ASTROLABE
GROUP

AUTOMATIC MUTUAL RECOGNITION

Engagement Outcomes

NSW Treasury
December 2020

About Astrolabe Group

Experts with Empathy

Astrolabe Group is a change management consultancy delivering strategic services to clients across all tiers of government, industry, universities, not for profit and peak bodies. We are recognised experts at helping clients build clarity and consensus across diverse stakeholders.

This report was prepared for NSW Treasury. In preparing the report, Astrolabe has made every effort to ensure the information included is reliable and accurate. Astrolabe is unable to accept responsibility or liability for the use of this report by third parties.

Contents

Introduction

In August 2020, the Commonwealth Government announced a plan to implement national automatic mutual recognition (AMR). This will allow labour mobility across jurisdictions by enabling a person who is licensed or registered in one jurisdiction to have deemed automatic registration in a second jurisdiction. This means they will be able to carry out the same scope of work in a second state or territory as they are licensed to carry out in their home state.

To progress this reform, the Commonwealth has drafted legislation to amend the Mutual Recognition Act 1992. Draft legislation was released for public consultation on the 17 December and submissions are open on the exposure draft AMR legislation until 12 February 2021. To inform the development and implementation of the proposed AMR model, NSW Treasury sought initial feedback on the principles of AMR from key industry peak bodies across a wide range of sectors.

A series of digital roundtables to consult with relevant industry stakeholders on the proposed model of reform to introduce automatic mutual recognition of occupational licences across all jurisdictions were held across November 2020.

As well as exploring stakeholders 'views in relation to the principles of the AMR model, the roundtables also provided an opportunity for stakeholders to share any sensitivities and challenges to the application of automatic mutual recognition in their respective industries.

Astrolabe Group was engaged by NSW Treasury to facilitate the roundtables and develop an online survey to inform their review and enable the NSW Government to consider its position on the model, legislation, and implementation approach.

Commonwealth announces AMR & proposed model progresses through Working Group and National Cabinet
August to November 2020

NSW Treasury coordinates stakeholder engagement
November 2020

Engagement Outcomes provided to NSW Treasury
December 2020

Draft Legisltation for public exhibiton
December 2020
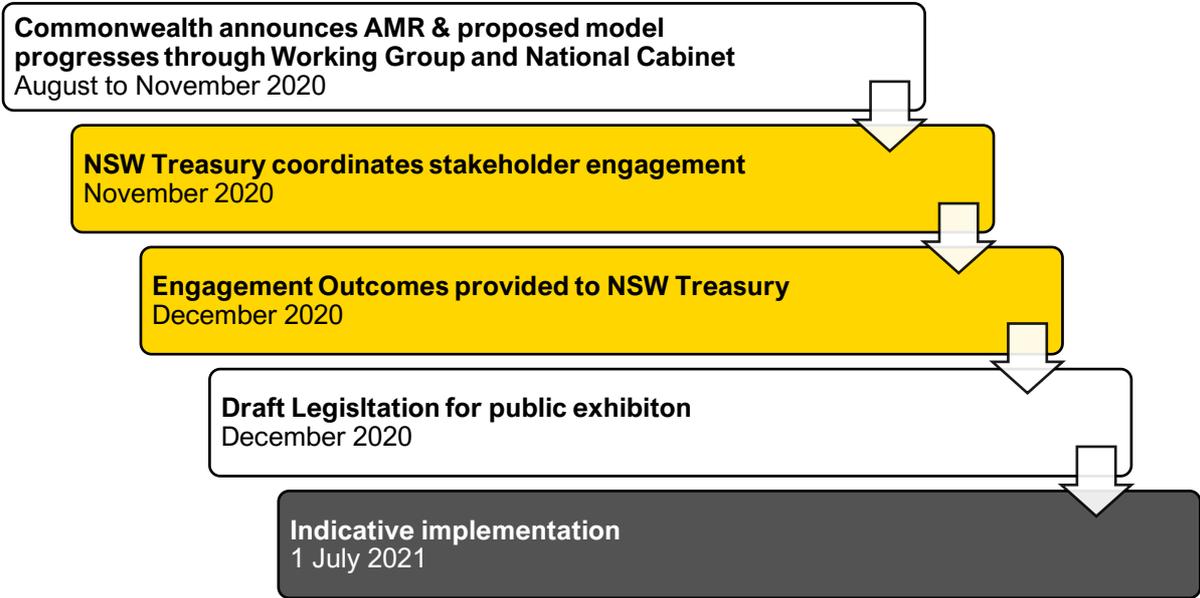
Indicative implementation
1 July 2021

Image: This round of stakeholder engagement within timeline of progresses AMR

Stakeholder participants

NSW Treasury sought input from government agencies to identify industries to be consulted and their nominated representatives. All were invited to a virtual roundtable with their specific industry peers and provided with an online survey. To support the engagement, NSW Treasury prepared a briefing paper as part of the invite distribution.

A breakdown of engagement included:

- Nine digital roundtables were facilitated with 55 attendees across the sessions
- Three interviews were organised, and two conducted with key stakeholders that were unable to attend the virtual roundtable related to their industry.
- All invited participants were provided an online survey, regardless of their attendance at the roundtable. We received 14 responses.

Details of industry participation are provided in Table 1 below.

Table 1: Stakeholder Participants

Industry	Roundtable	Survey
Building and Construction	- Australian Institute of Building - Association of Accredited Certifiers - Master Electricians - Engineers Australia - Electrical Trade Unions - NSW Plumbers Association - National Fire Industry Association - National Electrical and Communications Association - Department of Education	- Plumbing Trades Employees Union - Consult Australia - National Fire Industry Association Plus one interview with Consult Australia
Architects	- Architects Accreditation Council of Australia - Australian Institute of Architects - Association of Consulting Architects	
Real Estate and Property	- Estate Agents Co-Operative - Australian Livestock & Property Agents Association - Elders - Association of Consulting Surveyors NSW	- Real Estate Institute of NSW – Sydney South, NSW - Association of Consulting Surveyors NSW

Industry	Roundtable	Survey
Medical, Dental and Veterinary Radiation	• Australian Society of Medical Imaging and Radiation Therapy • Australasian College of Physical Scientists & Engineers in Medicine • NSW Society of Nuclear Medicine Scientists • Genesis Care • Charles Sturt University • I-MED Radiology	• Australasian College of Physical Scientists & Engineers in Medicine • NSW Society of Nuclear Medicine Scientists
Radiation Users – non-medical	• Australian Institute of Non-Destructive Testing • Bureau Veritas • Hospital and University • Radiation Safety Officers Group	• Bureau Veritas
Teachers and Education	• NSW Teachers Federation • Association of Independent Schools NSW • Association of Catholic School Principals NSW • Association of Heads of Independent Schools Australia	• NSW Public Principals Association • NSW/ACT Independent Education Union Plus one interview with NSW Secondary Principals Council
Transport	• Transport for NSW	
Pesticide users and mining	• Aerial Application Association of Australia • Australian Certified UAV Operators • NSW Farmers Association • Australian Environmental Pest Managers Association • NSW Minerals Council • Cement Concrete and Aggregates Australia	
Police, Insurance and General Consumer	• Motor Traders' Association of NSW • Australian Hotels Association • Clubs NSW • Retail Drinks Australia • Law Society of NSW • Insurance Council of Australia	• Restaurants and Catering Association • NSW Police Force • Motor Traders' Association of NSW

Industry	Roundtable	Survey
Contaminated Land Site Auditors	- Caltex - CSIRO - Department of Water and Environmental Regulation, WA - Australian Environmental Auditors - Senversa - Phreatic Consulting - Envirocene - Ramboll Australia - Sage Environmental Services - Cavvanba Consulting - ZOIC Environmental	- Envirocene - Golder Associates

Table 1: Stakeholder participants

Principles of the proposed model

Our focus for engagement

Key elements of the proposed model:

a. A licensee is permitted to undertake in a second jurisdiction the activities that are substantially the same as those under their home licence.

b. It does not require an applicant to register or pay fees in the host jurisdiction.

c. In principle no notification is required. However, jurisdictions could have discretion to specify a simple form of notification.

d. Conditions applied by a home jurisdiction on a licence would apply as conditions on a deemed licence in the host jurisdiction. This includes any disciplinary conditions placed by a home jurisdiction on a licence.

e. A person who has conditions placed on a home registration in response to disciplinary, criminal, or civil proceedings, or whose registration is cancelled or suspended as a result of disciplinary proceedings, will not be able to access AMR.

f. Local laws apply to interstate licensees. This means both conduct provisions as well as requirements regarding insurance, fidelity or compensation funds, trust accounts and similar requirements.

g. AMR would apply indefinitely and could have a natural end date of the end of the duration of a valid home licence.

h. A licensee who seeks to move their place of residence to another jurisdiction would be required to apply for a local licence, for example, through the existing mutual recognition scheme.

i. Information about licences and their scope of work in jurisdictions need to be accessible by regulators, licensees, employers, and consumers.

j. All occupations can be considered eligible for AMR unless specifically exempted by a state or territory because of significant risk to consumer protection or worker or public safety, with exemptions only applying in that state or territory. Exemptions will sunset after five years and be subject to review by the state if they are to be renewed.

k. The changes will not prevent people from seeking mutual recognition under the existing framework, nor will it disrupt existing national registration schemes or existing state-based automatic recognition schemes.

Overview – what we heard

Across the industry types, there was considerable in principle support for the AMR model as it is currently proposed. While supportive, many participants raised challenges and concerns relating to the process of implementation and necessary safeguards within their sector to maintain quality, safety, and public trust. There were some professions who saw no benefit for their practitioners. Discussion often focused on the process required to ensure effective implementation, as opposed to the concept of AMR itself.

Stakeholders provided insights relating to the proposed implementation schedule. A summary of their feedback regarding their specific industry ability and/or willingness to implement it as of 1 July 2021 is documented in Table 2. Also shown are those professions who support AMR but will need more time to ensure there are no adverse consequences, streamline standards or consult more broadly. Lastly, those professions seeking exemptions are listed.

Able to implement AMR: 1 July 2020	Support AMR but need to address key issues before implementation	Seeking exemption from AMR
Engineers	Electrical specialist licences	Regulated/licensed surveyors
Basic Electrical	Architects	Teachers
Real Estate (particularly rural)	Rail-associated licences	Fire protection
Medical radiography	UAV operators	Security
Nuclear Medicine (AHPRA recognised)	Nuclear medicine – additional requirements[1]	Specialist mining roles with no equivalences[2]
Pesticide users	Radiation – non-medical	
Aerial pesticide users	Motor vehicle assessment/repair	Contaminated Land Site Auditors
Hospitality	Plumbers	

Table 2: Professions ready for AMR within proposed timeframes and those needing more time or exemption

(1) Refers to those licences not covered by AHPRA and where states/territories have different requirements, e.g. mammogram screening. (2) Examples include mine manager/quarry manager certification in NSW.

Benefits of AMR

For those professions supportive of AMR, benefits were centred on the following areas:

- reduced costs and administrative burden
- ease of ensuring professionals were able to work where they were needed (from post-disaster sites for builders, to rural medical clinics requiring backfill for leave)
- operationalising national standards when they are already in place
- recognition that the fundamental work is the same regardless of location

Issues with implementation

All stakeholders talked about working on some form of mutual recognition or harmonisation within their industry for at least 10 years, and often much longer. There was significant scepticism about implementing AMR within the proposed timeframes. For those participants who had mutual recognition in place, they cautioned against rushing implementation based on their experience.

Common themes were raised in relation to implementation - centred on issues of training and qualification, licensing and regulation, and public confidence.

Training and qualifications

Many professions have different continuing professional development (CPD) requirements, responding to different legislation or professional standards. It is not clear how AMR would ensure CPD requirements were met.

There were also concerns where a job title didn't reflect occupational skills. AMR needs to ensure that skills that are being recognised, enabling employers and consumers know they can do the requisite job.

AMR was identified as easiest for professions with very high thresholds for qualification and where national standards or national qualification frameworks are already in place. It is much more problematic where registration is based on industry accreditation or a low level certificate qualification.

Licensing and regulation

Most participants, regardless of profession, raised the need for regulators in each state/territory to agree on key issues to address towards implementation. Several participants shared stories of their professional bodies agreeing national standards or qualification thresholds but these not being agreed to by regulators.

There was concern from those professions that are registered in one state but not others that AMR would open up practice from interstate practitioners who are not registered (although noting the proposed model is intended for jurisdictions with an occupational licence for the scope of work).

Participations talked about the need to do financial modelling on the impact of reduced licence or registration fees for those bodies that generate operating income in this way. There were shared concerns about equity, and the potential of greater burden for smaller states.

Public confidence

There were shared statements that AMR should not erode perceptions of quality and standards, eroding public confidence in the ability of professionals to deliver appropriate services. This was closely linked to concerns about ensuring public safety was maintained.

Considerations for next steps

Understanding the scope of work under licences

Industries with different settings for jurisdiction- based licences and standards identified potential complications in implementing AMR. Harmonising and/or creating national licence or national standards was seen as a necessary approach in the longer term. Many respondents identified national licensing or standards as the key tool for overcoming the challenge of implementation.

Across all industries, differences in regulations, legislation or qualification standards were raised. Stakeholders were universally supportive of whole-of-Australia equivalency tables comparing jurisdictions.

Sharing licencing information

There was a shared view that achieving transparency and access to information for AMR would necessitate development of integrated IT systems to deliver national databases to trace individuals, check competencies and communicate legislative changes. This was identified as a useful tool to monitor how licence infringements are identified and responded to.

Many stakeholders in NSW spoke of current databases and monitoring being simple, easy to use and effective, there was little insight provided on how implementation of sharing of information should take place. This was raised by Environmental Protection Agency (EPA) regulatees, schools with access to the NSW Education Standards Authority (NESA) database to verify qualification, and the NSW Police public security industry register, which also integrates with security firms' payroll systems.

Further stakeholder engagement

Lastly, there was a shared view that for many professions more time was needed for meaningful consultation and communication of exact details of which licences are affected will be required.

Government agencies working across industries where AMR has the potential to apply will also need to be involved.

Industry Feedback

Building and Construction

There is overall support across the building and construction industry, with strong endorsement from some professions and trades. There was recognition that mutual recognition still required practitioners to meet the required competencies for their profession.

Several issues were raised that need to be addressed for specialist tradespeople and where there are different legislative requirements governing practice. There was caution about ensuring AMR did not lead to people performing outside their area of expertise.

Aspects supported

Strong support from the Australian Institute of Building and Engineers Australia, with the basic entry to registration the same in each jurisdiction. There are financial and administrative benefits for practitioners not having to obtain licences in each state/territory. Consult Australia, also representing engineers, highlighted that the profession is highly mobile and increasingly works online. Specialisation demands movement so that skills are provided where needed. AMR is an opportunity to simplify systems and allow greater competition for SMEs and sole traders.

Consult Australia are vocal advocates for mutual recognition and the introduction of 'one fee, one registration'. They provided a two-page list, for example, showing a non-exhaustive list of the range of licences and memberships that member companies need to maintain.

Participants agreed all professional engineers who are registered to practice (those who are four-year degree qualified) should be able to participate from AMR introduction. Engineers participating in the roundtable thought this was highly beneficial for specialists working across borders. In the absence of a national registration scheme, automatic mutual recognition is fully supported. National registration is currently being introduced for engineers and they provide a good test case for operationalising AMR.

"Non-compliance happens when there are complicated or multiple systems."

Engineers have a successful model in the Washington-Australia-Dublin Accord which has a competency framework for international mutual recognition that includes continuing education and professional development. There is also an opportunity to see how the NSW Design and Building Practitioners Act, which brings together the five branches of engineering, could inform AMR.

"Jurisdictions need to start from a position of trust - the laws of physics don't change cross borders".

AMR represents an opportunity to alleviate a significant administrative burden for consulting businesses in design, advisory and engineering. Current costs are prohibitive and navigating multiple systems problematic. AMR represents an opportunity to create a central, national portal.

The National Electrical and Communications Association noted that there was already consistency in place, with electrician apprenticeship training the same across Australia. However, there are differences for restricted electrical licences.

"Your licence is a ticket to play not a change to rules of conduct".

Potential benefits were seen with registrations being tracked across all jurisdictions. This would allow sub-standard work in one state to be notified in another state.

Areas of caution

Even among professions where there is support there are different scopes for registration that need to be addressed. In Queensland, for example, all engineers are registered but in NSW registration is being proposed for building engineers only. There are also issues to consider around the role of supervision and licences for newly qualified professionals and ensuring consistency across Australia.

An issue raised across professions was differences across jurisdictions for minimum training standards. There was caution about dropping the bar to the lowest standard and support for raising the level of minimum standards across all states/territories, with electrician and fire protection licensing both citing differences. It was noted that a licence is not a recognition of the same underlying qualification. There was concern raised about tradespeople registered in one state but not others allowing interstate practitioners to work in NSW who are not registered.

Another common concern was how disciplinary action by the regulators would be enforced if licences are held interstate. While a model exists with drivers' licences to do this, the development of integrated ICT systems to manage this did not seem possible by July 2021.

Issues raised for electricians with different Acts covering safety and compliance across jurisdiction, and inconsistency across states for apprentice supervision. Also noted that there are restricted electrician licences in each state that cannot be automatically recognised, but these are a small part of the industry. Looking at how restrictions differ across jurisdictions will take time and would be difficult to automate in the first instance. It was noted that despite differences, under the current system electricians work across jurisdictions and comply with the rules in each state.

"Electricians can and do work across states and comply with rules, this is a very minor change which will remove red tape with no risk."

For plumbers there are legislative issues that need to be harmonised. For example, in NSW plumbers can fit hot water systems, but in Queensland and Victoria plumbers require a notification on their ticket. The Plumbing Trades Employees Union noted that unless mutual recognition is underpinned by a national licensing scheme, with established minimum criteria, this model will not be able to progress.

Delays or exemption

The National Fire Industry Association believes fire protection would not be able to proceed at this stage due to significant safety concerns. The discrepancies in licensing requirements across states are too diverse and these would need to be resolved before proceeding. Progress would require national licensing, which is fully supported by the Association.

Representatives from across the electricians' profession agreed that restricted electrician licences should be exempt, or implementation delayed. The Electrical Trades Union holds significant concerns and indicated their preference for exemptions.

For plumbers, licensing differences need to be resolved to enable implementation. Fire protection stakeholders noted that Fair Trading NSW interprets fire protection requirements differently to other states.

Architects

The Architects Accreditation Council of Australia sets the National Standard of Competency for Architects which underpins accreditation and the registration examination that applies around the country. This means national consistency in training is established.

Aspects supported

The principle of AMR was supported by all participants but there were areas of caution (noted below). Because of national standards for training there are no issues with skills and competencies being recognised across boundaries. For practitioners AMR would make it much easier to work across Australia. Moreover, this would allow for architects to be recognised as Australian architects with implications for Australia's international reputation and work globally.

Areas of caution

There is a high level of disparity across the different legislative systems regulating architecture and while it has been an issue for a long time, these differences have been unable to be resolved. Areas of concern include consumer protection law, level of indemnity held, disciplinary actions and ongoing education.

> *"Need to move to the highest level – NOT the lowest common denominator".*

For NSW, there are questions about the impact of the *NSW Design and Building Practitioners Act* coming into law in 2021 and how this would affect AMR. The new Act introduces significant change including more rigorous continued professional development which all practitioners working in NSW will need to be aware of. A National Building Code of Australia would address this, with state amendments as required.

> *"How do we ensure practitioners are up to speed in relation to all legislation?"*

Universal concern about ensuring there is no decrease in the amount of protection in place for consumers, and evidence was shared of the impacts of not getting compliance and standards right. For NSW consumer confidence is a critical issue, particularly in Sydney following the structural issues with the Mascot and Opal Tower buildings. It was noted that the regulators need a sustainable operating model (including income) to maintain consumer confidence that action will be taken for sub-standard work.

Architects raised concern that any new system needed to ensure financial equity for the regulators across different states and territories. Small regulators operate differently to larger jurisdictions, and they should not be disadvantaged by a new system. Regulation ensures consumers engage licensed architects and this system must be protected. There was concern about how regulators would communicate with all practitioners, including those registered from interstate but practicing in their own jurisdiction.

Unanimous agreement that achieving AMR would be difficult in the proposed timeframes, and that adequate consultation was needed to inform success. The group recommended that a national conversation was needed between registration boards rather than conversations with one state/territory at a time.

Delays or exemption

AMR is supported among architect stakeholders but a longer time frame for implementation is needed, particularly with the Design and Building Practitioners Regulations not being finalised until 2021.

Real Estate and Property

There was general support for the proposal but agreement that a one-size fits all approach will not work across all professions working in real estate and property.

Aspects supported

Universal support for the proposal from roundtable participants because for real estate agents it will simplify the ability to transact across borders and mitigate the administrative burden of holding licences in a range of states in order to transact correctly. However, the Real Estate Institute of NSW (REINSW) supported trade licensing, but not real estate licensing.

> *"Just like you hold a drivers' licence in one state and can drive everywhere, a transaction is the same in each jurisdiction so house sales should be able to be done anywhere."*

For livestock and rural property agents, AMR would allow for recruitment and promotion of young people from across Australia. This is a key pain point for the industry who have struggled to recruit talent, particularly following drought and bushfire. From a NSW point of view, the work is highly regulated and NSW has the highest standards.

> *"Property is highly regulated under the Property & Stock Agents Act and Regulations 2002. Mutual Recognition exists effectively from a NSW perspective because NSW has the gold standard of licence. From a consumer protection perspective, rules of conduct, misrepresentation, material fact disclosure and advertising guidelines are imperative."*

It was suggested having a body in place akin to the former Real Estate Services Council (subsequently absorbed into Fair Trading) could support effective implementation.

While Surveyors will seek an exemption to protect their current scheme, they posited that their professional standards scheme, designed to protect consumers could be a successful model for national standards[1].

All participants talked about limiting where they send staff because of licensing issues and AMR was seen as a good solution for this issue.

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[1] see www.surveyor.asn.au/

Areas of caution

There are differences across Australia for licences required by livestock agents. For example, no licence is needed in Victoria, but it is in NSW. This requirement creates an additional barrier for recruitment and promotion and may preclude moving staff interstate.

For real estate agents the areas that need to be addressed to operationalise AMR are qualifications and CPD training requirements, licencing, and the different legal forms for sale type (residential, commercial, etc). REINSW raised concerns about consumer protections in light of different conveyancing laws in each state and maintaining consumer confidence.

An issue raised by the Australian Livestock and Property Agents Association was the impact of reduced licensing fees on the industry's fidelity fund, in place to protect consumers and funded from licence fees.

Surveying is a highly regulated profession because Surveyors are responsible for determining consumer property boundaries and size. For Surveyors coming to work in NSW there are additional exams that need to be passed for interstate workers reflecting the engineering and town planning training needed in this state. AMR should not preclude these requirements. A current pain point is CPD where ongoing training has to be done in each state. This is particularly pertinent for those working in border towns and those who work across different projects nationally who may have to do the same CPD multiple times.

An issue arises for those practitioners not covered by registration or licensing. Technical surveyors trained via TAFE, for example, are not registered under the Board of Surveyors in any state or territory. Moreover, there are significant differences across jurisdictions in how technical surveyors are trained. There are concerns about how consumer protection is enforced.

Surveyors raised the issue of funding from registrations and that this would likely have detrimental effects on smaller jurisdictions. Given surveyors work where there is infrastructure and property building there could be issues of adequate funding. Livestock and Property Agents also questioned what the impact of registration would have on the fidelity fund.

Delays or exemption

Registered and licensed surveyors seek an exclusion because mutual recognition is already in place and is successful. There are systems in place to recognise different training requirements and the different Act which Surveyors work under. Surveyors do not want AMR to destroy a successful model.

Medical, Dental and Vet Radiation

There is support across professions for implementation of AMR to facilitate nuclear medicine practice, as well as the technical support needed to maintain equipment and systems.

Aspects supported

To practice in nuclear medicine, radiation and radiography there is consistency across states and there is support for this proposal. Many members of the Rural Alliance in Nuclear Scintigraphy (RAINS) live on borders and work across state lines travelling long distances to deliver services. While there are parts of licensing that are different between jurisdictions, there is a preference to have qualifications transferred rather than apply for a licence again. Where training happens in NSW, students get a NSW licence and then have to apply for a licence in their home state. AMR would facilitate student supervision as many do not train in the same state their university is located.

The Australian Society of Medical Imaging and Radiation Therapy identified AMR as a useful facilitator of locum work. Locum agencies can't place people in a timely manner because of delays getting licences, which in some places can take up to two months. This is particularly problematic in the case of emergencies or where services rely on fly-in fly-out (FIFO) workers. AMR would also facilitate leave coverage for specialist workers.

Where services are provided across jurisdictions, allowing clinicians to work across clinics allows for patients to access the services they need when they need it. It delivers better clinical outcomes and ensures continuity of care because machines are able to remain in use.

> *"Some members have to hold up to five licences, and it's expensive. But it also means people aren't available in emergencies – they simply can't practice."*

For professionals responsible for machine maintenance and repair, AMR would allow projects to progress in a timely way and would increase throughout if staff are able to be moved around. There are low staff numbers for some skills and AMR would allow easy transfer of staff for short periods. It would also allow for more training with workers could share expertise rather than just being observers.

Australasian College of Physical Scientists and Engineers in Medicine see more positives than negatives, as long as different requirements across states are addressed.

A record of what work a practitioner is licensed to do is already held by the Australian Health Practitioner Regulation Agency (AHPRA). This is a model already in place that could be used for AMR. In NSW, for those who are AHPRA registered they are automatically approved for a general licence (includes supervision and vet imaging). Additional specialities such as CT training or general exemption conditions need further evidence of training. AHPRA registration doesn't record all aspects of practice, which the radiation licence does (e.g. mammographic licence holders). While

transferring the AHPRA licence across state borders is easy, the additional conditions make it difficult.

Participants agreed that cross-border recognition could be dealt with through equivalent conditions being articulated across all states and territories. Everyone agreed that having one consistent licence would be an excellent outcome.

Areas of caution

For students in nuclear medicine there are differences for how students practise (e.g. in Queensland they need their own licence but not in Victoria). AMR could streamline this process introducing standardisation.

There are also different courses for different conditions across jurisdictions that would need to be managed, for example, mammogram screening. There are also different pre-requisites, for example, Queensland and Tasmania require an additional course for radiographers to do CT scans but NSW does not. Discrepancies in training should be addressed outside AMR.

There are concerns about AMR introducing onerous requirements not already in place. There was also concern about implementation being rushed and not being done in close consultation with practitioners. The over-riding priority was consumer safety and not compromising this by reducing notification and monitoring systems. Participants emphasised the need for robust verification processes. There were questions about how complaints would be managed for interstate practitioners not registered in NSW.

The most significant barrier for implementation identified by the group was gaining consensus among the states. States with less detailed requirements will have to consider something more complex.

There is not currently an online register of licence holders in all jurisdictions. This means there would be work for ICT integration for a national online register.

Radiation: non-medical users

There was unequivocal support for the model but there are differences in licensing conditions that makes implementation difficult, and concern about the practicalities of rolling out AMR.

Aspects supported

It was agreed that a person registered with AHPRA should be able to work anywhere in Australia, and that implementation would be easiest for medical radiographers.

Training is needed to get a licence in NSW but practitioners who travel to other states have to do more training for exactly the same work. To facilitate implementation, a table of equivalencies is needed to show how licences compare. This was identified as a big job that would be time consuming. Ideally, there needs to be harmonisation.

> *"What we're finding is people are going to other states and need to do other training even through the 'book of rules' is the same across Australia. Teaching criteria are strict in NSW. Radiation doesn't change across borders, and the code of practice is the same. Licences cover identical work. Absolutely in support of the AMR model".*

An equivalency table for differences in legislation would also be useful. For example, definitions of a radiation accident. A matrix table highlighting the limits and inclusions of each licence would help address how differences are understood. There should also be a national database showing who is licensed to what standard and where.

A key benefit of AMR would be to facilitate travel of technicians across states. It is onerous for practitioners to register across jurisdictions because of the training requirements. The cost of registration is affordable but attending multiple courses is expensive. It would be particularly beneficial in border areas, or where companies want to send a technician to work on the same type of plant in different jurisdictions. For companies moving workers for mining or heavy construction there can be teams of 20 or so who need to move interstate.

It was noted that from a NSW perspective it's relatively easy to work elsewhere due to high standards in the state.

Areas of caution

There is no agreed minimum standard which creates challenges for licensing, and there are different conditions depending on the sector a practitioner is working in (e.g. hospital setting compared to mining). There is also different legislation between states. The lack of one Australian model for safe radiation training creates difficulties for implementation.

There are aspects of work that are not licensed. For example, NSW does not have laser safety legislation whereas Western Australia and Queensland require operators to be licensed. There are

also difficult areas including licensing remote area nurses to operate X-ray equipment, research and education licences and mining.

In mining there are a range of technicians who do different things on site, with each activity requiring a different licence. There are also differences between service technicians and operators. The implementation of AMR needs to be cognisant that each licence allows you to do different things.

There was a common concern that implementation of AMR should not lead to requirements dropping to the minimum standard. There was also caution about overseas trained practitioners going to the state with the lowest standards to obtain a licence and then transferring.

Regulators were identified as a barrier to implementation and agreed that there challenges with the regulators reaching agreement. The first challenge is identifying what each regulator will accept and agreeing training content.

It was also noted that it is not the technical issues that create challenges (e.g. use of equipment, minimising radiation levels, managing an incident) but rather the knowledge of each state's requirements for management of radiation equipment (acquiring it, storage, movement and disposal).

Delays or exemption

Medical radiography will be easy to implement but establishing equivalency tables for licensing and understanding different legislation needs to be implemented before progressing for other practitioners.

Teachers and Education

There was little to no support for AMR in relation to teaching, where concerns were centred around child safety and consistency in qualifications. AMR would not address the key challenge for recruiting teachers in NSW, which is filling a teaching shortage in regional areas.

Aspects supported

Teachers thought the only potential benefit of AMR could be in relation to contractors who work with schools (e.g. bus drivers, coaches) to support activities such as sports teams travelling interstate and ensuring relevant legislation for interstate trips is adhered to.

Areas of caution

Teachers expressed concern about the absence of criminal checks in the proposal, and of mechanisms to ensure registration requirements are met. Currently there is a NSW system that allows principals to see all information about casual teachers including working with children checks, registration and suitability to teach. There is a NSW list for individuals "not to be employed". Stakeholders expressed concern there was no equivalent national system is in place.

There are also differences in relation to allegations of misconduct and how this affects registration. There are also differences in how staff must respond to child protection legislation and there is not currently consistency across Australia in how people respond, including where the burden of proof lies in the event an allegation against a teacher is made.

There are concerns about the different entry requirements to teaching across each jurisdiction and what this means for cross-border recognition. NSW entry to teaching is based on the NSW curriculum, which would be difficult to streamline. An equity issue was raised with teachers coming from interstate with lower proficiency standards being employed at different levels to NSW teachers with more training. There are also concerns about not knowing who is working in the state.

The proposed model was assessed as being onerous for schools with a significant administrative burden.

There is a national review currently taking place of the regulatory framework for teacher registration, including a staged approach for a national policy on standards. The timeline for this review goes beyond the AMR and there was concern AMR registration would overtake the national review process. Stakeholders noted that there may be an opportunity to use the national review process to inform AMR reform for teachers.

There was universal concern about the limited period of consultation. Full analysis of the impacts is needed to ensure all key issues are identified and addressed.

Delays or exemption

Teachers seeking exemption, mainly based around concerns for children's safety. The national review will also work towards mutual recognition based on a national policy on standards. There is a system to support the temporary transfer of teachers, which works well according to the teachers and principals consulted. Currently, the teaching workforce can transfer from state to state in a way that is not too onerous and there are teaching MOUs with Queensland already in place. Moreover, the itinerant workforce is relatively small.

Noted that cross-border registration is not currently a problem that needs to be solved. COVID lockdowns showed that the permanent teaching workforce who travel across borders is small. It is common for staff in independent schools to live interstate and be employed to teach in NSW, with registration in NSW.

Transport[2]

The priority concern for transport operators is safety of customers and of staff. Currently if workers come from interstate, they need a licence and a certificate of competency to show they can work in some aspect of the transport network. Different areas of the network have different competencies. The licence alone is not enough to show competency.

Aspects supported

Transport for NSW (TfNSW) working with the Australasian Railways Association (ARA) to identify equivalent recognition. This is work in progress and is something that would have to be done hand in hand with AMR, not something separate. The ARA work is trying to identify what licences and qualifications are recognised and where. It will include a gaps analysis to show where there is something not equivalent to NSW requirements.

Areas of caution

Across the Sydney transport network safety is the over-riding priority. In NSW, we don't know how other states address safety in things like changing software, upgrading electrical systems etc. Competencies need to be understood and addressed – a licence is the tick to be able to come and work under supervision while competencies are assessed. If ARA project comes into effect it may be a way of accelerating AMR – will take longer than six months.

There is no ready information on whether there are any licences that might be easier to do first. This would require consultation with all relevant stakeholders. Across rail alone there are licences for electrical, track, signals, rolling stock, etc. Each licence has different competencies.

Delays or exemption

The complexity of licensing across the transport network means time is needed to identify and confirm equivalencies across the multiple transport modes, and licensed work affiliated with each mode.

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[2] It should be noted that only one stakeholder responded to invitation to be consulted and further outreach is recommended

Pesticide Users and Mining

There was unanimous support for AMR with participants commenting that they have been advocating for a model like this for a very long time, some for upwards of twenty years.

Aspects supported

The Australian Environmental Pest Managers Association (AEPMA) were in full support, noting that it could take up to six weeks to get new licences interstate, making it hard to respond to requests. Pest management is a national industry and clients often use one company to do all their work, with staff moved around the country. The solution proposed for where different levels of qualification are recognised was to put competencies on licences.

The Aerial Application Association (AAA) were also in full support, saying they could introduce it immediately, notwithstanding key issues of competency and contractability of operators. The Association of Australian Certified Unmanned Aerial Vehicle (UAV) also supported the proposal, noting that work is still not complete in development of a national RPAS (Drone) standard for RPAS Aerial Application (Spraying).

There were significant benefits discussed among participants including cost savings (time and money) and administrative burden. There would be reduced liability for companies inadvertently sending operators interstate with the appropriate licences with a streamlined approach compared to current systems in place.

Areas of caution

An over-riding question that arose with participants was how recognition of qualifications would work under the proposed model. All participants talked about the different requirements between states for their sector (pest management, aerial application, mining). It was agreed that a table of equivalencies would be useful.

> *"Who would determine whether a qualification is "substantially the same? Currently state registration body determines if an equivalent registration [quarry manager] is recognised – don't look at competencies but registration for equivalent occupations."*

In the mining and quarry sector several states are moving away from registration or qualifications. Each state has legislation, however, with required competencies. In NSW there is a certificate of competence framework operating with CPD requirements. There is concern that AMR would introduce people operating who are not bound by these requirements.

CPD arose across all sectors, with everyone noting that AMR needed to have regard to continued training, not just the initial granting of the licence.

There was discussion about the model covering individuals and not businesses because consumer complaints in the pesticide management business are about the company, not individual practitioners.

Four issues were identified that need to be addressed for aerial operators:

1. Competence (a responsibility of the industry)
2. Traceability (need to be able to trace individuals)
3. Accurate contacts (for communication of updates, training information, etc)
4. Administrative burden (maintaining databases, ICT, etc)

There was concern that AMR would be used as an excuse to raise registration fees. For companies who may cover the costs of all staff this could be significant, both for large operators with 200 staff and small organisations where it is a large proportion of their outgoings. It was noted that for the AAA the licence fee doesn't even cover the administrative costs of collecting the fees. For individuals there is a cost factor being licensed in each state, but the administrative burden is even greater. The difficulties with obtaining licences in each state was seen as a factor that could lead to practitioners unwittingly operating without a licence.

Participants agreed that for industry, AMR was achievable, but there were barriers at state/territory level. In the past, achieving a national approach has been undermined by one or two states not wanting to move to one standard.

While there is support from UAV operators to facilitate work across state lines, there are issues that need to be addressed. A national standard is being developed. AMR described as not as good as a national standard to address traceability and administration issues.

> *"States/Territories require operators of drones who spray agricultural chemicals to have a licence in addition to the CASA licence. Drone regulation mirrors VH aircraft - CASA licences for flying safety / State licences for chemical control of use."*

Delays or exemption

Specialist mining roles were identified as needing to be exempt due to the different requirements.

Police, Insurance, General Consumer

A common theme was that AMR would facilitate work for those who live in border areas (from hospitality to law). There was support for AMR across participants, but not in relation to security staff with licensing informed by probity rather than qualification or skill.

Aspects supported

Strong support from the hospitality industry, which is highly regulated with multiple licences needed by both individuals and businesses, but the business model is the same in each jurisdiction. AMR would allow employees to work across borders, creating economies of scale.

For the insurance industry this is fully supported as streamlining access to catastrophe areas for tradespeople and other professionals needed in response to rebuild. There are no issues from Insurance Council indemnity members.

There is support for individuals needing to be licensed in home jurisdiction before seeking AMR in another jurisdiction.

Areas of caution

In hospitality the challenging area is liquor licensing. In NSW, for example, there is are specific Responsible Service of Alcohol (RSA) requirements and interstate workers must have a NSW version of RSA to work here. There will also be issues for Responsible Conduct of Gambling (RCG).

There are some practices which are only licensed in some states. NSW and Western Australia for example are the only jurisdictions to require licences for smash repairers. Every aspect of the automotive business is regulated under the NSW Motor Detailers and Repairers Act 2013, which stopped the practice of recognising equivalent interstate qualifications. There is currently a review of the Act for smash assessors and the Insurance Council has made a submission that there is no evidence of additional benefit arising from being licensed.

The Motor Traders Association has a public register that consumer can use to verify practitioners are licensed and if there is any compliance issue. AMR would need to ensure maintenance of consumer safety and visibility of licensees. Addressing IT issues to allow for a national system was raised across participants.

Regulation and protection of consumers under AMR when there are different licensing models was raised by the Law Society of NSW.

> *"Challenge will be how to regulate people who are working in a host jurisdiction and how licence infringements are identified and responded to. Under Australian Consumer Law the model is working well (lead person taking up a consumer issue) but how will regulators be funded and maintained?"*

The Australian Consumer Law enables all the licences, and a huge amount of work was done to harmonise the legislation at state/territory level. For AMR, there is significant work to harmonise legislation and then for implementation and putting a process in place to do the security checks, monitor CPD, etc.

The hospitality sector noted that there is significant sensitivity to changes in regulation that would create more work following the impact of COVID. Introducing change in 2021 may create resistance if there is not seamless transition.

Delays or exemption

There were significant concerns for security and ensuring consistency in licensing and vetting of candidates. It is critical that there are consistent standards here. The driver's licence model does not work for probity-based licences, in part due to the different laws around the use of licensing intelligence. For probity, visibility of who is being licensed is critical for public safety and this is not currently possible at a national level.

Within NSW there is a public, master register of who is licensed to work in security which is accessible to ensure only suitable candidates are employed. A national, central database is not available under AMR. This register is integrated with payroll and rostering and is an important tool in maintaining security. AMR would make it difficult to actively enforce compliance.

"Current Mutual Recognition arrangements have been significantly misused by segments of the security industry for the past 10 years - it has been used as a pathway for individuals who cannot legitimately obtain licences in NSW but who can meet the negligible eligibility and training requirements in other jurisdictions. This problem could be exacerbated by AMR."

Contaminated Land Site Auditors

The AMR model was deemed unsuitable as it applies to site auditors because it is predicated on an assumption that the role is the same in each state. This is not the case for the role of site auditor, which varies depending on the jurisdiction. There were concerns about how checks and balances would be maintained for the auditing system, including the relationship between the Environmental Protection Agency (EPA) and auditors, and recognition of the different ways sign off takes place in each jurisdiction.

It was noted that for those auditors who are mobile, they already have multiple licences. In Western Australia, 70% of auditors are registered in at least three jurisdictions.

There was little support for the model as it applied to site auditors due to the complexity of the profession in relation to local legislation and geological/hydrological conditions, and because 'site auditor' is not an occupation *per se*. While the technical skills of contaminated site clean up are easy to transfer, the legislative understanding is not. Participants struggled to identify any benefits for AMR.

> *"It's the legislative side –who do you have to notify, when can you advise a client that they can proceed with building on a site etc."*

Areas of caution

The Australian Environmental Auditors note that younger auditors have achieved mutual recognition but to do so they must demonstrate an understanding of state-based guidelines and legislation, as well as local conditions and local geology. This is a rigorous process. There was unanimous concern about how AMR would ensure familiarity with state legislation and requirements, with consumers assuming auditors know how the local system works and how it applies to the work being undertaken.

Two practitioners working in Victoria and NSW talked about feeling exposed when working in Victoria because of concern about not fully understanding the legislation there.

Participants noted the fantastic support provided by the EPA to auditors in terms of advice and updates of legislation and information. The scope of contaminated land is broad so this support from the EPA is critical. There is no mechanism in the proposal to maintain this, including a list of accredited auditors who are competent for the jurisdiction.

There was significant concern about AMR removing control of the State to protect individuals and the environment. It was agreed that each jurisdiction needs the ability to make decisions and track who is operating within their borders.

For companies relying on auditors there is a need to know that workers are appropriately accredited so the job can be delivered to the appropriate standard. There were also questions about how the EPA would monitor who was practising in the state if AMR is introduced, which has implications for

quality control. There are questions about which Commonwealth body will be responsible for monitoring and policing the system at a national level.

Each state has a different mutual recognition process and achieving a unified method could be difficult in the absence of harmonised legislation and guidelines. Local legislation plays an important role in decision making. Site auditors are not only responsible for technical issues, but how those issues intersect with local legislation and requirements. This takes a lot of time and understanding.

> *"This is not occupation licence transfer – auditors are accredited to do a job on behalf of the state EPA. In NSW you're acting on behalf of EPA and that's what gives auditors their accreditation. Critical first step is recognising this is not about occupation."*

It was noted that EPAs in each jurisdiction have been trying to harmonise legislation for many years but the differences across states have been too great to overcome. It was also noted that mobility of auditors is not a problem that needs to be solved for as current systems are working.

There was concern about how administration of the accreditation scheme would be funded if not all practitioners paid to practise in NSW. This would have flow on effects for adequate monitoring and consumer confidence in the system.

Delays or exemption

Auditors are opposed to the proposal on professional grounds which speaks to the standard of accreditation. The AMR legislation hinges on the term "similar occupations" but auditors are not similar occupations. In WA, for example, 70% of drinking water comes from ground water and there are many unregistered bores in the metropolitan area. This means assessment of ground water contamination is different in WA compared to other states. It also changes risks to the public, and risks to the environment. No risk to the community under current system and no economic benefit.

Until there is nationally consistent legislation, contaminated site auditors need to be exempt. AMR identified as introducing significant risk of practitioners operating in breach of legislation without being aware of it. This then becomes a significant risk for developers and other operators relying on site auditor assessments.

"An exemption from AMR is warranted for the site audit scheme due to:

The role of site auditor (and the accreditation process) is not the same between each jurisdiction. There are significant differences in legislative compliance requiring jurisdictional specific skills and competencies. Removal of local jurisdictional oversight would impact on the quality and integrity of the system placing human health and the environment at risk.

The differences in on-going fee structure, which would unfairly restrict trade for auditors in home states with much higher fee structures.

The administrative requirements of the CLM Act which would be unworkable under the proposed AMR model, to the extent that the integrity of the audit system would likely collapse."

The proposal is contrary to current national guidance: the National Environment Protection Council (NEPC) (2013) National Environment Protection (Assessment of Site Contamination) Measure 1999. NEPC (2013) acknowledges state/territory based differences in environmental conditions and Environmental Professionals knowledge and understanding of legislation and guidance which is not currently addressed under this proposal.

List of acronyms and abbreviations

Acronym / Abbreviation	Meaning
AAA	Aerial Application Association
AEPMA	Australian Environmental Pest Managers Association
AHPRA	Australian Health Practitioner Regulation Agency
AMR	Automatic Mutual Recognition
ARA	Australasian Railways Association
CPD	Continuing Professional Development
EPA	Environmental Protection Agency
FIFO	Fly-in, fly-out
NESA	NSW Education Standards Authority
RAINS	Rural Alliance in Nuclear Scintigraphy
RCG	Responsible Conduct of Gambling
REINSW	Real Estate Institute of NSW
RSA	Responsible Service of Alcohol
SME	Small to Medium Enterprise
TfNSW	Transport for NSW