

Intergovernmental Agreement on the Automatic Mutual Recognition of Occupational Registration

An agreement between:

- the **Commonwealth of Australia** and
- the **States and Territories**, being:
 - New South Wales
 - Victoria
 - Queensland
 - Western Australia
 - South Australia
 - Tasmania
 - Australian Capital Territory
 - Northern Territory

An agreement to establish a widespread uniform scheme for automatic mutual recognition (AMR) for the purpose of streamlining occupational registration processes where individuals seek to work in a second or subsequent jurisdiction.

Intergovernmental Agreement on the Automatic Mutual Recognition of Occupational Registration

This agreement complements the Intergovernmental Agreement on Mutual Recognition 1992. It adopts and builds upon the existing agreement and, where there is any inconsistency, supersedes those terms.

Preliminaries

1. The Heads of Government of the Parties to this Agreement have agreed to establish a widespread uniform scheme for automatic mutual recognition (AMR) for the purpose of streamlining occupational registration processes where individuals seek to work in a second or subsequent jurisdiction.
2. This Agreement will come into force when executed by all Parties. The Agreement will continue to operate unless otherwise unanimously determined by the Heads of Government representing the participating parties.

Objective

3. The objective of the scheme for AMR is to promote the freedom of movement of service providers across jurisdictions by reducing unnecessary regulatory burden while maintaining high standards of consumer protection, and the health and safety of workers and the public.
 - 3.1. Improving occupational mobility through AMR of registrations will help employers access registered skilled workers more quickly, and at lower cost, by more seamlessly moving employees to where they are most needed and matching job seekers with employment opportunities, boosting competition, productivity and economic growth.
 - 3.2. It will also allow registered individuals to respond more quickly to changing labour market conditions in other jurisdictions, including in response to events such as natural disasters, where workers with particular skills are needed to address immediate impacts or assist with longer term recovery.

Principles underpinning automatic mutual recognition

4. AMR builds on the principle of mutual recognition contained in the *Mutual Recognition Act 1992* (Cth) (MRA) which states that a person who is registered in their home jurisdiction for an occupation is permitted to undertake in the host jurisdiction the activities that are substantially the same as those under their home registration.
 - 4.1. Jurisdictions have agreed that registered workers will not bear additional registration or renewal fees to perform the same activity in a second or subsequent jurisdiction when they hold a registration in their home jurisdiction.
 - 4.2. Jurisdictions have agreed that appropriate safeguards will be retained to protect consumers, and the health and safety of workers and the public. Jurisdictions:
 - may exempt specific occupational registrations from AMR for a renewable period of up to five years where they are determined by the jurisdiction to be necessary to address significant risks to consumer protection or the health or safety of workers or the public in that state or territory, and that exemption is the most appropriate policy instrument to protect the community
 - will review any exemptions to AMR, and publish reasons for granting exemptions when they are introduced or renewed
 - may temporarily exempt specific occupational registrations from AMR for up to six months following commencement of the scheme on 1 July 2021 where the Minister is not satisfied that there is no significant risk to consumer protection or the health or safety of workers or the public in that state or territory
 - will not use exemptions for the purpose of limiting trade and commerce with, or competition from, other jurisdictions
 - are able to use local laws and provisions that regulate the manner of carrying on an occupation, such as requirements regarding insurance, fidelity or compensation funds, trust accounts and probity, to protect and support consumers, workers and the public
 - will not give access to AMR to individuals who have conditions placed on a home registration in response to disciplinary matters or who are subject to criminal, civil and disciplinary proceedings with respect to the occupational licence.
 - 4.3. State and Territory Governments have agreed to improve the sharing of information by requiring regulators to work together across jurisdictions to:
 - support the implementation of AMR, including development of a simple notification arrangement for registered workers, that is no more burdensome than existing mutual recognition arrangements and is consistent with the objective of this agreement
 - facilitate collection and sharing of core information between jurisdictions on registrations (including scope of authorised activities and conditions on the home licence), and disciplinary actions to support compliance and enforcement activities.

Implementing a uniform and enduring scheme for automatic mutual recognition

5. Parties agree that, in order to achieve a uniform and enduring scheme for AMR, the scheme will best be implemented by:
 - amendments to the MRA consistent with the AMR model in this agreement, with a date of effect of 1 July 2021
 - enactment of adopting legislation where required by State and Territory Governments in terms of the amended MRA once it has passed the Commonwealth Parliament, to be in effect from 1 July 2021
 - passing consequential amendments where necessary to state licensing and other relevant laws to enable AMR, to be effective from 1 July 2021.
- 5.1. Parties agree to support effective implementation of AMR (irrespective of timing of formal adoption of AMR in their State or Territory), including through furnishing information (consistent with existing mutual recognition provisions).
- 5.2. Parties will also consider future investment in information systems to meet consumer, worker, business and regulator needs, and review the adequacy of their public information services.
- 5.3. Over the longer term, parties have agreed to consider how the administration of mutual recognition (including AMR), regulatory requirements and processes for occupational registrations can be further streamlined to reduce unnecessary compliance and administration costs.
6. Implementation of the scheme for AMR will be accompanied by stakeholder consultation and dissemination of information to the public by Commonwealth, State and Territory governments to promote awareness of the scheme, its benefits and safeguards, and support streamlined implementation.

The need for review and longer term reform

7. Parties have agreed to work together to develop more effective occupational registration requirements, and associated compliance strategies, to reduce unnecessary regulatory burden over time.
8. Parties have agreed to establish and appropriately resource a cross-jurisdictional Steering Group to oversee mutual recognition arrangements, monitor implementation of AMR, and develop and implement an annual work program to support ongoing improvements to the regulatory environment for occupational registration and mobility.
9. The Steering Group will report to Heads of Treasuries every six months from 1 January 2021. The Group will consist of Treasury officials and representatives of other departments as determined by the Steering Group. The Commonwealth will co-chair with one other State or Territory and provide a secretariat for the Steering Group.

10. Heads of Treasuries will monitor the implementation of this agreement and the effectiveness of AMR, and report to the Council on Federal Financial Relations as necessary.
11. Over the five years following this Agreement coming into force, jurisdictions through the Steering Group will consider other regulatory reforms, such as broadening the types of registrations in scope for mutual recognition, improved collaboration on regulatory actions, streamlining registration requirements and information provision where appropriate to improve national consistency, and reducing impediments to labour mobility and employment and productivity growth.
12. The operation and effectiveness of this Agreement and the MRA more broadly should be reviewed by the Council on Federal Financial Relations every five years, in consultation with other relevant ministerial bodies, supported by an independent evaluation by a body such as the Australian Government Productivity Commission.

Operation of the agreement

13. A Party may withdraw from this Agreement by sending written notice to all other Parties. The withdrawal will become effective six months after the notice was sent. A Party may revoke its withdrawal at any time prior to it becoming effective. If a Party withdraws from this Agreement, this Agreement will continue in force with respect to the remaining Parties.
14. This Agreement may be amended at any time by the unanimous decision of all Parties to it at that time. Any amendment will be made in writing and executed by all Parties and will include the date on which the amendment will come into force. The Agreement is subject to revision to reflect the legislation agreed by Parties, following community and stakeholder consultation.

Roadmap for delivery

Key dates	Milestone
December 2020	<p>Public release of draft legislation to amend the <i>Mutual Recognition Act 1992</i> (Cth)</p> <p>Consideration by jurisdictions of administrative measures to support AMR, including fee waivers and streamlined, accelerated processes for interstate licence holders pending the passage of legislation and full implementation of the AMR scheme</p>
January—June 2021	<p>Introduction of Commonwealth bill</p> <p>Compliance and enforcement arrangements developed by regulators for initial implementation of AMR, including information for stakeholders on implications of the changes</p> <p>Occupational exemptions from AMR settled by jurisdictions, following consultation, and declared by relevant state ministers, beginning with a six-month transition period</p> <p>Passage of supporting legislation by jurisdictions</p> <p>New governance and review arrangements in place</p> <p>Further staged investments in information systems to support AMR</p>
1 July 2021	<p>New scheme in place in all participating jurisdictions, with occupational registration exemptions from AMR. Six-month period for temporary exemptions begins.</p>
September quarter 2021	<p>Council on Federal Financial Relations review of initial implementation and any impediments</p>
2022	<p>Improved connectivity between regulators to support information sharing, including to monitor enforcement actions against registration holders in different jurisdictions</p> <p>Ongoing review of exemptions, investment in systems, and more effective compliance strategies by jurisdictions to reduce unnecessary regulatory burden</p>
2023	<p>Review of occupational registrations by jurisdictions and the Steering Group, including scope of AMR, arrangements for granting occupational registrations (and potential alternatives)</p>
2025	<p>Review by the Council on Federal Financial Relations, including an independent assessment by the Productivity Commission of the implementation of AMR and mutual recognition generally, registrations in scope and exemptions</p>
2026	<p>Initial exemptions sunset after five years, and subject to review with states publishing reasons if they are renewed</p>

Signatures

The Parties have confirmed their commitment to this Agreement as follows:

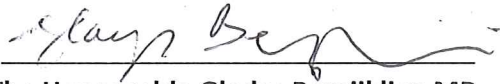
Signed for and on behalf of the Commonwealth of Australia by



The Honourable Scott Morrison MP
Prime Minister of Australia

Date 11.12.20

Signed for and on behalf of the State of New South Wales by



The Honourable Gladys Berejiklian MP
Premier of New South Wales

Date 11.12.20

Signed for and on behalf of the State of Victoria by



The Honourable Daniel Andrews MP
Premier of Victoria

Date 11.12.20

Signed for and on behalf of the State of Queensland by



The Honourable Anastacia Palaszczuk MP
Premier of Queensland

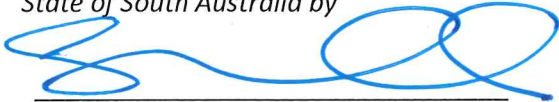
Date 11.12.20

Signed for and on behalf of the State of Western Australia by

The Honourable Mark McGowan MLA
Premier of Western Australia

Date

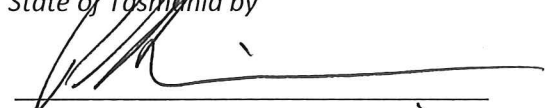
Signed for and on behalf of the State of South Australia by



The Honourable Steven Marshall MP
Premier of South Australia

Date 11.12.20

Signed for and on behalf of the State of Tasmania by



The Honourable Peter Gutwein MP
Premier of Tasmania

Date 11.12.20

Signed for and on behalf of the Australian Capital Territory by

The Honourable Andrew Barr MLA
Chief Minister of the Australian Capital Territory

Date

Signed for and on behalf of the Northern Territory by



The Honourable Michael Gunner MLA
Chief Minister of the Northern Territory

Date 11.12.20

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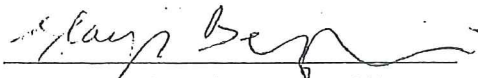
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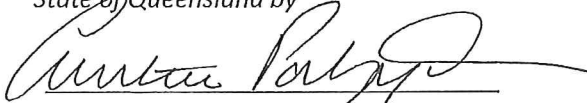
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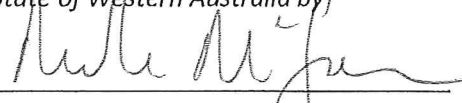
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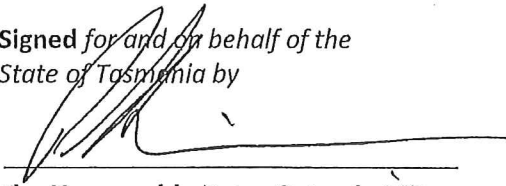
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Signed for and on behalf of the
State of Tasmania by



The Honourable Peter Gutwein MP
Premier of Tasmania

Date 11.12.20

Signed for and on behalf of the Australian
Capital Territory by

The Honourable Andrew Barr MLA
Chief Minister of the Australian Capital Territory

Date

Signed for and on behalf of the Northern
Territory by

The Honourable Michael Gunner MLA
Chief Minister of the Northern Territory

Date 11.12.20