



Automatic Mutual Recognition (South Australia) (Exemption—Motor Driving Instructors) Declaration 2022

I, the Hon Stephen Mullighan MP, Treasurer (South Australia), make the following declaration.

Dated 24 June 2022

Hon Stephen Mullighan MP
Treasurer (South Australia)

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1 Name

This instrument is the Automatic Mutual Recognition (South Australia) (Exemption—Motor Driving Instructors) Declaration 2022.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 July 2022	1 July 2022

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 42S of the *Mutual Recognition Act 1992* of the Commonwealth.

4 Simplified outline of this instrument

The purpose of this instrument is to exempt registrations for occupations, or for activities covered by occupations, from the automatic deemed registration provisions of the *Mutual Recognition Act 1992* of the Commonwealth.

This instrument has effect only in relation to South Australia.

Unless revoked earlier, this instrument will sunset under section 50 of the *Legislation Act 2003* of the Commonwealth, subject to subsection 42S(6) of the *Mutual Recognition Act 1992* of the Commonwealth. This will generally mean that this instrument will be repealed on 1 October 2027.

5 Definitions

In this instrument:

Act means the *Mutual Recognition Act 1992* of the Commonwealth.

6 Exemptions

- (1) For the purposes of paragraph 42S(1)(a) of the Act, a registration in column 1 of the table in subsection (3) of this section is excluded from the operation of automatic deemed registration in South Australia.
- (2) For the purposes of subsection 42S(2) of the Act, column 2 of the table in subsection (3) of this section sets out a statement of the risk to consumer protection, the environment, animal welfare or the health or safety of workers or the public in relation to each registration in column 1.
- (3) The table is as follows:

Exemptions for the purposes of paragraph 42S(1)(a)		
Item	Registration	Statement of risk
1	<i>Motor Driving Instructors</i> <i>(under the Motor Vehicles Act 1959 (South Australia))</i>	<u>Risk to public safety</u> The training of learner drivers will be compromised if Motor Driving Instructors who have not been trained and assessed to the standards required to obtain a Motor Driving Instructor's licence in South Australia are authorised to provide training. The safety of learner drivers and other road users will be at risk if Motor Driving Instructors who have not been deemed fit and proper to South Australia's high standards are authorised to conduct in vehicle training.
2	<i>Automatic Mutual Recognition (South Australia) (Exemption—Motor Driving Instructors) Declaration 2022</i>	

Exemptions for the purposes of paragraph 42S(1)(a)

Item	Column 1 Registration	Column 2 Statement of risk
		<p><u>Risk to consumer protection</u></p> <p>Motor Driving Instructors who have not been trained and assessed to South Australia’s high standards may provide inadequate training to a learner driver for which the learner driver is paying significant fees.</p>
