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Competition and Consumer Division
The Treasury
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Tēnā koutou

Submission on the Review of Australia's Mutual Recognition Schemes for Workers

Thank you for the opportunity to submit on the Review of Australia's Mutual Recognition Schemes for Workers (the Review). This submission reflects the views of Engineering New Zealand, the largest professional body for engineers in New Zealand, with over 23,000 members. We have both regulatory and membership functions and accredit all tertiary engineering training in New Zealand.

Engineering New Zealand is aligned with Engineers Australia. We are both signatories of the Washington, Dublin and Sydney Accords. These Accords oversee international engineering training standards. Additionally, we are both members of the International Engineering Alliance, a global collective of like-minded organisations focused on quality assurance in engineering education and professional competence. We support Engineers Australia's submission on the Review.

Australia and New Zealand operate under a Trans-Tasman Mutual Recognition Agreement (TTMRA) that seeks to enable professionals registered in one country to practice in an equivalent occupation in the other. This arrangement aims to remove barriers caused by different, though generally compatible, regulatory regimes. Arrangements under the TTMRA are important as migration and work between our countries are significant.

Overview

Our submission covers two key points:

1. Differing and inconsistent engineering registration requirements across states and territories creates difficulties for engineers, without improving public safety.
2. The Trans-Tasman Mutual Recognition Agreement (TTMRA) is not working as intended.

In addition to the points above, we also highlight detailed operational challenges associated with the current structure.

In this submission, we have intentionally not responded to each of the Review's questions. Instead, we provide general comments and highlight our support to Engineers Australia's submission.

Background

Engineers in New Zealand can voluntarily register as Chartered Professional Engineers (CPEng)s. CPEng registration is required by some regulators in New Zealand for the sign-off of work (i.e., building consent authorities).

Under international agreements, CPEng registration is aligned with registration processes in other jurisdictions. This includes CPEng in Australia through Engineers Australia.

Agreements, such as the TTMRA or agreements under the International Engineering Alliance, are in place to allow for the mobility of professionals. Due to the specialist nature of engineering skills, as well as the international companies they work within, engineers often work on projects across jurisdictions. Where consistent standards of education and practice exist, it is pragmatic that engineers working in one jurisdiction should be able to work easily in another jurisdiction.

While different regulatory regimes have different definitions and descriptions of what aspects of a profession are regulated, the underlying occupation does not fundamentally change across state or national borders. Broadly speaking, the core skills of a professional engineer are the same across Australia and New Zealand. Engineering is based on universal mathematical and engineering principles, modelling, analysis and design. The fundamental competencies (analysing problems, modelling/designing solutions, managing risk and applying engineering judgement) do not change at a jurisdictional border. What is different is the regulatory environment, local codes, approval processes and specific contextual demands. These differences are things that a competent engineer can recognise and adapt to using their professional skills.

Regulatory protectionism

As a result of regulatory protectionism, engineers who are fully competent in one jurisdiction face duplicated checks, extra hurdles, or refusals of recognition when moving across states within Australia. This means seamless mobility is impossible. This happens because jurisdictions set their own standards and vigorously defend them on the basis of public safety and regulatory protection.

We argue that this does not improve public safety but is instead a form of protectionism. This protectionism impacts productivity. It leads to duplicated assessments, inconsistent recognition of credentials, increased costs, and administrative complexity – all of which slow down or discourage professionals from moving across borders, while also creating inefficiencies for employers, regulators and the workforce.

We strongly encourage the Review to recommend the development of a national framework for registering engineers in Australia, established in partnership with Engineers Australia.

TTMRA

Connected to regulatory protectionism is the impact of the behaviour of Australian regulators on the TTMRA. One of the intents of the TTMRA is to support professional mobility. Under the TTMRA, engineers registered in New Zealand should be able to work in Australia and engineers registered in Australia should be able to work in New Zealand. Currently the TTMRA works for New Zealand engineers working across some states (Victoria) but not others (Queensland). The TTMRA is meant to overcome professional mobility barriers by requiring regulators to recognise equivalent occupations across jurisdictions, but in practice it often fails because regulators still decline applications under the TTMRA on grounds they are "not equivalent". This is often used to describe the application or competence process, or the regulatory regime that surrounds the occupation, not the occupation itself.

Our experience under the TTMRA is problematic and something we hear about frequently from engineering consultancies and individual engineers. Our recommendation above for establishing a national framework for registering engineers in Australia would be an important first step in addressing challenges for New Zealand engineers under the TTMRA. A national registration framework should include a common approach to recognising New Zealand engineers under the TTMRA.

Operational challenges with the current system

Ability to limit practice rights in Australia but not New Zealand

As outlined above, Australian registration varies significantly by state. This includes exclusions, endorsements and activity limits. This inconsistency makes it challenging to determine whether registration is truly 'equivalent' to CPEng under the TTMRA. For example, some Australian regulators authorise or restrict specific activities (eg building work), whereas CPEng is not a licence and does not limit practice rights, making like-for-like comparison challenging.

Where an Australian registration is restricted for New Zealand engineers, TTMRA anticipates 'conditions' being used to achieve equivalence. We generally cannot impose conditions on CPEng, limiting how equivalence can be operationalised.

Inconsistent entry to registration under the TTMRA

Our observation is that because registration standards differ between Australian states, there are different pathways into New Zealand under the TTMRA. Without centralisation of registration in Australia, we are concerned that engineers may 'game' the system by registering in a state with 'looser' regulations and then enter New Zealand as registered as CPEng. In the last nine months, we have had 33 engineers register as CPEng under the TTMRA.

Administration challenges with notification

Dealing with multiple regulators makes notifications challenging – one example is when a disciplinary matter occurs or if there is a removal from the register. In this case, we need to contact multiple authorities to advise them. Centralisation of the registration of engineers in Australia would streamline our work to protect the public.

Conclusion

Thank you again for the opportunity to submit on the Review of Australia's Mutual Recognition Schemes for Workers. We look forward to ongoing engagement in this process as it continues. We encourage those involved in the Review to engage with Engineers Australia, whose work on the occupational regulation of engineers in Australia we support.

If we can be of any assistance or provide further information, please do not hesitate to contact us.

Nāku iti nei, nā

A handwritten signature in blue ink, appearing to read 'R. Templer'.

Dr Richard Templer PhD, FEngNZ
Chief Executive