

CE312*

Employment Agents Act 1976
Criminal Procedure Act 2004

Employment Agents Amendment Regulations 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Employment Agents Amendment Regulations 2006*.

2. Commencement

These regulations come into operation on the later of —

- (a) the day on which they are published in the *Gazette*; and
- (b) the day on which the *Criminal Procedure Amendment Regulations (No. 2) 2006* come into operation.

3. The regulations amended

The amendments in these regulations are to the *Employment Agents Regulations 1976**.

[* *Reprint 2 as at 6 February 2004.*

For amendments to 26 May 2006 see Western Australian Legislation Information Tables for 2005, Table 4, p. 105.]

4. Regulations 2 and 3 replaced by regulation 2

Regulations 2 and 3 are repealed and the following regulation is inserted instead —

“

2. Interpretation

In these regulations —

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

”.

5. Regulation 12 inserted

After regulation 11 the following regulation is inserted —

“

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.

”.

6. Schedule amended

The Schedule is amended as follows:

- (a) by deleting the heading and inserting the following heading instead —

“

Schedule 1 — Forms

[r. 3]
”.

- (b) after Form 12 by inserting the following forms —

“

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 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.		
[*delete whichever is not applicable]	* 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			
	Signature	/	/20

7. **Schedule 2 inserted**

After Schedule 1 the following Schedule is inserted —

Schedule 2 — Prescribed offences and modified penalties

[r. 4]

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

By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.