



## **Automatic Mutual Recognition (New South Wales) (Exemption—Various) Declaration 2023**

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I, the Honourable Daniel Mookhey, Treasurer of New South Wales, make the following declaration.

Dated: 23 June 2023

The Honourable Daniel Mookhey MLC  
Treasurer of New South Wales

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## Contents

1 Name.....	1
2 Commencement .....	1
3 Authority.....	1
4 Simplified outline of this instrument.....	1
5 Definitions .....	1
6 Exemptions .....	2
7 Sunset.....	6
8 Repeals.....	7
<b>Schedule 1—Repeals</b>	<b>7</b>



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## 1 Name

This instrument is the Automatic Mutual Recognition (New South Wales) (Exemption—Various) Declaration 2023

## 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 2023	1 July 2023

Note: This table relates only to the provisions of this instrument as originally made.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 New South Wales.

This instrument is repealed at the end of 30 June 2024.

## 5 Definitions

In this instrument:

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

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## 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 New South Wales.
- (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)		
	Column 1	Column 2
Item	Registration	Statement of risk
1.	Contractor licence and supervisor certificate for general building work under the <i>Home Building Act 1989</i> (NSW)	Significant risk to consumer protection and the public safety. The building and construction sector in NSW is subject to additional requirements and protections. Building failures result in costs to homeowners in remedying defects and an increased risk to safety for people living with non-compliant building work. The NSW Government and consumers need to have confidence in the building and construction sector.
2.	Contractor licence and supervisor certificate for the erection of prefabricated metal-framed home additions and structures under the <i>Home Building Act 1989</i> (NSW)	Significant risk to consumer protection and the public safety. The building and construction sector in NSW is subject to additional requirements and protections. Building failures result in costs to homeowners in remedying defects and an increased risk to safety for people living with non-compliant building work. The NSW Government and consumers need to have confidence in the building and construction sector.
3.	Consulting radiation expert accreditation under the <i>Radiation Control Act 1990</i> (NSW)	Significant risk to consumer protection and health and safety of workers and patients through unintended exposure to radiation due to equipment being incorrectly serviced and calibrated. There are large differences in accreditation, terminology, operating conditions and activities across the jurisdictions, which in many cases do not provide equivalent protection as that in NSW. The NSW Government and consumers need to have confidence that consulting radiation experts from other

Exemptions for the purposes of paragraph 42S(1)(a)		
Item	Column 1 Registration	Column 2 Statement of risk
		jurisdictions understand specific NSW laws and processes to ensure equipment that uses radiation is correctly assessed, calibrated and maintained.
4.	Site auditor accreditation under the <i>Contaminated Land Management Act 1997</i> (NSW)	Significant risk to consumer protection, the environment and public health as an incorrect assessment of the nature and extent of land contamination may be illegal, costly to rectify and result in adverse impacts on public health and the environment. There are technical, policy and legislative requirements that are specific to NSW. The NSW Government and consumers need to have confidence that site auditors from other jurisdictions understand specific NSW laws and processes to ensure audits and assessments are conducted correctly.
5.	Pyrotechnician's licences under the <i>Explosives Act 2003</i> (NSW)	Significant risk to public safety as NSW Police Force needs to retain the authority to conduct probity checks on operators entering NSW and restrict access to persons deemed unsuitable.
6.	<p>Registration or recognition within the meaning of the <i>Design and Building Practitioners Act 2020</i> (NSW):</p> <ul style="list-style-type: none"> <li>• Design practitioner - fire systems (all classes)</li> <li>• Design practitioner – fire safety engineering</li> <li>• Professional engineer – fire safety;</li> </ul> <p>Registered certifiers – fire safety and accredited practitioner – fire safety under the <i>Building and Development Certifiers Act 2018</i> (NSW);</p> <p>Licences and certificates for water plumbing – fire protection and fire sprinkler systems under the <i>Home Building Act 1989</i> (NSW)</p>	<p>Significant risk to consumer and the health and safety of the public.</p> <p>The NSW Government and consumers need to have confidence in the building and construction sector.</p>
7.	Licences and registration schemes under the <i>Greyhound Racing Act 2017</i> (NSW)	Significant risk to consumer protection and animal welfare as the NSW racing controlling bodies are unable conduct a probity assessment which could lead to criminal elements, including organised crime, money laundering, race fixing and illicit or performance enhancing human and

Exemptions for the purposes of paragraph 42S(1)(a)	
Item	Registration
Column 1	Column 2
Item	Statement of risk
	equine drug use. New South Wales has a statutory obligation to assess an applicant's fitness taking into account a broader list of criminal convictions than other jurisdictions.
8.	Licences and registration schemes under the <i>Harness Racing Act 2009</i> (NSW)
	Significant risk to consumer protection, health and safety of workers in the harness racing industry, and animal welfare as, without an exemption to AMR, the NSW harness racing controlling body would be unable to conduct an appropriate probity assessment. There is a substantial risk that this would lead to criminal elements, including organised crime, money laundering, race fixing and illicit or performance enhancing human and equine drug use infiltrating the sport in NSW, increase safety and animal welfare concerns, and reduce consumer confidence. Harness Racing NSW has a statutory obligation to assess an applicant's fitness and propriety to a more rigorous and higher standard than other Australian jurisdictions.
9.	Licences and registration schemes under the <i>Thoroughbred Racing Act 1996</i> (NSW)
	Significant risk to consumer protection and animal welfare as the NSW racing controlling bodies are unable conduct a probity assessment which could lead to criminal elements, including organised crime, money laundering, race fixing and illicit or performance enhancing human and equine drug use. NSW has a statutory obligation to assess an applicant's fitness taking into account a broader list of criminal convictions than other jurisdictions.
10.	Special Employee licence under Part 4 of the <i>Casino Control Act 1992</i> (NSW)
	Significant risk to consumer protection as the regulator is unable to undertake probity checks. This could lead to individuals being allowed to operate that engage in money laundering and associated criminal activity, and potential theft and fraud.
11.	Licences and certificates for mechanical services and medical gas work, medical gas technician work, medical gas fitting work under the <i>Home Building Act 1989</i> (NSW)
	Significant risk to consumers and the health and safety of the public. The risks of improper medical gas work can lead to loss of life. A new framework for medical gas was implemented in New South Wales to ensure that medical gas work is done to a high standard and safety. Interstate licence holders would not have the relevant



<b>Exemptions for the purposes of paragraph 42S(1)(a)</b>	
<b>Item</b>	<b>Column 1 Registration</b>
	<b>Column 2 Statement of risk</b>
	expertise to work in New South Wales.
12.	<p>Practising certificate required under Schedule 10 (<i>Statutory functions at mines</i>) of the <i>Work Health and Safety (Mines and Petroleum Sites) Regulation 2022</i> (NSW)</p> <p>Significant risk to the health and safety of workers and the public.</p> <p>It is important for all practising certificate holders to undertake maintenance of competence requirements specific to NSW mines to ensure the safety and health of workers and the public.</p>
13.	<p>Surveyor – Mining under the <i>Surveying and Spatial Information Act 2002</i> (NSW)</p> <p>Significant health and safety risk for mining surveyors working in underground coal mines.</p> <p>The assessments of mine surveyors for underground work are not done to the same standards in other jurisdictions.</p>
14.	<p>Licences under the <i>Tattoo Parlours Act 2012</i> (NSW)</p> <p>Significant risk to the safety of the public as the NSW Police Force is unable to conduct a probity assessment which looks at previous convictions and affiliations with organised motorcycle gangs and serious organised crime.</p>
15.	<p>Licences, certificates, and accreditations under the <i>Property and Stock Agents Act 2002</i> (NSW)</p> <p>Significant risk to consumer protection. Currently, the regulator cannot prescribe an amount for ADR operators to contribute to the compensation funds, nor is there a means for operators to make these payments. This will mean that ADR operators are unable to comply with their obligations and public protection requirements will not be met.</p>
16.	<p>Licences and certificates under the <i>Motor Dealers and Repairers Act 2013</i> (NSW)</p> <p>Significant risk to consumer protection. Currently, the regulator cannot prescribe an amount for ADR operators to contribute to the compensation funds, nor is there a means for operators to make these payments. This will mean that ADR operators are unable to comply with their obligations and public protection requirements will not be met.</p>
17.	<p>Licences under the <i>Conveyancers Licensing Act 2003</i> (NSW)</p> <p>Significant risk to consumer protection. Conveyancers' compensation fund contributions are set by referral to the <i>Property &amp; Stock Agents Act 2002</i> (NSW). Currently, the regulator cannot prescribe an amount for ADR operators to contribute to the compensation funds, nor is there a</p>

Exemptions for the purposes of paragraph 42S(1)(a)	
Item	Registration
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	means for operators to make these payments. This will mean that ADR operators are unable to comply with their obligations and public protection requirements will not be met.
18.	<p>Licences and certificates for electrical wiring, air-conditioning and refrigeration work under the <i>Home Building Act 1989</i> (NSW)</p> <p>Significant risk to the safety of consumers, workers, and the public. Licensing bodies and regulators will be unable to verify or validate interstate workers' skills, knowledge and understanding against NSW standards and regulations. Failure to understand or comply with the relevant legislation can result in potential dire consequences, including equipment failure, fires, electrical shock, and death.</p>
19.	<p>Registration under the <i>Combat Sports Act 2013</i> (NSW)</p> <p>Significant risks to consumer protection, combatant health and safety, and public safety.</p> <p>The Combat Sports Authority (NSW) and the NSW Police Force would have reduced ability to properly supervise and regulate combat sport industry activity in NSW through combatant and industry participant probity assessments. This could pose a health and safety risk to combatants, and damage public perceptions of the field's integrity and increase the likelihood of organised crime infiltration.</p>
20.	<p>Licences under the <i>Pawnbrokers and Second-hand Dealers Act 1996</i> (NSW)</p> <p>Significant risk to consumer protection. Currently, ADR operators are unable to access the reporting portal for Pawnbrokers and Second-hand dealers monitored by the NSW Police Force.</p> <p>This will mean that ADR operators are unable to comply with their mandatory obligations.</p> <p>Failure to keep proper records will also impede police investigation and may impact on recovery of stolen goods.</p>

## 7 Sunset

The whole of this instrument is repealed at the end of 30 June 2024.

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## 8 Repeals

Each instrument that is specified in Schedule 1 is repealed as set out in the applicable items in that Schedule.

### Schedule 1—Repeals

**1      Automatic Mutual Recognition (New South Wales) (Exemption – Various) Declaration 2022 (No. 2)**

Repeal the whole of this instrument.

**2      Automatic Mutual Recognition (New South Wales) (Exemptions – Combat Sports) Declaration 2022**

Repeal the whole of this instrument.