

SECOND READING SPEECH (LEGISLATIVE COUNCIL)
TRANS-TASMAN MUTUAL RECOGNITION (WESTERN AUSTRALIA)
AMENDMENT BILL 2022

I move that that the Bill be now read a second time.

The purpose of this Bill is to continue Western Australia's participation in Trans-Tasman Mutual Recognition Arrangements by re-adopting the Commonwealth *Trans-Tasman Mutual Recognition Act 1997* under section 51(xxxvii) of the Australian Constitution.

The current adoption Act, the *Trans-Tasman Mutual Recognition (Western Australia) Act 2007*, terminates on 31 January 2023.

Western Australia has been party to the *Intergovernmental Agreement on Trans-Tasman Mutual Recognition Arrangement* since 1996. Western Australia commenced participation in these arrangements when the Act commenced on 1 February 2008 for an initial period of five years. In 2012, the Western Australian Parliament agreed to extend the Act for a further 10 years until 31 January 2023.

The Trans-Tasman Mutual Recognition Arrangement seeks to facilitate trade between Australia and New Zealand by removing regulatory barriers to the movement of goods and the mobility of persons in registered occupations.

These arrangements are based on two principles.

Firstly, in respect to goods - the general principle is that goods that are produced in or imported into New Zealand and that can be legally sold in New Zealand may also be legally sold in an Australian jurisdiction without meeting further regulatory requirements, and vice versa.

Secondly, in respect to occupations - a person who is registered in New Zealand for an occupation is entitled to carry the equivalent occupation in an Australian jurisdiction once they have notified the local registration authority. This also applies vice versa.

However, conditions may be imposed on registrations to achieve equivalence between occupations in different participating jurisdictions.

A broad range of occupations are in scope including nurses and midwives, builders, plumbers, electricians and teachers.

There are safeguards embedded into the arrangements, including the ability for States and Territories to exclude certain goods such as firearms and hazardous substances and dangerous goods.

In 2015, the Productivity Commission conducted a review of the Trans-Tasman Mutual Recognition Arrangement and concluded that the arrangement is generally working well.

The proposed amendments contained in the Bill include:

- Removing the timed termination of 31 January 2023 noting that Western Australia has now been participating for nearly 15 years.
- Amending the existing termination by proclamation method to align with the *Mutual Recognition (Western Australia) Act 2020* and Trans-Tasman Mutual Recognition legislation in other States and Territories.
- Requiring the Minister to table the review of Trans-Tasman Mutual Recognition Arrangements in both House of Parliament like the *Mutual Recognition (Western Australia) Act 2020*.

If the act is not amended prior to 31 January 2023, Western Australia would exit the Trans-Tasman Mutual Recognition arrangement, which may have consequences for the free movement of goods and services between Western Australia and New Zealand.

Western Australia benefits from being part of the Trans-Tasman Mutual Recognition Arrangement and should continue its participation.

Pursuant to Legislative Council standing order 126(1), I advise that the bill is a uniform legislation bill. The bill will give effect to an intergovernmental agreement to which the government of the state is a party and will continue a uniform scheme.

I commend the bill to the house and table the explanatory memorandum.