

EXPLANATORY STATEMENT

Mutual Recognition Act 1992

Automatic Mutual Recognition (New South Wales) (Notification Requirement—Various) Determination 2025

This explanatory statement provides notes on the operation of the Automatic Mutual Recognition (New South Wales) (Notification Requirement—Various) Determination 2025 (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 on 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 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 ADR to carry out the activity under the occupation in New South Wales. The Determination is for the period 1 July 2025 to 1 October 2035, being the first 1 October falling on or after the tenth anniversary from registration of the instrument on the Federal Register of Legislation (consistent with Part 4 of Chapter 3 (sunsetting) of the *Legislation Act 2003*).

The Determination is exempt from disallowance under subsection 44(1) of the *Legislation Act 2003* because the enabling legislation, the *Mutual Recognition Act 1992*, supports the Automatic Mutual Recognition Scheme, which is an intergovernmental scheme. Section 42J(4) of the *Mutual Recognition Act 1992* authorises the instrument to be made for the purposes of scheme. An explanatory note in section 42J(4) also states that the determination is not subject to disallowance under the *Legislation Act 2003*.

Consultation

New South Wales consulted with the relevant New South Wales regulators which registers individuals for registration as described in section 6. This is appropriate consultation to have undertaken regarding whether a notification requirement for interstate workers is appropriate to meet the governments obligation to protect consumers, workers and the environment, and to ensure compliance and enforcement activities by regulators.

Attachment A

Details of the Automatic Mutual Recognition (New South Wales) (Notification Requirement–Various) Determination 2025

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–Various) Determination 2025 (the Determination).

Section 2 – Commencement

This section provides the date on which the Determination comes into operation. The Determination comes into operation on 1 July 2025.

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* of the 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.

Notification under 42J(4) of the Act is required for the following registrations in NSW:

- a) Gaming machine technician's licence within the meaning of the *Gaming Machine Act 2001*.
- b) Licences and certificates within the meaning of the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2022*.
- c) Licences and certificates within the meaning of the *Motor Dealers and Repairers Act 2013*.
- d) Licences, certificates and accreditations within the meaning of the *Property and Stock Agents Act 2002*.
- e) Licences within the meaning of the *Conveyancers Licensing Act 2003*.
- f) Licences within the meaning of the *Tattoo Industry Act 2012*.

The Honourable Daniel Mookhey MLC

Treasurer of New South Wales