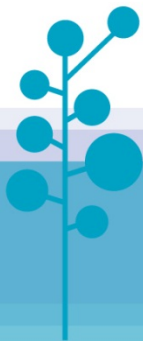


# Trans-Tasman Mutual Recognition Arrangement

Occupations

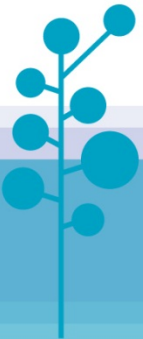
# Structure of Presentation

- **What** is the Trans-Tasman Mutual Recognition Arrangement?
- **Why** did we put this scheme in place?
- **How** did we go about negotiating and implementing this scheme?
- **What** outcomes did we achieve?



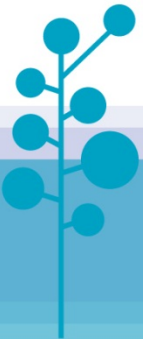
# What is the Trans-Tasman Mutual Recognition Arrangement?

- It is a non-Treaty level arrangement between the Commonwealth of Australia, the Australian States and Territories, and New Zealand (10 parties).
- It is implemented through **mirror legislation** in each of the Parties.
- It entered into force in 1998.



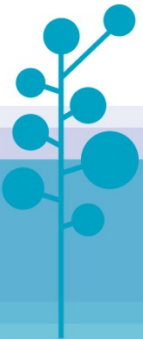
# TTMRA Principles

- The TTMRA is based on two principles:
  - a good that may legally be sold in Australia may be sold in New Zealand, and a good that may legally be sold in New Zealand may be sold in Australia, regardless of differences in standards or other sale-related regulatory requirements between Australia and New Zealand; and
  - a person registered to practise an occupation in Australia is entitled to practise an equivalent occupation in New Zealand, and a person registered to practise an occupation in New Zealand is entitled to practise an equivalent occupation in Australia, without the need to undergo further testing or examination.



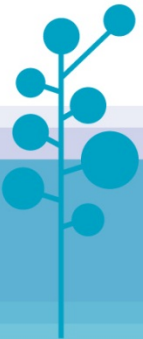
# How does the occupations principle apply in practice?

- A person registered in the home jurisdiction applies to the registration authority in the host jurisdiction with evidence of registration.
- The authority has one month to formally grant, postpone or refuse registration.
- The authority must register the person if the occupation is equivalent.
- The authority can decline to register if the occupation is not equivalent and equivalence is unable to be achieved by imposing conditions or limits on registration.



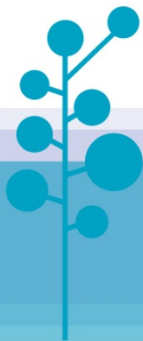
# Dispute resolution

- If registration is declined the person can appeal to the relevant appeals tribunal.
- After reviewing a decision of a registration authority, a tribunal may decide:
  - that the person is entitled to registration and, if relevant, specify or describe conditions to achieve equivalence; or
  - that the two occupations are not equivalent and the person is not entitled to registration.
- A Minister from New Zealand and a Minister from at least one of the Australian Participating Parties may jointly declare that specified Occupations are Equivalent, and may specify or describe conditions that will achieve Equivalence.



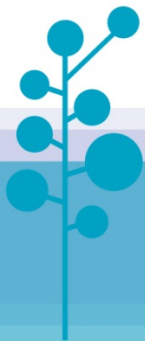
# Why did we put a scheme in place?

- A natural extension of CER i.e. a further step in the direction of a single market through reducing regulatory barriers and costs to the movement of qualified people, and underpinned by:
  - The Trans-Tasman Travel Agreement (TTTA).
  - Significant existing interactions at political and officials levels.
- With some additional objectives:
  - For NZ, providing a greater ability to influence Australian standards that would ultimately affect us.
  - An opportunity to reduce the overall level of regulation (a regulatory reform objective).
  - Enhance the influence of both countries internationally.
  - A model for APEC.



# Why did we put this scheme in place?

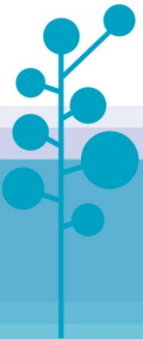
- Based on the Australian Mutual Recognition scheme.
- Mutual recognition seen as an efficient way of reducing ‘arbitrary’ regulatory differences:
  - Differences that resulted from separate policy paths, rather than unique local conditions or policy references.
- Did not preclude harmonisation if this proved to be the best option in particular situations.
- Acceptance that NZ and Australia were very similar in many ways, and there was a logic in extending the Australian scheme to NZ.





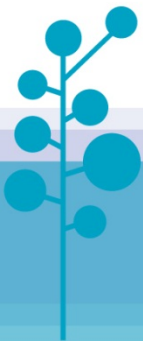
# How did we go about negotiating this scheme?

- Agreement to a set of core objectives and principles, two of which were critical:
  - Comprehensive and with a minimum of exceptions.
  - Confidence in each other's regulations and regulatory systems.
- Extensive consultation with stakeholders (including a joint discussion document), combined with confidence building e.g.
  - The margin of difference between NZ and Australia regulation is not that wide.
  - We travel and live in each other countries, and don't feel at risk, therefore why should we be concerned about MR.
  - There will be safeguards in situations where MR would create risks to health, safety or the environment.



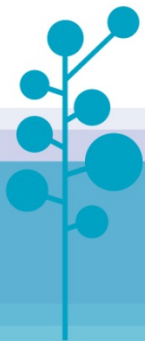
# How did we go about implementing this scheme?

- Mirror legislation as the effective operation required consistency in the legal framework across all the participating jurisdictions.
- An Arrangement that contained the commitment to legislate, and the decision-making rules and institutions.
- Reference in the Arrangement to the COAG Principles for Standards Setting and Regulatory Action, as decision-making criteria.



# What outcomes did we achieve?

- Two reviews by the Australian Productivity Commission, in 2003 and 2009. In 2009 the APEC reported that:
- Mutual recognition is a low-cost, decentralised means of dealing with interjurisdictional differences in laws and regulations.
- The Mutual Recognition Agreement (MRA) and the Trans-Tasman Mutual Recognition Arrangement (TTMRA) have increased the mobility of goods and labour around Australia and across the Tasman.
- Greater mobility of goods and labour is a potential source of economic benefits, and is consistent with a move to a seamless Australian economy and a single trans-Tasman market.
- The schemes operate less effectively on the occupations side than on the goods side.
  - Differences in occupational standards between jurisdictions are a source of regulator concern, due to the potential for deficient standards to cause harm.
  - Allowing ongoing professional development and criminal record checks for mutual recognition registrants, that already apply to local registrants, would mitigate some of the risks created by interjurisdictional differences in standards.



# . References

- A Users Guide to the Mutual Recognition Agreement (MRA) and the Trans-Tasman Mutual Recognition Arrangement (TTMRA)  
[www.coag.gov.au/mutual.../mutual\\_recognition\\_users\\_guide.doc](http://www.coag.gov.au/mutual.../mutual_recognition_users_guide.doc)
- Arrangements between the Australian Parties: the Commonwealth of Australia, the State of New South Wales, the State of Victoria, the State of Queensland, the State of Western Australia, the State of South Australia, the State of Tasmania, the Australian Capital Territory, the Northern Territory of Australia, and New Zealand.  
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