

## 0EXPLANATORY STATEMENT

### *Mutual Recognition Act 1992*

**Subject:** *Mutual Recognition Act 1992*  
*Ministerial declaration in relation to motor vehicle repairer occupations*  
*(F2007L02692)*  
*Mutual Recognition (Equivalence of Motor Vehicle Repairer Occupations)*  
*Declaration 2015*

#### **Background**

The mutual recognition schemes were established by the 1992 Mutual Recognition Agreement (MRA) between the Commonwealth and the state and territory governments and the 1996 Trans-Tasman Mutual Recognition Arrangement between parties to the MRA and New Zealand. Cooperative legislative schemes were subsequently established in all participating jurisdictions. The key pieces of legislation are the *Mutual Recognition Act 1992* (Cth) and the *Trans-Tasman Mutual Recognition Act 1997* (Cth and New Zealand).

In October 2006 the Council of Australian Governments (COAG) senior officials agreed to an update process for Ministerial Declarations to ensure they remain current. The Cross Jurisdictional Review Forum (**the Forum**), which has members from each jurisdiction, serves to oversee mutual recognition arrangements which include the maintenance of the ministerial declarations. The Commonwealth chairs the Forum and provides secretariat support for the Forum.

State and territory registration authorities have conducted a comprehensive examination and update of the schedule accompanying the *Ministerial declaration in relation to motor vehicle repairer occupations (F2007L02692)*. A list of the registration authorities for motor vehicle repairer occupations is available at <http://www.licencerecognition.gov.au/Pages/Authorities.aspx>.

#### **Authority**

Subsection 32(1) of the *Mutual Recognition Act 1992* (**the Act**) provides that Ministers from two or more states and territories may jointly declare that specified occupations are equivalent, and may specify or describe any conditions necessary to achieve equivalence.

Subsection 32(2) of the Act also provides that a declaration may be amended or rescinded in the same way. In accordance with subsection 32(3) the declaration has effect only in relation to the States concerned.

#### **Purpose and Operation**

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 where the occupation is regulated. Equivalence of particular licences can be declared by ministers under section 32 of the Act.

The purpose of this instrument is to make the *Mutual Recognition (Equivalence of Motor Vehicle Repairer Occupations) Declaration 2015* (**the Declaration**) to declare the equivalent motor vehicle repairer licences across the states and territories. This instrument rescinds and replaces the Ministerial declaration in relation to motor vehicle repairer occupations made on 14 August 2007 (F2007L02692) (**the 2007 Declaration**).

This instrument is made as a result of a review of a series of declarations for a range of occupations. The review has been undertaken to maintain the accuracy of licence equivalence information contained in the 2007 Declaration.

## Consultation

In 2014, the Commonwealth Department of Industry (then the responsible department for the administration of the Act) wrote to each state and territory government representative on the Forum requesting that they liaise with their relevant licensing authority to update the schedule to the 2007 Declaration. The relevant licensing authorities then consulted with their state and territory counterparts on any proposed changes and advised their Forum member when agreement was reached. The information provided by the licensing authorities is reflected in the Schedule to the Declaration.

Individual licence holders will not be adversely affected by the changes and therefore were not consulted.

## Regulatory Impact

The Office of Best Practice Regulation (**OBPR**) has advised that a Regulatory Impact Statement is not required for this instrument (decision ID 18861).

## Parliamentary scrutiny

Amendments to 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.

## Explanation of provisions

### Section 1

Section 1 provides the title of the Declaration is the *Mutual Recognition (Equivalence of Motor Vehicle Repairer Occupations) Declaration 2015*.

### Section 2

Section 2 provides the Declaration commences on the day after it is registered on the Federal Register of Legislative Instruments.

### Section 3

Section 3 provides that the Declaration is made pursuant to section 32 of the Act.

### Section 4

Section 4 provides that the 2007 Declaration is rescinded.

### Section 5

Section 5 explains the table in Schedule A in regards to the declaration of occupations that are equivalent.

### Schedule A

### Notes

The Notes explain the operation and application of the table in Schedule A, the consequence of a licence not being included in the table and the frequency of review of declarations.

The key changes in the Declaration are:

- The addition of rows 1 to 8 to reflect the new licence categories authorised under the *Motor Dealers and Repairers Act 2013* and which were introduced on 1 December 2014.

- The removal of the following rows (which appeared in the 2007 Declaration) as these licences are no longer issued:
  - Row 2 - Tradesperson Certificate - Automotive Electrician – Fixed Workshop & Mobile Workshop restricted to air conditioning work.
  - Row 3 - Tradesperson Certificate - Automotive Electrician – Fixed Workshop & Mobile Workshop restricted to electrical accessory fitting work.
  - Row 5 - Tradesperson Certificate – Motor Mechanic - Fixed Workshop & Mobile Workshop restricted to air conditioning work.
- The removal of rows 26 and 35 of the 2007 Declaration as a licence is no longer required for this work in New South Wales.
- The amendment of some rows to reflect new equivalent licence categories issued under the new *Motor Dealers and Repairers Act 2013* (NSW). From 1 December 2014, this Act has replaced the *Motor Vehicle Repairs Act 1980* (NSW).