



Mutual Recognition Schemes
Productivity Commission
Locked Bag 2
Collins St East
Melbourne VIC 8003

Dear Commissioner,

The Office of the NSW Small Business Commissioner Response to the Review of the Mutual Recognition Agreement (MRA) and the Trans-Tasman Mutual Recognition Arrangement (TTMRA)

The Office of the NSW Small Business Commissioner (OSBC) is focused on supporting and improving the operating environment for small businesses throughout NSW. The role of the OSBC is to:

- provide dispute resolution services;
- speak up for small business within government; and
- deliver quality business advice through Small Biz Connect.

The OSBC would like to respond to the issues paper released by the Productivity Commission. The issues paper does not make a clear distinction between the different operating environments for people and businesses who wish to move to another jurisdiction on a long term basis and those that operate across jurisdictional borders.

Businesses across jurisdictional boundaries face greater difficulty in complying with duplicated regulatory requirements which affect their ability to attract skilled workers and expand their market. Extending mutual recognition to more industries will ease the burden placed on businesses particularly those that are located in border communities and those that rely on particular skilled or seasonal workers. A priority however, should be that the high standard of training and qualifications experienced in NSW is upheld.

In order to fully understand the demand for mutually recognised services, the OSBC recommends the Commission conduct an analysis of which industries in which regions across Australia have the greatest demand for mutual recognition. In doing so the review can be targeted and prioritised accordingly. Reducing the amount of paperwork incurred by businesses for employees that work across jurisdictions would lead to greater efficiency and productivity and allow for a more flexible workforce. This could then expand the employment options for businesses, particularly in cross border regional towns.

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The current administrative burden associated with mutual recognition applications makes responding to short-term demands across borders difficult and less likely to be achieved given the time constraints. For example, interstate employees who conduct child-related work in NSW for more than 30 days in any calendar year are required to complete a new Working with Children check which could take weeks depending on the level of investigation required.

The system currently relies on a national criminal history check and introduced exemptions in 2012 to streamline working with children checks for people conducting short-term child-related work across borders. Introducing mutual recognition for working with children checks would decrease the amount of paperwork required by businesses and employees, reduce the time delay and impediments for cross-jurisdictional work and lead to the adoption of a nationalised working with children check.

The OSBC suggests the Productivity Commission investigate the licensing and regulatory processes that fall under the remit of the National Heavy Vehicle Regulator (NHVR) and the Heavy Vehicle National Law (HVNL). One of the main objectives of the NHVR has been to simplify the regulatory requirements between states, however improvements are still needed. It is recommended that the Productivity Commission liaise directly with NSW government transport agencies and public transport interest groups to enable the Commission to better understand the current impediments facing heavy vehicle and public passenger licence holders.

The OSBC will await the release of the Productivity Commission's draft report into mutual recognition arrangements before commenting in more detail on specific licences however, the Inquiry should consider the following areas which may benefit from an expansion of mutual recognition arrangements:

- Trade licensing
- Education services (including investigating the possibility of developing a nationally recognised Working with Children Check)
- Driver authorities for public passenger vehicles, and
- Extending Responsible Service of Alcohol and Responsible Conduct of Gambling statement of attainment mutual recognition to states with similar requirements such as NSW, Queensland and Victoria.

The OSBC would like to draw the Inquiry's attention to the Independent Pricing and Regulatory Tribunal draft report, *Reforming licensing in NSW* dated 22 May 2014. The report highlights the areas of licensing in NSW that are currently administered by government agencies and identifies priorities and opportunities for ongoing licence reform.

The final report has not yet been released however, you can find the draft report at the following link –

http://www.ipart.nsw.gov.au/Home/Industries/Regulation_Review/Reviews/Licence_Design/Licence_Rationale_and_Design/22_May_2014_-_Draft_Report/Draft_Report_-_Reforming_licensing_in_NSW_-_Review_of_licence_rationale_and_design_-_October_2013.

Should you wish to further discuss any of the suggestions raised in this submission please contact Melanie O'Brien, Assistant Advisor, Advocacy

Yours sincerely

27. 2.15

Robyn Hobbs OAM
Small Business Commissioner