

## EXPLANATORY STATEMENT

### *Mutual Recognition Act 1992*

#### **Automatic Mutual Recognition (Australian Capital Territory) (Exemption—Dangerous Substances and Labour Hire Provider) Declaration 2025**

This explanatory statement provides notes on the operation of the Automatic Mutual Recognition (Australian Capital Territory) (Exemption—Dangerous Substances and Labour Hire Provider) Declaration 2025 (the Declaration). The information in the explanatory statement is designed to aid the understanding of 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 MR Act also provides for the making of a Declaration to exempt registrations for occupations, or for activities covered by occupations, from the automatic deemed registrations provisions of the MR Act. The *Legislation Act 2003* of the Commonwealth provides for the making of legislative instruments.

#### **Summary**

Through this Declaration, the Chief Minister exempts the registration of dangerous substances and labour hire licensing, issued under the *Dangerous Substances (Explosives) Regulation 2004*, the *Dangerous Substances (General) Regulation 2004* and the *Labour Hire Licensing Act 2020* from the operation of automatic mutual and deemed registration in the Australian Capital Territory.

The Declaration commences on 1 July 2025.

#### **Consultation**

The Australian Capital Territory consulted with the Chief Minister, Treasury and Economic Development Directorate, and ACT regulators, WorkSafe ACT and Access Canberra. This is the appropriate consultation to have undertaken regarding whether a Significant Risk Exemption Declaration for interstate workers is appropriate for dangerous substances and labour hire licensing.

The Minister is satisfied that the consultation undertaken is appropriate and practical for the purposes of making the Declaration. The consultation drew on the knowledge of subject matter experts.

## **Attachment A**

### **Details of the Automatic Mutual Recognition (Australian Capital Territory) (Exemption—Dangerous Substances and Labour Hire Provider) Declaration 2025**

#### **Section 1      Name**

This clause provides the name of the Automatic Mutual Recognition (Australian Capital Territory) (Exemption—Dangerous Substances and Labour Hire Provider) Declaration 2025.

#### **Section 2      Commencement**

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

The Declaration comes into operation on 1 July 2025 or the day after notification, whichever is later.

#### **Section 3      Authority**

This clause provides the authority under which the Chief Minister of the Territory is able to make the Declaration being subsection 42S(1)(a) of the *Mutual Recognition Act 1992* of the Commonwealth.

#### **Section 4      Simplified outline of this instrument**

This section explains that the purpose of this instrument is to exempt registrations for dangerous substances and labour hire licensing, or for activities covered by these occupations, from the automatic deemed registration provisions of the *Mutual Recognition Act 1992* of the Commonwealth for a period of five years because of a significant risk to the health and safety of workers or the public.

#### **Section 5      Definitions**

This section provides meaning of words referred to within the Declaration. Words used within the Declaration are otherwise taken to hold their ordinary meaning.

#### **Section 6      Exemption**

This section outlines the exemptions for occupational licences issues under the *Dangerous Substances (Explosives) Regulation 2004*, the *Dangerous Substances (General) Regulation 2004* and *Labour Hire Licensing Act 2020*. The Declaration is made in accordance with paragraph 42S 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.

Subsection 6(2) provides the statement of risk which exists to consumer protection, the environment, animal welfare or the health and safety of workers or the public associated with dangerous substances and labour hire licensing.

#### **Section 7      Human Rights**

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).

Yvette Berry

Acting Chief Minister