



New South Wales

# Commercial Agents and Private Inquiry Agents Amendment (Miscellaneous) Regulation 2006

under the

Commercial Agents and Private Inquiry Agents Act 2004

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Commercial Agents and Private Inquiry Agents Act 2004*.

CARL SCULLY, M.P.,  
Minister for Police

## Explanatory note

The object of this Regulation is to amend the *Commercial Agents and Private Inquiry Agents Regulation 2006*:

- (a) so that the operator licence fee exemption that applies to sole traders is extended to individuals who are also sole operators but work under a corporate structure, and
- (b) so that a licensee is required to disclose his or her name, licence number and the purpose of a telephone call only at the beginning of initial telephone contact with a person and whenever subsequently asked and only if that person is the debtor, person under investigation or other interested person, and
- (c) to clarify that a corporation that carries on a business of providing accounting services, an incorporated legal practice and a solicitor corporation are not required to hold a master licence.

This Regulation is made under the *Commercial Agents and Private Inquiry Agents Act 2004*, including sections 5, 12 and 39 (the general regulation-making power).

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Commercial Agents and Private Inquiry Agents Amendment  
Clause 1 (Miscellaneous) Regulation 2006

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**Commercial Agents and Private Inquiry Agents  
Amendment (Miscellaneous) Regulation 2006**

under the

Commercial Agents and Private Inquiry Agents Act 2004

**1 Name of Regulation**

This Regulation is the *Commercial Agents and Private Inquiry Agents Amendment (Miscellaneous) Regulation 2006*.

**2 Amendment of Commercial Agents and Private Inquiry Agents  
Regulation 2006**

The *Commercial Agents and Private Inquiry Agents Regulation 2006* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 2)

**[1] Clause 10 Certain persons not required to hold master licence**

Insert after clause 10 (1) (d):

- (d1) any corporation that carries on a business of providing accounting services,
- (d2) any incorporated legal practice or solicitor corporation,

**[2] Clause 14 Application fees**

Omit clause 14 (5). Insert instead:

- (5) Despite subclauses (1)–(4), no fee is payable in relation to an application by an individual for the granting, renewal, restoration, amendment or replacement of an operator licence if the application is made together with:
  - (a) a similar application by that individual for the granting, renewal, restoration, amendment or replacement of a master licence, or
  - (b) a similar application by a proprietary company (within the meaning of the *Corporations Act 2001* of the Commonwealth) for the granting, renewal, restoration, amendment or replacement of a master licence so long as:
    - (i) the company employs only that individual to carry out commercial agent activities or private inquiry agent activities, and
    - (ii) the individual is a director of the company and any other director of the company is the spouse, parent, sibling, son or daughter of the individual.

**[3] Clause 25**

Omit the clause. Insert instead:

**25 Licensees to give name and licence number to interested persons when conducting business by telephone**

- (1) A licensee who is carrying on business under a master licence by telephone, or carrying out licensable activities under an operator licence by telephone, must advise an interested person to whom he or she is speaking, at the beginning of the licensee's first telephone call to that person and whenever asked during that or any subsequent telephone call:
  - (a) of his or her name and licence number, and

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Schedule 1 Amendments

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(b) of the purpose of the call.

Maximum penalty: 50 penalty units.

(2) In this clause, an *interested person* means:

- (a) if the telephone call relates to debt collection—the debtor,  
or
- (b) if the telephone call relates to the investigation of a  
person—the person being investigated, or
- (c) if the telephone call relates to the service of process—the  
person on whom legal process is to be served, or
- (d) if the telephone call relates to the repossession of goods—  
the person who is holding the goods.

BY AUTHORITY

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