

Mutual Recognition

POLICY ID 6.1 (2A)

Status: Approved
Effective: 5 August 2019

1. Purpose

- 1.1 The purpose of this policy is to clarify the Board's position on the application of the Mutual Recognition Act 1992 (Cth) ("MRA") and the Trans-Tasman Mutual Recognition Act 1997 (Cth) ("TTMRA") ("**Acts**") when a notifier/applicant who is an engineer registered with a registration authority in another jurisdiction within Australia or New Zealand, has applied for registration with the Board of Professional Engineers of Queensland ("**Board**").
- 1.2 This Policy:
- (a) sets out the framework by which the Board will deal with notifications/applications made pursuant to section 19 of the MRA or section 18 of the TTMRA; and
 - (b) provides guidance to the notifiers/applicants as to how the Board will assess and make decisions in respect of all notifications/applications received under the respective Acts.

2. Authority

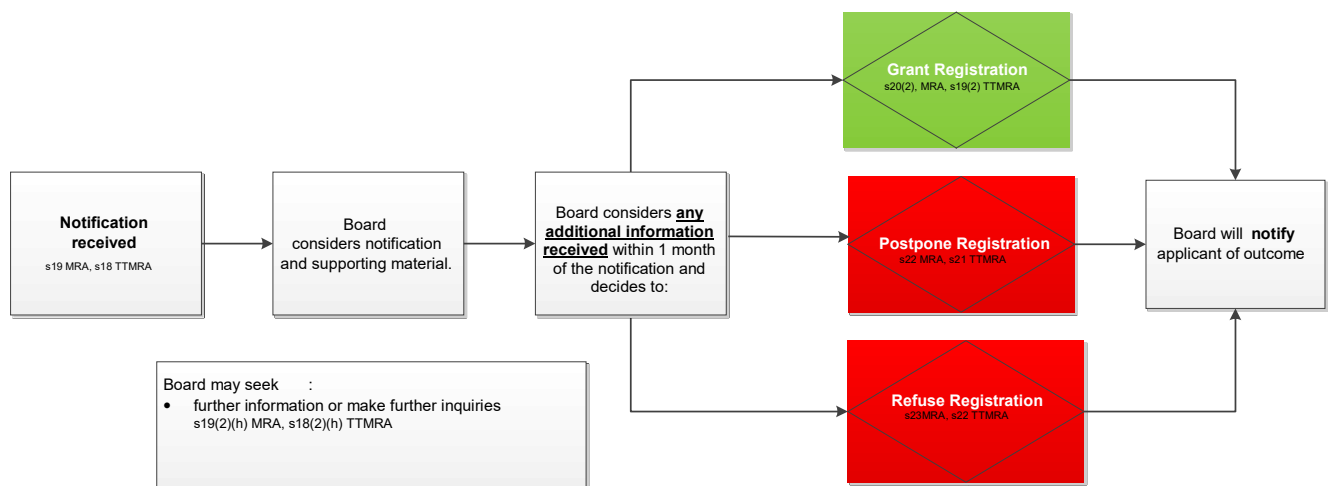
- 2.1 The Acts empower the Board to:
- 2.2.1 Grant registration;
 - 2.2.2 Postpone registration; or
 - 2.2.3 Refuse registration;
- 2.2 Registration will be granted if the Board are satisfied the criteria enlisted under section 19(2) of the MRA or section 18(2) of the TTMRA and any subsequent information, requested within one month of the date of lodgement, satisfies the grant of registration.
- 2.3 Registration will be postponed pursuant to section 20 of the MRA and section 21 of the TTMRA if the notification/application is insufficient to make a final assessment at the time of lodgement. For example:
- 2.3.1 Documents or information to be provided is incomplete or incorrect;
 - 2.3.2 The circumstances of the notifier/applicant have changed since the date the notification/application was lodged.

2.3.3 Insufficient information to determine occupational equivalence under the registration sought.

2.4 Registration will be refused pursuant to section 21 of the MRA and section 22 of the TTMRA within one month of the notification/application lodgement date, or at any time during any postponement period, if the Board, after further inquiries, are not satisfied that the grounds for mutual recognition have been met. This may include any reason provided to the notifier/applicant for the reason for postponement of registration.

3. Overview

3.1 The statutory framework in respect of a decision under Mutual Recognition application is illustrated below:



4. Procedure

Notification/Application received on the appropriate form.

- 4.1 If a notice/application is lodged pursuant to Section 19 of the MRA or section 18 the TTMRA, the Board is required to register the person as a professional engineer of Queensland unless Section 23 of the MRA or section 22 of the TTMRA applies and in which case the Board may refuse registration.
- 4.2 The Board will consider all information provided pursuant to section 19 of the MRA or section 18 of the TTMRA or otherwise received within 1 month of the notification/application (pursuant to s19(2)(h) MRA or s18(2)(h) TTMRA) where that information may provide support to the grounds to be assessed.
- 4.3 The Board (or any delegate for the Board) will make a decision to grant/postpone/refuse registration but if necessary, contact the notifier/applicant to request any further information required prior to any decision to be made.

Equivalent Occupations

- 4.4 In determining whether section 23(1)(c) of the MRA or section 22(1)(c) of the TTMRA applies, the Board must consider:
- 4.4.1 If the occupation for which the person is registered in another state is an equivalent occupation? If so, the Board must register that person as a professional engineer in Queensland. If not, the Board should consider the next step:
- 4.4.2 If equivalence can be obtained by the imposition of conditions on the person's registration in Queensland? If so the Board must register that person but impose the relevant conditions
- 4.5 The equivalency of occupations will be determined by assessing whether the activities authorised to be carried out under the home jurisdiction registration authority are substantially the same as those activities undertaken by the equivalent occupation registered with the Board.
- 4.6 The Board will postpone any registration if there is insufficient information to determine occupational equivalence under the registration sought.
- 4.7 In assessing the general principles on equivalent occupations pursuant to section 29 of the MRA or section 28 of the TTMRA the board may have regard to the following:
- (a) Evidence from the notifier/applicant;
 - (b) Evidence from the home jurisdiction registration authority;
 - (c) Evidence from an independent and experienced RPEQ registered in the relevant area of engineering;
 - (d) The relevant statutory provisions relating to registration and activities authorised by registration in Queensland and the home jurisdiction registration.
 - (e) A referral to Engineers Australia or an appropriate assessment entity to provide information on the equivalency of the occupation to that of a registered professional engineer in Queensland. The referral will be at the cost of the engineer seeking registration under the MRA or the TTMRA.

5. References

- 5.1 Related legislation:
- *Mutual Recognition Act 1992 (Cth)*: Sections 19, 20, 21, 22, 23 and 29; and
 - *Trans-Tasman Mutual Recognition Act 1997 (Cth)* Sections 18, 19, 20, 21, 22 and 28.
- 5.2 Other Relevant Information:
- Mutual Recognition Form Information Sheet.
 - Mutual Recognition Checklist.