

EXPLANATORY STATEMENT

Mutual Recognition Act 1992

Automatic Mutual Recognition (Victoria) (Temporary Exemption – Various) Declaration 2021

This explanatory statement provides notes on the operation of the Automatic Mutual Recognition (Victoria) (Temporary Exemption – Various) Declaration 2021 (the Declaration). The specific provisions in the Declaration are outlined in Attachment A. The information in the explanatory statement is an aid to understanding the Declaration and should not be substituted for the Declaration.

Context and purpose

Part 3A of the *Mutual Recognition Act 1992* of the Commonwealth (the MRA) provides for the automatic mutual recognition of occupational registrations (AMR). AMR will provide an entitlement for an individual to carry on an activity in a second State, under the registration covering the activity in their home State through Automatic Deemed Registration (ADR).

Part 3A of the MRA provides for the making of declarations that exclude temporarily certain registrations from ADR for a period of up to 12 months from commencement of the provision. The *Legislation Act 2003* of the Commonwealth provides for the making of legislative instruments.

Summary

Through this Declaration, the Treasurer of Victoria has temporarily excluded a number of registrations from ADR for the period 1 July 2021 to 30 June 2022¹.

Consultation

Victoria did not conduct consultation as the Treasurer of Victoria considered it impractical in the circumstances. The timelines for determining temporary exemptions was short and did not provide opportunity undertake appropriate consultation. In preparing the Declaration, the Treasurer of Victoria had regard to the expert information available and the positions of persons likely affected.

¹ The automatic repeal date is at the end of 12 months after section 42T of the MRA commences (see subsection 42T(5)). The self-repeal date is a date specified by a minister of state that is within this period.

Attachment A

Details of the Mutual Recognition (Victoria) (Temporary Exemption – Various) Declaration 2021

Part 1 – Preliminary

Section 1 – Name

This section provides that this Declaration is to be cited as the Automatic Mutual Recognition (Victoria) (Temporary Exemption—Various) Declaration 2021 (the Declaration).

Section 2 – Commencement

This section provides the date on which the Declaration comes into operation. The Declaration commences on 1 July 2021.

Section 3 – Authority

This section outlines the authority through which the Declaration is made. The Declaration is made under section 42T of the *Mutual Recognition Act 1992* (Commonwealth).

Section 4 – Simplified outline of the instrument

This section explains that the purpose of this instrument is to temporarily exempt specified registrations from the ADR provisions of the MRA, the application of the exclusion and the period of the exclusion.

Section 5 – Definitions

This section provides, for the purposes of this Declaration, self-explanatory definitions of the following terms:

- The Act is defined in this section as meaning the *Mutual Recognition Act 1992*

Section 6 – Exemptions

This section lists the specific paragraph of the MRA relied on to make the Declaration and the specific registrations temporarily excluded from ADR.

The Declaration is made in accordance with paragraph 42T(1)(a) of the Act. The specific registrations listed in section 6 are temporarily excluded from ADR. This means that an individual cannot carry on the activities authorised under these registrations in Victoria without first obtaining that registration. An individual may obtain the registration listed from the Local Registration Authority (LRA) through Part 3 of the Act.

For the purposes of paragraph 42T(1)(a) of the Act, the following registrations are excluded from the operation of automatic deemed registration in Victoria:

- (a) registrations under Part 2.6 of the *Education and Training Reform Act 2006* including:
 - i. registration as a teacher under Division 3 of that Part;
 - ii. registration as an early childhood teacher under Division 3A of that Part.

- (b) licences authorising a person to provide labour hire services under the *Labour Hire Licensing Act 2018*;
- (c) firearm licences provided under the *Firearms Act 1996*;
- (d) private security licences and registrations provided under the *Private Security Act 2004*;
- (e) licensing and registration schemes for horse racing as administered by Racing Victoria within the meaning of section 5F of the *Racing Act 1958*;
- (f) licensing and registration schemes for greyhound racing administered by Greyhound Racing Victoria pursuant to sections 75(aca) and 75(acb) of the *Racing Act 1958*;
- (g) licensing and registration schemes for harness racing administered by Harness Racing Victoria pursuant to section 49(a) of the *Racing Act 1958*;
- (h) a person providing professional engineering services within the meaning of the *Professional Engineers Registration Act 2019*, except for a person who is exempt from the operation of that Act in accordance with regulation 7 of the Professional Engineers Registration (General, Exemption and Assessment Scheme Fees) Regulations 2021;
- (i) a licenced estate agent within the meaning of the *Estate Agents Act 1980*;
- (j) agents' representatives within the meaning of the *Estate Agents Act 1980*;
- (k) licensing scheme for sex work service providers administered by the Business Licensing Authority under Part 3 of *Sex Work Act 1994*;
- (l) approval scheme for an approved manager of a sex work service administered by the Business Licensing Authority under Division 5 of Part 3 of the *Sex Work Act 1994*;
- (m) a person who is an architect registered under section 11 of the *Architects Act 1991*;
- (n) a person who is a building practitioner registered under Part 11 of the *Building Act 1993*;
- (o) a person who is a licensed plumber under Part 12A of the *Building Act 1993*;
- (p) a person who is a registered plumber under Part 12A of the *Building Act 1993*;
- (q) a person who is registered as a licensed surveyor under Division 1 of Part 2 of the *Surveying Act 2004*;
- (r) a person appointed as an environmental auditor under Division 1 of Part 8.3 of the *Environment Protection Act 2017*;
- (s) a pilot within the meaning of the *Marine Safety Act 2010*.

Tim Pallas

Treasurer of Victoria