

Automatic Mutual Recognition (AMR)

Information about AMR

Purpose

This information sheet provides a general overview of the Automatic Mutual Recognition (AMR) arrangements in Tasmania, outlining the obligations of occupational licenses/registrations.

What is AMR?

The AMR scheme is an Australian Government-led initiative which operates in all Australian states and territories excluding Queensland.

AMR is designed to stream-line the mechanism for people who need to be licensed or registered for their job to work in other states and territories. Under AMR, there is no need to obtain a local licence in a second state or pay any licensing fees if already licensed to perform the same activities in the home state.

AMR only applies to individuals. Individuals or companies running a business in Tasmania are excluded from AMR.

AMR implementation commences on July 1st 2023 in Tasmania.

Eligibility for AMR

AMR applies to individuals only. AMR does not apply to individuals or companies running a business in Tasmania as a business must be licensed in Tasmania.

You are not eligible for AMR if:

- If you've been disqualified from holding your licence in your home state or another State/Territory;
- If you've been suspended from holding your licence or have had conditions imposed on your licence as a result of disciplinary action in your home state or another State/Territory;
- You are subject to disciplinary action in any State/Territory;
- You have been subject to disciplinary action, criminal or civil action taken against you within Australia with respect to your licence;
- You permanently move to Tasmania;
- Your licence is no longer current in your home State;
- An exemption has been applied in Tasmania to exclude your home state licence.
- You have been refused a licence in another State/Territory;
- You do not meet the personal probity requirements (fit and proper person).

Obligations under AMR

Before you start work in Tasmania under AMR, you must provide notification and the required information by submitting a “Notice of Intention’ ([link](#))

As part of completing your notice of intention, the following is required:

- proof of your current licence including:
 - licence number,
 - home state in which the licence is granted,
 - licence expiry date,
 - licence conditions

The licence/registration from your Home State must be current while you are working in Tasmania.

Tasmania may contact other regulators concerning your AMR eligibility.

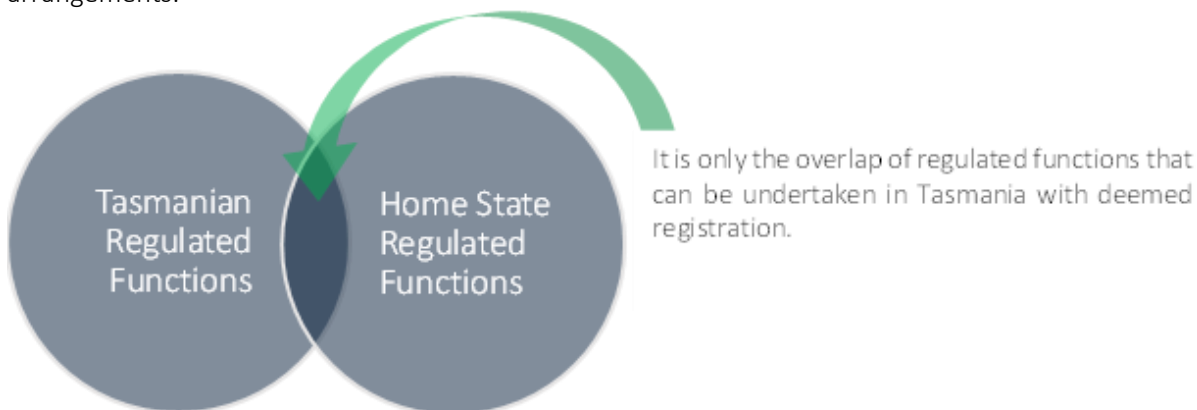
It is your responsibility to understand and abide by all the requirements as outlined by the [Mutual Recognition Act 1992](#) and the [Property Agents and Land Transactions Act 2016](#) and its associated legislation, the [Property Agents Board Code of Conduct](#) and [Residential Tenancy Act 1997](#).

You can only undertake activities that you are permitted to perform under your licence or registration in your Home State.

If a Tasmanian licence permits a wider range of regulated activities than your home state, you are only able to perform the activities in Tasmania that you are permitted to in your home state.

If your home state permits you to undertake an activity that Tasmanian laws do not permit, you can not undertake that activity in Tasmania under AMR.

While undertaking regulated activities in Tasmania, you are subject to Tasmanian legislation and disciplinary arrangements.



Before undertaking any activities in Tasmania, the business you are working for must hold a licence to conduct business in Tasmania and you must notify the Board who your employing property agent is.

The Board will publish an AMR listing on the [Property Agents Board website](#) to enable members of the public to verify that a person is registered to work in Tasmania.

Consumer Safeguards

There are safeguards in place with AMR designed to maintain existing standards of consumer protection.

The licensed person is required to meet appropriate standards including only working within the scope of their existing licence or registration, complying with local laws in the State/Territory in which they work, and meeting any public protection requirements that apply to their occupation.

As outlined below, AMR is not available if a person is disqualified or suspended from carrying on the occupation or has been refused a licence for that occupation; is subject to disciplinary, civil, or criminal action and they know they are under investigation; or has conditions placed on their home state licence as a result of disciplinary or court action.

Fit and Proper Person

An individual is not a fit and proper person to hold a property agent licence:

- if the person is insolvent under administration;
- if the person has been convicted or found guilty of a serious offence ([refer to Fit and Proper Person Assessment Policy](#));
- if the Board otherwise determines that the person is not a fit and proper person.

Insolvent under administration means:

- a person who is an undischarged bankrupt, or
- a person who has executed a deed of arrangement under Part 10 of the *Bankruptcy Act 1966*, or
- a person whose creditors have accepted a composition under Part 10 of the *Bankruptcy Act 1966*, or
- a person who has made a debt agreement under Part 9 of the *Bankruptcy Act 1966*.

Code of Conduct

The object of the Code of Conduct is to increase the accountability of property agents to clients and customers of the property agent.

The Property Agents Board of Tasmania Code of Conduct aims to achieve its object by -

- regulating the conduct of property agents in Tasmania;
- regulating the professional practice of property agents in Tasmania by providing guidance on what does or does not constitute unsatisfactory professional conduct and professional misconduct; and
- providing a system to assist in the management of complaints made by a person in relation to the conduct of a property agent in Tasmania and the operation of a property agent's business.

When conducting business in Tasmania under AMR, there is a requirement to comply with the [Property Agents Board Code of Conduct](#)

Notification

Property Agents in Tasmania are required to report to the Board in writing within one-month, details of any matter which occurs in either the Home or Second State/s which may affect their ability to work as a property agent or maintain a property agent licence.

Suspension or cancellation of the ability to work in Tasmania will also result in notification to the home state.

Continuing Professional Development (CPD)

The commitment to CPD by property agents in Tasmania is critical in building and maintaining professionalism within the industry. This subsequently increases levels of consumer protection and enhances public confidence and trust in property agents.

Individuals operating under AMR in Tasmania are required to fulfill the following broad CPD requirements within 12-24 months of the AMR notice:

Property Agents:

The CPP51119 Diploma of Property (Agency Management) Compliance and Ethics cluster comprising:

- CPPREP5001 Manage compliance in the property industry;
- CPPREP5002 Establish and monitor property industry trust account management practices; and;
- CPPREP5003 Manage ethical practice in the property industry

Property Representatives:

CPP41419 Certificate IV in Real Estate.

Additional CPD may be required to maintain currency of Tasmanian operating conditions.

CPD compliance for AMR will be monitored as at 31 October each year.

Definitions

AMR

Automatic Mutual Recognition

Home State

As defined in the *Mutual Recognition Act 1992* the term State includes the Australian Capital Territory or the Northern Territory.

Home state for the purposes of AMR means the primary place of residence or work. If a person's home state changes, then they must apply through the normal mutual recognition arrangements to hold a licence in that State/Territory.

Second State

The term second state/s refers to the additional state or territory in which a licensed person conducts business for an equivalent occupation.

Regulated functions

In Tasmania, regulated functions are functions performed by a licensed person while in the employ of property agent licensed to conduct business.

Legislation

Important requirements are provided within the below Act, Regulation and Code of Conduct, establishing the requirements for property agents in Tasmania.

[Property Agents and Land Transactions Act 2016 \(Tas\)](#)

[Property Agents and Land Transaction Regulations 2017 \(Tas\)](#)

[2022 Code of Conduct - Version 4](#)

[Residential Tenancy Act 1997 \(Tas\)](#)

More Information

For more information, visit www.propertyagentsboard.com.au, or contact us at board@propertyagentsboard.com.au, or phone (03) 6281 3480.

The Property Agents Board of Tasmania is a public authority within the meaning of the [Personal Information Protection Act 2004 \(Tas\)](#) and as such complies with its obligations in collecting, holding, using, disclosing and notifying how it manages personal information. For more information on our Personal Information Protection Policy, please refer to our website.