

MUTUAL RECOGNITION

- *Mutual Recognition (New South Wales) Act 1992*
- *Trans Tasman Mutual Recognition (New South Wales) Act 1996*



Fair
Trading

REGISTRATION - EXPLANATORY NOTES

13 32 20 www.fairtrading.nsw.gov.au

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INTRODUCTION

It is important that all applicants read the following information carefully. This will assist in lodging notification to Fair Trading for registration under the *Mutual Recognition (New South Wales) Act 1992* (mutual recognition legislation).

All New South Wales licences/certificates issued for residential building and building trade work and for all Plumbing, Draining, Gasfitting, LP Gasfitting, Advanced LP Gasfitting, Electrical, Air Conditioning and Refrigeration work are subject to the provisions of the Home Building Act 1989 and, in the case of 'Mutual Recognition Registration' applications, subject also to the provisions of Mutual Recognition legislation. Once issued, even under Mutual Recognition legislation, a licence/certificate becomes subject to the provisions of the Home Building Act 1989.

WHAT IS AUTOMATIC MUTUAL RECOGNITION?

Automatic Mutual Recognition (AMR) works in a similar manner as driver's licences for the purposes of occupational licensing. If you reside in the state in which you are licensed and are only intending to work in NSW but not reside in NSW, you may not be required to obtain a NSW occupational licence. This is subject to a reciprocity agreement between relevant regulators. A current list of the recognised registrations for the purposes of AMR is [available at the Fair Trading website](#).

Any individual who moves to NSW that intends to carry out residential building work or specialist work must obtain a licence either under the *Mutual Recognition Act (NSW) 1992*, the *Trans Tasman Mutual Recognition (New South Wales) 1996* or the *Home Building Act 1989*

WHAT IS MUTUAL RECOGNITION?

In general terms mutual recognition means that any individual person holding an occupational licence or registration in one state/territory is entitled to a comparable licence or registration in another state/territory, where available, on lodgement of the proper notification and payment of the required fee.

COMPANIES/PARTNERSHIPS EXCLUDED

Mutual recognition legislation applies only to individuals and occupations carried on by them. If it is intended to contract or operate in New South Wales as a **partnership** or **company** a Contractor Licence must be obtained by completing the application form for a Contractor Licence – Company/Partnership available from Fair Trading. An application **cannot** be made under mutual recognition for issue of a Contractor Licence in the name of a company or partnership.

However, an employee, member of the partnership or director of the company may, if the appropriate interstate registration is personally held by that individual, make application under the mutual recognition legislation for issue of a Qualified Supervisor Certificate or endorsed Contractor Licence in order to be proposed as the nominated supervisor for a company/partnership. An applicant making an application under mutual recognition for their individual licence or certificate may also lodge at the same time their application for a company or partnership under the *Home Building Act 1989* for consideration. Note: should the nominated supervisors application be refused the company/partnership application may be refused and the processing fee retained.

ADDRESS

Your business or residential address must be provided. Post office box addresses may only be given as a postal address.

TYPES OF NEW SOUTH WALES REGISTRATION

Contractor Licence

A Contractor Licence is required to contract/sub-contract and carry out or advertise for all:

- residential building work (including trade work) where the labour and material cost is more than \$5,000 (inclusive of GST)
- plumbing, draining and gasfitting work (including residential, commercial or industrial)
- electrical wiring work (including residential, commercial or industrial)
- air conditioning/refrigeration work (including residential, commercial or industrial)

Qualified Supervisor Certificate

A Qualified Supervisor Certificate is required to supervise and /or carry out without supervision:

- All residential building work (including trade work) contracted by the holder of a Contractor Licence as an employee of that licence holder (or as a member of a partnership or director of a company holding a Contractor Licence).
- All electrical wiring, plumbing, draining, gasfitting, air conditioning & refrigeration work as an employee generally (eg. for licensed contractors, hospitals, Government agencies, factories etc.) or as a member of a partnership or director of a company holding a Contractor Licence. This work may also be performed by the Certificate holder in connection with property in which they own or reside.

A Qualified Supervisor Certificate DOES NOT permit the holder to contract, sub contract or advertise. In order to do so, a Contractor Licence MUST be held. However, Qualified Supervisor Certificate holders may carry out work in connection with property in which they own or reside.

Tradesperson Certificate

A Tradesperson Certificate (formerly known as a Certificate of Registration) is required to carry out plumbing, draining & gasfitting work as an employee (or as a member of a partnership or director of a company holding a Contractor Licence) under the general supervision of a qualified holder of a Contractor Licence or Qualified Supervisor Certificate.

A Tradesperson Certificate DOES NOT permit the holder to contract, sub contract, advertise or carry out work in their own right. In order to do so, a Contractor Licence MUST be held.

OCCUPATIONS – WORK COVERED IN NEW SOUTH WALES

Licences/certificates issued by Fair Trading have the occupation for which the registration has been granted endorsed on the licence/certificate card.

The work covered by the occupation category is in most instances clearly evident from the name of the category.

The work covered by the following categories is described more fully for the benefit of holders of interstate registration where there may be differences in the work covered in New South Wales and other states/territories.

Builder – includes all **residential** building and **residential** building trade work including cottages, multi story home units, villas, town houses and swimming pools. Specialist trade works of electrical wiring, plumbing, draining, gasfitting, LP gasfitting, air conditioning & refrigeration require separate endorsements unless such works are integral to a residential 'building' contract and are subcontracted to appropriately licensed specialist subcontractors.

Plumber – includes all sanitary plumbing and water plumbing work but excludes draining work and roof plumbing; which are separate categories. In NSW roof plumbing is considered to fall under the term 'residential building trade work'.

Gasfitter – includes work on all gas installations involving combustible gas connected to a meter of a gas company or to a compressed natural gas container but excludes LP Gasfitting and Advanced LP Gasfitting work which are separate categories and autogas installation work which is also licensed by the Motor Vehicle Repair Industry Authority (ph 13 32 20).

LP Gasfitter – includes liquefied petroleum gasfitting work on a gas installation designed to carry LPG in vapour phase only at pressures not exceeding 150 kilopascals but excluding autogas installation work which is also licensed by the Motor Vehicle Repair Industry Authority (ph 13 32 20).

Advanced LP Gasfitter – includes all liquefied petroleum gasfitting work on a gas installation or on pipes or fittings attached to any LPG container, without any restriction as to pressure and whether or not the gas will be conveyed in liquid or vapour phase but excluding autogas installation work which is also licensed by the Motor Vehicle Repair Industry Authority (ph 13 32 20).

FEES

The required fee must accompany the notification for registration under the mutual recognition legislation. Failure for the correct fee to be paid at the time of lodgement may result in the Notice being determined to be incomplete which can affect the processing of your application. Cheques should be made payable to 'Fair Trading'.

This application is GST exempt (ABN 81 913 830 179). The fees for registration under mutual recognition are the same as the normal application fees for issue of a Contractor Licence, Qualified Supervisor Certificate or Tradesperson Certificate as shown in the Home Building schedule of fees and charges.

Please note: under certain provisions of NSW legislation, holders of a current plumbing trade 'Licence' issued by the Victorian Building Authority who have their principal place of business or residence in Victoria are exempt from any fee to obtain an equivalent registration in plumbing and gasfitting **only** from Fair Trading provided they have already paid appropriate fees to the Victorian Building Authority .

Evidence of payment must be submitted with applications and if the applicant is exempt, a refund of the fees will be arranged

CURRENT REGISTRATION DETAILS

The notification for registration under the mutual recognition legislation must be accompanied by a document that is either the original or a clear copy of the instrument evidencing your existing registration. If there is no such instrument, sufficient information should be provided to identify yourself and the registration held by you.

The declaration should be signed by the person seeking registration under the mutual recognition legislation and witnessed and signed by a Justice of the Peace, or other appropriately authorised person.

If the declaration CANNOT be made in full then registration under the mutual recognition legislation CANNOT BE GRANTED and 'deemed' registration WILL NOT apply. In such instances application should be made on the normal application form available from Fair Trading. Each application is treated on its individual merits.

Please note in particular that Item ii) of the declaration refers to disciplinary proceedings including any preliminary investigations or actions that might lead to disciplinary proceedings. This means that if you are the subject of a complaint investigation in any state/territory in respect of work contracted, supervised and/or carried out by you which has not been finalised then the declaration CANNOT be made and registration under mutual recognition CANNOT BE GRANTED.

PROCESSING OF NOTIFICATION UNDER MUTUAL RECOGNITION

The following notes detail the procedures for the processing of a notification for registration under the mutual recognition legislation.

Deemed Registration

- A person who lodges a fully completed notice (being this application form and all required accompanying documentation) for registration under the mutual recognition legislation with the required fee is, pending the grant or refusal of 'substantive registration', taken to be registered. Such registration is called 'deemed registration'. 'Deemed registration' enables an individual to carry out their occupation in NSW until such time as they are either granted or refused a substantive registration by NSW Fair Trading. Deemed registration in one State does not of itself provide a basis for registration in another State.
- A person's deemed registration continues until it is cancelled or suspended or otherwise ceases by way of the Department granting or refusing to grant substantive registration, subject to any final or interim determination as the result of an appeal. The operation of deemed registration which enabled the individual to carry out their occupation is not affected by any decision to postpone the granting of substantive registration.
- It is essential that persons deemed to be registered are familiar with the provisions of the licensing legislation (eg. contracts, advertising, maximum deposits, insurance etc.) and local NSW regulations and codes as well as the requirements of Local Government Authorities, Water Boards etc.

Substantive Registration

- 'Substantive Registration' must, except in the situation of postponement or refusal, be granted within one month after the notice is lodged with Fair Trading.
- When granted, substantive registration takes effect as from the date the notice was lodged.
- However, Fair Trading may, within one month after the notice was lodged, postpone or refuse the granting of substantive registration. Grounds for refusal or postponement include:
 - any of the statements in the notification lodged with the Department being materially false or misleading
 - any documentation or information evidencing the existing registration is not provided or is materially false or misleading
 - failure to obtain Home Warranty Insurance or seek exemption from Home Warranty Insurance requirements (Building work categories only)
 - the circumstances of the person lodging the application have materially changed since the date of the notice or the date it was lodged (grounds for postponement only)
 - the occupation in which registration is sought is not an equivalent occupation.
- Fair Trading may also seek particulars from the applicant regarding any matters that make up the notice for registration. Where such information is required, Fair Trading considers that the applicant is being provided an opportunity to amend the notice after lodgement.
- If Fair Trading neither grants, postpones or refuses the substantive registration within the period of one month after the notice is lodged, the person is entitled to substantive registration immediately at the end of that period and no objection may be taken to the notice on any of the groups on which refusal or postponement may be affected except where fraud is involved.

Fair Trading will give written notice of its decision to grant, postpone or refuse substantive registration. In the case of postponement or refusal the Department will advise of its findings on any material questions of fact, refer to the material on which the findings were based and state the reasons for its decisions.

INSURANCE REQUIREMENTS (Contractors only)

Applicants for the various building work categories must provide evidence of a current certificate of eligibility in NSW to obtain Insurance under the Home Building Compensation Fund from an approved insurer, if they intend to contract over \$20,000. Certificates of eligibility must be given in the exact name(s) corresponding with that of the licence applicant(s).

Where an applicant for a contractor licence in the various building work categories does not provide evidence of holding current Eligibility for Insurance in NSW under the Home Building Compensation Fund, the licence will be endorsed with the condition 'ONLY FOR CONTRACTS NOT REQUIRING INSURANCE UNDER THE HOME BUILDING COMPENSATION FUND'.

This condition on the licence will remain on the public register until Fair Trading receives advice from the Home Building Compensation Fund or the licensee that the licence holder has eligibility for insurance, at which time the condition will be removed.

LODGING COMPLETED NOTIFICATION

The completed notification form and required fee must be lodged at a Service NSW or Government Access Centre. For information on the location of your nearest Service NSW or Government Access Centre, please check our website at www.fairtrading.nsw.gov.au or telephone 13 32 20. Please note applications are not acceptable by email/fax/mail.

5. Current Registration Details

Do you hold a **current** licence, certificate, registration for residential building work in another State or Territory? Please complete the information below.

No

Yes ▶

You are unable to make an Application under Mutual Recognition. Refer to our website for information on making an application under the Home Building Act 1989.

Licence/Certificate number

Date of expiry

Special Conditions

eg, financial limits, No. of contracts, nominated supervisors)

Issuing authority & state

Category of Work

Name in which Authority is issued

Note: You must attach an original or certified copy of the instrument evidencing your existing registration(s) (Copy both sides of the licence card. A certificate is only acceptable where the licensing authority does not issue a licence card). Refer to Section 8 of this application form.

Note: If you hold more than one registration in another State or Territory, you need to provide the above information for all existing registrations you are seeking recognition of. Tick here indicating that you will provide the information as an attachment to the application.

6. Insurance requirements (Individual Contractor – Building Work Categories Only)

It is recognised that applicants for building work category licences may not hold current insurance under the Home Building Compensation Fund or a certificate of eligibility to obtain such insurance from an approved insurer. Consequently, in the absence of information on insurance eligibility, licences will be conditioned "ONLY FOR CONTRACTS NOT REQUIRING INSURANCE UNDER THE HOME BUILDING COMPENSATION FUND". This condition will be displayed on the public register. Licence holders with this condition can only contract for work up to \$20,000.

The condition will be removed once Fair Trading is advised by the licensee or an insurer that insurance or eligibility for insurance has been granted. If however, you already hold eligibility for insurance under the Home Building Compensation Fund, please attach the relevant certificate of eligibility.

7. Financial and Criminal History

- You **MUST** read each of the questions below and mark an X against matters that you need to declare
- For any declared matters, you **MUST** provide full details on the relevant additional details form(s). If the required additional details form(s) are not provided, your application will be considered incomplete and can affect the outcome of your application.
 - i. Please place an **X** in any of the following if you have ever:
 - Had other names or aliases that you have also been known as
If you have placed an X in the above, complete the "Additional Details Form 1".
 - ii. Please place an **X** if you have ever had any of the following compliance matters arising from your activities related to carrying out of residential building or specialist work by you as an individual **or** as a director of a company **or** as a member of a partnership:
 - Any complaints lodged
 - Any disciplinary action or proceedings including penalty notices, infringement notices, warnings or formal cautions
 - Any disqualifications from holding a licence or applying for a new licence
 - Any previous licence/certificate suspension or cancellation
 - Any refusals of licence/certificate application
 - Any orders of a Tribunal (NCAT) or other Court Orders
 - Anypaid or pending insurance claims against contracts entered into
If you have placed an X in any of the above, complete the "Additional Details Form 2".
 - iii. Place an **X** if you have had:
 - Any criminal history within the last 10 years
This includes:
 - Any recorded conviction for a criminal offence
 - Being subject to a bond
 - Any pending criminal charges
 - Incarceration
 - Being on parole or subject to any parole conditions
If you have placed an X in the above, complete the "Additional Details Form 3".
 - iv. Please place an **X** if within the last 3 years you have been:
 - Declared bankrupt
 - Discharged from bankruptcy
 - Entered into arrangements with creditors or assigned your property to pay debts
If you have placed an X in any of the above, complete the "Additional Details Form 4".
 - v. Please place an **X** if you:
 - Are or have been a director of a company that has experienced any insolvency issues
 - Ceased being a director of a company and within 12 months of the resignation, the company experienced any insolvency issues
Insolvency issues include:
 - Being subject to a winding up order (including creditors' voluntary winding up and/or court ordered winding up)
 - Having a controller appointed, or entered into other arrangements with creditors due to insolvency
 - Placed in receivership or administration, or under official management
If you have placed an X in any of the above, complete the "Additional Details Form 5".
 - vi. Please place an **X** if you:
 - Have read questions i. to v. above and have no matters to declare that require the completion of Additional Details Forms

8. Original or Certified Copy of Licence Registration in another State or Territory

You must attach an original or certified copy of both sides of the licence card(s) that evidence your existing registration in another State or Territory for your application to be processed.

A certified copy of a certificate is only acceptable where the licensing authority does not issue a licence card. Where applicable, if you need to provide more than one licence card or certificate, please provide certified copies (of both sides of the card or certificate) as additional attachments to this application form.

AFFIX FRONT SIDE OF
YOUR LICENCE CARD HERE

AFFIX REVERSE SIDE OF
YOUR LICENCE CARD HERE

9. Declaration

Before signing your declaration please note the following penalties for false or misleading statements:

- Under s307A of the *Crimes Act 1900* a person is guilty of an offence if she/he makes a false or misleading statement in an application for an authority or benefit. The penalty for false or misleading application is imprisonment for 2 years, or a one of \$22,000 or both.
- Under s43(1) of the *Home Building Act 1989*, the Commissioner may cancel a licence if it is later discovered that a licence holder misrepresented information in their licence application.

I, (enter full name of applicant),
the applicant for this licence/certificate hereby authorise:

- Fair Trading to make necessary inquiries with any organisation or individual to verify any information provided in this application to establish my identity and my eligibility for a licence or certificate.
- Fair Trading to publicise or pass to other governments and police agencies in other jurisdictions details of any lost or stolen document, to restrict its illegal use.
- Any organisation or individual to disclose relevant information to Fair Trading for these purposes.
- Fair Trading to make any inquiries and to receive and disclose any information which is relevant to the applicant's initial and ongoing eligibility to hold this licence/certificate.

and I understand that:

- It is a criminal offence under the *Crimes Act 1900* to deliberately make false or misleading statements
- This application and the information provided in this form remains the property of the NSW Government
- Information will be placed on a register open to the public in accordance with the *Home Building Act 1989* and available under the *Government Information (Public Access) Act 2009*
- Failure to supply information required on this form may delay the processing of this application
- I have a right to seek access to and correct any information I have supplied.

I declare that all information contained in or attached to this notice is complete and the statements made in this application are true and correct to the best of my knowledge. In particular:

- **I am not the subject of disciplinary proceedings in any State or Territory (including any preliminary investigations or actions that might lead to disciplinary proceedings).**
- **I am the authority holder of the registration affixed at section 8 of this application form.**
- **My registration in any State or Territory is not cancelled or currently suspended as a result of disciplinary action.**
- **I am currently not a trainee or apprentice.**

Signature of Applicant: Date: / /

Taken and declared at , in the State/Territory of
(location) (State/Territory)

on the day of in the year of
(Day of Month) (Month) (Year)

- **In the presence of a Justice of the Peace, who states:**

I, of
(Name of Justice of the Peace) (State) (Registration No.)

certify the following matters concerning the making of this statutory declaration by the person who made it:

(* Please cross out any text that does not apply)

1. * I saw the face of the person OR * I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and

2. * I have known the person for at least 12 months OR * I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was

(*Describe identification document relied on)

Signature of Justice of the Peace: Date: / /

10. Proof Of Identity

Proof of Identity Documents

Applicants MUST provide one (1) document from list 1 below and; It MUST show the applicant's day, month and year of birth, a current photo and signature.

List 1

- A current Australian photo driver's licence or other such equivalent current photo card issued by a State or Territory Government agency
- A current Australian passport
- A current non-Australian passport

Enter details of 'List 1' document provided:

Document type POI List 1 document <i>Example: Australian Passport</i>	Document number	Date of Issue	Expiry date	Place of Issue	Original document sighted by <i>(please print name)</i>

Applicants MUST provide two (2) documents from the below table, noting that: At least one (1) of the proof of identity documents MUST be from list 2 that evidences your current address.

List 2

- A passbook or account statement from a bank, building society or credit union up to 1 year old
- A telephone, gas or electricity bill up to 1 year old
- A water rates, council rates or land valuation notice up to 1 year old
- A residential tenancy agreement up to 1 year old
- Current Insurance renewal for house, contents, vehicle, boat, up to 1 year old
- Taxation notice of assessment up to 1 year old
- An electoral enrolment card or the evidence of enrolment up to 1 year old

List 3

- Provided two or more documents from List 2 and therefore do not need to supply any document from List 3
- or**
- A current Medicare card
- A current ATM, credit or debit card with your name and signature issued by a bank, building society credit union, or any other financial institution.
- A current student identity card or a certificate or statement of enrolment up to 1 year old from an education institution
- A current photo identification card issued for NSW regulatory purposes (includes NSW Firearm licence, NSW Security operator licence, NSW Commercial Agents and Private Inquiry Agents operator licence etc)

I have sighted and confirmed the Proof of Identity documents against original documents submitted with the application form.

Name of Checking Officer

Signature of Checking Officer

Date

11. Receiving Panel – for Service NSW or Government Access Centre use only

Amount Paid:	\$ <input type="text"/>	\$ <input type="text"/>	Method of payment:	<input type="text"/>
Receipt number:	<input type="text"/>		Date of receipt:	<input type="text"/>
Location of SNSW/GAC:	<input type="text"/>		Officer's initial:	<input type="text"/>

12. Lodging Your Application

Applications may be lodged:



In Person at your local Service NSW or Government Access Centre.

For information on the location of your nearest Centre, please check our website at www.fairtrading.nsw.gov.au or telephone 13 32 20.

- Please note applications are not acceptable by email, fax or mail.



Please ensure you take:

- Original or certified copies of registration in any other State or Territory
- Copy of completed [Mutual Recognition checklist](#) (MUST be provided with all mutual recognition applications)
- Any relevant Additional Details Form(s) and supporting documentation
- Certificate of eligibility for insurance under the Home Building Compensation Fund, if applicable as outlined in section 6 of this form
- Proof of identity documents