



New South Wales

Fair Trading (General) Amendment (Employment Placement Services) Regulation 2003

under the

Fair Trading Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fair Trading Act 1987*.

JOHN AQUILINA, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to prescribe an information standard for employment placement services. That standard requires persons who provide employment placement services to job seekers to give each job seeker a written notice setting out certain information. Section 60R of the *Fair Trading Act 1987* (as inserted by the *Fair Trading Amendment (Employment Placement Services) Act 2002*) makes it an offence for a person who provides employment placement services to fail to comply with the requirements of any prescribed information standard.

The Regulation also enables penalty notices to be issued for certain offences under the *Fair Trading Act 1987* relating to employment placement services.

This Regulation is made under the *Fair Trading Act 1987*, including sections 60R, 64 and 92 (the general regulation-making power).

2003 No 100

Clause 1 Fair Trading (General) Amendment (Employment Placement Services)
Regulation 2003

**Fair Trading (General) Amendment (Employment
Placement Services) Regulation 2003**

under the

Fair Trading Act 1987

1 Name of Regulation

This Regulation is the *Fair Trading (General) Amendment (Employment Placement Services) Regulation 2003*.

2 Commencement

This Regulation commences on 17 February 2003.

3 Amendment of Fair Trading (General) Regulation 2002

The *Fair Trading (General) Regulation 2002* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Part 3A

Insert after Part 3:

Part 3A Employment placement services

87A Information standard for employment placement services

- (1) For the purposes of section 60R of the Act, the requirements of this clause are prescribed as an information standard for employment placement services.
- (2) A person who provides employment placement services must, before providing those services to a person seeking employment (*a job seeker*), give the job seeker a written notice that sets out the following statements:
 - (a) A person who provides employment placement services must not charge a job seeker a fee for the purpose of finding the job seeker employment.
 - (b) A person who provides employment placement services must not engage in misleading or deceptive conduct (such as advertising a position as being available when the person knows no such position exists or knowingly giving misleading information to a job seeker about the nature of a position).
 - (c) If a job seeker believes that a person has acted inappropriately in the course of providing employment placement services, the job seeker may contact the Department of Fair Trading for information on possible action that may be taken.

[2] Schedule 1 Penalty notice offences

Insert at the end of the Schedule in Columns 1 and 2:

Section 60Q (1)	\$550
Section 60R (3)	\$550

BY AUTHORITY