

## **EXPLANATORY STATEMENT**

### ***Mutual Recognition Act 1992***

#### **Automatic Mutual Recognition (Victoria) (Temporary Exemption – Various) Declaration 2021 Amendment (Real Estate Agents; Agents’ Representatives; Professional Engineers)**

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

#### **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 provides 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).

Section 42T of the MRA provides for the making of a Declaration to exclude temporarily certain registrations from ADR for a period of up to 12 months from commencement of the provision unless that Declaration is revoked earlier. The *Legislation Act 2003* of the Commonwealth provides for the making of legislative instruments.

This Declaration Amendment instrument repeals clauses 6(1)(h), 6(1)(i) and 6(1)(j) of the Automatic Mutual Recognition (Victoria) (Temporary Exemption – Various) Declaration 2021 effective 1 January 2022 repealing the temporary exemption declaration for real estate agents, agents’ representatives and professional engineers.

#### **Summary**

Through this Declaration Amendment, the Treasurer of Victoria repeals clauses 6(1)(h), 6(1)(i) and 6(1)(j) of the Automatic Mutual Recognition (Victoria) (Temporary Exemption – Various) Declaration 2021 effective 1 January 2022 repealing the temporary exemption declaration for real estate agents, agents’ representatives and professional engineers.

#### **Consultation**

Victoria did not conduct consultation as the Treasurer of Victoria considered it inappropriate in the circumstances. The timelines available for lifting the temporary exemption by 1 January 2022 did not allow for a consultation process. In preparing the determination, the Treasurer of Victoria had regard to the expert information available and the positions of persons likely affected.

## **Attachment A**

### **Details of the Automatic Mutual Recognition (Victoria) (Temporary Exemption – Various) Declaration 2021 Amendment (Real Estate Agents; Agents’ Representatives; Professional Engineers)**

#### **Part 1 – Preliminary**

##### **Section 1 – Name**

This section provides that this Declaration Amendment is to be cited as the Automatic Mutual Recognition (Victoria) (Temporary Exemption – Various) Declaration 2021 Amendment (Real Estate Agents; Agents’ Representatives; Professional Engineers) (the Declaration Amendment).

##### **Section 2 – Commencement**

This section provides the date on which the Declaration Amendment comes into operation. The Declaration Amendment commences on 1 January 2022.

##### **Section 3 – Authority**

This section outlines the authority through which the Declaration Amendment is made. The Declaration Amendment is made under section 42T(5) of the *Mutual Recognition Act 1992*.

##### **Section 4 – Simplified outline of the instrument**

This section explains that the purpose of this instrument is to repeal the temporary exemption for the specified registrations in the Schedule to the Declaration Instrument.

Tim Pallas

Treasurer (Victoria)