



Queensland

Occupational Licensing National Law (Queensland) Act 2010

Act No. 49 of 2010



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Occupational Licensing National Law (Queensland) Act 2010

Act No. 49 of 2010

**An Act to provide for a national law to regulate the licensing of particular
occupations and for related purposes**

[Assented to 5 November 2010]

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The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Occupational Licensing National Law (Queensland) Act 2010*.

2 Commencement

- (1) This Act commences on a day or days to be fixed by proclamation.
- (2) Different days may be appointed under subsection (1) for the commencement of different provisions of the Occupational Licensing National Law set out in the schedule to the *Occupational Licensing National Law Act 2010* of Victoria.
- (3) The *Acts Interpretation Act 1954*, section 15DA does not apply to this Act.

3 Definitions

- (1) In this Act—
Occupational Licensing National Law (Queensland) means the provisions applying in this jurisdiction because of section 4.
- (2) Terms used in this Act and also in the Occupational Licensing National Law set out in the schedule to the *Occupational Licensing National Law Act 2010* of Victoria have the same meanings in this Act as they have in that Law.

Part 2 Adoption of National Law

4 Adoption of Occupational Licensing National Law

The Occupational Licensing National Law, as in force from time to time, set out in the schedule to the *Occupational Licensing National Law Act 2010* of Victoria—

- (a) applies as a law of this jurisdiction; and
- (b) as so applying may be referred to as the Occupational Licensing National Law (Queensland); and
- (c) so applies as if it were part of this Act.

5 Exclusion of legislation of this jurisdiction

The following Acts of this jurisdiction do not apply to the Occupational Licensing National Law (Queensland) or to instruments made under the Law—

- (a) *Acts Interpretation Act 1954*;
- (b) *Auditor-General Act 2009*, other than to the extent that functions are being exercised under the Law by a State entity;
- (c) *Financial Accountability Act 2009*, other than to the extent that functions are being exercised under the Law by a State entity;
- (d) *Information Privacy Act 2009*, other than to the extent that functions are being exercised under the Law by a State entity and do not relate to the national registers kept under the Law;
- (e) *Ombudsman Act 2001*, other than to the extent that functions are being exercised under the Law by a State entity;
- (f) *Public Records Act 2002*, other than to the extent that functions are being exercised under the Law by a State entity;

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- (g) *Public Sector Ethics Act 1994*, other than to the extent that functions are being exercised under the Law by a State entity;
- (h) *Public Service Act 2008*, other than to the extent the functions are being exercised under the Law by a State entity;
- (i) *Right to Information Act 2009*, other than to the extent that functions are being exercised under the Law by a State entity;
- (j) *Statutory Bodies Financial Arrangements Act 1982*, other than to the extent that functions are being exercised under the Law by a State entity;
- (k) *Statutory Instruments Act 1992*, other than to the extent provided for in section 164 (Parliamentary scrutiny of national regulations) of the Law.

6 Relevant tribunal or court

For the Occupational Licensing National Law (Queensland), section 4, definition *relevant tribunal or court*, the tribunals and courts mentioned in the schedule are declared to be relevant tribunals or courts for this jurisdiction for the purposes of the provisions of the Law and the licensed occupations stated in the schedule.

7 Penalty at end of provision

In the Occupational Licensing National Law (Queensland), a penalty stated at the end of a provision indicates that a contravention of the provision is punishable on conviction by a penalty not more than the stated penalty.

Part 3 Miscellaneous

8 Information from commissioner of police service

- (1) The Licensing Authority may ask the commissioner of the police service to give the Authority a report that includes information about a person's criminal history relevant to whether the person satisfies personal probity requirements under the Occupational Licensing National Law, whether as applied in this jurisdiction or another jurisdiction (the *Law*).
- (2) Subsection (3) applies if the following information (*change of information*) comes to the knowledge of the commissioner—
 - (a) a change to the information included in the report;
 - (b) new information that would have been included in the report if the information had existed or been known when the report was made.
- (3) The commissioner may notify the Licensing Authority of the change of information.
- (4) For subsections (1) and (3), the Licensing Authority and the commissioner may enter into a written arrangement by which information is given.
- (5) The arrangement must state all limitations on the purposes for which the information may be used, including limitations imposed on the use of the information under the Law.
- (6) In this section—

Licensing Authority includes a State or Territory entity.

Note—

State or Territory entity is defined in the Occupational Licensing National Law (Queensland), section 4.

9 Proceedings for offences

Proceedings for an offence against the Occupational Licensing National Law (Queensland) must be taken in a summary way under the *Justices Act 1886*.

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10 Regulation-making power

The Governor in Council may make regulations under this Act.

Schedule Relevant tribunal or court

section 6

Section	Tribunal or court	Licensed occupation
13	District Court	all licensed occupations
93 and 94	QCAT	air conditioning and refrigeration plumbing gasfitting property-related occupations
	Industrial Court	electrical

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