

EXPLANATORY STATEMENT

Mutual Recognition Act 1992

Automatic Mutual Recognition (New South Wales) (Temporary Exemption—Various) Declaration 2021

This explanatory statement provides notes on the operation of the Automatic Mutual Recognition (New South Wales) (Temporary Exemption—Various) Declaration 2021 (the Declaration). The specific provisions in the Declaration are outlined in Attachment A. The information in the explanatory statement is an aid to understanding the Declaration and should not be substituted for the Declaration.

Context and purpose

Part 3A of the *Mutual Recognition Act 1992* of the Commonwealth (the MRA) provides for the automatic mutual recognition of occupational registrations (AMR). AMR will provide an entitlement for an individual to carry on an activity in a second State, under the registration covering the activity in their home State through Automatic Deemed Registration (ADR).

Part 3A of the MRA provides for the making of declarations that exclude temporarily certain registrations from ADR for a period of up to 12 months from commencement of the provision. The *Legislation Act 2003* of the Commonwealth provides for the making of legislative instruments.

Summary

Through this Declaration, the Treasurer of New South Wales has temporarily excluded a number of registrations from ADR from the day the MRA commences to 12 months after section 42T of the MRA commences.

Consultation

New South Wales did not conduct consultation as the NSW Treasurer considers it impractical in the circumstances. The AMR scheme will commence on 1 July 2021. The Declaration is required urgently to assess whether there is a case for a longer-term exemption or to prepare for AMR.

Attachment A

Details of the Mutual Recognition (New South Wales) (Temporary Exemption – Various) Declaration 2021

Part 1 – Preliminary

Section 1 – Name

This section provides that this Declaration is to be cited as the Automatic Mutual Recognition (New South Wales) (Temporary Exemption—Various) Declaration 2021 (the Declaration).

Section 2 – Commencement

This section provides the date on which the Declaration comes into operation.

The Declaration comes into operation on the day the *Mutual Recognition Amendment Act 2021* commences.

Section 3 – Authority

This section outlines the authority through which the Declaration is made. The Declaration is made under section 42T of the *Mutual Recognition Act 1992* (Commonwealth).

Section 4 – Simplified outline of the instrument

This section explains that the purpose of this instrument is to temporarily exempt specified registrations from the ADR provisions of the MRA, the application of the exclusion and the period of the exclusion.

Section 5 – Definitions

This section provides, for the purposes of this Declaration, self-explanatory definitions of the following terms:

- The Act is defined in this section as meaning the *Mutual Recognition Act 1992*

Section 6 – Exemptions

This section list the specific paragraph of the MRA relied on to make the Declaration, the specific registrations temporarily excluded from ADR.

The Declaration is made in accordance with paragraph 42T(1)(a) of the MRA. The specific registrations listed in section 6 are temporarily excluded from ADR. This means that an individual cannot carry on the activities authorised under these registrations in New South Wales without first obtaining that registration. An individual may obtain the registration listed from the Local Registration Authority (LRA) through Part 3 of the MRA.

The Hon. Dominic Perrottet MP

NSW Treasurer