

HOUSE OF ASSEMBLY

WEDNESDAY 24TH FEBRUARY 2016

OCCUPATIONAL LICENSING NATIONAL LAW (SOUTH AUSTRALIA) REPEAL BILL

Second Reading

Adjourned debate on second reading.

(Continued from 11 February 2016.)

Mr PEDERICK (Hammond) (12:32): I reiterate that I am not the lead speaker in regard to this bill but I rise to make a contribution to the Occupational Licensing National Law (South Australia) Repeal Bill 2016. I want to go over some history in regard to the Occupational Licensing National Law. It goes back to 2008 when the COAG agreed to develop a national trade licensing system for multiple occupational trades. Victoria was given the task of lead legislator and South Australia passed the appropriate legislation back in 2011. Our party supported that legislation.

The first wave of occupations that were involved in this were air conditioning and refrigeration mechanics, plumbers, gasfitters, electricians and property agents. If the second wave came about, that was to include land transport, maritime, building, conveyancers and valuers. In December 2013 the COAG by majority vote decided to abandon the National Occupational Licensing Scheme, and the communiqué from COAG noted that most jurisdictions had identified a number of concerns with the proposed model and potential costs. States, therefore, agreed to work together via the Council for the Australian Federation to develop alternative options for minimising licensing impediments to improve labour mobility between the states.

There had been strong opposition to the proposed national model from various real estate industry bodies and the National Electrical Contractors Association (NECA). NECA opposed the model as life threatening and potentially another pink batts debacle waiting to happen. The Real Estate Institute of New South Wales also criticised the model as leading to a reduction in existing standards, as the lowest standard applying in some states would be used for the national model. This gives effect to the COAG decision and this bill will repeal the Occupational Licensing National Law (South Australia) Act 2011 and dissolve the national entities that have been established.

I just want to make a point about some of the nationalised legislation that has come through this place (and some has been to do with the national heavy vehicle regulation). Certainly that is not working very well. Still there are so many different regulations, depending on which state you are travelling through. I am talking in particular with regard to wide loads. It is just not working, and I will certainly bring this up with the relevant ministers, but there needs to be some reality with what happens with wide loads and also the transport of those trailers back to their base and certainly the effect it is having, for instance in regard to agricultural equipment like field bins.

In South Australia you can only have one field bin on a trailer, when it can cart three, and it just triples the cost of the freight, and at \$6 a kilometre it makes it exorbitant to transfer that equipment. There is a lot of work to do with a whole range of the nationalisation of legislation. It would do good for a few people who work on some of these regulations in the background to look at the reality of what goes on out in the real world to see the effect it is having on productivity and profitability on top of that.

With regard to this bill, and looking at some of the clauses in relation to it, the measure will come into operation on the day on which the Occupational Licensing National Law Act 2010 of Victoria is repealed. There is also a clause that works through the interpretation around certain words and expressions to be used in the act, the proposed act and the repeal of the national law act of this jurisdiction, and this clause provides for the repeal of the Occupational Licensing National (South Australia) Act 2011.

Clause 5 deals with the dissolution of the national licensing authority, the national licensing board and advisory committees, and this clause provides for the repeal of the following entities insofar as they are constituted under the South Australian act:

- (a) the national occupational licensing authority;
- (b) the national occupational licensing board; and
- (c) each occupational licence advisory committee.

It is noted that each of those entities were separately established by the Victorian act, the South Australian act and the adoption acts of the other participating states and territories. However, the relevant parliaments adopting the occupational licensing national law declare their intention that the law has the effect of establishing a single national entity. Clause 5 also provides that:

- (a) the members of the licensing board or a license advisory committee cease to be members and are not entitled to any remuneration or compensation as a result;
- (b) any remaining assets, rights or liabilities, if any, of the dissolved entities become, on their dissolution, the assets, rights or liabilities of the crown in right of the participating states and territories; and
- (c) any act, matter or thing that is authorised or required to be done in relation to those assets, rights or liabilities by the dissolved entities is authorised or required to be done by the secretary of the New South Wales Treasury.

Clause 6 deals with the abolition of the national occupational licensing fund, and that fund will be abolished by force of this provision, and any money or property standing in the credit of the fund immediately before its abolition are assets to be dealt with under the previous clause.

Clause 7 deals with an issue around final licensing authority financial statements, which makes provision for any final financial statements of the national occupational or licensing authority for the period before its dissolution

that have not been prepared, audited and published to be prepared, audited and published after its dissolution by the secretary of the New South Wales Treasury.

Clause 8 transfers certain records for the New South Wales Treasury (so they will go into the custody of the New South Wales Treasury) of the entities dissolved by the proposed act, and provides that the State Records Act 1998 of New South Wales and other laws of New South Wales apply to those records as if they were the records of the New South Wales Treasury.

Clause 9 deals with the appropriate regulations with regard to the bill.

It is interesting to note that nationalisation in this form obviously did not work. There were some serious concerns brought up by the various entities and certainly some of the issues with different tradespeople wanting to operate in a neighbouring state have been brought to my attention over time, especially when you get places close to a border—whether it be places in our state like Bordertown or Mount Gambier—where people, obviously, I would think, do work across the border.

It does intrigue me a bit that this national licensing scheme has fallen apart. It just shows that, with the nationalisation of some of these programs, there needs to be more work done to make sure the right result is achieved. I note that we are supporting the bill, but there will certainly be some questions asked in committee.