

EXPLANATORY STATEMENT

Mutual Recognition Act 1992

Ministerial declaration in relation to electrical contractors, made pursuant to section 32

Authority for making the instrument

Section 32 of the *Mutual Recognition Act 1992* (the Act) provides that Ministers from two or more States and Territories may jointly declare occupations registered by jurisdictions to be equivalent, and may specify or describe any conditions necessary to achieve equivalence.

Purpose of the instrument

The Act provides for mutual recognition of regulatory standards across the States and Territories of Australia relating to goods and occupations. In relation to occupations, the Act provides that people who are registered to work in an occupation in one jurisdiction are entitled to be registered to carry on work in an equivalent occupation in other jurisdictions.

The purpose of this instrument is to declare a range of equivalent electrical contractor occupations in all Australian states and territories. Under existing mutual recognition arrangements, a person registered in an occupation in one State or Territory is entitled to registration in another jurisdiction where the registered occupation is substantially the same. The person makes an application to the registration authority, which then decides on the equivalent licence on a case-by-case basis. The effect of the declaration will be to improve arrangements so that an application for mutual recognition of a licence will be treated on a consistent and pre-determined basis. The schedule to the declaration indicates the equivalent licence to which an applicant is entitled in the second jurisdiction. This will provide certainty for both applicants and registration authorities.

The declaration stems from a decision of the Council of Australian Governments (COAG) in February 2006 requesting the implementation of full and effective mutual recognition of occupational licences for vocationally-trained occupations. This declaration covers electrical contractor occupations. It is intended that the declaration will be updated as required.

Schedule to the declaration

There is one schedule attached to the declaration.

In using this schedule, a person holding a licence issued in one state may find their licence in Column A, and look across the corresponding row of the table to find the equivalent licence to which he or she is entitled in the second state.

In some cases, conditions have been specified to achieve equivalence.

Consultation

Extensive consultation has occurred in the preparation of the declaration. An Action Group comprising State and Territory registration authorities, employer and employee bodies, and training authorities has been involved in a comprehensive process of development of the schedule accompanying the declaration. A COAG Steering Committee comprising representatives of the Commonwealth and all State and Territory governments has overseen this process.

Parliamentary scrutiny

Declarations made pursuant to section 32 of the Act are not subject to disallowance (see item 27 to the table at subsection 44(2) of the *Legislative Instruments Act 2003*) or to sunseting (see item 25 to the table at subsection 54(2) of the *Legislative Instruments Act 2003*).

Commencement

The instrument commences on the day after the day on which the instrument is registered on the Federal Register of Legislative Instruments.