

**MUTUAL RECOGNITION (WESTERN AUSTRALIA) BILL 2020**

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by **Hon Sue Ellery (Leader of the House)**, read a first time.

*Second Reading*

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [10.05 pm]: I move —

That the bill be now read a second time.

The purpose of this bill is to continue Western Australia's participation in the national mutual recognition scheme by adopting the commonwealth Mutual Recognition Act 1992 under section 51(xxxvii) of the Australian Constitution for another 10 years. In 1992, Western Australia signed an intergovernmental agreement with the commonwealth, other states and the territories, which established the framework for the national mutual recognition scheme. Western Australia has participated in the scheme since 1995 and does this by adopting the commonwealth Mutual Recognition Act 1992 for specific periods of time. The current act, the Mutual Recognition (Western Australia) Act 2010, will expire on 28 February 2021, and this bill will continue Western Australia's adoption of the commonwealth act until 28 February 2031.

The national mutual recognition scheme promotes economic integration by reducing regulatory barriers to the interstate flow of goods and labour between Australian jurisdictions. The scheme is based on two principles, which are subject to exceptions. Firstly, in relation to goods, the general principle is that goods produced in or imported into one jurisdiction and that may be sold lawfully in that jurisdiction may be sold in a second jurisdiction without meeting further regulatory requirements. Secondly, for occupations, the general principle is that a person registered to practise an occupation in one state or territory can practise an equivalent occupation in any other state or territory.

Western Australia also participates in the trans-Tasman mutual recognition scheme and adopted the commonwealth Trans-Tasman Mutual Recognition Act 1997 in 2007. In January 2015, the Productivity Commission conducted a review of the national and trans-Tasman mutual recognition schemes and released its final report in September 2015. The Productivity Commission found that the national and trans-Tasman mutual recognition schemes are generally working well. The schemes make it easier to do business across borders and give consumers a wider and more competitive range of goods and services.

Mutual recognition schemes provide benefits to workers by allowing them to work in other jurisdictions, to firms by improving access to skilled labour and reducing compliance costs, and to consumers by increasing competition in markets.

The bill will adopt the commonwealth Mutual Recognition Act 1992 as originally enacted and any amendments made to it before it receives royal assent.

In keeping with past practice, this bill includes a termination date of 28 February 2031, unless the Governor determines an earlier date. Changes to the schedules to the commonwealth act can be made by regulation, and this bill includes a provision that requires the tabling of those commonwealth regulations in this Parliament. The commonwealth Mutual Recognition Act 1992 is not attached as a note to the bill, which is consistent with the approach recommended by the Legislative Council's Standing Committee on Uniform Legislation and Statutes Review for the Trans-Tasman Mutual Recognition (Western Australia) Act 2007. Western Australia derives many benefits from being part of the national mutual recognition scheme, and should continue participating for another 10 years.

As per the ruling made by the then President of the Legislative Council, Hon Barry House, on 11 November 2010, I can advise that this bill will not be referred to the Standing Committee on Uniform Legislation and Statutes Review. The commonwealth Mutual Recognition Act 1992 as proposed to be adopted by the Mutual Recognition (Western Australia) Bill 2020 is essentially in the same terms as it is in the current Mutual Recognition (Western Australia) Act 2010. Accordingly, Hon Barry House confirmed in his 2010 ruling that this bill is not a bill giving effect to a uniform scheme, but is merely a legislative mechanism to continue an existing uniform scheme in the same form. Therefore, pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government or state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

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

[See paper [4173](#).]

Debate adjourned, pursuant to standing orders.

*House adjourned at 10.09 pm*

