

Passed by both Houses



New South Wales

Automatic Mutual Recognition Legislation Amendment Bill 2025

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2025



New South Wales

Automatic Mutual Recognition Legislation Amendment Bill 2025

Act No _____, 2025

An Act to amend certain occupational licensing legislation to take account of amendments to the *Mutual Recognition Act 1992* of the Commonwealth.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Automatic Mutual Recognition Legislation Amendment Act 2025*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Conveyancers Licensing Act 2003 No 3

[1] Sections 5A and 5B

Insert after section 5—

5A Extraterritorial application

This Act is intended to have extraterritorial application to the extent the legislative powers of the State permit.

5B Mutual recognition

- (1) Because of the Mutual Recognition Act and subject to that Act—
 - (a) this Act applies to an interstate conveyancer in the same way it applies to the holder of a licence, and
 - (b) a reference to a licence includes a reference to the automatic deemed registration of an interstate conveyancer.
- (2) This Act must, as far as practicable, be interpreted in a way that is compatible with—
 - (a) the Mutual Recognition Act, and
 - (b) the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth.
- (3) In this section—

interstate conveyancer means a person authorised to carry on the occupation of a conveyancer in New South Wales because of the Mutual Recognition Act.
Mutual Recognition Act means the *Mutual Recognition Act 1992* of the Commonwealth.

[2] Section 8 Eligibility for licence

Omit section 8(1)(f). Insert instead—

- (f) has paid the application fee required by section 12.

[3] Section 8(2)(e)

Omit the paragraph. Insert instead—

- (e) the corporation has paid the application fee required by section 12.

[4] Section 12

Omit the section. Insert instead—

12 Application fees

An applicant for a licence must pay the application fee prescribed by the regulations.

[5] Section 27 Partnerships

Omit “Division 2 of Part 5 (Trust money), Part 7 (Claims arising from failure to account) and Part 8 (Management and receivership)” from section 27(5)(e).

Insert instead “Part 5, Division 2 and Parts 7 and 8”.

[6] Part 7, heading

Omit the heading. Insert instead—

Part 7 Compensation Fund

[7] Section 89

Omit the section. Insert instead—

89 Contributions to Compensation Fund

- (1) A holder of a licence must pay the contribution and levy required to be paid from time to time under the PASA Act, Part 10, Division 2.
- (2) The payments must be made at the times and in the way required by the Secretary.
- (3) A payment may be required from a person in anticipation of the person becoming the holder of a licence.
Example— an applicant for a licence
- (4) The Secretary may suspend a licence if—
 - (a) a payment must be made by the holder of the licence under this section, and
 - (b) the payment is outstanding.

[8] Section 132 Grounds for disciplinary action

Omit “section 12” from section 132(1)(g). Insert instead “section 89”.

Schedule 2 Amendment of Fair Trading Act 1987 No 68

Section 60AA

Insert after section 60A—

60AA Mutual recognition

- (1) Because of the Mutual Recognition Act and subject to that Act—
 - (a) this part applies to an interstate commercial agent in the same way it applies to the holder of a licence, and
 - (b) a reference to a licence includes a reference to the automatic deemed registration of an interstate commercial agent.
- (2) This part must, as far as practicable, be interpreted in a way that is compatible with—
 - (a) the Mutual Recognition Act, and
 - (b) the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth.
- (3) In this section—

interstate commercial agent means a person authorised to carry out commercial agent activities in New South Wales because of the Mutual Recognition Act.

Mutual Recognition Act means the *Mutual Recognition Act 1992* of the Commonwealth.

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

[1] Sections 9A and 9B

Insert after section 9—

9A Extraterritorial application

This Act is intended to have extraterritorial application to the extent the legislative powers of the State permit.

9B Mutual recognition

- (1) Because of the Mutual Recognition Act and subject to that Act—
 - (a) this Act applies to—
 - (i) an interstate motor dealer in the same way it applies to the holder of a motor dealer's licence, and
 - (ii) an interstate motor vehicle repairer in the same way it applies to the holder of a motor vehicle repairer's licence, and
 - (iii) an interstate motor vehicle recycler in the same way it applies to the holder of a motor vehicle recycler's licence, and
 - (iv) an interstate tradesperson in the same way it applies to the holder of a tradesperson's certificate, and
 - (b) a reference to a licence includes a reference to the automatic deemed registration of the following—
 - (i) an interstate motor dealer,
 - (ii) an interstate motor vehicle repairer,
 - (iii) an interstate motor vehicle recycler,
 - (iv) an interstate tradesperson.
- (2) This Act must, as far as practicable, be interpreted in a way that is compatible with—
 - (a) the Mutual Recognition Act, and
 - (b) the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth.
- (3) In this section—

interstate motor dealer means a person authorised to carry on the occupation of a motor dealer in New South Wales because of the Mutual Recognition Act.

interstate motor vehicle recycler means a person authorised to carry on the occupation of a motor vehicle recycler in New South Wales because of the Mutual Recognition Act.

interstate motor vehicle repairer means a person authorised to carry on the occupation of a motor vehicle repairer in New South Wales because of the Mutual Recognition Act.

interstate tradesperson means a person authorised to carry out repair work in the course of the person's employment in New South Wales because of the Mutual Recognition Act.

Mutual Recognition Act means the *Mutual Recognition Act 1992* of the Commonwealth.

[2] Section 165A

Insert after section 165—

165A Contributions to Compensation Fund

- (1) The holder of a licence must pay the contribution required to be paid from time to time under this section.
- (2) The amount of the contribution is the amount prescribed by the regulations.
- (3) The regulations may prescribe different amounts of contributions for different kinds of licences.
- (4) The payments must be made at the times and in the way required by the Secretary.
- (5) A payment may be required from a person in anticipation of the person becoming the holder of a licence.
Example— an applicant for a licence
- (6) The Secretary may suspend a licence if—
 - (a) a payment must be made by the holder of the licence under this section, and
 - (b) the payment is outstanding.

[3] Section 166 Money payable to Compensation Fund

Omit section 166(1)(a). Insert instead—

- (a) contributions paid under section 165A,

[4] Section 166(2)

Omit the subsection.

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

[1] Sections 6 and 7

Insert after section 5—

6 Extraterritorial application

This Act is intended to have extraterritorial application to the extent the legislative powers of the State permit.

7 Mutual recognition

- (1) Because of the Mutual Recognition Act and subject to that Act—
 - (a) this Act applies to—
 - (i) an interstate real estate agent in the same way it applies to the holder of a real estate agent's licence, and
 - (ii) an interstate stock and station agent in the same way it applies to the holder of a stock and station agent's licence, and
 - (iii) an interstate strata managing agent in the same way it applies to the holder of a strata managing agent's licence, and
 - (iv) an interstate auctioneer in the same way it applies to the holder of a licence who is accredited as an auctioneer, and
 - (v) an interstate assistant real estate agent in the same way it applies to the holder of a certificate of registration as an assistant real estate agent, and
 - (vi) an interstate assistant stock and station agent in the same way it applies to the holder of a certificate of registration as an assistant stock and station agent, and
 - (vii) an interstate assistant strata managing agent in the same way it applies to the holder of a certificate of registration as an assistant strata managing agent, and
 - (b) a reference to a licence includes a reference to the automatic deemed registration of the following—
 - (i) an interstate real estate agent,
 - (ii) an interstate stock and station agent,
 - (iii) an interstate strata managing agent, and
 - (c) a reference to a certificate of registration includes a reference to the automatic deemed registration of the following—
 - (i) an interstate assistant real estate agent,
 - (ii) an interstate assistant stock and station agent,
 - (iii) an interstate assistant strata managing agent.
- (2) This Act must, as far as practicable, be interpreted in a way that is compatible with—
 - (a) the Mutual Recognition Act, and
 - (b) the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth.
- (3) In this section—

interstate assistant real estate agent means a person authorised to carry on the occupation of an assistant real estate agent in New South Wales because of the Mutual Recognition Act.

interstate assistant stock and station agent means a person authorised to carry on the occupation of an assistant stock and station agent in New South Wales because of the Mutual Recognition Act.

interstate assistant strata managing agent means a person authorised to carry on the occupation of an assistant strata managing agent in New South Wales because of the Mutual Recognition Act.

interstate auctioneer means a person authorised to carry on the occupation of an auctioneer in New South Wales because of the Mutual Recognition Act.

interstate real estate agent means a person authorised to carry on the occupation of a real estate agent in New South Wales because of the Mutual Recognition Act.

interstate stock and station agent means a person authorised to carry on the occupation of a stock and station agent in New South Wales because of the Mutual Recognition Act.

interstate strata managing agent means a person authorised to carry on the occupation of a strata managing agent in New South Wales because of the Mutual Recognition Act.

Mutual Recognition Act means the *Mutual Recognition Act 1992* of the Commonwealth.

[2] **Section 17A**

Omit the section. Insert instead—

17A Application fees

An applicant for a licence or certificate of registration must pay the application fee prescribed by the regulations.

[3] **Section 166 Money payable to Compensation Fund**

Omit “by way of levy under this Act” from section 166(a).

Insert instead “under this part”.

[4] **Section 167A**

Insert before section 168—

167A Payment of contributions and levies

- (1) The holder of a licence must pay the contribution and levy required to be paid from time to time under this division.
- (2) The payments must be made at the times and in the way required by the Secretary.
- (3) A payment may be required from a person in anticipation of the person becoming the holder of a licence.
Example— an applicant for a licence
- (4) The Secretary may suspend a licence if—
 - (a) a payment must be made by the holder of the licence under this section, and
 - (b) the payment is outstanding.

[5] **Section 168, heading**

Omit “Contributions”. Insert instead “Amount of contribution”.

[6] Section 168(1)

Omit the subsection. Insert instead—

(1) This section sets out the contribution payable by the holder of a licence.

[7] Section 168(3)

Omit “applies for”. Insert instead “carries on business under”.

[8] Section 169 Levies

Omit section 169(2) and (4).

Schedule 5 Amendment of Tow Truck Industry Act 1998 No 111

Sections 7 and 8

Insert after section 6A—

7 Extraterritorial application

This Act is intended to have extraterritorial application to the extent the legislative powers of the State permit.

8 Mutual recognition

- (1) Because of the Mutual Recognition Act and subject to that Act—
 - (a) this Act applies to—
 - (i) an interstate tow truck operator in the same way it applies to the holder of a tow truck operators licence, and
 - (ii) an interstate tow truck driver in the same way it applies to the holder of a tow truck drivers certificate, and
 - (b) a reference to a licence includes a reference to the automatic deemed registration of an interstate tow truck operator, and
 - (c) a reference to a drivers certificate includes a reference to the automatic deemed registration of an interstate tow truck driver.
- (2) This Act must, as far as practicable, be interpreted in a way that is compatible with—
 - (a) the Mutual Recognition Act, and
 - (b) the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth.
- (3) In this section—

interstate tow truck driver means a person authorised to carry on the occupation of a tow truck driver in New South Wales because of the Mutual Recognition Act.

interstate tow truck operator means a person authorised to carry on the occupation of a tow truck operator in New South Wales because of the Mutual Recognition Act.

Mutual Recognition Act means the *Mutual Recognition Act 1992* of the Commonwealth.