

South Australia

## Mutual Recognition (South Australia) Act 1993

An Act to enable the recognition of regulatory standards throughout Australia regarding goods and occupations, and for that purpose, to adopt the Mutual Recognition Act 1992 of the Commonwealth (and any amendments made to it before this Act commences) as a law of the State.

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### Legislative history

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#### The Parliament of South Australia enacts as follows:

##### 1—Short title

This Act may be cited as the *Mutual Recognition (South Australia) Act 1993*.

##### 3—Interpretation

In this Act, unless the contrary intention appears—

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

##### 4—Adoption of Commonwealth Act

- (1) The Commonwealth Act as originally enacted, together with any amendments made to that Act before the enactment of this Act, is adopted under paragraph (xxxvii) of section 51 of the Commonwealth Constitution.
- (2) Without limiting subsection (1), the provisions of the Commonwealth Act, as inserted, substituted or amended by the *Mutual Recognition Amendment Act 2021* of the Commonwealth, are, on and from the commencement of this subsection, also adopted under paragraph (xxxvii) of section 51 of the Commonwealth Constitution.
- (3) Despite any other provision of this section, the adoption under this Act terminates at the end of the day fixed under section 4A as the day on which the adoption is to terminate.

#### **4A—Termination of adoption**

- (1) The Governor may, at any time, by proclamation, fix a day as the day on which the adoption under this Act is to terminate.
- (2) The Governor may, by proclamation, revoke a proclamation published under subsection (1), in which case the revoked proclamation is taken, for the purposes of this Act, never to have been published.
- (3) A revoking proclamation has effect only if published before the day fixed under subsection (1).
- (4) The revocation of a proclamation published under subsection (2) does not prevent publication of a further proclamation under that subsection.

#### **4B—Power to require evidence for purposes of Mutual Recognition laws**

- (1) The local registration authority in this State for an occupation that covers an activity may require a person who is applying for or holds any licence, permit, certificate, registration or other form of qualification or authorisation required by or under law to carry on the activity to provide evidence of one or more of the following:
  - (a) the person's current place of residence;
  - (b) the person's principal place of residence;
  - (c) the person's current place of work;
  - (d) the person's principal place of work.
- (2) A person who—
  - (a) without reasonable excuse, refuses or fails to provide evidence required under this section within the period required by the local registration authority (which must be reasonable); or
  - (b) provides false or misleading information in response to a requirement under this section,is guilty of an offence.  
Maximum penalty: \$2 500.
- (3) All terms used in subsection (1) have the same meaning as in the Commonwealth Act.

#### **5—Regulations for temporary exemptions for goods**

Without limiting any other power to make regulations under any other Act, the Governor may make regulations for the purposes mentioned in section 15 of the Commonwealth Act.

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1993	72	<i>Mutual Recognition (South Australia) Act 1993</i>	16.9.1993	1.10.1993 ( <i>Gazette</i> 30.9.1993 p1340)
1998	1	<i>Mutual Recognition (South Australia) (Extension of Operation) Amendment Act 1998</i>	26.2.1998	26.2.1998
1999	35	<i>Mutual Recognition (South Australia) (Continuation) Amendment Act 1999</i>	24.6.1999	24.6.1999
<b>2021</b>	<b>54</b>	<b><i>Mutual Recognition (South Australia) (Further Adoption) Amendment Act 2021</i></b>	<b>9.12.2021</b>	<b>20.12.2021 (<i>Gazette</i> 16.12.2021 p4402)</b>

### Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>s 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	
<i>s 4</i>		
<i>s 4(2)</i>	amended by 1/1998 s 2	26.2.1998
	deleted by 35/1999 s 2	24.6.1999
	<b>inserted by 54/2021 s 4</b>	<b>20.12.2021</b>
<b>s 4(3)</b>	<b>inserted by 54/2021 s 4</b>	<b>20.12.2021</b>
<b>ss 4A and 4B</b>	<b>inserted by 54/2021 s 5</b>	<b>20.12.2021</b>
<i>s 6</i>	<i>deleted by 35/1999 s 3</i>	<i>24.6.1999</i>

### Historical versions

Reprint No 1—26.2.1998

24.6.1999