

Employment Agents Act 1976

Employment Agents Regulations 1976

Western Australia

Employment Agents Regulations 1976

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Western Australia

Employment Agents Act 1976

Employment Agents Regulations 1976

1. Citation

These regulations may be cited as the *Employment Agents* Regulations 1976 ¹.

Term used: Form 2.

In these regulations —

Form means a form set out in Schedule 1.

[Regulation 2 inserted in Gazette 22 Sep 2006 p. 4109.]

Deleted in Gazette 22 Sep 2006 p. 4109.] *[3.*

4. **Prescribed forms**

(1) The application forms referred to in the first column hereunder shall be used for the purpose respectively specified in relation thereto in the second column.

Application forms

Form No.	Purpose
1	General licence.
2	Restricted licence.
3	Interim licence.
4	Duplicate licence.
5	Transfer licence.

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Form No.	Purpose
6	Renewal of a general or
	restricted licence.

(2) The form of licence referred to in the first column hereunder shall be used for the purposes respectively specified in relation thereto in the second column.

Licences

- 7. General licence.8. Restricted licence.
- 9. Interim licence.
- (3) Where the transfer of a licence is consented to or ordered under the Act the order to be endorsed on the original licence shall be in the form of Form 10.
- 5. Application to be made with prescribed fee

An application for the grant, renewal or transfer of a licence shall be made to the Commissioner and shall be accompanied by the prescribed fee.

[Regulation 5 amended in Gazette 30 Dec 2004 p. 6918.]

[6, 7. Deleted in Gazette 18 Nov 2014 p. 4317.]

8. Form of Register

The Register to be kept for the purposes of section 27 of the Act shall be in the form of Form 12.

[9. Deleted in Gazette 30 Dec 2004 p. 6918.]

10. Prescribed fees

(1) The fees set out in the Table to this subregulation shall be paid with respect to the matters set out opposite them in that Table.

Table

	Matter	Fee (\$)
1.	Grant of general licence for period not exceeding prescribed period	993.00
2.	Renewal of general licence for period not exceeding prescribed period	567.50
3.	Grant of restricted licence for period not exceeding prescribed period	995.00
4.	Renewal of restricted licence for period not exceeding prescribed period	738.00
5.	Renewal of general or restricted licence for period of 3 years	738.00
6.	Application for interim licence	35.70
7.	Duplicate licence	61.00
8.	Application for transfer of licence under section 19(6) of the Act	71.00
9.	Inspection of record under section 51 of the Act	13.85
10.	Inspection of Register	27.25
11.	Copy (certified or uncertified) of individual registration in Register —	
	first page	27.25
	each subsequent page	5.30
12.	Copy (certified or uncertified) of all	

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Matter	Fee (\$)
registrations in Register	221.50

- (1a) For the purposes of section 13 of the Act, (and subject to the transitional provisions in section 15 of the *Business Licensing Amendment Act 1995*), the following periods are prescribed
 - (a) section 13(1) a licence should not exceed 3 years in duration;
 - (b) section 13(1b) a licence may be renewed for 3 years.
- (1B) The penalty prescribed under section 13(2) of the Act for any late application for the renewal of a licence is 25% of the fee due for the granting of that renewal.
 - (2) Where a licence is granted to a natural person on behalf of a firm or of a body corporate and an application for the transfer of the licence relates only to the change of the name of that person on the licence no fee is payable; in any other case the Commissioner may fix such fee not exceeding \$307.50 as he considers appropriate in the circumstances of the case as the fee for the application.

[Regulation 10 inserted in Gazette 4 Nov 1983 p. 4467; amended in Gazette 30 May 1986 p. 1815; 4 Sep 1987 p. 3517; 22 Jul 1988 p. 2520; 30 Jun 1989 p. 1970; 1 Aug 1990 p. 3655; 13 Dec 1991 p. 6164-5; 14 Aug 1992 p. 4019-20; 30 Nov 1992 p. 6412-13; 29 Dec 1995 p. 6347-8; 12 Mar 1996 p. 893-4; 28 Jun 2002 p. 3055; 27 Jun 2003 p. 2548-9; 29 Jun 2004 p. 2512-13; 30 Dec 2004 p. 6918; 27 Jun 2006 p. 2272; 15 Jun 2007 p. 2773; 17 Jun 2008 p. 2550-1; 23 Jun 2009 p. 2440-1; 25 Jun 2010 p. 2846-7; 22 Jun 2011 p. 2348-9; 15 Jun 2012 p. 2587-8; 27 Jun 2013 p. 2679-80; 17 Jun 2014 p. 1965-6; 23 Jun 2015 p. 2173-4; 3 Jun 2016 p. 1760.]

11. Offence

A person shall not make a false or misleading statement in any application made for the purposes of the Act.

12. Infringement notices

- (1) The offences specified in Schedule 2 are offences for which an infringement notice may be issued under Part 2 of the *Criminal Procedure Act 2004*.
- (2) The modified penalty specified opposite an offence in Schedule 2 is the modified penalty for that offence for the purposes of section 5(3) of the *Criminal Procedure Act 2004*.
- (3) The Commissioner may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of Part 2 of the *Criminal Procedure Act 2004*.
- (4) The Commissioner is to issue to each authorised officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.
- (5) For the purposes of the Criminal Procedure Act 2004
 - (a) an infringement notice is to be in the form of Form 13; and
 - (b) a withdrawal of infringement notice is to be in the form of Form 14.

[Regulation 12 inserted in Gazette 22 Sep 2006 p. 4109.]

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Schedule 1 — Forms

[r. 3]

[Heading inserted in Gazette 22 Sep 2006 p. 4110.]

Form 1

Employment Agents Act 1976

APPLICATION FOR A GENERAL LICENCE

TO Comr	nissio	ner for Consumer Protection ² :			
1.	of herel	trading as			
2.	agent †Thi	s application has been approved by the *firm/body corporate.			
3.	Busin	ness is proposed to be carried on at the following addresses: —			
4.	State name and address of 2 persons resident in Western Australia willing to act as character referees for the proposed licensee.				
	(a)	Full name Residential or Business address 'Phone			
	(b)	Full name			
[5.	delei	ted]			

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Employment Agents Regulations 1976 Forms Schedule 1

Fo	rm	1

6.	Does a person, firm or body corporate mentioned in this application hold a licence under the Act? If so, give particulars of the licence.		
Date	d this day of	20	
		Signature of applicant.	
† Th	e consents to	this application.	
		* Seal of body corporate.	
		* Signature of person authorised by firm.	
	lete whichever not applicable.		
	[Form 1 amended in Gazette 30 Dep. 1740; 18 Nov 2014 p. 4317.]	ec 2004 p. 6919; 20 Apr 2007	

Employment Agents Act 1976

APPLICATION FOR A RESTRICTED LICENCE

TO Com	missio	ner for Consumer Protection ² :		
1.	*I/The			
		n relation to the following class or classes of business		
2.	†Thi	s application has been approved of by the *firm/body corporate.		
3. Business is proposed to be carried on at the following addresse				
4. State name and address of 2 persons resident in Western Australia to act as character referees for the proposed licensee.				
	(a)	Full name Residential or business address 'Phone		
	(b)	Full name Residential or business address 'Phone		
[5.	dele			

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Employment Agents Regulations 1976 Forms Schedule 1

E	_	r	m	2
_	()	п	111	_

6.	Does a person, firm or body corporate mention a licence under the Act? If so, give particulars	* *
Dated	I this day of	20
		Signature of applicant.
† The	consents to this app	olication.
	*	Seal of body corporate.
	*	Signature of person authorised by firm.
	ete whichever inapplicable. ete if not applicable.	
	[Form 2 amended in Gazette 30 Dec 2004	p. 6919; 20 Apr 2007

p. 1740; 18 Nov 2014 p. 4317.]

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APPLICATION FOR AN INTERIM LICENCE

Com	missic	oner for Consumer Protection ² :	
1.	of herel for a	he	
2.	•	circumstances to which this application relates are —	
3.	†This application has been approved by the *firm/body corporate.		
4.	Busi	ness is proposed to be carried on at the following addresses —	
5.		e name and address of 2 persons resident in Western Australia willing at as referees for the proposed licensee —	
	(a)	Full name	
	(b)	Full name Residential or business address 'Phone	
[6.	dele		

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	Does a person, firm or body corporate mentioned in this application hold a licence under the Act? If so, give particulars of the licence	
Dated	this day of	20
		Signature of applicant.
† The	consents to this a	application.
		* Seal of body corporate.
		* Signature of person authorised by firm.
	ete whichever inapplicable. ete if not applicable.	

[Form 3 amended in Gazette 30 Dec 2004 p. 6919; 20 Apr 2007 p. 1740; 18 Nov 2014 p. 4317.]

Employment Agents Act 1976

APPLICATION FOR A DUPLICATE LICENCE

TO Comr	missioner for Consumer Protection ² :	
1.	*I/The trading as of being the holder of a Act hereby *apply/applies for the issue	'Phone licence under the
2.	The circumstances in which the licence follows: —	·
Dated	I this day of	20
		Signature of applicant.
† The	consents to	this application.
		* Seal of body corporate.
		* Signature of person authorised by firm.
	ete whichever inapplicable. ete if not applicable.	
	[Form 4 amended in Gazette 30 De p. 1740.]	c 2004 p. 6919; 20 Apr 2007

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Employment Agents Act 1976

APPLICATION FOR TRANSFER OF LICENCE

Comn	nissio	ner for Consumer Protection ² :
1.	of being Act h follov	e
2.		icence is to be transferred to
3.	†This	application has been approved by the *firm/body corporate.
4.		ness is to be carried on at the following addresses: —
5.		name and address of 2 persons resident in Western Australia willing as referees of the proposed licensee.
	(a)	Full name Residential or business address 'Phone
	(b)	Full name
[6.	delet	ed]

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Employment Agents Regulations 1976 Schedule 1 Forms

_				
_	_			- 6
_	6)	П	11	-9

7.	Does a person, firm or body corporate mential licence under the Act? If so, give particular	
Dated	this day of	20
† The	consents to this a	Signature of applicant.
		* Seal of body corporate.
		* Signature of person authorised by firm.

[Form 5 amended in Gazette 30 Dec 2004 p. 6919; 20 Apr 2007 p. 1740; 18 Nov 2014 p. 4317.]

^{*} Delete whichever inapplicable.

[†] Delete if not applicable.

Employment Agents Act 1976

APPLICATION FOR A RENEWAL OF LICENCE

TO Con	nmissioner for Consumer Protection ² :	
1.	*I/The trading as ofbeing the holder of a	'Phone licence under the
2.	The business is proposed to be carrie	
Date	ed this day of	20
		Signature of applicant.
		* Seal of body corporate.
		* Signature of person authorised by firm.
* De	elete whichever not applicable.	
	[Form 6 amended in Gazette 30 l p. 1740.]	Dec 2004 p. 6919; 20 Apr 2007

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Employment Agents Act 1976

GENERAL LICENCE

This is to certify that
oftrading as
is licensed to carry on the business of an employment agent
(† on behalf of) at the following places of business —
subject to the following conditions, limitations and restrictions: —
Date of issue:
Date of expiry:
Commissioner for Consumer Protection ² .
† Delete if not applicable.
[Form 7 amended in Gazette 30 Dec 2004 p. 6919; 20 Apr 2007 p. 1740.]

Employment Agents Act 1976

RESTRICTED LICENCE

This is to certify thattrading as
of
is licensed to carry on business as an employment agent († on behalf of) in the following parts of Western Australia: —
and in relation to the following class or classes of business:
at the following places of business: —
subject to the following conditions, limitations and restrictions: —
Date of issue: Date of expiry:
Commissioner for Consumer Protection ² .
† Delete if not applicable.
[Form 8 amended in Gazette 30 Dec 2004 p. 6919; 20 Apr 2007
[101111 6 amenaea in Gazette 30 Dec 2004 p. 0919, 20 Apr 2007

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p. 1740.]

Employment Agents Act 1976

INTERIM LICENCE

This is to certify that
trading as
of
is licensed to carry on business as an employment agent on behalf of
at the following places of business for a period of
subject to the conditions, limitations
and restrictions set out in the licence issued to
and to the following conditions, limitations and restrictions:
Date of issue:
Date of expiry:
Commissioner for Consumer Protection ² .
Protection.

[Form 9 amended in Gazette 30 Dec 2004 p. 6919; 20 Apr 2007 p. 1740.]

TRANSFER ENDORSEMENT

This licence is transferred totrading as*w	
shall henceforth have the sole right to use and exercise the same subject. Act.	
Dated the day of	20
Commissioner for Consumer Protection 2.	
* Delete whichever is not applicable.	
[Form 10 amended in Gazette 30 Dec 2004 p. 6919; 20 Apr 2 p. 1740.]	2007

[Form 11 deleted in Gazette 18 Nov 2014 p. 4317.]

Employment Agents Act 1976

REGISTER OF EMPLOYMENT AGENTS

L			
	Disqualification of Person, Firm or Body Corporate	To	
		From	
	Disqu: Person, C	Name	
	sion	To	
	Suspension of Licence	From	
	LICENCE	Particulars of Conditions, Limitations or Restrictions	
		Name of Firm or Body Corporate on behalf whom Granted	
		Name of Natural Person to whom Granted	
		Type — Gen Rest. Int.	
		Date Express	
		Date Granted or Renewed	
		No	

Date

S

Cancellation or Surrender

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Address of Other Places of Business.....

Address of Principal Place of Business Business Name

Employment Agents Act 1976 Infringement notice		Infringement
		notice no.
Alleged	Name: Family name	
offender	Given names	
	or Company name	A COL
		ACN
	Address	
	D : .:	Postcode
Alleged	Description of offence	
offence	F 1 1056	
	Employment Agents Act 1976 s.	
	Date / /20	Time a.m./p.m.
	Modified penalty \$	
Officer	Name	
issuing notice	8	
	Office	
Date	Date of notice / /20	
Notice to	It is alleged that you have committed the above offence.	
alleged	If you do not want to be prosecuted in court for the offence,	
offender	pay the modified penalty within 28 days after the date of this	
	notice.	
	How to pay	
	By post: Send a cheque or money order (payable to	
'Approved Officer — Employment Agents Act 19		oyment Agents Act 1976')
	to:	1076
	Approved Officer — Emplo	
	Department of Consumer an Protection ³	nd Employment
	Locked Bag 14 Cloisters So	quare
	Perth WA 6850	
	In person: Pay the cashier at:	
	Department of Consumer and Employment Protection ³	
	[street address to be inserte If you do not pay the modified pena	
	may be prosecuted or enforcement a	
	the Fines, Penalties and Infringemen	
	Act 1994. Under that Act, some or a	v
	ACT 1994. Under that Act, some of a	in or the following action

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may be taken — your driver's licence may be suspended;
your vehicle licence may be suspended or cancelled; your
details may be published on a website; your vehicle may be
immobilised or have its number plates removed; and your
property may be seized and sold.
If you need more time to pay the modified penalty, you can
apply for an extension of time by writing to the Approved
Officer at the above postal address.
If you want this matter to be dealt with by prosecution in
count sign here

court, sign here and post this notice to the Approved Officer at the above postal address within 28 days after the date of this notice.

[Form 13 inserted in Gazette 22 Sep 2006 p. 4110; amended in Gazette 20 August 2013 p. 3830; 18 Nov 2014 p. 4317.]

Employment Age Withdrawal of i	nts Act 1976 Withdrawal no.	
Alleged	Name: Family name	
offender	Given names	
	or Company name	
	ACN	
	Address	
	Postcode	
Infringement	Infringement notice no.	
notice	Date of issue / /20	
Alleged offence	Description of offence	
	Employment Agents Act 1976 s.	
	Date / /20 Time a.m./p.m.	
Officer	Name	
withdrawing	Signature	
notice	Office	
Date	Date of withdrawal / /20	
Withdrawal of	The above infringement notice issued against you has been	
infringement	withdrawn.	
notice	If you have already paid the modified penalty for the	
	alleged offence you are entitled to a refund.	
* Your refund is enclosed.		
[*delete whichever is not applicable]	* If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to:	
	Approved Officer — Employment Agents Act 1976	
	Department of Consumer and Employment Protection ³	
	Locked Bag 14 Cloisters Square Perth WA 6850	
	Signature / /20	

[Form 14 inserted in Gazette 22 Sep 2006 p. 4111.]

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Schedule 2 — Prescribed offences and modified penalties

[r. 12]

[Heading inserted in Gazette 22 Sep 2006 p. 4111.]

Offences u	Modified inder Employment Agents Act 1976 penalty
s. 12(1)	Carrying on business as an employment agent without a licence \$100
s. 12(4)	Carrying on business as an employment agent —
	(a) under unlicensed name \$100
	(b) at unlicensed address\$100
	(c) when licence is not in force \$100
	(d) in relation to unlicensed class of business \$100
	(e) contrary to condition, limitation or restriction in licence
s. 46(6)	Failing to keep records\$100

[Schedule 2 inserted in Gazette 22 Sep 2006 p. 4111.]

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Notes

This is a compilation of the Employment Agents Regulations 1976 and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
Employment Agents Regulations 1976	10 Sep 1976 p. 3386-93	1 Nov 1976 (see <i>Gazette</i> 24 Sep 1976 p. 3493)
Untitled regulations	30 Dec 1977 p. 4765	30 Dec 1977
Employment Agents Amendment Regulations 1980	26 Sep 1980 p. 3356	1 Nov 1980 (see r. 2)
Employment Agents Amendment Regulations 1981	23 Oct 1981 p. 4428	1 Dec 1981 (see r. 2)
Employment Agents Amendment Regulations 1983	4 Nov 1983 p. 4467	1 Dec 1983 (see r. 2)
Employment Agents Amendment Regulations 1986	30 May 1986 p. 1815-16	1 Jul 1986 (see r. 2)
Employment Agents Amendment Regulations 1987	4 Sep 1987 p. 3517	4 Sep 1987
Employment Agents Amendment Regulations 1988	22 Jul 1988 p. 2520	22 Jul 1988
Employment Agents Amendment Regulations 1989	30 Jun 1989 p. 1969-70	1 Jul 1989 (see r. 2)
Employment Agents Amendment Regulations 1990	1 Aug 1990 p. 3655	1 Aug 1990
Employment Agents Amendment Regulations 1991	13 Dec 1991 p. 6164-5	13 Dec 1991
Employment Agents Amendment Regulations 1992	14 Aug 1992 p. 4019-20	14 Aug 1992
Employment Agents Amendment Regulations 1993	30 Nov 1993 p. 6412-13	30 Nov 1993
Employment Agents Amendment Regulations 1995	29 Dec 1995 p. 6347-8	1 Jan 1996 (see r. 2)
Employment Agents Amendment Regulations 1996	12 Mar 1996 p. 893-4	12 Mar 1996

Reprint of the Employment Agents Regulations 1976 as at 30 Sep 1997 (includes amendments listed above)

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Citation	Gazettal	Commencement
Employment Agents Amendment Regulations 2002	28 Jun 2002 p. 3054-5	1 Jul 2002 (see r. 2)
Employment Agents Amendment Regulations 2003	27 Jun 2003 p. 2548-9	1 Jul 2003 (see r. 2)
Reprint 2: The <i>Employment Agents</i> amendments listed above)	Regulations 1976	6 as at 6 Feb 2004 (includes
Employment Agents Amendment Regulations 2004	29 Jun 2004 p. 2512-13	1 Jul 2004 (see r. 2)
Employment Agents Amendment Regulations (No. 2) 2004	30 Dec 2004 p. 6918-20	1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
Employment Agents Amendment Regulations (No. 2) 2006	27 Jun 2006 p. 2271-2	1 Jul 2006 (see r. 2)
Employment Agents Amendment Regulations 2006	22 Sep 2006 p. 4108-11	22 Sep 2006 (see r. 2(a))
Reprint 3: The <i>Employment Agents</i> (includes amendments listed above)	Regulations 1976	6 as at 20 Oct 2006
Employment Agents Amendment Regulations 2007	20 Apr 2007 p. 1739-40	20 Apr 2007
Employment Agents Amendment Regulations (No. 2) 2007	15 Jun 2007 p. 2772-3	r. 1 and 2: 15 Jun 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2007 (see r. 2(b))
Employment Agents Amendment Regulations 2008	17 Jun 2008 p. 2550-1	r. 1 and 2: 17 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b))
Employment Agents Amendment Regulations 2009	23 Jun 2009 p. 2439-41	r. 1 and 2: 23 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b))
Reprint 4: The <i>Employment Agents</i> (includes amendments listed above)	Regulations 1976	5 as at 21 Aug 2009
Employment Agents Amendment Regulations 2010	25 Jun 2010 p. 2845-7	r. 1 and 2: 25 Jun 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2010 (see r. 2(b))
Employment Agents Amendment Regulations 2011	22 Jun 2011 p. 2347-9	r. 1 and 2: 22 Jun 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b))

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Citation	Gazettal	Commencement
Employment Agents Amendment Regulations 2012	15 Jun 2012 p. 2587-8	r. 1 and 2: 15 Jun 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2012 (see r. 2(b))
Employment Agents Amendment Regulations (No. 2) 2013	27 Jun 2013 p. 2679-80	r. 1 and 2: 27 Jun 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2013 (see r. 2(b))
Employment Agents Amendment Regulations 2013	20 Aug 2013 p. 3830	r. 1 and 2: 20 Aug 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Aug 2013 (see r. 2(b) and Gazette 20 Aug 2013 p. 3815)

Reprint 5: The Employment Agents Regulations 1976 as at 2 May 2014 (includes amendments listed above)

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Employment Agents Amendment Regulations 2014	17 Jun 2014 p. 1965-6	r. 1 and 2: 17 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b))
Employment Agents Amendment Regulations (No. 2) 2014	18 Nov 2014 p. 4317	r. 1 and 2: 18 Nov 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Nov 2014 (see r. 2(b) and <i>Gazette</i> 18 Nov 2014 p. 4315)
Employment Agents Amendment Regulations 2015	23 Jun 2015 p. 2173-4	r. 1 and 2: 23 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b))
Commerce Regulations Amendment (Fees and Charges) Regulations 2016 Pt. 9	3 Jun 2016 p. 1745-73	1 Jul 2016 (see r. 2(b))

Under the Consumer Affairs Act 1971 s. 4(3), references, however expressed, in any other Act or in any regulation, notice, proclamation, or statutory instrument of any kind made, published or in force under that or any other Act to the Commissioner for Consumer Protection are, unless the context requires otherwise, read and construed as references to the Commissioner for Fair Trading as defined by the Consumer Affairs Act 1971.

The Machinery of Government (Miscellaneous Amendments) Act 2006 s. 151(5) provides that a reference to the Commissioner for Fair Trading is to have effect as if it had been amended to be a reference to the Commissioner as defined by the Consumer Affairs Act 1971.

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Under the *Public Sector Management Act 1994* the names of departments may be changed. At the time of this reprint the former Department of Consumer and Employment Protection is called the Department of Commerce.

Defined terms

[This is a list of terms defined and the provisions where they are dej	fined.
The list is not part of the law.]	

Defined term	Provision(s)
Form	2