



New South Wales

Employment Agents Regulation 1996

under the

Employment Agents Act 1996

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

JEFFREY SHAW, QC, MLC

Minister for Industrial Relations

Explanatory note

The object of this Regulation is:

- (a) to prescribe the application fee for a licence to carry on the business of a private employment agent, and
- (b) to prescribe the annual fees payable in respect of such licences, and
- (c) to provide that a notice of appeal to a Local Court against the refusal of the Director-General to grant such a licence is to be lodged with the Clerk of that Court, and
- (d) to prescribe certain offences under the *Employment Agents Act 1996* as offences for which penalty notices may be issued and to prescribe the amount of penalty payable in relation to offences dealt with in this way, and
- (e) to prescribe short descriptions that may be used in relation to those offences.

This Regulation is made under the *Employment Agents Act 1996*, including section 31 (the general regulation-making power) and sections 7, 11 and 29.

This Regulation comprises matters of a machinery nature.

1996 No 411

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Employment Agents Regulation 1996

1 Name of Regulation

This Regulation is the *Employment Agents Regulation 1996*.

2 Commencement

This Regulation commences on the day on which the *Employment Agents Act 1996* commences.

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.

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 \$40.

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 \$40.

7 Notice of appeal to Local Court against refusal or cancellation of licence

A notice of appeal under section 16 of the Act to a Local Court is to be lodged with the Clerk of that Court.

8 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 3 of Schedule 1.

9 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) the expression specified in Column 2 of that Schedule, or
 - (b) if a choice of words is indicated in that expression, 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 for the offence 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.
- (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.

Schedule 1 Penalty notice offences

(Clauses 8 and 9)

Column 1	Column 2	Column 3
Provision	Short Description	Penalty
Section 12 (1)	not give D.G. information within time allowed	\$200
Section 12 (3)	fail to surrender licence for cancellation/ amendment	\$200
Section 14 (6)	fail to deliver cancelled licence to D.G.	\$200