14	12		12	91
Plumbing & gasfitting	27	22	24	6	24	12	14	8	137
Property	14	1	10	5	2	4	7	11	54
<b>Total</b>	141	91	170	52	181	69	50	64	<b>818</b>

### Notes

1. The table does not include licence variations based on restrictions derived from developing the schedules to Ministerial declarations.
2. The figure for Electrical includes electrical contractors.
3. The figure for Land Transport includes passenger vehicles, pilot and escort vehicles, dangerous goods and driving instructors although not all these occupations will be included in national licensing at this time.
4. The figure for Property includes property agents, conveyancers and valuers.

## Number of licences by occupation

The following table represents the minimum number of licences held. It should be noted that, as data is difficult to confirm, not all State and Territory figures have been provided.

Occupational Area	Min. number of licensees
Air-Conditioning and Refrigeration	34 202
Building	98 511
Electrical	201 238
Land Transport	77 367
Maritime	30 739
Plumbing and Gas-fitting	165 462
Property Agents	103 435
<b>Total</b>	<b>710 954</b>

The opportunity for reducing red tape by introducing more consistent licence requirements for the large number of licence holders currently meeting regulatory requirements is therefore considerable. The review of the CNLSC's mutual recognition work in June 2008 (available on the website [www.licencerecognition.gov.au](http://www.licencerecognition.gov.au)) revealed a high degree of support for a national licensing system, rather than a continuation of mutual recognition arrangements.

It should be noted that the focus of COAG's decision of 3 July 2008 on national licensing is of a different order to that of the work on improving the operation of the *Mutual Recognition Act*. While mutual recognition is aimed at improving the mobility of skilled labour, national licensing is concerned with mobility within the wider context of streamlined, best practice regulation and the reduction of the regulatory burden on business and consumers. Mutual recognition arrangements for occupational areas not included in the national licensing system will continue to operate and will be improved and refined over time.

## 4 COAG's objective in establishing the national licensing system

COAG's objective in establishing the national licensing system is to remove overlapping and inconsistent regulation between jurisdictions in the way that they licence occupational areas. By so doing, it aims to improve business efficiency and the competitiveness of the national economy, reduce red tape, improve labour mobility and enhance productivity.

## 5 Options for implementing the national licensing system

This section outlines the two implementation options proposed:

Option 1 - the National Single Agency model<sup>3</sup>; and

Option 2 - the National Delegated Agency model<sup>4</sup>.

Section 6 provides an analysis of the impacts of these models.

Under whichever implementation model is adopted for the national licensing system, COAG has agreed that:

- nationally consistent legislation will be enacted by States and Territories;
- a national body will be responsible for setting licence policy and a framework for operations;
- provision will be made for licence policy to encompass jurisdiction-specific issues where necessary and justified;
- a person or business will be able to apply for a national licence which would be issued based on nationally consistent eligibility criteria and applicable Australia-wide;
- a national public register of licensees will provide transparency and consumer confidence; and
- existing licence holders will be deemed to hold licences in the new system.

The States and Territories will have responsibility for the national licensing body and the Commonwealth will have no legislative role in the establishment of either model.

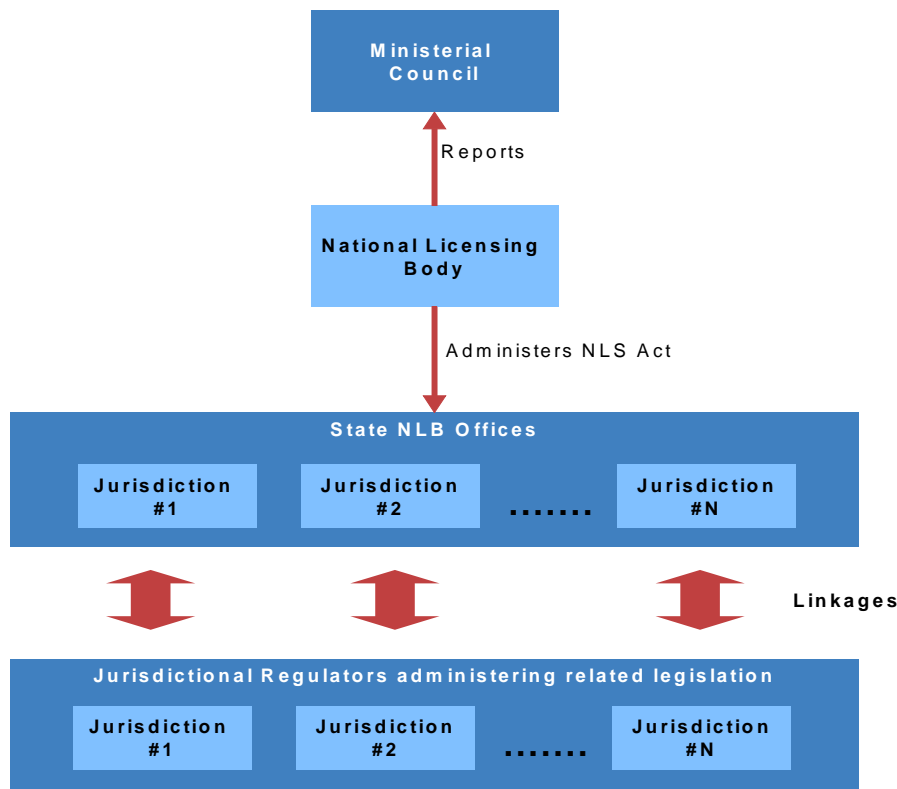
### Option 1 – National Single Agency model

Under this option (see Figure 1) a national licensing body would be established with branches of the agency in each State and Territory. It would be responsible for both advising the responsible Ministerial Council on licence policy and the delivery of licence services to industry in each state and territory. These services would include the issue and renewal of licences and associated disciplinary arrangements. As a new single agency, it would be able to provide uniform policy development and service delivery and a consistent operational framework and organisational culture.

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<sup>3</sup> Sometimes called the Greenfields model

<sup>4</sup> Sometimes called the Brownfields model



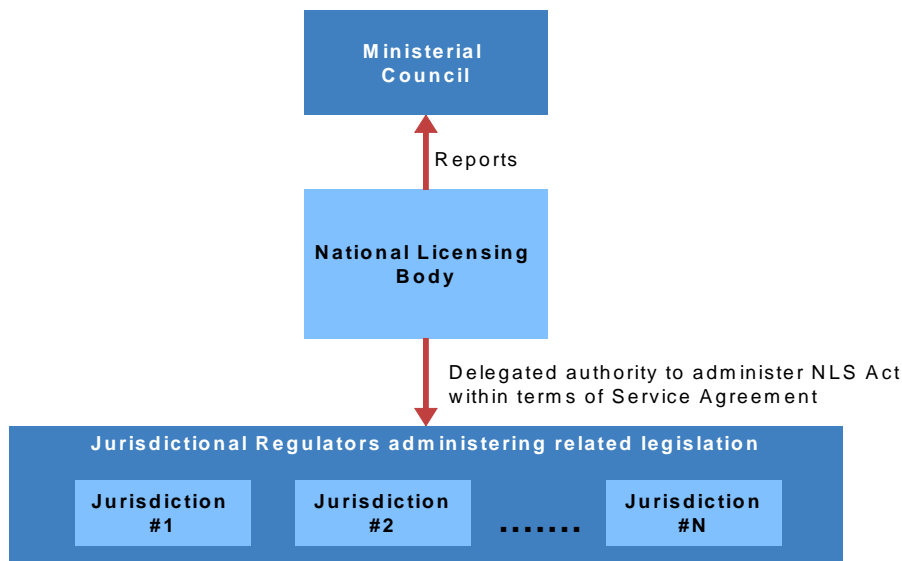
**Figure 1: National Single Agency Model**

**Option 2 – National Delegated Agency model**

Under this option (see Figure 2) the national licensing body would be responsible for developing (for Ministerial Council approval) national licence policy for each occupational area and overseeing its consistent application by jurisdictional regulators. Specifically, the national licensing body would have administrative responsibility for the national licensing system legislation, but would delegate to a jurisdiction the operation of licensing services. States and Territories could use existing staff and infrastructure for these licensing functions. Service agreements would be used to establish consistent service delivery standards for national licensing arrangements across jurisdictions.

It should be noted that, in early 2008, several other options for implementing the national licensing system were considered but were discarded by COAG as they did not have the features sought by COAG for a possible national licensing scheme and would not deliver as high a net benefit to the community as those models considered in the RIS. An outline of the assessment rationale is provided in Attachment B.

Sections 7 and 8 of this paper provide more information on the key features and characteristics of the proposed national licensing system.



**Figure 2: National Delegated Agency Model**

## 6 Impact analysis

The groups that will be affected by either option include:

- business owners within the occupational areas specified;
- consumers of services provided by the relevant licensees;
- licensees (business and individuals);
- registered training organisations/higher education providers; and
- government regulatory bodies.

There are a number of generic benefits that arise from COAG’s decision to pursue the national licensing system and which are common to both implementation models. These include:

- the reduction in regulatory burden for business owners and licensees operating across jurisdiction borders who would only have to comply with streamlined eligibility criteria;
- the degree of rationalisation and streamlining of licence and associated administrative and operational requirements could be expected to deliver cost savings to government, licensees and consumers;
- improved labour mobility between jurisdictions;
- more effective regulation;
- benefits accruing to licensees and consumers from aligning the training and regulatory systems to ensure skills standards are consistent across jurisdictions. This could be expected to lead to greater employer and consumer confidence that licensees, no matter in which jurisdiction they are trained, have had to meet the same skill standards to obtain their licence;
- more consistent training requirements could be expected to lead to longer-term savings in the training system due to the level of resources currently needed to develop and maintain courses for the differing eligibility requirements;
- the use of a single piece of cooperative national legislation would provide a strong foundation for sustaining a unified national system.

Both implementation options require significant investment at the transition and implementation phases as there will be costs involved in:

- developing and amending legislation;
- establishing and funding the new national licensing body;
- agreeing national licence policy for each occupational areas covered by the national system;
- aligning training requirements where necessary;
- deeming existing licensees across to the new system; and
- developing a national register of licensees.

The National Single Agency model would require greater investment at the establishment stage due to the need to establish a separate physical presence for the national body and its agency branches. Substantial ongoing savings in operational costs could be expected, however, once standards and major policy processes had been agreed and established.

Under the National Delegated Agency model, transition impacts and costs would be minimised and initial implementation costs reduced due to the use of existing infrastructure and staff. National consistency could be achieved through the use of appropriate delegation of administrative responsibilities to existing jurisdictional regulators, together with clear service agreements between the national body and those regulators.

The National Delegated Agency model still requires significant legislative and administrative change, however the use of existing sites and staff would minimise the external appearance of change. It is possible that reform gains could be affected by the reduced influence of the national body, the maintenance of existing administrative procedures and by the cultural affiliations natural to those continuing to operate within separate agencies.

In recommending further regulatory reform (including to occupational licensing) both the Productivity Commission in its April 2008 *Review of Australia's Consumer Policy Framework* and the Business Council of Australia in its March 2008 report *Towards a Seamless Economy* acknowledge that the overall costs of duplicated and inconsistent regulation is notoriously difficult to quantify, as are attempts to quantify the regulatory burden in general. Calls for greater national consistency in licensing have been made over time by industry and consumer bodies. COAG's recent mutual recognition work has documented the extent of occupational licensing inconsistency between jurisdictions and provides a strong rationale for the introduction of national licensing standards to reduce the impact of varying regulatory requirements on business and consumers.

While it is difficult at this stage of the development of the national licensing system to quantify costs, overall the costs of putting in place a national scheme, regardless of the model used, are expected to be outweighed by its aggregate benefits to business, governments and consumers. The new scheme is anticipated to increase the mobility of licensed labour, reduce red tape and enhance efficiency. This will arise from the use of best practice principles of licensing coupled with more uniform standards and increased transparency of information available to regulators, business and consumers on the status and training of licensees.

As outlined in section 8.5 *Fees and Funding*, more detailed analysis will be undertaken in relation to the financial aspects of the individual jurisdictional systems to enable the

development of models for funding under a national system, including the costs of establishing and maintaining the national licensing governance structure and operations.

In discussion of the model, some submissions were critical of the lack of quantitative analysis of the impact of the options. It should be noted however that COAG’s decision to proceed with the suite of regulatory reforms, including national licensing, was informed by a number of reviews conducted over time by governments which quantified the cost to business productivity of duplicative and inconsistent regulations. This decision RIS therefore provides a qualitative rather than a quantitative analysis of the costs and benefits of the two implementation models being considered for the national licensing system.

**6.1 Table of costs and benefits of National Single Agency and National Delegated Agency models**

The following tables provide an outline of the costs and benefits related to implementing the proposed models. It is acknowledged that it is possible that a combination of these models could be adopted and that different occupational areas may have different outcomes.

**EITHER MODEL**

<b>Feature</b>	<b>Costs</b>	<b>Benefits</b>
Single national legislation	Costs of introducing legislation and amending current legislation to ensure linkages to new system.	Strong foundation for sustaining a unified system as it reduces the likelihood of jurisdictional divergence over time and promotes a basis for further convergence of regulatory approach, where this is desired by all parties.

<b>Feature</b>	<b>Costs</b>	<b>Benefits</b>
<p>Single national body responsible for setting policy, standards and framework for operations</p>	<p>Costs of establishing and running the national body</p> <p>Transition and implementation costs, in terms of office changes and structures and developing and agreeing the policy and standards for each occupational area.</p> <p>Education costs for regulators, industry and consumers.</p> <p>Short-term costs of aligning training requirements to deliver the nationally agreed standard, particularly for those occupational areas not fully implementing competency-based training currently.</p>	<p>Consistent national standards, policy and operations will:</p> <ul style="list-style-type: none"> <li>- reduce the regulatory burden for businesses operating in more than one jurisdiction;</li> <li>-improve skills mobility and reduce red tape for licensees;</li> <li>- provide more transparent information for consumers on skills held by licensees;</li> <li>- provide greater alignment between regulatory requirements and the national training system;</li> <li>- provide a single interface to the national training system and a unified voice for regulators to have input into the development of skill standards;</li> <li>- reduce training costs for State governments/RTOs due to decreases in development and funding costs for different courses in each State;</li> <li>- provide a single point for business and consumer views on licensing;</li> <li>- facilitate regulator cooperation on key policy issues;</li> <li>- provide reduced policy and administrative costs due to need to provide for one system instead of eight;</li> <li>- provide long term cost efficiencies once established due to rationalisation and streamlining of policy development.</li> </ul>

<b>Feature</b>	<b>Costs</b>	<b>Benefits</b>
Single occupational licence arrangements	Potential transition costs involved in migrating licensees to a single system.	<p>Single licence allowing licensee to work in any State or Territory without paying a separate licence fee and meeting additional criteria in each jurisdiction.</p> <p>Improved skills mobility and reduced red tape for licensees.</p> <p>Reduced administrative costs to regulators and licensees of maintaining separate licences.</p>
National register of licensees	<p>Development and maintenance of a single register of licensees.</p> <p>Transition costs associated with replacing systems or providing links to new system in each State and Territory.</p> <p>Transition costs associated with training of register users/administrators.</p>	<p>Business and Consumers – improved transparency of information and confidence in licence process.</p> <p>Regulators – immediate access to current information on status of licence and disciplinary record</p>
Existing licensees deemed to hold licences in the new system	Costs of transfer of existing licensees to national licensing system.	Continuity for existing licence holders.
Changes to licence fees and licence requirements for new licence applicants.	<p>It is anticipated that new licence applicants will pay the fee for a national licence and satisfy criteria to be granted a licence irrespective of whether they wish to operate exclusively within one jurisdiction, or across many jurisdictions. Licence fees and criteria may entail higher or lower costs than the current arrangements depending on the occupational areas and jurisdiction where the licence is currently held, subject to determination of licence scope, criteria and fee structures.</p> <p>Jurisdictions may lose income from a reduction in the number of licences however the number and type of functions undertaken by jurisdictions could also be expected to change.</p>	

## NATIONAL SINGLE AGENCY MODEL

Feature	Costs	Benefits
<p>Establishment of branch offices of the NLB in each State and Territory</p>	<p>Significant costs of establishing and marketing outposted offices of national licensing body.</p> <p>The costs of establishing and maintaining links between the new offices and the functions and operations maintained under the existing jurisdictional structures.</p> <p>Potential costs associated with the loss of current regulator expertise and knowledge poses risk to consumer protection in transition phase.</p> <p>Possible industrial relations implications for regulatory staff during transition phase.</p> <p>Loss of economies of scale of one regulator enforcing both licensing and conduct requirements and administering licensees within the system and those outside it.</p>	<p>The establishment of new offices provides the opportunity for a clear focus on and energy for the new system.</p> <p>Substantial ongoing savings from centralised policy functions and a reduction in administrative and operational costs could be expected once major policy processes had been agreed and established.</p> <p>Reduced compliance costs due to greater consistency in the application of standards and policy.</p> <p>A single national body would have a greater ability to ensure the consistency of information being provided to consumers and to business.</p>

## NATIONAL DELEGATED AGENCY MODEL

Feature	Costs	Benefits
<p>Existing State and Territory regulators for the occupational areas administer the national licensing system under delegation from the national licensing body, with accompanying Service Agreements or similar arrangement with</p>	<p>Transition costs will be lower in comparison with the National Single Agency model as no physical establishment of the national licensing body is required in each State and Territory.</p>	<p>Minimises the impact on jurisdictional regulatory systems which integrate licensing and other regulatory functions.</p> <p>Retains economies of scale and information flow achieved by same regulator enforcing licensing requirements, compliance and disciplinary arrangements and conduct</p>

Feature	Costs	Benefits
the national body	<p>There will be fewer opportunities for rationalising and streamlining existing administrative arrangements and any existing organisational inefficiencies may be perpetuated.</p> <p>Transition and implementation could be more difficult as additional effort would be required to ensure consistent licence service delivery in the separate State/Territory agencies.</p> <p>National consistency of policy and operations could take longer to achieve due to the need to change the established practices of existing regulatory agencies, some of which will have competing policy priorities.</p> <p>Increased focus on local priorities may lead to national inconsistencies.</p>	<p>requirements;</p> <p>Reduces the external impact of the changes on industry and consumers while delivering reduced regulatory burden.</p> <p>There may be fewer transition and implementation risks around the managing of linkages between licensing of occupational areas and related jurisdictional regulatory regimes.</p> <p>Maximises the use of existing jurisdictional regulator expertise and knowledge.</p> <p>Better ability to respond to local priorities than single agency model.</p> <p>May lead to fewer industrial relations issues due to retention of existing regulatory structures.</p>

## 6.2 Conclusion: recommended model for the national licensing system

Following consideration of the impacts of implementing either a National Single Agency model or a National Delegated Agency model, it will be recommended to COAG that the national licensing system should commence with a National Delegated Agency model but that options should be retained for moving to a National Single Agency model over time.

The advantages of this approach are that it minimises the risk of disruption in the transition and initial implementation phases for all stakeholders while providing opportunities for the identification of further reform once the national licensing system has been established. It reduces the initial costs of establishing the new system and maintains the benefits of integrated operational functions at the jurisdictional level.

It is anticipated that, in order for the system to be responsive to current and future licensing needs, a jurisdiction that is a signatory to the IGA will be able to propose to the Ministerial Council that a single national agency model or a national delegated model is appropriate for any occupational area or areas. This will provide the opportunity for further strategic reform should this be supported by jurisdictions.

Consultation with stakeholders in October, particularly in the written submissions received, indicated overwhelming support for the National Delegated Agency model.

## **7 Key Features of the national licensing system**

This section outlines the proposed objectives, principles, structure and key components of the National Licence System. It considers the level of stakeholder input needed to support the system and outlines the requirements for a national register of licensees. These matters form the basis for the content of the IGA.

### **7.1 Objectives and Principles of the national licensing system**

#### *Objectives of the national licensing system*

A number of proposed objectives for the national licensing system were discussed during stakeholder consultations. Key themes emerging from discussion in relation to the objectives included:

- support for a best practice approach to the processes for determining licence policy, but concern that these processes need to avoid an approach which results in either the lowest or highest common denominator driving licence policy outcomes;
- the need to balance a desire for national consistency with avoiding an increase in the regulatory burden for individual jurisdictions; and
- the objectives should include improving consumer protection and employee/public safety by ensuring all licensees have appropriate skills.

During the October consultation meetings, stakeholders expressed concern that the use of the word ‘minimum’ in the objectives and principles might indicate a lowering of standards to the minimum requirement. The intention is that regulatory intervention, if required, will be set at the most effective and efficient level possible to meet consumer protection, safety and other policy objectives. To address stakeholder concerns, however, the word ‘minimum’ has been replaced by the words ‘effective and proportional’ in the objectives and principles below. This wording reflects COAG’s *Principles of Best Practice Regulation*.

The proposed objectives of the national system are to:

1. ensure that licences issued by the national licensing body allow licensees to operate in all Australian jurisdictions;
2. ensure that licensing arrangements are effective and proportional to that required for consumer protection and worker and public health and safety, while ensuring economic efficiency and equity of access;
3. facilitate a consistent skill base for licensed occupations;
4. ensure effective coordination exists between the national licensing body and relevant jurisdictional regulators;
5. promote national consistency in:
  - licensing structures and policy across comparable occupational areas;
  - regulation affecting the conduct requirements of licensees;
  - the approaches to disciplinary arrangements affecting licensees;
6. provide flexibility to deal with jurisdiction or industry specific issues;

7. provide access to information about licensees.

The national licensing system will continue to facilitate labour mobility under the Trans Tasman Mutual Recognition Agreement. It will not regulate employment conditions, rates of pay or other employment matters with regard to the occupational areas covered by the system.

A jurisdiction will be able to have a licence relating to an occupational area or sub-area included in the national licensing system in response to a jurisdiction or industry-specific issue. The national licensing body will first be obliged to undertake an assessment of the need for the licence that complies with COAG's Best Practice Regulation Principles and provide advice on the outcome of that assessment to the Ministerial Council. The assessment will be done in accordance with the licence policy development process described in Section 8 below and illustrated in Figure 6.

Should the Ministerial Council not agree to the introduction of a licence after the assessment outcomes are provided, the jurisdiction can then make a decision on whether it wishes to proceed with its proposal. Any licence introduced by a jurisdiction because of this process would not be nationally recognised under the national licensing system. Any subsequent implications for the *Mutual Recognition Act 1992* can be taken up during the next five-year review of that Act.

It is not intended that the *Mutual Recognition Act 1992* apply to the national licensing system. Accordingly, it may be necessary to consider amendments to the *Mutual Recognition Act 1992*.

Initially, the national licensing system would apply to the selected occupational areas but would have the capacity to extend to other licensed occupations over time, as approved by the Ministerial Council.

#### *National Licensing Reform Principles*

Any licensing arrangements made under the national licensing system will need to comply with COAG's *Principles of Best Practice Regulation*. To provide further guidance in addition to these broad COAG Principles, a set of reform principles specific to national licensing will be reflected in the national licence system legislation. These operational principles are to ensure that:

1. the system operates in a transparent, accountable, efficient, effective and fair manner;
2. regulatory intervention in the form of licensing is only contemplated where risks arising from market failure or risks to public health and safety warrant corrective action and, of all feasible options, licensing provides the greatest net public benefit;
3. licensing arrangements do not duplicate legislative protections contained under other laws, in particular, competition law, consumer protection law or occupational health and safety law;
4. licensing arrangements only include requirements needed to address identified consumer protection risks arising from market failure and/or worker and public health and safety risks without imposing unnecessary costs on consumers and business or substantially lessening competition;
5. licensing eligibility requirements are expressed in objective not subjective terms;
6. the system will not require the extension of licensing to sub-groups of a broad occupational group that are not currently licensed in particular jurisdictions; and
7. licensing arrangements are subject to an initial review five years after commencement and subsequently at a frequency no less than every ten years.

The principles relating to financial operation and licence fee setting are still being negotiated by jurisdictions and will be influenced by the broad approach to financial arrangements concerning all of the regulatory reform areas that COAG is currently pursuing. It is anticipated that the principles will focus on the need for licence fees in the national licensing system to be determined to reflect the reasonable costs involved in licensing the occupational areas.

The principles will be used as a filter to ensure regulation is at an appropriate level balancing community protection, safety and economic freedom.

## **7.2 Legislation to establish the national licensing system**

Establishing the national licensing system will require the development of cooperative national legislation. This legislation will set out the structure and functions of the national licensing system. The national legislation will be drafted by the Parliamentary Counsel's Committee. This Committee is a national committee representing the legislation drafting offices in Australia and New Zealand.

The State of Victoria will take the lead in passing the national licensing system legislation to establish the system. All other jurisdictions will pass legislation applying the Victorian legislation as a law of those jurisdictions. The legislation will establish: an Act, governance and high level framework for the system; regulations that will deal with the operational aspects of the system and industry specific issues; and instruments to allow a system for notifying special rules or procedures that are frequently amended.

The legislative approach would include jurisdictions agreeing to:

- repeal, amend or modify legislation which is inconsistent with the national licensing system legislation; and
- not to submit legislation to their Parliaments that would be inconsistent with, or alter the effect of the national licensing system legislation.

This is a common approach to establishing cooperative national legislation. For example, it is the approach being used to establish COAG's National Registration and Accreditation Scheme for the Health Professions.

Legislation establishing the new system will be reviewed not earlier than five years from the commencement of the national licensing system in accordance with Commonwealth Office of Best Practice Regulation (OBPR) guidelines and every ten years thereafter.

In establishing this cooperative legislation, current jurisdictional legislation will need to be reviewed to ensure that a range of licensing functions have appropriate linkages to the national licensing system legislation.

At a high level, the anticipated relationship between the minimum functions that need to be contained in the national licensing system legislation and those that should remain in jurisdictional legislation is indicated in the following diagram (Figure 3). More information on the location and operation of these functions is provided in Section 8.

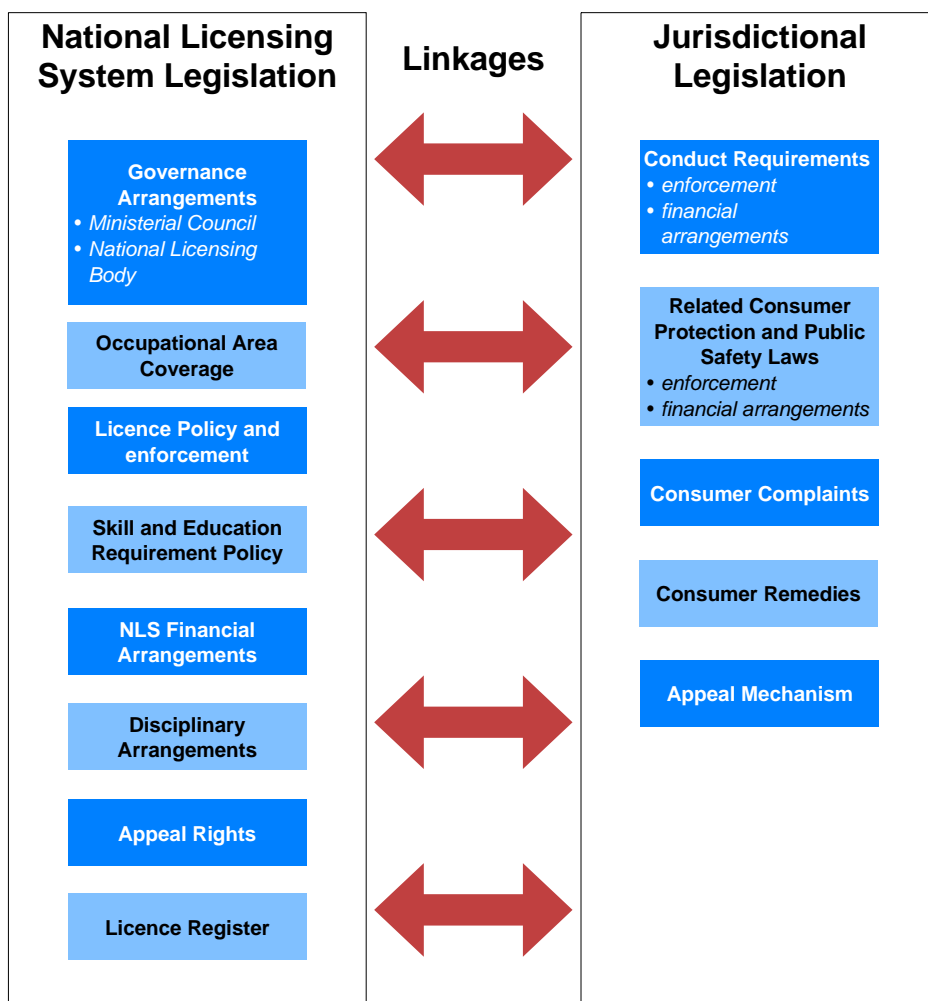


Figure 3: Minimum functions - Relationship between NLS and jurisdictions

### 7.3 Governance structure

The legislation will provide for :

- the Ministerial Council to be responsible for the national licensing system, and
- the national licensing body.

#### *Ministerial Council*

Governments will consider options for the most appropriate Ministerial Council to take on the role of overseeing the national licensing system. These options may include the Ministerial Council for Commonwealth-State Financial Relations, as these Ministers currently oversee regulatory reform in most jurisdictions, or the Ministerial Council on Consumer Affairs (MCCA) as this Council has responsibility for fair trading law. An alternative model could see a Ministerial Council co-opting Ministers from another relevant Ministerial Council in a representative or advisory capacity.

Under the national licensing system, the Ministerial Council will be responsible for matters including:

- a. providing strategic policy direction to the national licensing body;
- b. adjudicating on unresolved disputes from the National Licensing Board;

- c. adjudicating on unresolved disputes from the National Licensing Board;
- d. appointing members to the national licensing body;
- e. approving the admission of new occupational areas to the system;
- f. approving legislative amendments to the system;
- g. requesting policy advice, including advice on legislative policy;
- h. approving licensing fees;
- i. approving licensing policy related to:
  - licence skill and education;
  - disciplinary arrangements;
  - conduct, where this is included in the national licensing system; and
  - the national register;
- j. approving criteria for the certification of courses;
- k. approving criteria for the admission of new occupational areas into the national licensing system;
- l. requesting the national licensing body to undertake work for specific policy initiatives for licensing standards; and
- m. monitoring the national licensing body's performance.

It is also proposed that the Ministerial Council, subject to COAG's Principles of Best Practice Regulation, may actively identify and include, if agreed by consensus, conduct requirements and related matters in the national licensing system.

Importantly, the Ministerial Council will not have the power to intervene in the day to day operations of the national licensing body or in decisions relating to licence eligibility or licensee disciplinary decisions. This will ensure that there is a clear separation of policy and operational functions between the Ministerial Council and the national licensing body.

An agreement by the Ministerial Council for the purpose of the implementation phase relating to this system will be by consensus. After the national licensing system has commenced, the Ministerial Council will be responsible for determining its own voting arrangements in relation to the national licensing system and must review its terms of reference with regard to the national licensing system, including its voting arrangements, within 12 months of the commencement of the system.

### *National Licensing Body*

The IGA will provide for a national licensing body to be established as a statutory authority governed by a board of directors (the National Licensing Board) with operational functions being undertaken by a Chief Executive Officer. The national licensing body will develop policy for the consideration of the Ministerial Council in accordance with the objectives and principles outlined at 7.1. It will administer the system and ensure that it operates consistently with the legislation and the directions of the Ministerial Council. It will provide authoritative, independent advice to assist the Ministerial Council in exercising its responsibilities under the system.

The national licensing body must establish effective working relationships with jurisdictional regulators for each occupational area to promote effective coordination and assist in the ongoing implementation of, and associated issues in relation to, the national licensing system.

The national licensing body must also consult with other stakeholders in relevant occupational areas to ensure that the National Licensing Board is able to provide authoritative advice to the Ministerial Council. Central to the consultative process will be the establishment of occupational licence advisory committees for the occupational areas covered by national licensing. These will provide the principal source of advice on licence

policy for the relevant occupational area. The national licensing body will appoint the chair of these advisory committees and will adopt a transparent appointment process for general committee members to ensure that each committee has the range of expertise required to fulfil its function.

During the implementation phase the national licensing body will also consult regularly with a jurisdictional reference group on issues that arise relating to the implementation of the national licensing system and on progress with the development of licence policy. Each jurisdiction will nominate a senior officer as its representative on this reference group.

While the precise roles, functions and responsibilities of the national licensing body will be established in the national licensing legislation, the role of the national licensing body will include such matters as:

- a. administering the system;
- b. acting in accordance with any policy directions from the Ministerial Council;
- c. implementing decisions arising from the Ministerial Council;
- d. undertaking legislative policy review and providing advice to the Ministerial Council;
- e. undertaking assessment and providing budget analysis and projections for the national licensing body;
- f. delegating the performance of operational elements of the national system to jurisdictions, as appropriate;
- g. managing the resources of the national licensing body and ensuring the system is as efficient as possible;
- h. making recommendations on licensing fees;
- i. entering into contracts and recruiting staff as required to ensure that the national licensing body is able to perform its functions;
- j. in accordance with the objectives of the legislation and any policy directions of the Ministerial Council, developing licence policy related to:
  - i. licence skill and education requirements, including licence issue and renewal criteria;
  - ii. disciplinary arrangements;
  - iii. conduct, where this is included in the national licensing system; and
  - iv. the national register;
- k. undertaking research and consultation to support the development, monitoring and maintenance of licence policy;
- l. maintaining an up-to-date national register of:
  - i. licensees, to include any conditions or restrictions on the licence;
  - ii. disciplinary action taken against, and sanctions imposed on, licensees and
  - iii. approved certified courses;
- m. reporting to the Ministerial Council;
- n. developing internal performance measures and deliverables for the national licensing body for approval by the Ministerial Council, and reporting on such measures as required;
- o. advising the Ministerial Council on issues relevant to the system;
- p. liaising with states and territories in a manner that is transparent and provides for information sharing with the Parties and government regulatory and statutory investigative bodies;
- q. co-operating with any inquiry that has been constituted to review the system; and
- r. establishing, as appropriate, consultation committees and other mechanisms to facilitate the provision of stakeholder advice.

When the national licensing body is undertaking licence policy development, it is anticipated that, as a minimum, it will follow the parameters outlined at section 8.1.

The national licensing body may enter into a Service Level Agreement with each State and Territory, for the performance of, and accountability for, delegated functions such as:

- a. the receipt and management of local enquiries regarding licensing;
- b. the receipt of applications for licences and issue/renewal of licences including the management of local processes associated with these functions;
- c. the receipt and investigation of complaints against licensees;
- d. enforcement and compliance functions and investigations of licensees;
- e. disciplinary action; and
- f. data input into the national licensing data base.

Jurisdictions will report to the national licensing body as required on performance measures and deliverables that have been developed to monitor the ongoing performance of the national licensing system. Information on national licensing policy will be publicly available.

#### *National Licensing Board*

The national licensing body will be governed by a board of directors. There was significant interest in the composition of the National Licensing Board during the October consultations and this was reflected in the submissions received in response to the Consultation RIS. These expressed a general concern about the proposed structure of the Board outlined in the Consultation RIS and generally speaking, stakeholders wanted to see themselves represented on the Board. The key to the Board's functionality, however, is an appropriate mix of skills and experience, rather than a composition based on representation only. This is consistent with contemporary models of good practice governance which emphasise Board membership based on skills and an optimum Board size which facilitates good strategic decision making.

To address stakeholder concerns, the composition of the Board as outlined in the Consultation RIS has been amended to a more general structure. The Board will comprise one independent chair and up to nine general members. The independent chair must be an eminent person and not currently practising in any of the occupational areas admitted to the system. The general members must comprise people with a range of union, employer, consumer advocacy and training experience and a minimum of two jurisdictional regulators. The Ministerial Council will ensure that there is an appropriate balance of skills and expertise among the members, including possible regulator representation from large and small jurisdictions.

In providing advice to the Ministerial Council on licence policy in relation to a particular occupational area or sub-group of an occupational area, the National Licensing Board will take into account the advice provided by the relevant occupational licence advisory committee. On occasions when licence policy for a particular occupation is being considered by the National Licensing Board, a representative of the advisory committee may attend the Board meeting. This participation will provide for transparency in the Board's consideration of occupational issues and an avenue for communication between the Board and the relevant advisory committee.

Jurisdictions may nominate an observer to attend each National Licensing Board meeting.

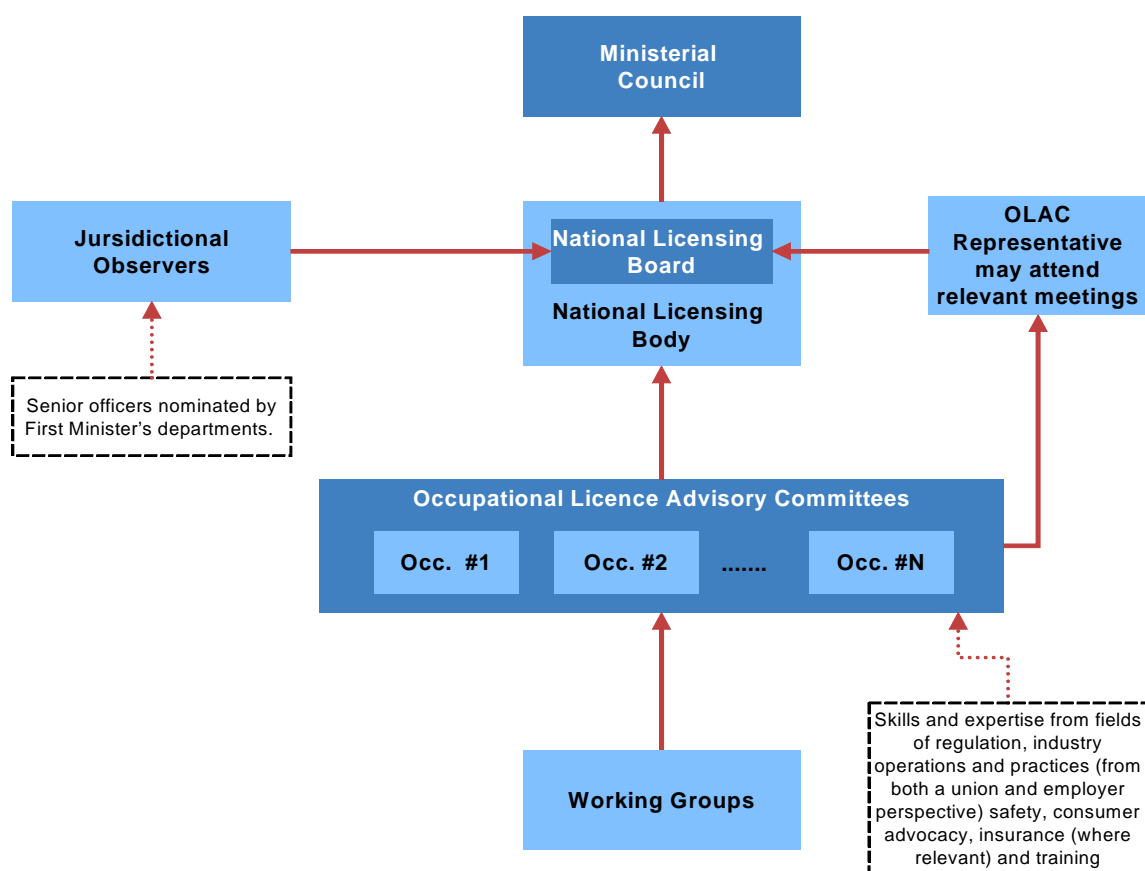
The business of the National Licensing Board is to be conducted in the manner provided for in the national licensing system legislation. It is proposed that an agreement to appoint a

nominee or terminate a member of the National Licensing Board will be carried if two thirds of the members of the Ministerial Council agree. In the event of a decision being deadlocked the Chair of the National Licensing Board will have a casting vote.

The National Licensing Board will provide the Ministerial Council with a three-year strategic plan and annual operational plans for the approval of the Ministerial Council.

Submissions indicated strong concern regarding the industry advisory mechanisms and the composition of the Board. The IGA addresses this by providing specific reference to the occupational advisory committee arrangements outlined above.

The following diagram (Figure 4: Governance and advisory arrangements for national licensing system) shows the structure of the governance and advisory arrangements for national licensing once the system has commenced.



**Figure 4: Governance and advisory arrangements for national licensing system**

#### 7.4 Licence register

COAG has directed that a national register of licensees be established for the new system. Under either model the register will be managed by the national licensing body.

The national licensing system legislation will provide for the manner and form of information to be held in the register including information that is to be made available to the general public.

The national licensing system legislation will also include provisions which enable the initial transfer of, or access to, non-public information held by jurisdictions for the purposes of compliance, enforcement and investigation of licensees under the system.

While the policy for what information would be disclosed on the register has not been developed at this stage, it is anticipated that the minimum information will include the name/business holding the licence, whether the licence is current, cancelled or suspended, and the licence category. The register would comply with privacy legislation.

Submissions indicated general support for a publicly available national register although there were concerns about the security of data and the extent of the information on licensees to be available publicly. These issues will be dealt with during the development of the legislation and licence register policy and will involve consultation with stakeholders.

## **7.5 Stakeholder input**

All detailed submissions from the October 2008 consultations indicate the desire of stakeholders to be involved in the ongoing development of the national licensing system. The national licensing body will require significant stakeholder input in a range of areas, including:

- the development of licence policy, to determine the structure (licences and their categories/classes), scope and eligibility (including qualifications) requirements for the granting of licences;
- the certification of vocational education and training (VET) accredited courses and higher education courses as meeting the licensing policy requirements for the national licensing system;
- advice on industry (employer and employee), regulator, training or consumer issues or developments which may impact upon licence policy;
- potential involvement in national licensing system disciplinary processes where an element of peer review of conduct behaviour is required; and
- transitional arrangements.

Occupational licence advisory committees will be established for the occupational areas covered by the national licensing system. Each committee will comprise a chair and sufficient members to ensure that it includes a breadth of expertise necessary for it to perform its advisory role; this may vary between occupational areas. The committees will provide advice to the national licensing body regarding the development, maintenance or performance of licence policy related to their area of occupational expertise and the consistency of its application across jurisdictions.

Membership of the advisory committees will be drawn from relevant peak bodies, preferably those which are nationally-based, including unions, employer bodies and professional associations, regulators, consumer advocacy groups, insurance bodies (where relevant) and from the national training system. The appointment process for advisory committee members will be transparent.

Where an advisory committee is providing advice to the National Licensing Board on its area of expertise, a representative of the committee may attend the Board meeting. If the advisory committee is unable to agree on an issue, it will provide the Board with information on the options available and Board members will make the decision on that issue.

## 8 Characteristics of the national licensing system

COAG's decision of 3 July 2008 requires that the governance arrangements for the new national system include, as a minimum:

- the ability to handle standard setting and policy issues; and
- consistent administration and compliance practices.

Significant research has been conducted on:

- the location of policy functions;
- the location of operational functions;
- which licences categories should be included; and
- how additional occupational areas would be admitted to the system over time.

A brief discussion on these aspects of the system follows.

### 8.1 Location of policy functions

COAG has decided that the national licensing system will include standard setting and policy issues. An analysis of jurisdictional licensing systems has indicated that the minimum policy functions that need to be covered by the national licensing system include:

- occupational area coverage;
- licence policy and enforcement;
- skill and education requirement policy;
- financial arrangements;
- disciplinary arrangements; and
- appeal rights.

#### *Occupational Area coverage*

COAG has specified the seven occupational areas to be included initially in the new licensing system and indicated that additional occupational areas may be included over time.

The types of licence to be included in the national system might vary from occupation to occupation. Three main types apply, being licences issued to individuals to practice an occupation as an employee, those issued to individuals to conduct the occupation as a business and pure business licences that are issued to entities and not to individuals.

In many jurisdictions and occupations, the first two types have significant overlaps as many individuals trade as sole operators and work directly with consumers. It would therefore not be practical to include individual licences in a national scheme without also including related contractor and business licences. Pure business licences are part of the overall regulatory system in each jurisdiction and are usually administered by the same regulator and under the same legislation as for occupational licences.

As a pragmatic response to this overlap, all occupational and business licences for each of the specified occupational groups will be considered within the scope of the national licensing system, provided the broad policy underpinnings of the business licences are the same as those of the relevant occupational licences. This will ensure that the benefits of the national licensing system extend to both businesses and occupation, meeting the dual COAG objectives of removing barriers to workforce mobility and reducing the regulatory burden for business.

It is envisaged that existing jurisdictional legislation covering the relevant occupational areas will assign to the national licensing system the capacity to define national licence policy for a defined area of licensed work. This area of work will reflect the collective scope of those current jurisdictional licences identified as being within the scope of the national licensing system.

Some occupational sub-groups within the specified occupations are not licensed in all jurisdictions eg, carpenters. At this stage, all sub-groups will continue to be included within the scope of the national licensing system.

Where a majority of jurisdictions that regulate an occupational area, or sub-group within that area, are able to reach agreement on the inclusion of a new occupational areas or sub-group into the national licensing system, the Ministerial Council will be able to approve by exception a jurisdiction deferring the introduction of a national licence in that occupational area or sub-group.

Where the Ministerial Council does not agree to the inclusion of an occupational area or sub-group of an area, any jurisdiction may regulate that occupational area or sub-group.

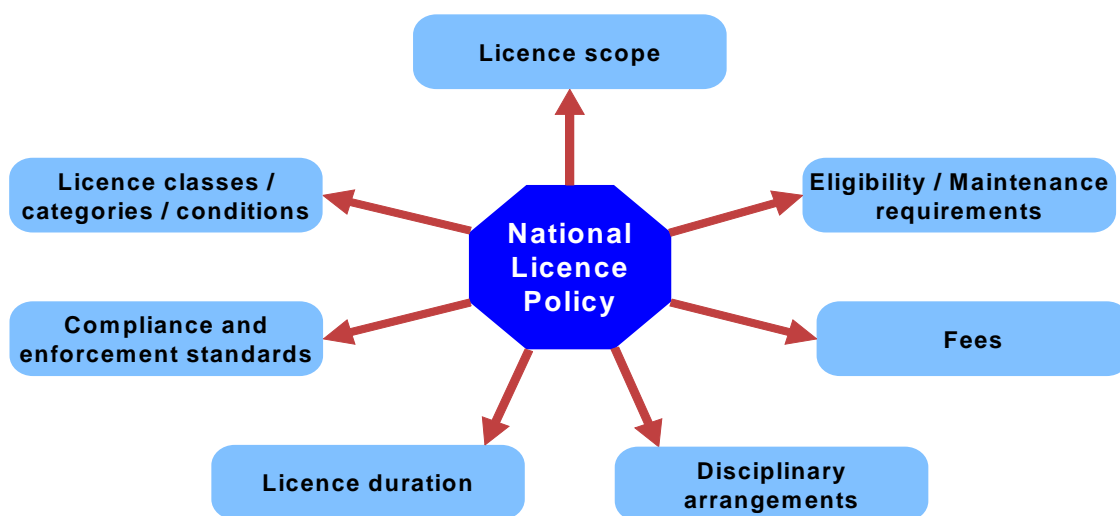
Jurisdictions which have never licensed an occupation or have dispensed with some licences will not be required to introduce or re-impose them under the national licensing system.

It is important to recognise that the development of national licence policies will require the assessment for each occupational area of the licences required using COAG’s Best Practice Regulation Principles. In some cases this may mean that the national licence policies determine that no licences or a reduced form of licensing is appropriate for areas where licences are currently issued.

*Licence Policy Development*

The national licensing system legislation is to provide for the licence eligibility requirements, skill and non-skill related, for an applicant to obtain a licence or for renewal of a licence.

A significant component of developing the national licensing system is the need to develop a national licence policy relating to each of the occupational areas covered. Figure 5: Licence Policy Components shows the expected main components of national licence policies.



**Figure 5: Licence Policy Components**

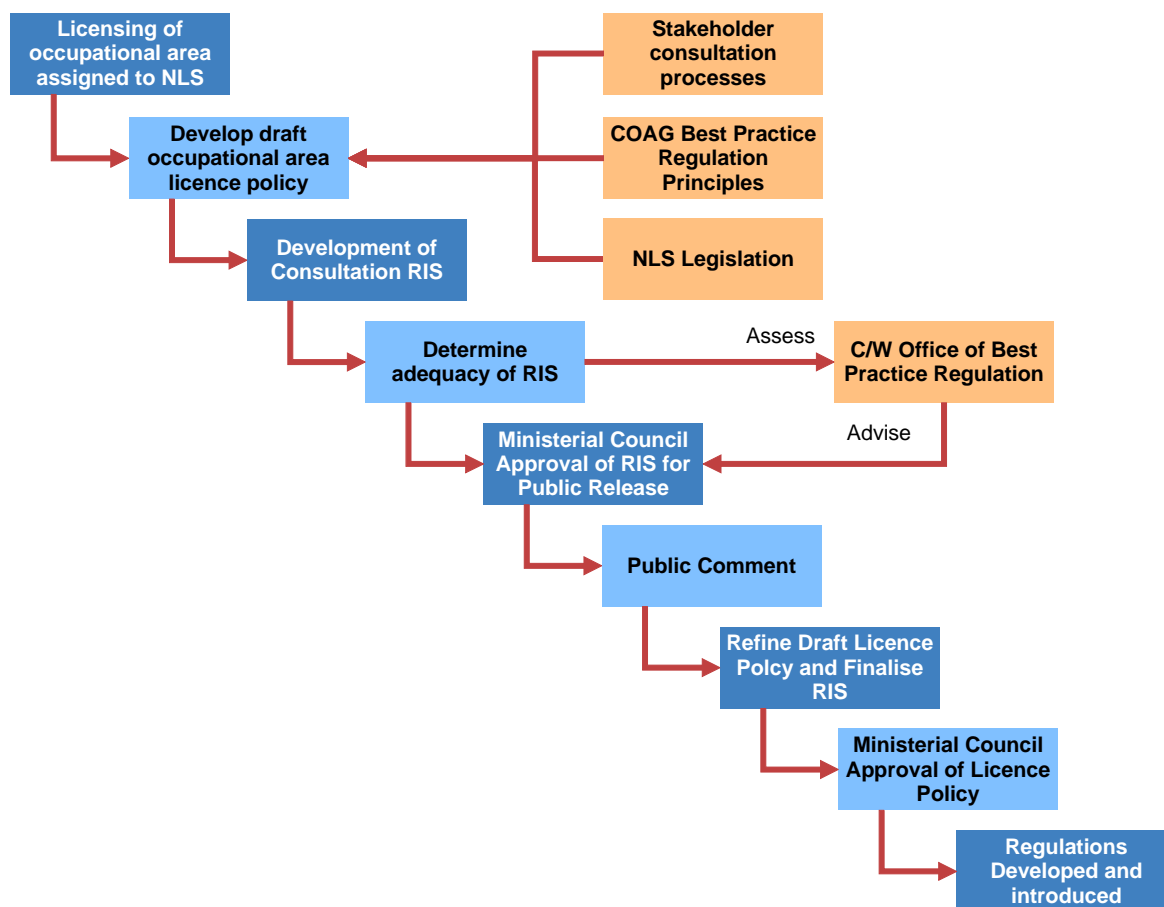
- “Licence classes/categories/conditions” means the type of licence or a category of licence that can be held by a person and whether or not the licence has specified conditions in relation to the work that can be undertaken by a licensee
- “Licence scope” means the activities permitted to be undertaken by a licence holder
- “Eligibility/maintenance requirement” means the types of requirements or conditions that an applicant or a licensee must be able to demonstrate to be granted a licence or to retain a licence
- “Compliance and enforcement standards” means those standards applied to compliance and enforcement activities related to the terms and conditions of a licence and, where relevant, conduct requirements associated with the licence
- “Licence Disciplinary arrangements” means those disciplinary sanctions, considerations and determinations that will apply to licensees covered by that licence policy, including the arrangements involved in specifying those breaches of jurisdictional conduct requirements that constitute grounds for disciplinary action against a licensee
- “Licence Duration” means the period of time for which a licence is valid
- “Fees” the determined amount that must be paid to obtain a licence

The relevant national licence policies will provide the basis for the development of regulations that will be used to implement the policies. Consequential amendments to jurisdictional legislation would be required to effect this replacement of existing jurisdictional licence policies.

The national licensing system needs a clear, transparent process for developing licence policy. Given the proposed objectives and principles for the System, this process needs to meet the requirements of COAG’s Best Practice Regulation Principles.

No jurisdiction will be required to adopt national licensing policies for any occupational area or sub-group until it is agreed by the Ministerial Council.

The following diagram (Figure 6: NLS Licence Policy Development Process) outlines the proposed licence policy development process to be followed by the national licensing system.



**Figure 6: NLS Licence Policy Development Process**

The national licensing body will be responsible for overseeing the licence policy development process, considering the outcomes and then making recommendations on licence policy to the Ministerial Council.

There was general recognition in the October 2008 submissions that the outcomes of the licence policy development process must be a reduction in regulatory burden. The national licensing system must require fewer licence types, provide consistent standards, streamline process and reduce costs. Processes should reflect this.

During the development of licence policy, the national licensing body will seek input from industry (employer and employee) and regulator forums and other stakeholders. The form of this consultation will be determined by the national licensing body under direction from the Ministerial Council.

Stakeholder feedback has highlighted that it will be important that licence policy development and maintenance is evidence based where possible. This will involve significant qualitative and quantitative research and stakeholder consultation to enable an understanding of the:

- scope and size of the public policy problem being addressed by the licence policy;
- effectiveness of the licence policy in resolving this problem; and
- emerging trends and indicators of elements of the system which require improvement.

The following arrangements will apply to the national licensing system licence policy development process:

- a. the process will establish single licensing policy for each occupational area assigned to the national licensing system that determines the licences (and licence category/classes) and their scope and eligibility requirements;
- b. once a jurisdiction has assigned the licensing of an occupational area to the national licensing system, a jurisdiction binds itself to using the national licensing policy determined by the System for that occupational area, subject to (d) below;
- c. the national licensing system licence policy will have due regard to jurisdiction or industry-specific issues that apply in particular jurisdictions or industries and may provide for licence categories (or classes) that are only relevant for certain jurisdictions. Such licence categories (or classes) will then only be applicable to the specified jurisdictions;
- d. if a jurisdiction does not issue a licence for a category (or class) covered by the national licensing system licence policy (either fully or partially), it has the ability to determine not to require that licence category (or class) within the jurisdiction;
- e. where between five and seven jurisdictions apply a licence category (or class) within a national licensing system licensing structure, then the national licensing body will undertake a specific review of whether there is a need for national consistency for that licence category/class and provide advice on the matter to the Ministerial Council; and
- f. where, in response to jurisdictional or industry-specific issues, a jurisdiction requests that national licence policy be amended, the Ministerial Council must request that the national licensing body:
  - i) undertake policy analysis of the issues in consultation with the relevant occupational licence advisory committee;
  - ii) identify the implications to the system
  - iii) recommend any legislative or system amendments; and
  - iv) provide advice to the Ministerial Council within a specified timeframe.

If the Ministerial Council does not agree to the requested change to national licence policy under this process within six months from the date that a jurisdiction requests an amendment to the national licence policy, the jurisdiction can make a decision on whether it will proceed with the change unilaterally. Any policy introduced in this way will not be nationally recognised under the national licensing system.

### *Licence Skill and Education Policy*

Consistent skills standards must underpin licensing eligibility requirements within a national system. In this respect, Australia already has a national vocational education system that uses nationally agreed vocational Training Packages. It also has a national qualifications framework, the Australian Qualifications Framework.

One of the objectives of the national licensing system is to facilitate a consistent skills base for licensed occupations by using the existing national vocational education system and aligning skill related licence eligibility with industry standards established by national Training Packages. In this respect COAG agreed, in February 2006, that national Training

Packages provide a nationally consistent base for the skills related requirements of most of the licensed occupations covered by the national licensing system. This is reflected in its decision that regulators will recognise the VET qualification or statement of attainment as meeting all of the skill related eligibility requirements for gaining a licence in relevant regulated occupations. Measures to implement COAG's agreement were introduced as part of the Australian Quality Training Framework 2007 reforms.

There was firm support from the submissions received following the October 2008 consultations for the use of national Training Packages as the basis for skills qualifications. Some concerns were raised regarding the ability of some Industry Skills Councils to respond to industry needs in a timely and consultative manner in the development of Training Packages.

Revised Training Package development and endorsement processes (implemented from January 2008), which in part have been driven by the COAG decisions, require evidence of systemic linkages to licensing and regulatory requirements prior to Training Package endorsement. This should address in part the concerns raised in the submissions. In addition, the presence of the national licensing body will strengthen regulatory input into the Training Package by providing an avenue for a unified voice for regulator concerns in the development and review stages.

The national licensing system also needs to be able to cater for instances where an agreed national Training Package pathway does not exist or where the skills required by licensing eligibility requirements can be satisfied by both national vocational education system and higher education system outcomes. Accordingly, for these instances it is proposed that arrangements be established within the national licensing system for certifying that courses meet the licensing policy requirements for the national licensing system. The certification process will ensure consistency of skill and educational outcomes achieved by licence holders.

To facilitate a consistent skill base for licensed occupation to address all of the issues outlined above, the following skill and education policy is proposed:

1. the national licensing body will provide input into Training Package development and review processes on the skill and education eligibility requirements of occupational licences;
2. where Training Package qualifications/skill sets exist which cover the scope of regulated activity, the national licensing body will determine if those qualifications/skills sets adequately address the skills and education eligibility requirements of occupational licences;
3. in cases where there are both VET and higher education pathways, the Training Package qualifications/skills sets that meet the skill and education eligibility requirements of occupational licences will be used as the benchmark for the skills standards to be achieved by other learning pathways;
4. where an agreed Training Package pathway does not exist, the national licensing body will certify appropriate State and Territory accredited VET courses for an interim time, pending revision of the appropriate Training Package to incorporate licence requirements; and
5. the national licensing body will certify appropriate higher education courses which meet the skill related licence eligibility requirements and regularly review all such courses at an interval determined by the Ministerial Council to ensure currency and rigour.

It should be noted that, as Training Packages are now operating under a system of continuous improvement, the ‘interim’ time referred to above should not exceed 18 months.

To support the implementation of the above policy, jurisdictions which are signatory to the IGA will agree that the national licensing system will provide an internal merits and process review of decisions made in relation to certification of courses of study. The national licensing system will also establish mechanisms to foster collaboration and consistency across the certification processes for all occupational areas.

The application of the licence skill and education policy through the licence policy development process will ensure that:

1. the national licensing system, while aligning its skill requirements to the national training system, is flexible enough to accommodate a minimum range of pathways to achieving skill related requirements; and
2. stakeholders can have confidence that not only have the skill standards been nationally agreed, but also the pathways that provide an alternative to national Training Packages to reaching the standards have been certified as achieving the skill outcomes required for licensing.

#### *National Licensing System Financial Arrangements*

The national licensing system financial arrangements will be provided for under the proposed national licensing system legislation. Section 8.5 provides further information on fees and funding.

#### *Disciplinary Arrangements and Appeal Rights*

The processes for taking disciplinary action can vary both between jurisdictions and within jurisdictions for different occupational areas. The agency or authority responsible can be the regulator or a tribunal or court. Sanctions imposed often vary widely.

Against this background, it is proposed that the determination of the disciplinary arrangements for inclusion in the national licensing system legislation will occur after the IGA is agreed and will involve identifying elements of best practice from existing jurisdictional licensing schemes. The national licensing system legislation will provide for the licensee disciplinary actions, considerations and determinations that are to be applicable under the national licensing system.

There was strong stakeholder support for a consistent national approach to disciplinary arrangements. A number of submissions included comments that will assist in the best practice design of such arrangements. Stakeholders also indicated that the end result must be a fair, transparent and cost-effective disciplinary system.

Given the different conduct requirement regimes that may be applied by different jurisdictions, it will be necessary for the national licensing system legislation specifically to list those conduct requirements that will constitute grounds for disciplinary actions under the national licensing system. This will enable the linking of conduct breaches to the national licensing system disciplinary record and will enable consistency in the outcome determined. The national licensing system legislation will therefore list the relevant legislation that specifies conduct requirements within each jurisdiction and the types of breaches that constitute grounds for disciplinary action.

In line with stakeholder feedback it is proposed that discipline should be applied in the jurisdiction in which an offence is proven but disciplinary sanctions will apply nationally.

For example, if a builder's licence is suspended in Queensland, the effect will be that the licence is also suspended in all States and Territories with effect from, and for the duration of, its suspension in the jurisdiction in which the breach occurred.

It is a fundamental premise of a regulatory system that a licensee should retain the right to seek a further assessment of any decision which may ultimately impact on their ability to conduct their livelihood. Accordingly, the national licensing system legislation will provide for licensee appeal rights for decisions made under the national licensing system.

While it is understood that jurisdictions all have differing legal mechanisms relating to a licensee's appeal rights, it is considered that the problem of inconsistency in decisions can be minimised by ensuring that the national licensing system legislation provides for the parameters and considerations that must occur for decisions to be made.

## **8.2 Policy functions remaining with jurisdictions**

Jurisdictional legislation would continue to cover:

- conduct requirements;
- related consumer protection and public safety laws;
- consumer complaints;
- consumer remedies; and
- appeals mechanisms.

This division of policy functions would be similar regardless of whether the model selected is national single agency or national delegated agency. The reasons for excluding these functions from the national licensing system is as follows:

Conduct requirements – These are the rules/regulations/laws in each jurisdiction that govern how work in regulated occupations is to be performed. They vary according to the industry and the type of consumer and/or health and safety protection required. Licensees comply with the conduct requirements that apply in the jurisdiction in which they operate.

In the Consultation RIS, it was proposed that the national licensing system would not, in general, seek to standardise conduct requirement policy arrangements or to administer them.

The Consultation RIS did, however, propose that where jurisdictions agree to pursue standardisation of conduct requirements for a specific occupation, the National Licensing System will include provisions to allow for their inclusion.

During consultation meetings in relation to the Consultation RIS, many industry and regulator stakeholders indicated that they wanted the reforms to go further and include all conduct requirements associated with licensing systems. A significant stakeholder sentiment was that the Ministerial Council should actively examine where standardising jurisdictional conduct requirements legislation would complement the introduction of a national licensing system.

In response to this, it was pointed out during consultation meetings that standardising conduct requirements was a significant task in its own right and that in many cases it was unlikely to be practical to expect this to be achieved concurrent with the introduction of national licensing.

Nevertheless, in response to stakeholder comments, the IGA includes provision for the Ministerial Council to actively identify and agree to conduct requirements which could be included and standardised under the national licensing system for particular occupational areas. This flexibility does not, however, require the standardisation of conduct requirements to be achieved concurrent with the introduction of national licensing.

As part of the implementation of the national licensing system, jurisdictions may need to amend legislation to ensure the connectivity of conduct requirements with licensing, compliance and disciplinary requirements that form part of the national licensing system.

Related consumer protection and public safety laws – The national licensing system legislation will ensure existing consumer protection and public safety laws in each jurisdiction will not be affected under the system. It will also ensure that there can be an outcome on a national licence applying across all jurisdictions for a breach in one jurisdiction.

Consumer complaints – Jurisdictions have varying processes for dealing with consumer complaints, not all of which are covered in legislation. A consumer may lodge a complaint with a regulatory body or with a consumer protection agency in the first instance. The complaint may lead to an alternate dispute resolution service and/or initiate inspection of the relevant work and/or an investigation into work practices and conduct. Complaints processes are often linked to wider consumer protection/fair trading laws under State legislation. Jurisdictions may need to amend legislation to ensure continuing links with disciplinary processes. However the complaints process used by each jurisdiction does not require uniformity; therefore this function will remain under State or Territory legislation.

Consumer remedies – Consumer remedies vary between jurisdictions in terms of both structures and processes. These variations also apply to the type of body able to determine the specific remedy available to the consumer. In many jurisdictions, the structures and remedies are intrinsically tied to the operation of wider consumer protection/fair trading laws, which are predominantly State-based. The processes used are matters that do not require uniformity and would not affect a national licensing system nor is it the intention of the national licensing system to take over these areas of responsibility.

Appeals Mechanisms –The framework for when a licensee can appeal a disciplinary action will be provided for in the proposed national licensing system legislation. Mechanisms for appeal will continue to be handled by individual jurisdictions. Submissions support this view. There was a general view from the submissions that appeal mechanisms should be accessible and affordable and conducted at the local level.

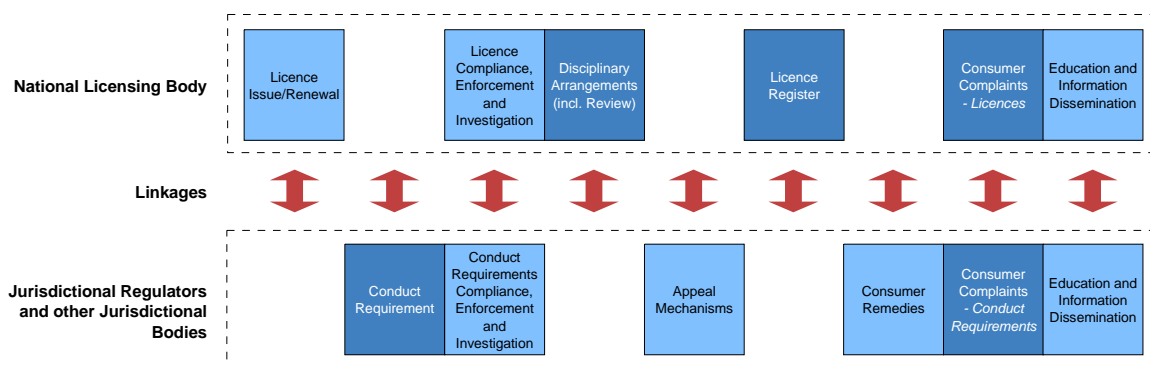
### **8.3 Location of operational functions**

The standard operational functions carried out by occupational licensing regulators include, in general:

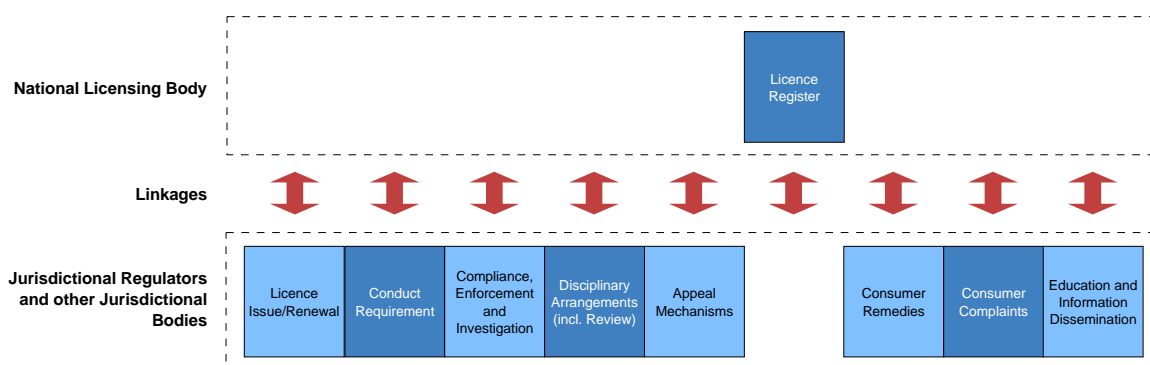
- licence issue and renewal;
- conduct requirements;
- compliance, enforcement and investigation;
- disciplinary arrangements and their review;
- appeal mechanisms;
- licence register;
- consumer remedy processes;
- consumer complaints handling; and
- education and information dissemination.

The location of the operational functions will depend on whether the model adopted is National Single Agency or National Delegated Agency. The following diagrams (Figure 7 and Figure 8) illustrate the likely location of operational functions against each of these models.

**Figure 7: National Single Agency Model**



**Figure 8: National Delegated Agency Model**



*Licence issue/renewal*

Under either national single agency or national delegated agency models, the national licensing body would set the licence eligibility criteria. Operationally, the State or Territory office of the national licensing body would issue and renew licences under a national single agency model or, under the national delegated agency model, this role would be carried out by existing State and Territory offices, complying with eligibility requirements set by the national licensing body. The national licensing body will need to determine the arrangements for the issuing of the licence and whether renewals are appropriate so a consistent approach can be adopted within occupational areas.

*Conduct Requirements*

Conduct requirements relate to the requirement imposed upon regulated individuals and businesses to adhere to certain types of behaviour following the granting of a licence to operate. Occupational licensing regimes identified for the national licensing system require a range of specific types of conduct behaviour, including contractual requirements, industry standards, statutory warranties and rules of conduct, amongst others. Some of these relate to wider consumer protection laws and there may be linkages between them which will need to be maintained. Under both models, the operational elements of conduct requirement would be carried out by existing jurisdictional regulators. This will ensure that the existing corporate knowledge within jurisdictions is retained and used to maximise the objectives of the national licensing system. Conduct requirements for specific occupational areas may be included in the national licensing system where this is agreed by jurisdictions.

### *Compliance, Enforcement and Investigation*

Under both models, the operational elements of compliance, enforcement and investigation would be carried out by existing jurisdictional regulators. The national licensing system legislation will provide the framework for when disciplinary action against a licensee would crystallise. Stakeholders will be consulted on compliance, enforcement and investigation aspects of the national licensing system during the development of the implementation strategy for each occupational area.

### *Disciplinary Arrangements*

It will be important that a national system provides an equitable and consistent response to licence breaches and other misconduct. While the policy needs to be set nationally, the operation of that policy, such as the imposition of demerit points, enforceable undertakings, fines, the imposition of conditions on a person's practice or cancellation or suspension of a licensee would be able to be carried out by an office of the national licensing body or by existing jurisdictional offices operating under a service agreement. If the latter, the national licensing body will require a stronger capacity to ensure the consistent application of policy by the jurisdictional agencies delegated to undertake this work.

### *Appeal Mechanisms*

Under both models, it is proposed that licensee appeal arrangements will be carried out by existing jurisdictional bodies.

### *Consumer Remedies and Consumer Complaints*

The operational aspects for consumer remedies processes will be retained under current State and Territory legislation regardless of the model chosen for the national licensing system. The proposed national licensing system legislation will provide for any necessary linkages from the national licensing system to the relevant jurisdiction's legislation to ensure that any appropriate redress or legal proceedings can be undertaken by a consumer within the jurisdiction that work is undertaken.

Consumer complaints regarding a licensee under the national licensing system and the mechanisms for actioning such complaints will also be provided for under the proposed national licensing system legislation.

### *Education and Information Dissemination*

Regulatory authorities conduct a range of activities associated with advising consumers, businesses and traders of their rights and responsibilities and avenues of redress, if required. Provision of services varies and can include face to face contact, the internet, publications and telephone advice. Such activities are closely linked to service delivery. Under a State office of the national licensing body (national single agency model), there is greater provision for consistency in the information provided. If this role is carried out by existing jurisdiction offices under a service agreement, the national licensing body could require a capacity to monitor the information being provided to ensure its consistency.

All submissions view information dissemination as very important to the success of the national licensing system but there are a range of views regarding who should be responsible for it. One submission indicated that, for some purposes, information will need to be disseminated by both the national licensing system and jurisdictional regulators. State regulators would still need to produce local information. For example, in some jurisdictions it is common in the electrical industry for information to be provided on a regular basis on

matters such as new test equipment and new safe work practices. These are often in the form of Codes of Practice, Safe Working Procedures etc. Concerns will be accommodated by ensuring close co-operation between the National Licensing Board and jurisdictional education and dissemination processes.

#### **8.4 Scope for inclusion of additional occupational areas**

While COAG agreed that the national licensing system should initially be applied to the seven occupational areas identified, it envisaged that the system will be capable of expansion.

It is therefore proposed that there be agreed criteria and a process for assessment of new occupational areas for inclusion in the national licensing system.

The criteria in the Consultation RIS were:

1. the occupational area should be important to the economy in terms of:
  - o the level of skill demand;
  - o the intrinsic mobility of the occupation;
  - o how widespread problems are with the mutual recognition of licences within the occupational area;
  - o the number of licensees concerned; and
2. a sufficient level of support by industry and consumer stakeholders for the proposal.

Following the consultations, the requirement for one critical occupation within the occupational area to be licensed across all jurisdictions has been removed as it may constrain entry of new occupational areas to the national licensing system.

The proposed assessment process is as follows.

1. Any jurisdiction which licences or intends to licence the occupational area can nominate to have it included in the national licensing system. This does not preclude industry or consumer stakeholders from advocating their positions to jurisdictions.
2. The national licensing body assesses whether the occupational area meets the criteria for admission agreed by the Ministerial Council and reports to the Ministerial Council detailing any recommendations for inclusion of a new occupational area.
3. Inclusion of a new occupational area into the national licensing system must be supported by an approved Regulation Impact Statement.
4. As a result of the advice provided the Ministerial Council decides whether or not the occupational area should be included in the national licensing system – this decision will require consensus of all jurisdictions.

Where the Ministerial Council is unable to achieve consensus on the inclusion of a new occupational area or sub-group of an occupational area, or the specific national licence policy for an occupational area or sub-group, the majority of jurisdictions may agree to include a new occupational area or sub-group, or introduce a national licence policy, if the Ministerial Council approves the remaining jurisdiction(s) deferring national licensing in this area. Where the Ministerial Council approves a jurisdiction deferring national licensing for a particular area in this way, the Ministerial Council will review such approval every twelve months.

Any new occupations accepted for entry into the national licensing system will be subject to both the COAG Principles of Best Practice Regulation and the national licence policy development process set out in this section.

### **8.5 Fees and funding**

It is anticipated that the national licensing system licence fees will reflect the reasonable costs involved in licensing the occupational areas. For some occupational areas the licence fee may also include a contribution towards elements of the compliance and enforcement activity undertaken by jurisdictions.

This addresses concerns raised in many submissions regarding the maintenance of service standards and compliance activities and that there should be sufficient funding in the national licensing system to maintain or enhance current standards.

Fee levels will be determined as part of the development of the national licensing system. It is not expected that signatories to the IGA will be significantly disadvantaged compared to current arrangements, that is, jurisdictions will not be required to reduce licensing revenue or to increase fees in order to subsidise any other jurisdiction.. Under the delegated arrangements national licence fees will be collected by the States and Territories.

To support the financial modelling for the new system, an independent financial consultancy company will be contracted to undertake cost projections and provide recommendations on fee structures. This work will involve estimating the cost of establishing and operating the new system including the national register, analysing the impact of the reforms on revenue for each jurisdiction and providing options for an optimum fee structure. Determination of funding models will take into account the variety of current jurisdictional revenue and funding arrangements. For example, in some jurisdictions, property services and conveyancing licensing is supported by the interest earned on trust accounts and in others licence fees do not support licensing functions and those functions are supported by general revenue.

Implementation of the national licensing system is subject to satisfactory agreement by jurisdictions on the funding model for the new system including further economic analysis of the establishment costs of the national licensing system and current and future State and Territory licensing revenue sources and expenditure.

## **9 Transitional Arrangements**

Changes to administrative and operational practices will be required under either the national single agency or the national delegated agency model. Preparatory work will be undertaken to identify what is required in this regard. The national licensing system legislation will provide for the deeming arrangements for licenses under the national licensing system

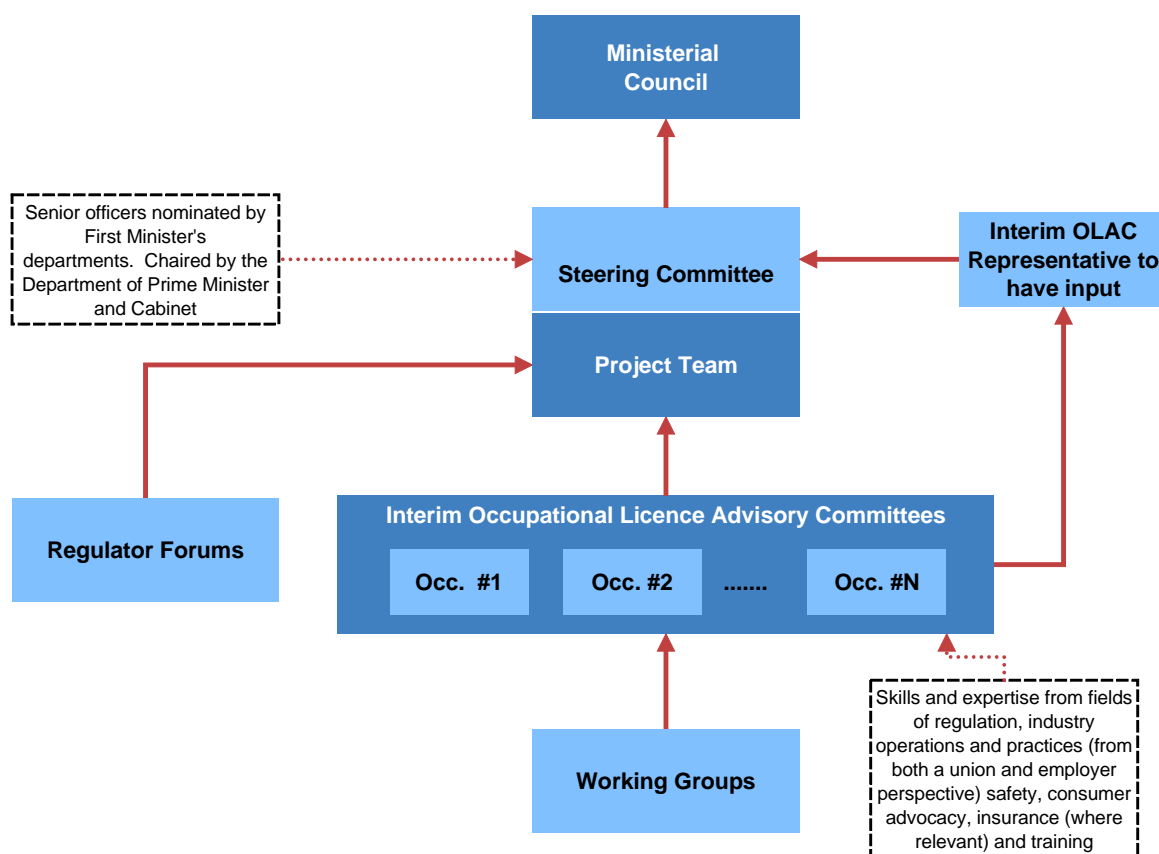
Prior to the national licensing system legislation being enacted, COAG or a Ministerial Council designated by COAG will be responsible for all matters necessary to ensure that the national licensing body and National Licensing Board are established, including any governance arrangement and the division of responsibilities and functions between the Ministerial Council, national licensing body and National Licensing Board.

A national licensing steering committee will be formed. It will comprise senior officers nominated by First Minister's Departments and will be chaired by the Department of the Prime Minister and Cabinet. The committee will advise the Ministerial Council on the implementation of the national licensing system and any required interim arrangements until such time as the National Licensing Board is operational, or as determined by the Ministerial Council. A project team will be established to support the steering committee and

subsequently the Ministerial Council in the implementation of the national licensing system until such time as the National Licensing Board is operational, or as otherwise determined by the Ministerial Council.

As part of the transition and implementation arrangements, the steering committee and national licensing body must consult and take into account the views of relevant stakeholders in occupational areas including unions and employer groups, regulators, consumer advocacy organisations, insurance peak bodies (where relevant), professional associations and training authorities, bodies and organisations on the development of the national licensing system. Interim advisory committees will be established for each occupational area to provide advice to the project team and a representative of each advisory committee will be invited to have input into Steering Committee meetings when the Committee is considering advice for that area. The composition and skills requirements for interim advisory committee will be similar to those indicated at Section 7.5.

The following diagram (Figure 9) shows the governance and advisory arrangements during the transition period.



**Figure 9: Interim Governance Arrangements**

## 10 Consultation on RIS

Commonwealth and State and Territory officials held two preliminary stakeholder consultation sessions in each state and territory during both July and October 2008 with one session for regulators involved in policy and the other for a broader range of stakeholders, including employer and employee representatives and training organisations. The July session was to provide preliminary information on the COAG decision of 3 July 2008 and to gain stakeholder feedback on aspects of the system described by COAG. The October

session was to seek stakeholder feedback on the Consultation RIS following the additional work undertaken by the CNLSC on researching and developing possible models for the national licensing system. Following each session, stakeholders were invited to submit written comments on the proposals.

15 submissions were received following the July consultations. The main issues raised were:

- That there was broad support for the introduction of a national licensing system and acknowledgement that the mutual recognition scheme had significant limitations that the national licensing system may overcome.
- The need to balance national consistency with the need to avoid increasing the regulatory burden for individual jurisdictions.
- The need to link national licence requirements with the outcomes of national training packages.
- Support for the inclusion of both business and occupational licences within the scope of the national system.
- Concern over tight timeframes and the lack of time for detailed consultation with industry groups.
- Strong desire by industry groups to be involved in consultative process for the development of the national licensing system.
- The need to develop related consistency in jurisdictional schemes with links to licensing eg, the operation of real estate funds.
- The need to ensure consistency in compliance and enforcement activities given the wide differences between jurisdictions in structure and activities.
- The need to incorporate a process by which the competencies of licensees are maintained.
- Stakeholder difficulty in understanding that the proposed national licensing system will not require the enactment of Commonwealth legislation, nor the creation of a Commonwealth agency to establish a cooperative national system. Instead this will be achieved through a State or Territory passing legislation which is adopted by every other jurisdiction.
- Significant requests for detail on the structure and standards that will apply to the different trades under the national licensing system, despite it being made clear that this detail would be determined by processes that would take place after the signing of the Intergovernmental Agreement to establish the national licensing system and will include stakeholder consultations.
- Support for a best practice approach to be followed by the processes for determining licence policy. In this respect, there was concern that these processes need to avoid an approach for either the lowest or highest common denominator.
- Acknowledgement that the setting of licence fees under the national licensing system was problematic due to significant difference in jurisdictional fees, regulatory service levels and principles regarding cost recovery.
- The need to resolve licensee privacy considerations in relation to a national register of licensees.

55 submissions were received following the October consultations. Submissions from regulating agencies were coordinated to provide jurisdiction-specific input to the process. The main issues raised by stakeholders during the October consultations were:

- There was significant support for the National Delegated Agency model.
- Some of the seven submissions supporting the drivers' licence model were critical of that option having been dismissed prior to the consultations.
- The lack of detailed quantitative analysis of the cost impact of the options, including the impact on fees charged.
- Safety –focussed regulators were concerned at the implication in the Principles that intervention should only occur in response to market failure rather than operating in a preventative manner. This is not the intention of the Principles or of best practice regulation.
- A number of suggestions were received regarding how the national body would operate. Many support the idea of industry specific advisory bodies or separate boards for each industry.
- Industry bodies were generally concerned about a Board making licensing decisions where an industry is not specifically represented and about the number of perceived 'bureaucrats' on the Board.
- There was general support for a publicly available national register although there were concerns about the security of data and the extent of the information on licensees to be available publicly.
- All detailed submissions indicated the desire of stakeholders to be consulted in the ongoing development of the national licensing system.
- There was a general view that the regulatory burden will be reduced through the outcome of the licence policy development process, which must reduce the regulatory burden. The national licensing system must require fewer licence types, maintain appropriate standards, streamline process and reduce costs. Processes should reflect this.
- There was firm support for the use of national Training Packages as the basis for skills qualifications. Some concerns were raised regarding the ability of some Industry Skills Councils to respond to industry needs in a timely and consultative manner in the development of Training Packages.
- There was generally no objection to the review periods suggested but concerns were raised regarding the operation of the continuous improvement process for Training Packages and how it will interact with national licensing.
- Many stakeholders indicated that the system that is finally chosen must take into account jurisdictional differences without inflicting bias or differential treatment for aberrant behaviour that is essentially the same, albeit in different jurisdictions. Decisions made in one jurisdiction must be honoured and upheld in all others. It is paramount that the end result is a fair, transparent and cost-effective disciplinary system. Discipline should be carried out in the jurisdiction in which the offence is proven but consequences should reflect on the national licence.
- Submissions raised concerns about conduct requirements and the need for uniformity in requirements.
- Concerns were expressed regarding the need for consistent requirements for the maintenance of skills.

- Service standards should not be compromised which goes to the question of licence fees and the activities they cover.
- No submissions were received supporting the inclusion of additional licensing functions within the national licensing system.
- In contrast to the face-to-face consultation feedback, submissions supported the policy and operation of conduct requirements remaining with jurisdictional regulators.
- There was general consensus that appeal processes should take place through existing jurisdictional appeal mechanisms.
- There was a general view that appeal mechanisms should be accessible and affordable and conducted at the local level.
- All submissions viewed information dissemination as very important to the success of the national licensing system but there are a range of views regarding who should be responsible for it, the national licensing system, jurisdictional regulators, industry associations etc.
- Submissions indicated that the criteria for inclusion of additional occupational areas should not require that one critical occupation within the occupational area should be licensed across all jurisdictions.

The submission provided many valuable comments in relation to transition issues which will be taken into account. The need for adequate consultation during the transition phase was a common theme and the RIS now reflects the intention to undertake significant consultation during the transition and implementation phases.

There are three key issues arising from these consultations which have an impact on the draft Intergovernmental Agreement (IGA) and the Decision Regulation Impact Statement. These are:

- the composition of the board of the national licensing body;
- the inclusion of conduct requirements in the NLS; and
- the principles underpinning the establishment of the NLS.

As indicated in the relevant sections above, changes to the system previously proposed have been made in relation to those three key issues.

There are several issues which, while not impacting directly on the IGA or the Decision RIS, relate to important aspects of the implementation phase of the national licensing system. These are:

- Consultative mechanisms – many industry and regulator stakeholders required reassurance that they would be included in the consultative mechanisms to be established under the NLS;
- National Training System – some industry and regulator stakeholders expressed concern at the capacity of the training system to adequately reflect both industry and licensing requirements;
- Eligibility requirements – some stakeholders variously expressed concern at the prospect of either “raising or lowering the bar”;

- Additional bureaucracy – both industry and regulators expressed concern that the national licensing system would create an additional layer of bureaucracy;
- Public licensee register – both industry and regulator stakeholders alluded to deficiencies in existing registers, confidentiality issues and the importance of effective IT systems;
- Notification of residence – NSW regulators expressed a strong view that it would be administratively onerous for licence holders to be required to notify jurisdictional authorities when moving between jurisdictions;
- Jurisdictional administrative arrangements – regulators in several jurisdictions noted that under the delegated model, there may be a need for jurisdictions to reorganise administrative arrangements once the national licensing system was established.

A list of stakeholders providing input to the consultation process and a separate list of submissions received prior to or in response to the Consultation RIS are provided at Attachment C.

Consultation will take place on the proposed legislation and during the implementation phase for each occupational area.

## **11 Implementation Strategy**

Following COAG’s decision on the Intergovernmental Agreement, extensive further research and consultation will be undertaken to inform decision-making on the more detailed arrangements regarding the implementation of national licensing for each of the occupations identified. This will include detail of the structure, governance, fees and transition arrangements necessary to achieve a single scheme for that occupation.

Implementation is likely to be phased, given the breadth of licensing covered by the seven nominated occupational areas, to allow for a more orderly transition to the new licensing system. Final decisions on the implementation approach to be taken and the priority accorded to particular occupations in moving to the new system will be matters for consideration by the national licensing body, in light of resourcing and stakeholder views.

The indicative implementation timetable is provided at Attachment D.

The development of the IGA and ensuing work concerning regulatory change will be conducted according to the *COAG Principles of Best Practice Regulation*.

**ATTACHMENT A. Fees for selected licences in four major occupational areas**

**1. BUILDING**

<b>Juris.</b>	<b>Licence type</b>	<b>Calculation</b>	<b>Annual actual or pro rata licence fee</b>
NSW	Contractor Licence (I)	\$534 1yr or \$999 3yr new \$357 1yr or \$857 3yr renew	\$534 or \$333 new \$357 or \$286 renew
	Other contractor or specialist work supervisor		\$117 application Nil for renewal
	Trades employee	\$115 for 3yrs application	\$38 1yr new Nil for renewal
VIC	Domestic unlimited		\$680 1yr new \$180 1yr renew
	Commercial	\$680 +\$90 1yr new \$180 + \$30 renew	\$770 1yr new \$210 1yr renew
QLD	Building nominee or site supervisor		\$298.70 1yr new \$149.35 1yr renew
	Builder or trade contractor SC1		\$460.95 1yr new \$199.55 1yr renew
	Builder or trade contractor SC2		\$548.50 1yr new \$249.75 1yr renew
	Builder or trade contractor category 1-3		\$710.70 1yr new \$298.75 1yr renew
	Builder or trade contractor category 4-8		\$1,010.65 1yr new \$449.35 1yr renew
WA	Builders registration	\$254 application fee \$288 annual registration fee \$27 new registration certificate	\$569 1yr new \$288 1yr renew
SA	(most building work)	\$156 application fee \$328 initial fee \$328 annual renewal fee	\$484 1yr new \$328 1 yr renew
TAS	Accredited Building Practitioner	\$153.60 application fee \$307.20 annual fee	\$460.80 1yr new \$307.20 1yr renew
ACT	Construction practitioner - builder	\$189.00 application fee \$1032.00 3yr \$407 1yr	\$596 or \$533 1yr new \$407 or \$344 1yr renew
NT	Builders registration	\$200 application fee \$600 licence fee	\$800 1yr new \$800 1yr renew

## 2. ELECTRICAL

Juris	Licence type	Calculation	Annual actual or pro rata licence fee
NSW	Qualified supervisor electrical	\$177 for 3yr application	\$59 1yr new Nil for renewal
	Contractor licence electrical wiring work endorsed	\$243 1yr new \$480 3yr new \$179 1yr renew	\$243 or \$160 1yr new \$179 1yr renew
VIC	Electricians licence	\$200 5yr new \$130 5yr renewal	\$40 1yr new \$26 1yr renew
	Electrical contractor		\$240 1yr new/renew
QLD	Electrical work licence	\$58.30 5yr new/renew	\$11.66 1yr new/renew
	Electrical contractor		\$280.00 1yr new/renew
WA	Electrician	\$37 application fee \$325 5yr registration fee	\$102 1yr new \$65 1 yr renew
	Electrical contractor	\$72 application fee \$382 1yr registration fee	\$454 1yr new \$382 1yr renew
SA	Worker	\$156 application fee \$194 pre-grant fee \$194 annual renewal fee	\$350 1yr new \$194 1yr renew
	Contractor	\$156 application fee \$277 pre-grant fee \$277 annual renewal fee	\$422 1 yr new \$277 1yr renew
TAS	Electrician	\$38.40 application fee \$115.20 licence fee	\$153.60 1yr new \$115.20 1yr renew
	Electrical contractor	\$38.40 application fee \$256.00 licence fee	\$294.40 1yr new \$256.00 1yr renew
ACT	Construction practitioner - electrician	\$23.00 application \$79.00 3yr \$45.00 1yr	\$68 or \$49 1yr new \$45 or \$26 renew
NT	Grade A electrical workers licence	\$50 5yr new/renew	\$10 1yr new/renew
	Electrical contractors licence		\$215 1yr new/renew

## 3. PROPERTY

Juris	Licence type	Calculation	Annual actual or pro rata licence fee
NSW	Property stock and business agent		\$419 1 yr new 304 1yr renew
	Conveyancer		\$419 1 yr new 304 1yr renew
	Valuer	\$738 for 3 yrs application \$623 for 3 years renewal	\$246 1 yr new \$208 1yr renew
VIC	Estate agent	\$354.40 applications fee 1yr \$172.60 annual fee with statement	\$354.40 1yr new \$172.60 1yr renew

<b>Juris</b>	<b>Licence type</b>	<b>Calculation</b>	<b>Annual actual or pro rata licence fee</b>
	Conveyancer	\$385.90 application fee \$930.70 annual fee \$930.70 renewal fee	\$1316.60 1yr new \$930.70 1 yr renew
QLD*	Real estate agent Auctioneer	\$35.50 criminal history check new \$1025 1yr new/renew \$1925 3yr new/renew	\$1060.50 1yr new or \$677 1yr new \$1025 1yr renew or 642 1yr renew
	Residential letting agent Pastoral house director	\$1025 1yr new/renew \$1925 3yr new/renew	\$1025/\$642 1yr new \$1025/\$642 1yr renew
	Pastoral house manager	\$450 1yr new/renew \$780 3yr new/renew	\$450/\$260 1yr new \$450/\$260 1yr new
	Pastoral house auctioneer	\$760 1yr new/renew \$1400 3yr new/renew	\$760/467 1yr new \$760/467 1yr renew
WA	Real estate and business agent	\$628 3yr new/renew \$60 advertising fee new/renew \$150 Fidelity Guarantee Account payment new/renew	\$279 1yr new/renew
	Sales representative Property manager	\$162 1yr new \$45 FGA payment new \$132 1 yr renew	\$207 1 yr new \$132 1 yr renew
SA	Land agent	\$220 application fee \$270 pre-grant fee \$270 annual registration fee	\$490 1yr new \$270 1 yr renew
	Conveyancer	\$220 application fee \$270 pre-grant fee \$270 annual registration fee	\$490 1yr new \$270 1 yr renew
TAS			
	Real estate agent Pt1 Div1	\$349.44 licence fee 1yr \$116.48 application fee 1yr \$29.44 licence issue fee 1yr	\$495.36 1yr new \$349 44 1yr renew
	Real estate agent Pt 1 Div 2	\$116.48 licence fee 1yr \$116.48 application fee 1yr \$29.44 licence issue fee 1yr	\$262.40 1yr new \$116.48 1yr renew
	Property mgr Pt 2 Div 1	\$291.82 licence fee 1yr \$116.48 application fee 1yr \$29.44 licence issue fee 1yr	\$437.74 1yr new \$291.82 1yr renew
	Property mgr Pt 2 Div 2	\$116.48 licence fee 1yr \$116.48 application fee 1yr \$29.44 licence issue fee 1yr	\$262.40 1yr new \$116.48 1yr renew
	General auctioneer Pt 3	\$349.44 licence fee 1yr \$116.48 application fee 1yr \$29.44 licence issue fee 1yr	\$495.36 1yr new \$349.44 1yr renew
ACT	Registered salespersons	\$173 annual fee	\$173 1yr new/renew
	Licensed agents	\$576 annual fee	\$576 1 yr new/renew
	Licensed agents (condit.) - auctioneer only	\$173 annual fee	\$173 1yr new/renew

<b>Juris</b>	<b>Licence type</b>	<b>Calculation</b>	<b>Annual actual or pro rata licence fee</b>
NT	Unrestricted real estate agent		\$300 1yr new/renew
	Unrestricted real estate + business agent		\$360 1yr new/renew
	Restricted agent (sales, property management, body corporate management)		\$540 1yr new/renew
	Conveyancing agent		\$480 1yr new/renew
	Auctioneer	\$20 annual licence fee \$30 police form fee	\$50 1yr new \$20 1yr renew
	Agents representative		\$60 1yr new/renew
	Restricted agents representative		\$120 1yr new/renew

#### 4. MARITIME

<b>Juris</b>	<b>Licence type</b>	<b>Calculation</b>	<b>Annual or actual pro rata fee</b>
NSW	Certificate of competency Master Class 1,2,3/2 <sup>nd</sup> Mate 1,2	Oral Exam \$143 on application \$426 licence fee 5yr \$102.00 Renewal/revalidate 5yr	\$228.20 1yr new \$20.40 1yr renew
	Certificate of competency Master Class 4/Mate Class 4/Skipper Grade 2	Oral Exam \$143 on application \$390 licence fee 5yr \$102.00 Renewal/revalidate 5yr	\$221 1yr new \$20.40 1yr renew
	Certificate of competency Master Class 5/Skipper Grade 3; Marine Engineer Class 3; MED Grade 1	Oral Exam \$143 on application \$294 licence fee 5yr \$102.00 Renewal/revalidate 5yr	\$201.80 1yr new \$20.40 1yr renew
	Certificate of competency Coxswain	Oral Exam \$143 on application \$148 licence fee 5yr \$102.00 Renewal/revalidate 5yr	\$172.60 1yr new \$20.40 1yr renew
	MED Grade 2	Oral Exam \$143 on application \$192 licence fee 5yr \$102.00 Renewal/revalidate 5yr	\$181.40 1yr new \$20.40 1yr renew
	MED Grade 3	Oral Exam \$143 on application \$102 licence fee 5yr \$102.00 Renewal/revalidate 5yr	\$163.40 1yr new \$20.40 1yr renew
	VIC	Unrestricted certificate of competency –all levels	\$145.70 5yr new \$69.70 5yr renew
Restricted certificate - coxswain		\$69.70 5yr new \$69.70 5yr renew	\$13.94 1 yr new \$13.94 1yr renew

<b>Juris</b>	<b>Licence type</b>	<b>Calculation</b>	<b>Annual actual or pro rata licence fee</b>
QLD	Master Class 3/Skipper Grade 1 Master Class 4/Mate Class 4/Skipper Grade 2	\$39.25 assessment of sea service \$6.30 'Record of Service' issue \$209.75 licence fee 5yr \$38.60 Renewal/revalidate 5yr	\$87.50 1yr new \$7.72 1yr renew
	Master Class 5/Skipper Grade 3	\$39.25 assessment of sea service \$6.30 'Record of Service' issue \$148.85 licence fee 5yr \$38.60 Renewal/revalidate 5yr	\$75.32 1yr new \$7.72 1yr renew
	Marine Engineer Class 3	\$39.25 assessment of sea service \$6.30 'Record of Service' issue \$263.85 licence fee 5yr \$38.60 Renewal/revalidate 5yr	\$98.32 1yr new \$7.72 1yr renew
	MED Grade 1	\$39.25 assessment of sea service \$6.30 'Record of Service' issue \$169.10 licence fee 5yr \$38.60 Renewal/revalidate 5yr	\$79.37 \$7.72 1yr renew
	MED Grade 2 MED Grade 3	\$39.25 assessment of sea service \$6.30 'Record of Service' issue \$124.50 licence fee 5yr \$38.60 Renewal/revalidate 5yr	\$70.45 \$7.72 1yr renew
	WA	Certificates of competency for trading certificates	\$151.70 Fee on application 5yr [includes the issue of certificate \$54.10; record of service book fee \$8.60 and 2 oral examinations] \$70.70 revalidation /renewal 5yr
Fishing certificates in perpetuity		Fishing Certificate \$151.70	\$151.70 new only
SA	Master Class 3/Skipper Grade 1	\$1133.00 5yr \$27.50 renewal 5yr	\$226.60 1yr new \$5.50 1yr renew
	Master Class 4/Mate Class 4/Skipper Grade 2	\$936.00 5yr \$27.50 renewal 5yr	\$187.20 1yr new \$5.50 1yr renew
	Master Class 5/Skipper Grade 3	\$768 5yr \$27.50 renewal 5yr	\$153.60 1yr new \$5.50 1yr renew
	Coxswain Coxswain River Murray and Inland waters	\$445 5yr \$27.50 renewal 5yr	\$89.00 1yr new \$5.50 1yr renew
	Marine Engineer Class 3	\$935 5yr \$27.50 renewal 5yr	\$187 1yr new \$5.50 1yr renew
	MED Grade 1 Master Class 4 River Murray and Inland Waters	\$709 5yr \$27.50 renewal 5yr	\$141.80 1yr new \$5.50 1yr renew
	MED Grade 2	\$530 5yr \$27.50 renewal 5yr	\$106 1yr new \$5.50 1yr renew
	MED Grade 3	\$324 5yr \$27.50 renewal 5yr	\$64.80 1yr new \$5.50 1yr renew
Master Class 5 River Murray and Inland Waters (including Houseboats)	\$587 5yr \$27.50 renewal 5yr	\$117.40 1yr new \$5.50 1yr renew	

<b>Juris</b>	<b>Licence type</b>	<b>Calculation</b>	<b>Annual actual or pro rata licence fee</b>
TAS	Master Class 3,4,5 Skipper1,2 Marine Engineer 3 MED 1	\$319.88 oral examination 5yr \$143.70 application fee \$96.96 issue fee \$106.66 renew 5yr	\$304.66 1yr new \$21.33 5yr renew
	Coxswain	\$106.66 oral examination 5yr \$143.70 application fee \$96.96 issue fee \$106.66 renew 5yr	\$261.99 1yr new \$21.33 5yr renew
	MED 2	\$213.26 oral examination 5yr \$143.70 application fee \$96.96 issue fee \$106.66 renew 5yr	\$283.31 1yr new \$21.33 5yr renew
	MED 3	\$159.38 oral examination 5yr \$143.70 application fee \$96.96 issue fee \$106.66 renew 5yr	\$272.54 1yr new \$21.33 5yr renew
NT	Master Class 3/Skipper Grade 1	\$473 5yr \$30 application fee 1yr \$20 issue fee 1yr \$30 renewal 5yr	\$144.60 1yr new \$6.00 1yr renew
	Master Class 4/Skipper Grade 2	\$286 5yr \$30 application fee 1yr \$20 issue fee 1yr \$30 renewal 5yr	\$107.20 1yr new \$6.00 1yr renew
	Master Class 5/Skipper Grade 3	\$187 5yr \$30 application fee 1yr \$20 issue fee 1yr \$30 renewal 5yr	\$87.40 1yr new \$6.00 1yr renew
	Coxswain	\$77 5yr \$30 application fee 1yr \$20 issue fee 1yr \$30 renewal 5yr	\$65.40 1yr new \$6.00 1yr renew
	Marine Engineer Class 3 MED Grade 2/3	\$308 5yr \$30 application fee 1yr \$20 issue fee 1yr \$30 renewal 5yr	\$111.60 1yr new \$6.00 1yr renew
	MED Grade 1	\$198 5yr \$30 application fee 1yr \$20 issue fee 1yr \$30	\$89.60 1yr new \$6.00 1yr renew

Source: Licensing authority websites and conversations with licensing staff 7 October 2008

## **ATTACHMENT B. Alternative options considered for a national licensing system**

On 26 March 2008, COAG agreed to explore further enhancements to existing work being conducted on improving mutual recognition of occupational licences and possible national systems for trade licensing. It asked the Business Regulation and Competition Working Group, with assistance from the COAG Skills Recognition Steering Committee, to develop options for future reform for consideration by COAG in July 2008.

In initial considerations in early 2008, two alternative options for national licensing were considered by the CSRSC in comparison with a national trade licensing. These were:

Maintaining the Status quo – This option would maintain the operation of the existing Mutual Recognition Act 1992 with ministerial declarations for selected occupations;

Drivers' licence model – Under this option, States and Territories would continue to issue licences but these would be valid in all jurisdictions. The model could function with or without harmonisation of state and territory legislation

Following consideration of these options against the preferred option of a single national licensing body under common legislation, these models were not supported for the following reasons:

### *Maintaining the Status Quo*

Under this model the *Mutual Recognition Act 1992* would have continued to operate as it does now. Regulators in each occupation for which a ministerial declaration has been developed would need to participate in an annual update process to ensure the ongoing accuracy of the licence equivalency contained within it.

This model was not supported as the basis for national licensing, as it maintains existing inconsistencies in requirements between jurisdictions. Licensees would continue to meet diverse skills and non-skills eligibility requirements and to pay fees in each jurisdiction in which they operate. The annual update process needed to maintain the currency of ministerial declarations would lead to a high risk, over time, that regulators' shared understanding of the equivalency process would falter, leading to a lack of confidence in the declarations and a failure to sustain the process.

### *Drivers' Licence Model*

Two options are possible under this model. In the first, licences would remain unharmonised, that is, skills, administration and compliance requirements would not be harmonised and each jurisdiction would continue implementing their existing requirements. In the second, jurisdictions would seek to harmonise these aspects of licensing.

Under both drivers' licence models, an occupational licence issued by any jurisdiction would be valid in any state or territory in Australia. The *Mutual Recognition Act 1992* would be amended for selected occupations to allow licences valid in one jurisdiction to be recognised elsewhere. State and Territory regulators would continue to issue jurisdiction-specific licences and to operate and maintain their licensing systems under their existing legislation.

A drivers' licence model would facilitate labour mobility and could be expected to reduce the regulatory burden, as licensees would not have to register in each jurisdiction or to pay additional fees. Transition costs would be lower compared with a move to a national licensing system as legislative amendment would not be as substantial as a national system would require and there would be no need to develop new administrative arrangements.

The effect of the unharmonised drivers' licence approach, however, is to import the complexities of each jurisdiction's licensing system into each other jurisdiction. Regulators would need to be familiar with the scope of work covered by each licence in order to properly monitor the work of licensees. The standard automotive drivers' licence works only because drivers operate with road rules and signage which is essentially uniform. The CSRSC considered that an unharmonised approach would not address issues of consistency or transparency, would increase the level of licensing complexity and has the potential to increase consumer confusion. The CSRSC was also concerned about potentially perverse impacts on consumer protection outcomes by undermining the integrity of jurisdictional regulatory regimes and increasing the potential for jurisdiction shopping. It was considered that there was a significant risk that regulators would lose confidence in the arrangements over time. This model was not supported.

In the harmonised drivers' licence model, national governance arrangements, comprising representatives of all states and territories, would be needed for each occupation to coordinate the establishment and maintenance of the harmonised arrangements. In comparison with a national licensing system, however, a system which is harmonised rather than unified requires a high degree of continuing inter-jurisdictional coordination to ensure that practices remain consistent over time. Difficulties could be expected in maintaining consistency in legislative provisions without a common legislative basis. Costs would still be incurred in relation to policy development and legislative changes.

It was considered that a harmonised drivers' licence model had a number of disadvantages when compared with some form of national licensing under common legislation. These included the high risk of reforms unravelling over time due to the level of inter-jurisdictional coordination needed and given the failure of past attempts to harmonise regimes. There was also a greater likelihood of resistance to reforms and fewer opportunities to streamline and rationalise than under a form of single system operating under an agreed, common policy.

*Summary of key actions and decisions relevant to this RIS*

<b>Date</b>	<b>Action/Decision</b>
10 February 2006	COAG agrees that all jurisdictions will achieve full and effective mutual recognition: <ul style="list-style-type: none"> <li>• For selected licensed occupations by 30 June 2007; and</li> <li>• For all vocationally trained licensed occupations by 31 December 2008</li> </ul> The CSRSC is established to oversee the work and to provide chairs for the occupation-specific Action Groups established.

Feb 2006 – Oct 2008	Action Groups established for occupational areas and ministerial declarations prepared and published under s32 of the MRA. Ministerial declarations reflect agreement by jurisdictions that certain licences/registrations, with or without conditions, are equivalent.
26 March 2008	COAG asks the BRCWG, with assistance from the CSRSC, to develop options for further enhancements to existing work on mutual recognition of occupational licences and possible systems for trade licensing.
18 April 2008	BRCWG asks CSRSC to bring forward a preferred option for national trade licensing and occupations to which it might apply
16 May 2008	BRCWG considers five options identified by CSRSC including status quo and drivers' licence models and agrees to recommend to COAG that it proceed with the development of a national trade licensing system.
3 July 2008	COAG agrees to the development of a national trade licensing system. The system is to be endorsed in an IGA between jurisdictions by COAG by December 2008.
July 2008	Expert Working Group established to provide specialised policy advice on the structure and operations of the new system. Research commenced on elements of new system.
29-31 July	First round of consultations with stakeholders.
Jul – Oct 2008	Extensive research conducted on elements of new system and form and content of IGA.
13-21 October 2008	Second round of consultations with stakeholders.
12 February 2009	Regulator workshop

## **ATTACHMENT C. Stakeholder input to the Consultation process**

### Attendance at October 2008 Consultations

<b>Organisation/Industry</b>	<b>Name</b>
370 Degrees Group	Lambert, Alan
Accrete Pty Ltd	Baker, Jon
ACT Government	Rynehart, Josh
ACT Treasury	Iles, Richard
ACT Planning & Land Authority	Day, Paul
	Harvey, Dennis
	Margules, Vanessa
	Parsons, Dave
	Walker, Rob
AI Group	Canavan, Peter
	Stanojevic, Alex
Air Conditioning and Mechanical Contractors' Association of Australia	Eynon, David
Air Conditioning and Mechanical Contractors' Association of Queensland	MacKrill, Graham
Allan Driver & Associates	Driver, Allan
AMCA TAS	Shepperd, Michael
Andre Lewis and Associates	Lewis, Andre
ARC Energy	Evans, Glenn
Associated Shopfitters	Abbott, Greg
Association of Accredited Certifiers	Hardy, Craig
ATFA (Australian Timber Flooring Association)	Hollis, John
ATI	Toney, Damion
Attorney General's Department	Mazzone, David
Aurora Energy	Dane, Peter
Australian Apprenticeships NT	Clark, Matthew
Australian Council of Private Education and Training - QLD	
	Price, John
	Hall, Michael
Australian Fisheries Academy	Carnie, Grant
Australian Glass & Glazing Association	Koochew, Ian
Australian Industry Group Training Services	Arundell, Dean
Australian Institute for Conveyancers	Barrow, Pauline
Australian Institute of Business Brokers	Griffiths, Garth
Australian Institute of Conveyancers - NSW	Allen, Terry
	West, Alan
Australian Institute of Conveyancers - NT	Douglas, John
Australian Institute of Conveyancers - WA	Pinczuk, Judith
	Westland, Ciaran
Australian Institute of Marine and Power Engineers	Mallows, Jim
	Yates, G

Australian Landscape Industry	Simpson, Steve
Australian Livestock and Property Agents Association	Madigan, Andy
	Mannion, Kate
Australian Manufacturing Workers Union	Patten, Matthew
Australian Maritime Institute	Hall, Martin
Australian Maritime Officers Union	Barnes, Richard
	Thompson, Jan
Australian Property Institute - NSW	Sanders, Gail
	Fisher, David
Australian Property Institute - WA	Walker, Gail
Australian Property Institute - SA	Mundy, Moira
Australian Property Institute - QLD	McNamara, Tony
Australian Services Union	Smith, Rebecca
Australian Shop & Office Fitting Industry Association	Hookham, Chris
	Ryan, Gerard
Australian Technical College Northern Tasmania	Hill, Nigel
Australian Timber Flooring Association	Flierman, Randy
	Kiely, Paul
Automotive Dealer Group	Perkins, Bruce
Automotive Training (WA)	Hicks, Dave
Axial	Schmidt, Michael
Batchelor Institute	Schmitzer, J
BIITE	Lowry, Gary
BPB Nowland Building	Nowland, Paul
Broadview Safety	Waide, Robin
BSA Board	Wilson, Tracey
Builders Registration Board - WA	Strehle, Nikola
Building and Construction Industry Training Fund	Keating, Margo
Building and Construction Industry	Allen, R J
Building Commission	Beckford, Peter
Building Designers Association of Western Australia	Ker, Philip
Building Professionals Board - NSW	Gately, Jacinta
Bureau of Meteorology - VIC	Tessier, Michael
	Wiltshire, Denis
Bureau of Meteorology - WA	Rowswell, Peter
Bus NSW	Knox, John
Business Council of Australia	Quinsey, Roger
	St. Alban, Sonia
Business Licensing Authority - Department of Justice - VIC	Annett, Darryl
	McDonald, Graeme
	Parsons, Julianne
	Smith, Fiona
Canberra Taxi Industry Association	McKeough, John

CDU Trade Industry Div. - NT	Say, Stephen
CGU Insurance	Mamutil, Jacob
Chamber of Commerce and Industry - WA	Jones, Andrea
Charter Fishing Tourism (Qld)	Joyce, Ray
Chisholm Institute	MacPherson, Malcolm
Citipower and Powercor	O'Neill, Pam
College of Electrical Training	Hender, Geoff
Comet Training	Cochrane, Ian
Comet Training	Harty, Raymond
Communications Electrical Plumbing Union - Plumbing Division - VIC	McClusky, Doug
Communications Electrical Plumbing Union - SA	Buchanan, Doug
	Donnelly, Bob
Communications Electrical Plumbing Union - WA	McDonald, Gerald
	Murie, Jim
	Wilton, Greg
Construction and Property Services Industry Skills Council	Quade, Mike
	Alan Ross
Construction Forestry Mining Energy Union - SA	Roberts, Darren
Construction Forestry Mining Energy Union - VIC	O'Hearn, Liam
Construction Forestry Mining Energy Union - NSW	Maxwell, Stuart
Construction Industry Training Board	Kennedy, Lisa
	Larkins, Steve
Construction Industry Training Centre	Ball, Vince
Construction Skills Queensland	Thompson, David
Consumer Affairs Victoria - Department of Justice	Owens, Sam
	Taylor, Neil
	McGregor, Don
Consumer Affairs & Fair Trading -Property Agents Board	Hutton, Alicia
CSS Training	Nicholas, Eric
Department of Mines and Energy - QLD	Matheson, Stephen
Department of Consumer and Employment Protection - WA	Allan, Susannah
	Bradley, Brian
	Cantelo, Graeme
	Driscoll, Anne
	Hajduk, Rebecca
	Hood, Libby
	Jenkin, Mark
	Lopez, Anne
	Payne, Phil
	Saunders, Don
Department of Education and Training - ACT	Cotterell, Jeannie

Department of Education and Training - NT	Cryer, Rodney Howden, Amanda Piper, Carly Shaw, Holly
Department of Education and Training - WA	Caldis, Beryl Jack, Margaret Lewis, David Morris, Joanne Pita, Lucinda Bennett, John Cosgrave, Bob
Department of Education Training & the Arts - Licensing Relations Unit - QLD	Eickenloff, Peter
Department of Education, Training & the Arts - QLD	Lamb, Bob Felsman, Sean
Department of Employment and Industrial Relations - Electrical Safety - QLD	Leverton, Tony
Department of Employment and Industrial Relations - QLD	Beck, Jim Lunney, Paul
Department of Environment, Heritage and the Arts - NSW	McInerney, Patrick
Department of Environment and Climate Change - NSW	Rankothge, Lal Ritchie, Alan
Department of Finance - ACT	Patterson, Lillian
Department of Further Education, Employment, Science and Technology - SA	Inge, Darren Owers, Elizabeth Beer, Simon
Department of Housing and Works - WA	Gow, Peter Nimma, Kyra Vallance, Jane Watt, Donielle
Department of Infrastructure and Planning - QLD	Gilbert, Yvonne McGuinness, Michael
Department of Infrastructure, Energy & Resources - TAS	Mills, Anne-Maree
Department of Innovation, Industry, Science and Research	Cannon, Christine
Department of Justice - Licensing & Regulation - NT	Ellis, Karyn Muir, Tammy
Department of Justice - TAS	Johnson, Wayne Marshall, Marilyn Stedman, Robert

Department of Justice - VIC	Kennedy, Michael Latham, James Nigro, Christine
Department of Justice and Attorney-General - Industry Licensing Unit - QLD	Woods, Ben
Department of Justice and Attorney-General - QLD	Azzopardi, Damian Rashford, Peter
Department of Justice Workplace Standards - TAS	Pearce, Robert
Department of Mines and Energy - QLD	Downs, Geoff
Department of Planning & Infrastructure - NT	Anand, Jasminder Perry, Josie
Department of Planning and Infrastructure - WA	Bouch, Anne Brookes, Denis Fletcher, Chris Hinnrichsen, Jeff Kelly, John Matthews, Sue Merlino, Tony
Department of State and Regional Development - NSW	Faro, Clive
Department of the Environment, Water, Heritage and the Arts - ACT	Young, Chris
Department of Tourism, Regional Development and Industry - QLD	Lockyer, Julie McRuvic, Robert Weschelberger, Thomas
Department of Trade and Economic Development - SA	Liddell, Anne
Department of Transport - VIC	Ellis, Garry Harold, Michael
Department of Transport, Energy and Infrastructure - SA	Anggang, Jayne Blackwell, Alexia Ha, Chris Hoare, Charlie Jones, Judith Mortimer, Karl Potts, David Jones, Alistair
Department of Treasury and Finance - WA	Reed, David
Department of Education, Training & the Arts Ed French & Associates	French, Edmund Yerma, Beeno Beveridge, Peter
Electrical Licensing Board	Szczepanski, Angela
Electrical and Communication Association	Leverenz, Anthony
Electrical Electrotechnology Energy & Water Skills Board	De Souza, Penny
NT Electrical Licensing Board	

Electrical Outback Power	Riches, Matthew
Electrical Trades Union - NT	Gauld, Trevor
Electrical Trades Union - ACT	Betts, Neville
	McCann, Matt
Electrical Trades Union - NSW	Harris, Col
	Lister, Paul
Electrical Trades Union - QLD	McKenzie, Keith
	Williams, Dick
Electrical Trades Union - TAS	Harkins, Kevin
	Wells, Nicole
Electrical Trades Union - VIC	Mulvena, Allan
Electro Skills	Horne, Mike
Energex	Auld, Peter
	Dearlove, Mark
Energy Safe Victoria	Gardner, Ken
	Stalker, Kelly
Energy Safety	Bowron, Ken
	Martin, Kim
	McGill, Kevan
	Wood, Geoff
Engineering Employers Association – SA	Staley, Peter
Estate Agents Co-operative	Hunter, Geoff
ETSA Utilities	Rowe, Chris
ETSA Utilities	Schirmer, Colleen
Finance, Property and Business Skills Industry Training Council	
Fremantle City Council	Jones, Allan
Gold Security Group	Evans, Jonathan
Home Building Service	Evans, Malcolm
Housing Industry Association	Cooper, Michael
	Frohreich, Meredith (NSW)
	Harding, Robert (VIC)
	Humphrey, David (QLD)
	Dastlik, John (WA)
	Scorer, Cara (WA)
	Hopkins, Kent (SA)
	Chamberlain, Scott (ACT)
	Foster, Melanie (ACT)
	Grant, Allison (ACT)
Hydro Tasmania Generation	Palmer, Stephen
Innovation & Business Skills Australia	Giofre, Gabriele
	Gupta, Rohit
Institute of Automotive Mechanical Engineers	Burgess, Frank
Institute of Legal Executives	Curnow, Roz
Insurance Council of Australia	Ratz, Laurie
Integral Energy Electricity Supply – NSW	Selkirk, David
IPA	Movley, Stephen

Irrigation Australia	O'Connor, Jann
ITI	Fin, Cameron
Jasper Consulting	Henderson, Craig
Jemena	Beel, Adam
Koolat Safety	Eiszele, Craig
KS Law Electrical & Gas	Law, Ken
Land Valuers Licensing Board	Theseira, Adrian
Landscape Association of Australia	Martin, Rob
Landscape Industries Association	Edmonds, Julie
Lecturer Challenge TAFE	Hasford, Kevin
Life Force Australia	Sloan, Marie
Major Industries Training	Wright, Archie
Manufacturing Industry Skills Training Assessment Services	Baxter, Paul
	Zsoldos, Neil
Manufacturing Skills Australia	Cobb, Brian
Marine & Safety Tasmania	Faust, Trevor
Marine Safety DPI	Rajagopacan, Peri
Maritime Safety Queensland	Linder, Richard
	Godden, Ross
Master Builders Association – QLD	Barlow, Darren
Master Builders Association – NSW	Gow, Neil
	Meredith, Peter
Master Builders Association – ACT	Howard, Jerry
Master Builders Association – VIC	Flanigan, Jarred
Master Builders Association – WA	McLean, Michael
	Richardson, Kim
Master Builders Association Tasmania	Atkins, Chris
	Helm, Ottmar
Master Painters	Aspinall, Greg
Master Planners	Reeman, Rosie
Master Plumbers & Mechanical Services Association of Australia	
	Fox, Jessica
	Kikos, Peter
	Shell, Peter
Master Plumbers and Gasfitters Assoc. of WA	Hawkins, Linda
Master Plumbers Association - NSW	Naylor, Paul
Master Plumbers Association - QLD	Kannis, Evangeline
	Kretschmer, Ernie
	Hart, Adrian
Master Plumbers Association - TAS	Cowie, Adrian
Ministry of Transport - NSW	Rogers, Arthur
Motor Trade Association - SA	Eblen, Paul
MPAQ	Watson, Bill
National Electrical and Communication Association - NSW	
	Le Compte, Lindsay

National Electrical and Communications  
Association - WA

National Electrical and Communications  
Association - VIC

National Electrical Communications Association -  
SA

National Electrical Communications Association -  
ACT

National Fire Industry Association

National Marine Safety Committee

National Swimming Pool Institute

NAUSEC Security

NSW Business Chamber

NSW Department of Planning

NSW Maritime

NSW Taxi Council

NSW Vocational and Education Training  
Accreditation Board

NT Building Practitioners Board

NT Electrical Licensing Board

NT WorkSafe

Office of Consumer and Business Affairs - SA

Office of Fair Trading - NSW

Origin Energy

ORS - ACT

Owners Corporation Victoria

Ireland, Nashell  
Kutasi, Kyle

Green, Philip

Collis, Gary

Moore, Larry

Shaw, Grant

Coates, Carmel

Kant, Ravi

Welch, Curtis

Rangi, Grant

Kimberley, Maric

Duruz, Abby

Host, Alan

Taouk, Anna

Webster, Judith

Butt, Stephen

Babatzanis, Anna

Whinney-Houghton, Penny

Gray, Steve

O'Brien, Kerry

Finch, David

Markou, Anna

Schach, Gillian

Close, Graham

Davis, Tannia

Dixon, Julie

Williams, Brett

Bardsley, Michael

Dixon, Susan

El-Gamal, Barbara

Faroy, Dennis

Farquhar, Adrienne

Green, Naomi

Guthrie, Robert

Haertsch, Regina

McCarroll, Anthony

Sedwell, Michael

Vircoe, Jim

Wrigley, Les

Huxtable, Trenton

Rogers, Gary

Beck, Rob

PEER VEET

Planning Institute of Australia  
Planning SA  
Plumbers and Drainers Licensing Board  
Plumbers Registration Board  
Plumbing Industry Commission - VIC  
Plumbing Trades Employees Union  
Primary Industry and Personal Services Curriculum  
Support Services Network  
Program Manager Challenger TAFE  
Property Sales Association of Queensland  
PSAQ  
PSN Water  
Public Transport Authority - Western Australia  
Queensland Building Services Authority

Queensland Police Weapons Licensing  
Queensland Transport

Real Estate Institute of Australia

Real Estate Institute of Queensland  
Real Estate Institute of South Australia  
Real Estate Institute of Victoria

Real Estate Skills Advisory Committee  
Real Estate Institute of WA  
Roads and Traffic Authority - NSW  
Robert Farnham Plumbing  
RotoPlas  
Royal Institute of Chartered Surveyors  
SA Health  
SA Water  
Seafood & Maritime Industries Training  
Settlement Agents Supervisory Board  
Settlement Agents Supervisory Board/The Real  
Estate and Business Agents Supervisory Board  
Shopping Centre Council of Australia  
Skills Victoria - Department of Innovation,  
Industry and Regional Development  
Small Business Development Corporation

SMIT

Hartley, Toni  
Jolley, Peter  
Clarke, Andrew  
Freeman, Don  
Hammond, Anne  
Byrne, Kim  
La Combre, Shayne  
Kirkwood, Damian

Thompson, Jim  
Wilson, Mervyn  
French, Tom  
Ross, Andrew  
Cowan, Don  
Eatts, Mark  
Boyle, Chris  
Burton, Sharon  
Jennings, Ian  
Smith, Jason  
Woolcock, Richard  
Elliott, Chris  
Kent, Rose  
McRennolds, John  
Kreitals, Jock  
Wilkinson, Stephen  
Gram, Sarah  
Tapley, Kerry  
Lowenstern, Peter  
Vivekanandan, Ben  
McIlwain, Robin  
Hartree, Sue  
Richey, Cheryl  
Farnham, Robert  
O'Donnell, Dennis  
Stackpool, Juliana  
Wildoer, Michael  
Day, Peter  
Teo, Richard  
Couper, Geoff

Banfield, Tim  
Jackett, Kayte

Earley, Steve  
Finlayson, Jacky  
Wallace, Paul  
Cole, Helen

Stenning & Associates	Archer, Melanie
	Sylow, Kim
Swan TAFE	Hicks, Clive
	Thomson, Wayne
	Wilkins, Colin
Swimming Pool & Spa Association of NSW	Gedz, Richard
TAFE NSW	Galletti, Bernie
TAFE SA	de Vries, Pauline
	Dunibar, Chris
	Gilleade, Anne
	Hebbard, Paul
	Vandborg, Stephen
TAFE Tasmania	Vernon, Des
TAFE WA	Menzies, Jean
	Hutchinson, Alicia
Tas Plumbing Surveyors Association	Askey, Andrew
	Duffy, Byron
Taxi Council of Queensland	Davies, Blairs
Taxi Council SA/Yellow	Sievers, Wally
TEATAC (NT) Inc	Cramond, Barry
Technical and Vocational Education and Training (TVET) Australia	
Tenants' Advice Service of WA	Harris, Caitlin
	Milsom, Nicola
	Perrett, John
Territory and Municipal Services - ACT	Bell, Kerry
	Layt, Nardia
	Paule, Rod
The Real Estate and Business Agents Supervisory Board	
	Cuomo, Mark
Transend	Willings, Peter
Transend Networks P/L	Thomas, Rob
TransGrid	Watts, Sally
Transport & Logistics Industry Skills Council	Fellowes, Rosa
Unions ACT	Miller, Peter
Valuers Registration Board	Sattler, Kim
Valuers Regulation Board	Haltwaters, Rebecca
Victorian Taxi Association	French, Julia
Westnet Energy	Sach, Neil
Westnet Infrastructure Group	Costa, Roger
Westnet Rail	Sampson, Ross
Wildcatch Fisheries SA	Reynolds, Judy
WorkCover - NSW	McDonald, Neil
	Bernauer, David
	Dunphy, Peter
WorkSafe WA	Foskett, Alison

Workplace Standards - Tasmania

Humphreys, Alan  
Hunt, Graeme  
Britten, John  
Hammersley, John  
Wilcock, Christine  
Gardner, Colin  
Burbidge, Glenn  
Bennett, John  
Cosgrove, Bob  
Hawkins, Linda  
Hutchinson, Alicia  
Reeman, Rosie  
Wallace, Paul  
Kohlman, Maureen

Zurich Insurance

Organisation not provided

### National Licensing System - Submissions received following July 2008 consultations

<b>*No:</b>	<b>Proponent</b>
1	Australian Glass & Glazing Association
2	Australian Institute of Conveyancers
3	Australian Institute of Conveyancers, Western Australian Division Inc. (AICWA)
4	Australian Landscape Industry Association
5	Australian Property Institute (API)
6	Australian Shop & Office Fitting Industry Association
7	Construction Industry Training Council
8	Energy Networks Association (ENA)
9	Institute of Automotive Mechanical Engineers (IAME)
10	Institute of Strata Title Management NSW
11	Master Builders Queensland (MBQ)
12	National Community Titles Institute (NCTI)
13	National Swimming Pool Institute
14	Real Estate Institute of Australia (REIA)
15	Royal Institute of Chartered Surveyors (RICS)

**National Licensing System – Submissions in response to Regulation Impact Statement, October 2008**

<b>No:</b>	<b>Proponent</b>
1	Air Conditioning and Mechanical Contractors' Association (ACMCA)
2	Allan Driver and Associates
3	Andre Lewis and Associates
4	Australian Glass & Glazing Association
5	Australian Livestock & Property Agents Association Ltd
6	Australian Maritime Officers Union (AMOU)
7	Australian Property Institute (API)
8	Australian Shop & Office Fitting Industry Association Ltd
9	Business SA
10	Communications, Electrical and Plumbing Union (CEPU), National Office
11	Communications, Electrical and Plumbing Union (CEPU), Plumbing Division (Victoria)
12	Communications, Electrical and Plumbing Union (CEPU), Western Australian Branch
14	David Thoumine & Associates + John Magill Consulting Pty Ltd + John Mills Dangerous Goods Services
15	Electrical and Communication Association (ECA), Queensland
16	Electrical Electronic Industry Training Ltd.
17	Electrical Trades Union Of Australia (ETU), NSW Branch
18	Electrical Trades Union Of Australia (ETU), Southern States Branch
19	Electrical Trades Union of Employees Queensland / Communications, Electrical and Plumbing Union, Queensland (ETU/CEPU)
20	ElectroComms and EnergyUtilities Industry Skills Council (EE-Oz)
21	Energy Networks Association Limited (ENA)

22	Herron Todd White
23	Housing Industry Association Ltd (HIA)
24	Insurance Council of Australia
25	Irrigation Australia Limited
26	Institute of Automotive Mechanical Engineers (IAME)
27	Master Builders Association (MBA), New South Wales
28	Master Builders Australia Inc (MBA)
29	Master Plumbers and Gasfitters Association of Western Australia
30	Master Plumbers and Mechanical Contractors Association of NSW
31	Master Plumbers' Association of Queensland
32	Mr Ross M Bein
33	Mr Andrew Cameron
34	Mr Julian Chapman
35	Mr David Fitzgerald
36	Mr Craig Heslehurst
37	Mr Stephen Say
38	Ms Lorrae Harvey
39	Ms Catherine Ann Lane
40	National Fire Industry Association (NFIA)
41	NSW Taxi Council Ltd
42	Pacific Marineline Institute Pty Ltd
43	Plumbing Industry Association of SA Inc
44	Queensland Lease Consultants
45	Raven's Business Services
46	Real Estate Institute of Australia (REIA)
47	Real Estate Skills Advisory Committee Qld (Industry Services Alliance)

48	Rotoplas, Tasmania
49	Spencer Gulf and West Coast Prawn Fishermen's Association Inc.
50	Swimming Pool & Spa Association of NSW Limited
51	The Master Plumbers' and Mechanical Services Association of Australia
52	Townsville Regional Valuers
53	Transport & Logistics Industry Skills Council Ltd
54	UnionsACT
55	United Banker Group

**ATTACHMENT D. National Licensing System: Indicative Implementation Timetable**

<b>DATE</b>	<b>ACTION</b>
<b>Early 2009<sup>5</sup></b>	IGA considered by COAG
From February 2009	Consultations with stakeholders on next steps including legislation development
From Apr 2009	Establish interim advisory committees in relation to first wave occupations <sup>6</sup> and preliminary consideration of licensing issues
Jun 2009	Bill drafting instructions finalised and approved by jurisdictions
<b>Sep 2009</b>	Draft Bill agreed by jurisdictions
Oct 2009	Draft Bill released for public consultation (8 weeks)
Apr 2010	Bill finalised and approved by Ministerial Council
Apr- Jun 2010	Bill introduced into Parliament (host jurisdiction)
By Apr 2010	Establish interim advisory committees in relation to second wave occupations and preliminary consideration of licensing issues
<b>Jun 2010</b>	Act passed – commencement dates <ul style="list-style-type: none"> <li>• national licensing body – Jan 2011</li> <li>• national licensing system – from 1 Jul 2012</li> </ul>
<b>Nov 2010</b>	Acts amended in other States and Territory to give effect to national licensing scheme
Nov 2010	Draft Regulations provided. Regulations and Regulatory Impact Statement approved by Ministerial Council and provided to Office Best Practice Regulation, commence public consultation (8 weeks)
<b>Jan 2011</b>	National licensing body operational

<sup>5</sup> Bold dates represent key milestones.

<sup>6</sup> It is expected that the 7 occupational areas for initial inclusion in the national licensing system will be phased into two groups – the first for introduction when the licensing system commences in 2012 and the second wave to commence in 2013.

Throughout 2011	Interim advisory committees and stakeholder consultations under the National Licensing Body on national licence policy matters such as licence levels, eligibility criteria, disciplinary arrangements for first wave occupations – work also commences on second wave occupations
Feb 2011	Regulations settled and approved by Ministerial Council
Jun 2011	Regulations passed by host jurisdiction – commencement date from 1 Jul 2012
Dec 2011	States and Territories repeal existing legislation for occupational areas
<b>1 Jul 2012</b>	Commencement of national licensing scheme for first wave occupations
Throughout 2012	Interim advisory committees and stakeholder consultations under the National Licensing Body on national licence policy matters such as licence levels, eligibility criteria, disciplinary arrangements for second wave occupations
<b>As soon as possible after 1 Jul 2013</b>	Commencement of national licensing scheme for second wave occupations