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.

##### 2. Principal Act

In these regulations the *Employment Agents Act 1976* is referred to as **“**the Act**”**.

##### 3. Forms set out in Schedule

The forms prescribed for the purposes of the Act are set out in the Schedule to these regulations.

##### 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. |
| 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. Notice of application

The notice of application to be published pursuant to section 18(4) of the Act shall be in the form of Form 11.

##### 7. Notice of objection

A notice of objection to the grant, renewal or transfer of a licence is not required to be given in a prescribed form.

##### 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[**9.** Repealed in Gazette 30 Dec 2004 p. 6918.]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**

|  | $ |
| --- | --- |
| Grant of a general licence for a period not exceeding the prescribed period ..................................................... | 1 021.00 |
| Renewal of a general licence for a period not exceeding the prescribed period ................................... | 294.00 |
| Grant of a restricted licence for a period not exceeding the prescribed period .................................................... | 1 021.00 |
| Renewal of a restricted licence for a period not exceeding the prescribed period ................................... | 294.00 |
| Renewal of a general or a restricted licence for a period of 3 years ........................................................... | 294.00 |
| Application for an interim licence .............................. | 30.00 |
| Duplicate licence ......................................................... | 49.00 |
| Application for transfer of licence under section 19(6) | 54.00 |
| 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. |  |
| Inspection of record under section 51 of the Act .......... | 12.00 |
| Inspection of the Register .............................................. | 23.00 |
| Copy (certified or uncertified) of an individual registration in the Register — |  |
| first page .............................................................. | 23.00 |
| each subsequent page ........................................... | 4.00 |
| Copy (certified or uncertified) of all registrations in the Register .................................................................... | 286.00 |

(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.

(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 $300 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.]

##### 11. Offence

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

Schedule

**Form 1**

*Employment Agents Act 1976*

**APPLICATION FOR A GENERAL LICENCE**

TO  
Commissioner for Fair Trading:

1. \*I/The ............................... trading as .......................................................... of ........................................................ ’Phone ............................................. hereby \*apply/applies on behalf of ..............................................................  
...................................................................................................................... for a general licence to act as and carry on business of an employment agent.

2. †This application has been approved by the \*firm/body corporate.

3. Business 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 ...........................................................................................  
Residential .........................................................................................  
   or  
Business address ................................................................................

’Phone ............................................

5. Attached is a page of the newspaper ...........................................................  
...................................................................................................................... in which an advertisement of the notice of intention to apply for a licence was published pursuant to section 18 of the Act.

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.

Dated this .................................... day of .................................................... 20......

..............................................  
Signature of applicant.

† The ........................................... consents to this application.

\* Seal of body corporate.

\* Signature of person authorised by firm.

\* Delete whichever not applicable.  
† Delete if not applicable.

[Form 1 amended in Gazette 30 Dec 2004 p. 6919.]

**Form 2**

*Employment Agents Act 1976*

**APPLICATION FOR A RESTRICTED LICENCE**

TO  
Commissioner for Fair Trading:

1. \*I/The ............................... trading as .......................................................... of ......................................................... ’Phone ............................................ hereby \*apply/applies on behalf of ..............................................................  
...................................................................................................................... for a restricted licence to act as and carry on business of an employment agent in the following parts of the State —   
......................................................................................................................  
......................................................................................................................  
and in relation to the following class or classes of business .......................  
......................................................................................................................  
......................................................................................................................

2. †This application has been approved of by the \*firm/body corporate.

3. Business 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 ...........................................................................................  
Residential .........................................................................................  
   or  
business address ................................................................................

’Phone .............................................

5. Attached is a page of the newspaper ...........................................................  
...................................................................................................................... in which an advertisement of the intention to apply for a licence was published pursuant to section 18 of the Act.

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.

Dated this .................................... day of .................................................... 20......

..............................................  
Signature of applicant.

† The ........................................... consents to this application.

\* Seal of body corporate.

\* Signature of person authorised by firm.

\* Delete whichever inapplicable.  
† Delete if not applicable.

[Form 2 amended in Gazette 30 Dec 2004 p. 6919.]

**Form 3**

*Employment Agents Act 1976*

**APPLICATION FOR AN INTERIM LICENCE**

TO  
Commissioner for Fair Trading:

1. \*I/The ............................... trading as .......................................................... of .......................................................... ’Phone ........................................... hereby \*apply/applies on behalf of ..............................................................  
...................................................................................................................... for an interim licence to act as and carry on the business of an employment agent.

2. The circumstances to which this application relates are —   
......................................................................................................................  
......................................................................................................................

3. †This application has been approved by the \*firm/body corporate.

4. Business is proposed to be carried on at the following addresses —   
......................................................................................................................  
......................................................................................................................

5. State name and address of 2 persons resident in Western Australia willing to act as referees for the proposed licensee —

(a) Full name ...........................................................................................  
Residential .........................................................................................  
   or  
business address ................................................................................

’Phone ............................................

(b) Full name ...........................................................................................  
Residential .........................................................................................  
   or  
business address ................................................................................

’Phone ............................................

6. Attached is a page of the newspaper ...........................................................  
...................................................................................................................... in which an advertisement of the notice of intention to apply for a licence was published pursuant to section 18 of the Act.

7. 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 application.

\* Seal of body corporate.

\* Signature of person authorised by firm.

\* Delete whichever inapplicable.  
† Delete if not applicable.

[Form 3 amended in Gazette 30 Dec 2004 p. 6919.]

**Form 4**

*Employment Agents Act 1976*

**APPLICATION FOR A DUPLICATE LICENCE**

TO  
Commissioner for Fair Trading:

1. \*I/The ............................... trading as .......................................................... of ........................................................... ’Phone .......................................... being the holder of a ........................................................ licence under the Act hereby \*apply/applies for the issue of a duplicate of that licence.

2. The circumstances in which the licence was lost or destroyed are as follows: —   
......................................................................................................................

Dated this .................................... day of .................................................... 20......

..............................................  
Signature of applicant.

† The ........................................... consents to this application.

\* Seal of body corporate.

\* Signature of person authorised by firm.

\* Delete whichever inapplicable.  
† Delete if not applicable.

[Form 4 amended in Gazette 30 Dec 2004 p. 6919.]

**Form 5**

*Employment Agents Act 1976*

**APPLICATION FOR TRANSFER OF LICENCE**

TO  
Commissioner for Fair Trading:

1. \*I/The ............................... trading as ..........................................................  
of ......................................................... ’Phone ............................................ being the holder of a ........................................................ licence under the Act hereby \*apply/applies for the transfer of the licence because of the following circumstances: —   
......................................................................................................................  
......................................................................................................................

2. The licence is to be transferred to ................................................................  
......................................................................................................................  
......................................................................................................................

3. †This application has been approved by the \*firm/body corporate.

4. Business is to be carried on at the following addresses: —   
......................................................................................................................  
......................................................................................................................

5. State name and address of 2 persons resident in Western Australia willing to act as referees of the proposed licensee.

(a) Full name ...........................................................................................  
Residential .........................................................................................  
   or  
business address ................................................................................

’Phone ............................................

(b) Full name ...........................................................................................  
Residential .........................................................................................  
   or  
business address ................................................................................

’Phone ............................................

6. Attached is a page of the newspaper ...........................................................  
...................................................................................................................... in which an advertisement of the notice of intention to transfer the licensee was published pursuant to section 18 of the Act.

7. 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 application.

\* Seal of body corporate.

\* Signature of person authorised by firm.

\* Delete whichever inapplicable.  
† Delete if not applicable.

[Form 5 amended in Gazette 30 Dec 2004 p. 6919.]

**Form 6**

*Employment Agents Act 1976*

**APPLICATION FOR A RENEWAL OF LICENCE**

TO  
Commissioner for Fair Trading:

1. \*I/The ............................... trading as ..........................................................  
of ......................................................... ’Phone ............................................ being the holder of a ........................................................ licence under the Act hereby \*apply/applies for the renewal of the licence.

2. The business is proposed to be carried on at the following addresses: —   
......................................................................................................................  
......................................................................................................................  
......................................................................................................................

Dated this .................................... day of .................................................... 20......

.............................................  
Signature of applicant.

\* Seal of body corporate.

\* Signature of person authorised by firm.

\* Delete whichever not applicable.

[Form 6 amended in Gazette 30 Dec 2004 p. 6919.]

**Form 7**

*Employment Agents Act 1976*

**GENERAL LICENCE**

This is to certify that ..............................................................................................  
........................................................ trading as ....................................................... of ............................................................................................................................ 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 Fair Trading.

† Delete if not applicable.

[Form 7 amended in Gazette 30 Dec 2004 p. 6919.]

**Form 8**

*Employment Agents Act 1976*

**RESTRICTED LICENCE**

This is to certify that ..............................................................................................  
........................................................ trading 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 Fair Trading.

† Delete if not applicable.

[Form 8 amended in Gazette 30 Dec 2004 p. 6919.]

**Form 9**

*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 Fair Trading.

[Form 9 amended in Gazette 30 Dec 2004 p. 6919.]

**Form 10**

**TRANSFER ENDORSEMENT**

This licence is transferred to ..................................................................................  
........................................................ trading as .................................. \*who/which shall henceforth have the sole right to use and exercise the same subject to the Act.

Dated the ..................................... day of .................................................... 20......

................................................................  
Commissioner for Fair Trading.

\* Delete whichever is not applicable.

[Form 10 amended in Gazette 30 Dec 2004 p. 6919.]

**Form 11**

*EMPLOYMENT AGENTS ACT 1976*

TAKE NOTICE THAT ................................ trading as ........................................ of ............................................................................................................................ is to apply for a ............................................................................. licence to carry on business as an employment agent at .................................................................  
.................................................................................................................................

ANY PERSON who desires to object to the grant of a licence should lodge a notice in writing with the Commissioner, within 14 days of the date of this publication stating in sufficient details the grounds of the objection and is also required to serve a copy of such notice of objection on the applicant or his authorised representative.

................................................................  
Signature.

[Form 11 amended in Gazette 30 Dec 2004 p. 6920.]

|  |  |  |  |
| --- | --- | --- | --- |
| **Form 12**  *Employment Agents Act 1976*  **REGISTER OF EMPLOYMENT AGENTS**  Business Name ................................................................................................................................................................  Address of Principal Place of Business ..........................................................................................................................  Address of Other Places of Business .............................................................................................................................. | Cancellation or Surrender | Date |  |
| S |  |
| C |  |
| Disqualification of  Person, Firm or Body Corporate | To |  |
| From |  |
| Name |  |
| Suspension of Licence | To |  |
| 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 Expires |  |
| Date Granted or Renewed |  |
| No. |  |

[Form 13 deleted in Gazette 30 Dec 2004 p. 6920.]

Notes

1 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 *Gazette* 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) | | |
| *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 *Employment Agents Regulations 1976* as at 6 Feb 2004** (includes amendments listed above) | | |
| *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 *Gazette* 31 Dec 2004 p. 7130) |

2 Footnote no longer applicable.

3 Now the Minister for Consumer and Employment Protection.