

LEGISLATIVE COUNCIL

**Mutual Recognition (Automatic Licensed Occupations Recognition) Bill 2014**

**First print**

**Proposed amendments**

---

No. 1 Page 3. Insert after line 13:

**5 Power to refuse mutual recognition if grounds for cancellation exist**

- (1) The local licensing authority for a deemed local licence that is equivalent to a recognised licence held by a person may, on any grounds that the local licensing authority could cancel the deemed local licence held by the person, refuse mutual recognition of the person's recognised licence.
- (2) Despite any other provision of this Act, a person does not hold a deemed local licence if the local licensing authority has refused mutual recognition of the person's recognised licence to which the deemed local licence is equivalent.
- (3) A local licensing authority that refuses the mutual recognition of a recognised licence held by a person must give the person notice in writing of the refusal.
- (4) The holder of a recognised licence that is refused mutual recognition under this section has the same rights of appeal as the holder of the equivalent deemed local licence would have if the deemed local licence had been cancelled on the grounds on which mutual recognition of the recognised licence was refused.
- (5) A local licensing authority may at any time withdraw a refusal of mutual recognition of a recognised licence by notice in writing to the holder of the recognised licence.

---

**Drafting note 1.1** Existing clause 5 of the Bill already gives the local licensing authority power to cancel/suspend a deemed local licence on the same grounds as it could do so for an actual local licence. So the new clause above has been limited to giving power to refuse the initial mutual recognition of a recognised licence.

This power to refuse initial mutual recognition is not based on the grounds on which a local licence could be refused since this would include grounds such failure to lodge an application form and failure to pay fees. Instead the power to refuse initial mutual recognition will be based on the same grounds as would justify cancellation, on the basis that if the local licensing authority can cancel the deemed local licence (under existing clause.5) it should be able to head this off by simply refusing mutual recognition in the first place.

This raises the issue of rights of appeal against refusal of mutual recognition. The local law will provide a right of appeal to the holder of a deemed local licence if the licence is cancelled but there is no existing right of appeal against refusal of mutual recognition. Subclause (4) above addresses this and provides a right of appeal.

---