**EXPLANATORY STATEMENT**

***Mutual Recognition Act 1992***

**Automatic Mutual Recognition (Australian Capital Territory) (Exemptions—Construction Occupations) Declaration 2025**

This explanatory statement provides notes on the operation of the Automatic Mutual Recognition (Australian Capital Territory) (Exemptions—Construction Occupations) Declaration 2025 (the Declaration). The specific provisions in the Declaration are outlined in Attachment A. The information in the explanatory statement is an aid to understanding the Declaration and should not be substituted for the Declaration.

**Context and purpose**

Part 3A of the *Mutual Recognition Act 1992* of the Commonwealth (the MR Act) provides for the automatic mutual recognition of occupational registrations (AMR). AMR allows 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 declarations that exclude certain registrations from ADR where a Minister of a State is satisfied that the declaration is necessary because of a significant risk arising from circumstances or conditions in the declaration State, to consumer protection, the environment, animal welfare or the health or safety of workers or the public. The *Legislation Act 2003* of the Commonwealth provides for the making of legislative instruments.

The Determination is exempt from disallowance under subsection 44(1) of the *Legislation Act 2003* of the Commonwealthbecause the enabling legislation, the *Mutual Recognition Act 1992* of the Commonwealth facilitates the operation of the Automatic Mutual Recognition Scheme which is an intergovernmental scheme. Section 42S(1) of the *Mutual Recognition Act 1992* of the Commonwealth authorises the instrument to be made for the purposes of the scheme.There is also a note in section 42S(1) of the *Mutual Recognition Act 1992* of the Commonwealth*,* which states that the determination is not subject to disallowance.

**Summary**

Through this Declaration, the Chief Minister for the Australian Capital Territory (the Chief Minister) exempts registrations for construction occupations from another State or Territory from operating in the Territory under AMR until 1 July 2027 because of a significant risk to the health and safety of workers or the public, and consumer protection. The Declaration commences on 1 July 2025.

By virtue of the making of the Declaration, the Minister is satisfied that the exclusion is necessary because of a significant risk to consumer protection or the health or safety of workers or the public. The Declaration provides an explanation of the specific risks arising from the registrations in the context of the circumstances and conditions in Australian Capital Territory.

The declaration repeals and replaces the *Automatic Mutual Recognition (Australian Capital Territory) (Exemptions-Construction Occupations) Declaration 2022.*

**Consultation**

Between May and June 2025, the Australian Capital Territory conducted consultation with relevant industry stakeholders. This process acknowledged the importance of thoroughly considering the risks, circumstances, and conditions specific to the ACT.

The consultation drew on the expertise of relevant subject matter experts and industry bodies, ensuring that persons likely to be affected by the previous 2022 Declaration had an adequate opportunity to comment on its proposed content.

This consultation is both practical and appropriate because it engaged key stakeholders, utilised expert knowledge, and provided sufficient opportunity for affected parties to contribute, thereby supporting well-informed decision-making.

The Chief Minister is satisfied that the consultation process undertaken is appropriate and effective for the purposes of issuing the Declaration.

The proposed Declaration effectively extends the previous exemption from the 2022 Declaration until 30 June 2027. This extension provides additional time for ACT agencies to address identified risks and to facilitate the safe transition of these occupational licences into the ACT Mutual Recognition (AMR) scheme in the future.

**Attachment A**

**Details of the Automatic Mutual Recognition (Australian Capital Territory) (Exemptions—Construction Occupations) Declaration 2025**

**Part 1 – Preliminary**

**Section 1 – Name**

This section provides that this Declaration is to be cited as the Automatic Mutual Recognition (Australian Capital Territory) (Exemptions—Construction Occupations) Declaration 2025 (the Declaration).

**Section 2 – Commencement**

This section provides the date on which the Declaration comes into operation.

The Declaration comes into operation on 1 July 2025.

**Section 3 – Authority**

This section outlines the authority under which the Declaration is made. The Declaration is made under section 42S of the *Mutual Recognition Act 1992* of the Commonwealth.

**Section 4 – Simplified outline of the instrument**

This section explains that the purpose of this instrument is to exempt registrations for construction occupations, or for activities covered by construction occupations, from the automatic deemed registration provisions of the *Mutual Recognition Act 1992* of the Commonwealth for a period of two years because of a significant risk to the health and safety of workers or the public, and consumer protection.

**Section 5 – Definitions**

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

- **Act** is defined in this section as meaning the *Mutual Recognition Act 1992* of the Commonwealth;

**Section 6 - Exemption**

This section lists the specific paragraph of the MR Act relied on to make the Declaration excluding a registration mentioned from the operation of automatic deemed registration in the Australian Capital Territory.

The Declaration is made in accordance with paragraph 42S(1)(a) of the MR Act. This means that an individual cannot rely on automatic deemed registration in the Australian Capital Territory because of the significant risk to the health and safety of workers or the public, and consumer protection.

**Section 7 – Significant risk statement**

This section explains the specific significant risks arising from circumstances to the health and safety of workers or the public, and consumer protection in the Territory.

**Section 8 – Human Rights Act statement**

This section outlines that the exclusion of occupations and activities under section 6 is not considered incompatible with the provisions under the *Human Rights Act 2004* (ACT).

**Section 9 – Sunset**

This section provides for the automatic repeal of the whole of this instrument at the end of 30 June 2027.

**Section 10 – Repeals**

This section provides that instruments that are specified in Schedule 1 are repealed as set out in the applicable items in that Schedule.

Andrew Barr

Chief Minister of the Australian Capital Territory