**EXPLANATORY STATEMENT**

**Mutual Recognition (Automatic Deemed Registration Notification — Western Australia) Determination 2024**

***Mutual Recognition Act 1992***

This explanatory statement provides notes on the operation of the Mutual Recognition (Automatic Deemed Registration Notification — Western Australia) Determination 2024 (the Determination). The specific provisions in the Determination are outlined in Attachment A. The information in the explanatory statement is an aid to understand the Determination and should not be substituted for the Determination.

**Context and purpose**

Part 3A of the *Mutual Recognition Act 1992* of the Commonwealth (the MR Act) 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 a determination that requires a person who intends to carry on an activity in reliance of ADR to notify the local registration authority for the occupation before the person begins to carry on the activity. The *Legislation Act 2003* of the Commonwealth provides for the making of legislative instruments.

**Summary**

Through this Determination, the Premier of Western Australia requires a person to notify a local registration authority before the person begins to rely on automatic deemed registration to carry out the activity under the occupation in Western Australia. Sections 1 to 4 of the Determination commences the day after the instrument is registered, Schedule 1 of the Determination commences on 1 July 2024, and Schedule 2 of the Determination commences on 1 July 2025.

**Consultation**

The Western Australian Government consulted with the local registration authorities who register individuals in which the notification requirement will apply. The Minister is satisfied that the consultation undertaken is appropriate and practical for the purposes of making the Determination and drew on the knowledge of relevant subject matter experts.

**Attachment A**

**Details of the Mutual Recognition (Automatic Deemed Registration Notification — Western Australia) Determination 2024**

**Part 1 – Preliminary**

**Section 1 – Name**

This section provides that this Determination is to be cited as the *Mutual Recognition (Automatic Deemed Registration Notification — Western Australia) Determination 2024* (the Determination).

**Section 2 – Commencement**

This section provides the dates on which the Determination comes into operation. Sections 1 to 4 of the Determination commences the day after the instrument is registered, Schedule 1 of the Determination commences on 1 July 2024, and Schedule 2 of the Determination commences on 1 July 2025.

**Section 3 – Authority**

This section outlines the authority through which the Determination is made. The Determination is made under subsection 42J(4) of the *Mutual Recognition Act 1992* (Commonwealth).

**Section 4 – Schedules**

This section sets out that each instrument specified in the Determination’s Schedules is amended or repealed as set out.

**Schedule 1**

The Determination is made in accordance with subsection 42J(4) of the *Mutual Recognition Act 1992* (Commonwealth). A person intending to carry on at least one of the activities covered by the registrations listed in reliance on ADR must notify the local registration authority. This means that an individual cannot carry on the activity in Western Australia without first providing notification. An individual may obtain the notification requirements through the local registration authority for the activity.

From 1 July 2024, notification under subsection 42J(4) is required in Western Australia for a registration under the *Building Services (Registration) Act* 2011 as any one of the following:

A building practitioner;

A building surveying practitioner level 1 or 2;

A building surveying practitioner technician;

A painting practitioner;

A building contractor (individual);

A building surveying contractor level 1 or 2 (individual);

A building engineering practitioner, structural – professional, technologist or associate;

A building engineering practitioner, fire safety – professional;

A building engineering practitioner, fire systems – technologist or associate;

A building engineering contractor – professional (individual), technologist (individual) or associate (individual);

A building engineering contractor, fire systems – technologist (individual) or associate (individual).

**Schedule 2**

The Determination is made in accordance with subsection 42J(4) of the *Mutual Recognition Act 1992* (Commonwealth). A person intending to carry on at least one of the activities covered by the registrations listed in reliance on ADR must notify the local registration authority. This means that an individual cannot carry on the activity in Western Australia without first providing notification. An individual may obtain the notification requirements through the local registration authority for the activity.

From 1 July 2025, notification under subsection 42J(4) is required in Western Australia for a registration under the *Building Services (Registration) Act* 2011 as any one of the following:

A building engineering practitioner, civil – professional, technologist or associate;

A building engineering practitioner, mechanical – professional, technologist or associate.

Hon Roger Cook MLA

Premier (Western Australia)