

## **EXPLANATORY STATEMENT**

### ***Mutual Recognition Act 1992***

#### **Mutual Recognition (Notification Requirement for Agents – Northern Territory) Determination 2021**

This explanatory statement provides notes on the operation of Mutual Recognition (Notification Requirement for Agents – Northern Territory) Determination 2021 (the Determination). The specific provisions in the Determination are outlined in Attachment A. The information in the explanatory statement is an aid to understanding the Determination and should not be substituted for the Determination.

#### **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 a determination that requires a person who intends to carry on an activity in reliance of ADR to notify the local registration authority for the occupation before the person begins to carry on the activity. The *Legislation Act 2003* of the Commonwealth provides for the making of legislative instruments.

#### **Summary**

Through this Determination, the Treasurer of the Northern Territory requires a person to notify a local registration authority before the person begins to rely on automatic deemed registration to carry out the activity under the occupation in the Northern Territory. The Determination is for the period from the day after the day it is registered on the Federal Register of Legislation.

#### **Consultation**

The Northern Territory did not conduct consultation in preparing the Determination the Treasurer of the Northern Territory considered it impractical in the short timeframe available. In preparing the Determination, the Treasurer of the Northern Territory had regard to the outcomes of public consultation on exposure draft legislation during the period from 17 December 2020 to 12 February 2021, the expert information available and the positions of persons likely affected.

## **Details of the Mutual Recognition (Notification Requirement for Agents – Northern Territory) Determination 2021**

### **Part 1 – Preliminary**

#### **Determination**

The Mutual Recognition (Notification Requirement for Agents – Northern Territory) Determination 2021 (the Determination) is made in accordance with paragraph 42J(4) of the *Mutual Recognition Act 1992* of the Commonwealth.

A person intending to carry on an activity covered by a registration under the *Commercial and Private Agents Licencing Act 1935* in reliance on automatic deemed registration must notify a local registration authority. This means that an individual cannot carry on the activity authorised under this registration in the Northern Territory without first providing notification. An individual may obtain the notification requirements through the local registration authority for the activity.

As the Determination is a registrable instrument for the purposes of the *Legislation Act 2003* of the Commonwealth, the Determination comes into operation on the day after the day it is registered on the Federal Register of Legislation.

Michael Gunner

Treasurer