

## **EXPLANATORY STATEMENT**

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

#### **Automatic Mutual Recognition (New South Wales) (Notification Requirement—Corrective Services) Determination 2021**

This explanatory statement provides notes on the operation of the Automatic Mutual Recognition (New South Wales) (Notification Requirement—Corrective Services) 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 (LA) provides for the making of legislative instruments.

#### **Summary**

Through this Determination, the Treasurer of New South Wales 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 New South Wales. The Determination comes into force on commencement of the provision in the MRA and sunsets on 1 October at the end of the tenth anniversary from registration (consistent with the LA).

#### **Consultation**

New South Wales did not conduct consultation as the NSW Treasurer considers it impractical in the circumstances. The Declaration is required urgently so that the notification requirements are in place for 1 July 2021. NSW will review and consult relevant stakeholders to ensure the Determination remains fit for purpose.

## **Attachment A**

### **Details of the Mutual Recognition (New South Wales) (Notification Requirement–Corrective Services) Determination 2021**

#### **Part 1 – Preliminary**

##### **Section 1 – Name**

This section provides that this Determination is to be cited as the Automatic Mutual Recognition (New South Wales) (Notification Requirement–Corrective Services) Determination 2021 (the Determination).

##### **Section 2 – Commencement**

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

##### **Section 3 – Authority**

This section outlines the authority through which the Determination is made. The Determination is made under section 42J 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 require a person to notify a local registration authority before the person begins to rely on automatic deemed registration under the *Mutual Recognition Act 1992* of the Commonwealth to carry on an activity in New South Wales. This section outlines the application of the notification and the period of the Determination.

##### **Section 5 – Definitions**

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

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

##### **Section 6 – Notification requirement**

This section lists the specific paragraph of the MRA relied on to make the Determination, the activity under the occupation where a person must notify a local registration authority before the person begins to rely on automatic deemed registration.

The Determination is made in accordance with paragraph 42J(4) of the MRA. A person intending to carry on any of the activities covered by the registrations listed in reliance on ADR must notify the local registration authority. This means that an individual cannot carry on the activity in New South Wales without first providing notification. An individual may obtain the notification requirements through the local registration authority for the following activities.

- a) Correctional officer, *Crimes (Administration of Sentences) Act 1999* (NSW);
- b) Community corrections officers, *Crimes (Administration of Sentences) Act 1999* (NSW).

The Hon. Dominic Perrottet MP

NSW Treasurer