

Western Australia

Employment Agents Regulations 1976

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Employment Agents Regulations 1976

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Employment Agents Regulations 1976

1. Citation

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

2. Interpretation

In these regulations —

“**Form**” means a form set out in Schedule 1.

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

[3. Repealed in Gazette 22 Sep 2006 p. 4109.]

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 Repealed in Gazette 30 Dec 2004 p. 6918.]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	1 220.00
Renewal of a general licence for a period not exceeding the prescribed period	911.00
Grant of a restricted licence for a period not exceeding the prescribed period	1 220.00
Renewal of a restricted licence for a period not exceeding the prescribed period	911.00
Renewal of a general or a restricted licence for a period of 3 years	911.00
Application for an interim licence	31.00
Duplicate licence	52.50
Application for transfer of licence under section 19(6) of the Act	57.00
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	23.50
Copy (certified or uncertified) of an individual registration in the Register —	
first page	23.50
each subsequent page	4.80
Copy (certified or uncertified) of all registrations in the Register	303.00

- (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 —

r. 11

- (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; 27 Jun 2006 p. 2272.]

11. Offence

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

4. 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 4 inserted in Gazette 22 Sep 2006 p. 4109.]

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
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.]

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.]

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

LICENCE							Cancellation or Surrender								
No.	Date Granted or Renewed	Date Expires	Type — Gen. Rest. Int.	Name of Natural Person to whom Granted	Name of Firm or Body Corporate on behalf of whom Granted	Particulars of Conditions, Limitations or Restrictions	Suspension of Licence		Disqualification of Person, Firm or Body Corporate						
							From	To	Name	From	To	C	S	Date	

Form 13

<i>Employment Agents Act 1976</i>		Infringement notice no.
Infringement notice		
Alleged offender	Name: Family name _____	
	Given names _____	
	or Company name _____	
	ACN _____	
Address _____		Postcode _____
Alleged offence	Description of offence _____	
	<i>Employment Agents Act 1976 s.</i> _____	
	Date _____ / _____ /20	Time _____ a.m./p.m.
	Modified penalty \$ _____	
Officer issuing notice	Name _____	
	Signature _____	
	Office _____	
Date	Date of notice _____ / _____ /20	
Notice to alleged offender	<p>It is alleged that you have committed the above offence. If you do not want to be prosecuted in court for the offence, pay the modified penalty within 28 days after the date of this notice.</p> <p>How to pay</p> <p>By post: Send a cheque or money order (payable to ‘Approved Officer — <i>Employment Agents Act 1976</i>’) to: Approved Officer — <i>Employment Agents Act 1976</i> Department of Consumer and Employment Protection Locked Bag 14 Cloisters Square Perth WA 6850</p> <p>In person: Pay the cashier at: Department of Consumer and Employment Protection 219 St George’s Terrace, Perth WA</p> <p>If you do not pay the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act your driver’s licence and/or vehicle licence may be suspended.</p> <p>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.</p> <p>If you want this matter to be dealt with by prosecution in 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.</p>	

[Form 13 inserted in Gazette 22 Sep 2006 p. 4110.]

Form 14

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

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

Schedule 2 — Prescribed offences and modified penalties

[r. 4]

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

Employment Agents Regulations 1976

Schedule 2 Prescribed offences and modified penalties

Offences under <i>Employment Agents Act 1976</i>		Modified 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	\$100
s. 46(6)	Failing to keep records	\$100

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

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
<i>Employment Agents Regulations 1976</i>	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
<i>Employment Agents Amendment Regulations 1980</i>	26 Sep 1980 p. 3356	1 Nov 1980 (see r. 2)
<i>Employment Agents Amendment Regulations 1981</i>	23 Oct 1981 p. 4428	1 Dec 1981 (see r. 2)
<i>Employment Agents Amendment Regulations 1983</i>	4 Nov 1983 p. 4467	1 Dec 1983 (see r. 2)
<i>Employment Agents Amendment Regulations 1986</i>	30 May 1986 p. 1815-16	1 Jul 1986 (see r. 2)
<i>Employment Agents Amendment Regulations 1987</i>	4 Sep 1987 p. 3517	4 Sep 1987
<i>Employment Agents Amendment Regulations 1988</i>	22 Jul 1988 p. 2520	22 Jul 1988
<i>Employment Agents Amendment Regulations 1989</i>	30 Jun 1989 p. 1969-70	1 Jul 1989 (see r. 2)
<i>Employment Agents Amendment Regulations 1990</i>	1 Aug 1990 p. 3655	1 Aug 1990
<i>Employment Agents Amendment Regulations 1991</i>	13 Dec 1991 p. 6164-5	13 Dec 1991
<i>Employment Agents Amendment Regulations 1992</i>	14 Aug 1992 p. 4019-20	14 Aug 1992
<i>Employment Agents Amendment Regulations 1993</i>	30 Nov 1993 p. 6412-13	30 Nov 1993
<i>Employment Agents Amendment Regulations 1995</i>	29 Dec 1995 p. 6347-8	1 Jan 1996 (see r. 2)
<i>Employment Agents Amendment Regulations 1996</i>	12 Mar 1996 p. 893-4	12 Mar 1996
Reprint of the <i>Employment Agents Regulations 1976</i> as at 30 Sep 1997 (includes amendments listed above)		

Employment Agents Regulations 1976

Citation	Gazettal	Commencement
<i>Employment Agents Amendment Regulations 2002</i>	28 Jun 2002 p. 3054-5	1 Jul 2002 (see r. 2)
<i>Employment Agents Amendment Regulations 2003</i>	27 Jun 2003 p. 2548-9	1 Jul 2003 (see r. 2)
Reprint 2: The <i>Employment Agents Regulations 1976</i> as at 6 Feb 2004 (includes amendments listed above)		
<i>Employment Agents Amendment Regulations 2004</i>	29 Jun 2004 p. 2512-13	1 Jul 2004 (see r. 2)
<i>Employment Agents Amendment Regulations (No. 2) 2004</i>	30 Dec 2004 p. 6918-20	1 Jan 2005 (see r 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Employment Agents Amendment Regulations (No. 2) 2006</i>	27 Jun 2006 p. 2271-2	1 Jul 2006 (see r. 2)
<i>Employment Agents Amendment Regulations 2006</i>	22 Sep 2006 p. 4108-11	22 Sep 2006 (see r. 2(a))

² Footnote no longer applicable.

³ Now the Minister for Consumer and Employment Protection.