



## **Automatic Mutual Recognition (New South Wales) (Exemption—12-months) Declaration 2024**

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

Dated: 26 June 2024

The Honourable Daniel Mookhey MLC  
Treasurer of New South Wales

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# 1 Name

This instrument is the Automatic Mutual Recognition (New South Wales) (Exemption—12-months) Declaration 2024

# 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 2024	1 July 2024

Note: This table relates only to the provisions of this instrument as originally made.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This instrument is repealed at the end of 30 June 2025.

# 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 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.	Licences, certificates, and accreditations under the <i>Property and Stock Agents Act 2002</i> (NSW)	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.
2.	Licences and certificates under the <i>Motor Dealers and Repairers Act 2013</i> (NSW)	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.
3.	Licences under the <i>Conveyancers Licensing Act 2003</i> (NSW)	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 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.
4.	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.

Exemptions for the purposes of paragraph 42S(1)(a)		
	Column 1	Column 2
Item	Registration	Statement of risk
		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.
5.	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.
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 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)	<p>Significant risk to consumers and the health and safety of the public.</p> <p>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 expertise to work in New South Wales.</p>
8.	Licences and certificates for electrical wiring, air-conditioning and refrigeration	Significant risk to the safety of consumers, workers, and the public. Licensing bodies and regulators will be unable to verify or

Exemptions for the purposes of paragraph 42S(1)(a)		
	Column 1	Column 2
Item	Registration	Statement of risk
	work under the <i>Home Building Act 1989</i> (NSW)	validate interstate workers' skills, knowledge and understanding against NSW standards and regulations. The failure to understand or comply with the relevant legislation can result in potential dire consequences, including equipment failure, fires, electrical shock, and death.

## 7 Sunset

The whole of this instrument is repealed at the end of 30 June 2025.

## 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 2023

Repeal the whole of this instrument.