



New South Wales

Employment Agents Regulation 2001

under the

Employment Agents Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Employment Agents Act 1996*.

JOHN WATKINS, M.P.,

Minister for Fair Trading

Explanatory note

This Regulation replaces the *Employment Agents Regulation 1996* which is repealed on 1 September 2001 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The Regulation makes provision for the following matters:

- (a) the application fee and annual fee in relation to an employment agent's licence (clauses 5 and 6),
- (b) penalty notice offences under the *Employment Agents Act 1996* (clauses 7 and 8 and Schedule 1),
- (c) other matters of a minor, consequential or ancillary nature (clauses 1–4 and 9).

The Regulation comprises or relates to matters of a machinery nature.

This Regulation is made under the *Employment Agents Act 1996*, including section 31 (the general power to make regulations).

2001 No 579

Employment Agents Regulation 2001

Contents

Contents

	Page
Part 1 Preliminary	
1 Name of Regulation	3
2 Commencement	3
3 Definition	3
4 Notes	3
Part 2 Fees	
5 Application for licence as private employment agent	4
6 Annual licence fee	4
Part 3 Penalty notice offences	
7 Penalty notices	5
8 Short description of offences	5
Part 4 Miscellaneous	
9 Savings provision	7
Schedule 1 Penalty notice offences	8

Employment Agents Regulation 2001

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Employment Agents Regulation 2001*.

2 Commencement

This Regulation commences on 1 September 2001.

Note. This Regulation replaces the *Employment Agents Regulation 1996* which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

In this Regulation:

the Act means the *Employment Agents Act 1996*.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

2001 No 579

Clause 5 Employment Agents Regulation 2001

Part 2 Fees

Part 2 Fees

5 Application for licence as private employment agent

For the purposes of section 7 (1) (c) of the Act, the fee that must accompany an application for a licence is \$105.

6 Annual licence fee

For the purposes of section 11 (2) (b) of the Act, the fee to be paid for the continuation of a licence is \$105.

Part 3 Penalty notice offences

7 Penalty notices

For the purposes of section 29 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 1 is declared to be a penalty notice offence, and
- (b) the prescribed penalty for such an offence is the amount specified in Column 4 of Schedule 1.

8 Short description of offences

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 1 is:
 - (a) if one or more IPB codes are set out in relation to the offence in Column 2 of Schedule 1, any of those IPB codes together with:
 - (i) the text set out in relation to the offence in Column 3 of Schedule 1, or
 - (ii) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence, or
 - (b) if no IPB code is set out in relation to the offence in Column 2 of Schedule 1:
 - (i) the text set out in relation to the offence in Column 3 of Schedule 1, or
 - (ii) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence.
 - (2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 1, the prescribed expression is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
 - (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used and any such document continues to have effect as if that expression had not been amended or repealed.
-

2001 No 579

Clause 8 Employment Agents Regulation 2001

Part 3 Penalty notice offences

(4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

(5) In this clause:

Infringement Processing Bureau means the Infringement Processing Bureau within the Police Service.

IPB Code, in relation to an offence, means the code allocated to the offence by the Infringement Processing Bureau.

Part 4 Miscellaneous

9 Savings provision

Any act, matter or thing that had effect under the *Employment Agents Regulation 1996* immediately before the repeal of that Regulation continues to have effect under this Regulation.

2001 No 579

Employment Agents Regulation 2001

Schedule 1 Penalty notice offences

Schedule 1 Penalty notice offences

(Clauses 7 and 8)

Column 1	Column 2	Column 3	Column 4
Provision	IPB Code	Short Description	Penalty
Section 12 (1)	9436	not give DG information within time allowed	\$200
Section 12 (3)	9437	fail to surrender licence for cancellation/ amendment	\$200
Section 14 (6)	9438	fail to deliver cancelled licence to DG	\$200
Section 21 (1) (a)	8629	not keep register of required particulars about applications	\$100
Section 21 (1) (b)	8630	not keep register of required particulars about engagements	\$100
Section 21 (1) (c)	8631	not retain original letters	\$100
Section 21 (2)	8632	not keep register in approved form	\$100
Section 21 (3)	8633	not keep register for required time	\$100
Section 21 (4) (a)	8634	not allow inspection/copy of/extract from register	\$100

Employment Agents Regulation 2001

Penalty notice offences

Schedule 1

Column 1	Column 2	Column 3	Column 4
Provision	IPB Code	Short Description	Penalty
Section 21 (4) (b)	8645	not give inspector information within time allowed	\$100

BY AUTHORITY