



Deregulation Taskforce
Department of Prime Minister and Cabinet
PO Box 2600
Canberra ACT 2600

By email: OccupationalMobility1@pmc.gov.au

**The Australasian
Institute of Mining
and Metallurgy**

Ground Floor, 204 Lygon St,
Carlton, VIC 3053

PO Box 660, Carlton South,
VIC, Australia 3053

ABN 59 836 002 494

T +61 3 9658 6100

ausimm.com

12 February 2021

Dear Colleagues

Re: AusIMM submission on the proposed automatic mutual recognition scheme

I write on behalf of the Australasian Institute of Mining and Metallurgy (AusIMM) regarding the exposure draft legislation to establish a uniform scheme for the automatic mutual recognition of occupational registrations in Australia.

AusIMM is the peak body and trusted voice for the 65,000 resources professionals working across the Australasian region. Established under Royal Charter in 1893, we represent professionals across all levels of the mining industry, working from exploration through to delivery, and in disciplines ranging from mining engineering to geoscience, health and safety, finance, government and academia.

Many of our members fall within the scope of current state-based professional registration schemes, such as those for engineers and mine managers, and many more are in fields such as environmental impact assessment, for which many local regulators propose new registration schemes.

AusIMM support measures to enhance professional recognition and mobility

AusIMM protect and promote the recognition and mobility of professionals working across the resources industry, and our members are recognised for their expertise and global leadership in upholding professional standards and best practice. We believe the professional and technical excellence of the Australian resources workforce is key to our industry's future.

Indeed, the Australian resources sector has transformed dramatically over recent decades and this trend of innovation will only accelerate as we move into the future. The nature of work is changing, as are the skills demanded across all parts of the resources industry, making the sustainable supply of a skilled workforce a challenge of paramount importance.

We see two key benefits in measures to enhance professional mobility in resources:

- People working in resources will be better equipped to respond to the continuously evolving nature of work in our industry and access sustainable employment opportunities
- Industry will have greater access to skilled workers, particularly critical in the resources sector given operational requirements vary over both the course of each mining project and at an industry-wide level over the long-term

AusIMM therefore support the efforts of the Federal, State and Territory Governments efforts to enhance professional mobility through an effective mutual recognition framework.

The Mutual Recognition Amendment Bill 2020 (MRA Bill)

AusIMM submit that the amendments proposed in the MRA Bill will strengthen the legislative framework for mutual recognition in Australia, in turn supporting professional mobility for people working in the Australian resources sector.

In particular, the proposed introduction of automatic deemed registration will minimise regulatory burden and cost for the many registered resources professionals regularly working across jurisdictional borders.¹ This regulatory hurdle is one of the key barriers to professional mobility in Australia, as has been identified in successive reviews of both the current mutual recognition scheme and Australian labour market more broadly.²

AusIMM believe registered professionals must uphold the highest professional and ethical standards. This is critical to protect the public interest, which is the core rationale underlying professional registration. AusIMM therefore submit that Australia's mutual recognition scheme must balance the efficiency of deemed automatic registration with appropriate regulatory safeguards.

AusIMM submit that the MRA Bill includes an appropriate range of controls to manage the risks associated with automatic mutual recognition, particularly by:

- Introducing a 'home state' concept, which will help to prevent jurisdictional shopping, ensure the quality of professional services across states and territories, and support community and regulatory trust in the mutual recognition scheme
- Requiring that registered professionals comply with local laws, which preserves the integrity of underlying regulatory systems (for example, those concerning mine safety and health)
- Preserving Ministerial discretion to exclude certain registrations from automatic deemed recognition, allowing governments to respond appropriately to local regulatory priorities.

AusIMM support passage of the MRA Bill and its adoption across all states and territories.

The importance of ongoing regulatory co-ordination

A sound legislative framework is an important enabler for an effective mutual recognition scheme, but AusIMM emphasise that ongoing coordination is required across jurisdictions, and with peak professional associations, to mutual recognition is effectively operationalised and maintained.

Regulators must adopt an agile approach to keep pace with emerging areas of professional practice, respond to changes in the broader regulatory landscape, and avoid the gradual accretion of undue regulatory burden. Co-ordination is required across three levels:

- Between officials responsible for overseeing mutual recognition
- Between regulators in each state who register professionals as part of their broader functions
- Between the Ministers and Heads of Government responsible for mutual recognition

AusIMM submit that the governance arrangements outlined in the Intergovernmental Agreement on the Automatic Mutual Recognition of Occupational Registration (Agreement) are appropriate to facilitate co-ordination across these three levels. We note the Agreement establishes a steering group of cross-jurisdictional officials, provides for periodic independent evaluation of the mutual recognition framework, and makes arrangements for its regular review by an appropriate Ministerial body.

¹ For example, results from AusIMM's *Professional Employment and Remuneration Survey 2020* indicate that as many as 25% of people working in resources have recently engaged in fly-in-fly-out or drive-in-drive-out work.

² See, for example Productivity Commission's 2020 [Study Report on Remote Area Tax Concessions and Payments](#), 2015 [Research Report on Mutual Recognition Schemes](#) and 2014 [Research Report on Geographic Labour Mobility](#).

The challenge in aligning registration requirements

AusIMM emphasise that the alignment of underlying registration frameworks across jurisdictions is particularly important to support an effective mutual registration scheme. This is true for professional areas of practice that are already subject to registration requirements, such as engineering and mine management, as well as areas such as environmental assessment, social performance, and geology.

To articulate the complexity inherent in aligning professional registration, consider the following examples from within the resources sector:

- **Mining engineers:** Engineers account for close to half of our membership, with a larger cohort based in Queensland where formal registration is required, and many others in Victoria and NSW where registration frameworks are proposed, and the remainder in jurisdictions that do not currently require professional registration. Registration requirements differ across each of these jurisdictions, as do the local laws with which registered professionals must comply.
- **Resources safety and health professionals:** Similarly, many of our members work in mine safety and health, where practicing certificate requirements for key statutory positions such as ‘quarry manager’ and ‘mine manager’ vary substantially between and are subject to ongoing reform.
- **Environmental professionals:** Several state regulators are also considering professional registration requirements for environmental practitioners – who likewise account for a substantial proportion of our membership – as part of reforms to state planning frameworks.

While we do not, in this submission, express a position on specific local reform proposals, we highlight that an un-coordinated approach to such reform complicates the task of aligning both current and new professional registration schemes. However fine, the distinctions between local laws and registration requirements can make it difficult for registered professionals to work across jurisdictions.

Where appropriate, the alignment of broader regulatory frameworks for resources and other key industry areas would facilitate operationalisation of the mutual recognition scheme. For example, broadly consistent regulation of mine safety and health and environmental management would simplify the task of aligning associated professional registration requirements. Such alignment cannot come at the cost of meeting regulatory objectives, but broad-based consultation can help to ensure mutual recognition is balanced with other valid imperatives.

AusIMM recommend the Deregulation Taskforce work with State and Territory governments and peak professional bodies to establish a schedule for the coordinated alignment of professional registration frameworks. We emphasise this schedule should account for planned review and reform projects that may impact the local laws with which registered professionals must comply.

Aligning registration with professional codes, standards and ethics

Upholding standards and promoting best practice is a key focus for AusIMM. By promoting the highest professional and ethical standards, we support industry and government to advance mining innovation and excellence for the benefit of the resources workforce and wider community.

We play a leading role in the development and promotion of globally-recognised professional codes, participate in key national and international technical forums, provide industry leadership through our Code of Ethics and Social Responsibility Framework, and deliver an ongoing Chartered Professional Program covering several core disciplines within the resources sector.

AusIMM submit that a commitment to the highest professional and ethical standards must underpin all professional registration schemes and recommend that both current and future registration requirements be benchmarked against industry codes, standards and professional schemes.

Broader initiatives to ensure a sustainable resources workforce

AusIMM recognise that these mutual recognition reforms form part of a suite of initiatives being progressed across all levels of government to grow the skilled resources workforce, create opportunities for people working in resources, and support the continued contributions our industry makes to Australia's social and economic prosperity.

We commend the coordinated efforts of Australian governments to advance professional and excellence in the resources sector. Should you wish to discuss the matters raised in this letter further, I encourage you to contact Harry Turner, our Government Relations Advisor, who you can reach at hturner@ausimm.com or on (03) 9658 6177.

Regards

A handwritten signature in black ink, appearing to read 'Stephen Durkin', with a stylized flourish at the end.

Stephen Durkin FAusIMM
Chief Executive Officer, AusIMM