

~~festive season is applied to Easter, then why is the Tuesday not a public holiday as well in conjunction with the Saturday? The big losers will of course be business, and in particular small business which always struggles to absorb the additional costs where no additional revenue is applied.~~

~~Debate, on motion of Mr Bleijie, adjourned.~~

OCCUPATIONAL LICENSING NATIONAL LAW (QUEENSLAND) BILL

First Reading

Hon. AP FRASER (Mount Coot-tha—ALP) (Treasurer and Minister for Employment and Economic Development) (5.20 pm): I present a bill for an act to provide for a national law to regulate the licensing of particular occupations and for related purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Tabled paper: Occupational Licensing National Law (Queensland) Bill.

Tabled paper: Occupational Licensing National Law (Queensland) Bill, explanatory notes.

Second Reading

Hon. AP FRASER (Mount Coot-tha—ALP) (Treasurer and Minister for Employment and Economic Development) (5.20 pm): I move—

That the bill be now read a second time.

I also table the schedule to the Occupational Licensing National Law Act 2010 of Victoria, known as the national law.

Tabled paper: Schedule to the Occupational Licensing National Law Act 2010 of Victoria.

This bill forms part of a national scheme to implement a new national occupational licensing system. The national licensing system is a component of the Council of Australian Governments, COAG, seamless national economy reforms. It is being implemented through cooperative national legislation and does not involve a referral of powers to the Commonwealth government.

The first stage of this process was the passage, in September 2010, of the Occupational Licensing National Law Act 2010 of Victoria, which sets out the national law in the schedule to that act. The second stage is the introduction, by participating jurisdictions, of legislation that applies the national law. Western Australia has chosen to enact mirror legislation and this will achieve the same result.

This bill will apply the national law as a law of Queensland. The national law sets out the legislative framework for the national licensing system which was initially formulated in the COAG Intergovernmental Agreement for a National Licensing System for Specified Occupations, which was signed on 30 April 2009.

The national licensing system is necessary for a number of reasons. Due to differing jurisdictional policies and practices, licences issued for the same occupational area by individual jurisdictions often have different parameters, eligibility requirements and scopes of work allowed. Different licence categorisation, duration, fee and licence structures generally apply. These different regulatory requirements across jurisdictions create compliance costs for licensees and businesses, and eventually consumers. These costs may include direct costs to licensees such as payment of multiple licence fees, as well as the indirect costs associated with compliance with different regulatory regimes. By streamlining regulatory requirements between jurisdictions for licensing of the relevant occupational areas, the national licensing system aims to improve business efficiency and the competitiveness of the national economy, reduce red tape, improve skills mobility and enhance productivity.

COAG agreed that the national licensing system would initially apply to seven broad occupational areas. These occupations will be covered by the national licensing system in two phases. The first phase occupations are air conditioning and refrigeration, plumbing and gasfitting, electrical and property related occupations. The second phase occupations comprise building and building related occupations, maritime and land transport—passenger vehicle drivers and dangerous goods only.

The first phase occupations will be regulated under the national licensing system from 1 July 2012, and the second phase occupations regulated as soon as possible after 1 July 2013. As some of the second phase occupations are the subject of separate but related COAG activity, and therefore may be transferred to other national reform initiatives, only the first phase occupations are listed in the national law.

The national law has been designed so that additional occupational areas may be included in the national licensing system over time. Key areas covered by the national law are licensing, disciplinary proceedings and action, monitoring and enforcement, reviews and appeals. A ministerial council, currently the Ministerial Council for Federal Financial Relations, will oversight implementation and operation of the national licensing system.

The national law also establishes the National Occupational Licensing Authority. The licensing authority will be governed by a board appointed by the ministerial council. The national law provides that the principal functions of the licensing authority are to administer the system, develop policy and provide advice to the ministerial council about the national licensing system.

The licensing authority will be supported in its policy role by the establishment of an occupational licence advisory committee for each licensed occupation. The advisory committees will provide advice on licensing policy in relation to the occupations for which they were established.

The national law provides that the board will consist of no more than 10 members. It will include the chair who is not a licensee or otherwise involved in any licensed occupation, two jurisdictional regulator members, and 'other persons the ministerial council considers to have appropriate skills or experience in unions, employer representation, consumer advocacy or training'.

The national law states that the advisory committees are to consist of members appointed by the board. The law provides that the licensing authority must invite nominations for membership of an advisory committee from national peak bodies who represent the licensed occupation or, if there is not a national peak body that represents the licensed occupation, another peak body that represents the licensed occupation. The law provides that peak bodies include unions.

The national law also provides that in appointing members to an advisory committee the licensing authority must have regard to the need for the advisory committee to have a balance of expertise relevant to the licensed occupation including in relation to occupational operations and practices, including from a union and employer perspective. The national law does not of itself prevent union representation. However, while union representation is not prevented and in fact is clearly specifically declared appropriate for both the board and advisory committees, the national law as passed does not mandate such representation. It is important to note for the record that Queensland has advocated for union representation during the COAG process.

The position of the government remains to be in support of union representation. I intend to prosecute the case that unions should be represented on the National Occupational Licensing Board when it comes before the ministerial council for appointment. At the ministerial council I would vote against a board proposed without such representation. I recognise that the occupational licence advisory committees are to be appointed by the authority itself.

As agreed by COAG, the national licensing system will operate under a 'delegated agency model'. Under this model, the licensing authority may delegate all of its regulatory functions for licensing to existing regulatory agencies—for example, the issuing of licences. Extensive delegation arrangements are provided in the national law to enable this to occur. However, to ensure a nationally consistent approach for occupational licensing, the national law does not permit the delegation of the licensing authority's function for policy development.

Some of the key objectives of the national law are to:

- ensure that licences issued by the licensing authority allow licensees to operate in all participating jurisdictions;
- facilitate a consistent skill and knowledge base for licensed occupations;
- ensure that effective coordination exists between the licensing authority and jurisdictional regulators; and
- promote national consistency in licensing structures and policy across comparable occupations.

Consequently, one of the advantages of the new national licensing system will be standard eligibility and personal probity requirements across jurisdictions for each licensed occupation. Businesses and workers issued with a licence by the licensing authority will be able to use that licence to operate across Australia, and they will only need to pay one fee for that licence. Also, the public will be provided with access to information about licensees through the creation of a national public register.

Passage of this bill will allow Queensland to meet its commitment to COAG to enact legislation applying the national law by the end of 2010. I commend the bill to the House.

Debate, on motion of Mr Nicholls, adjourned.