

Passed by both Houses



New South Wales

Fair Trading Amendment (Employment Placement Services) Bill 2002

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Fair Trading Act 1987 No 68	2
4 Consequential amendment of other Acts	2
5 Repeal of Employment Agents Act 1996 No 18 and Employment Agents Regulation 2001	2
Schedules	
1 Amendment of Fair Trading Act 1987	3
2 Consequential amendment of other Acts	5

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2002*



New South Wales

Fair Trading Amendment (Employment Placement Services) Bill 2002

Act No , 2002

An Act to amend the *Fair Trading Act 1987* with respect to employment placement services; to repeal the *Employment Agents Act 1996*; to amend the *Fines Act 1996* and the *Industrial Relations Act 1996* consequentially; and for other purposes.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Fair Trading Amendment (Employment Placement Services) Act 2002*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Fair Trading Act 1987 No 68

The *Fair Trading Act 1987* is amended as set out in Schedule 1.

4 Consequential amendment of other Acts

Each Act specified in Schedule 2 is amended as set out in that Schedule.

5 Repeal of Employment Agents Act 1996 No 18 and Employment Agents Regulation 2001

(1) The *Employment Agents Act 1996* is repealed.

(2) The *Employment Agents Regulation 2001* is repealed.

Schedule 1 Amendment of Fair Trading Act 1987

(Section 3)

[1] Part 5C

Insert after Part 5B:

Part 5C Employment placement services

60P Interpretation

- (1) In this Part, *employment placement service* means a service provided by a person as an agent for the purpose of:
 - (a) finding or assisting to find a person to carry out work for a person seeking to have work carried out, or
 - (b) finding or assisting to find employment for a person seeking to be employed,whether or not the employment or work is to be undertaken or carried out pursuant to a contract of employment.
- (2) However, *employment placement service* does not include the publication of an advertisement for a person who is seeking to have work carried out or to be employed if that publication is the only service of a kind referred to in subsection (1) (a) or (b) that is provided to the person by the person arranging the publication.
- (3) This Part does not apply to or in respect of:
 - (a) a model or modelling agency, or
 - (b) a licensee under the *Entertainment Industry Act 1989*, or
 - (c) a person or class of persons exempted (conditionally or unconditionally) from this Part by the regulations.

60Q Certain fees and charges prohibited in connection with employment placement services

- (1) A person must not demand or receive any fee, charge or other remuneration from a person seeking employment for the provision of employment placement services to the person in relation to the seeking of employment.

Maximum penalty: 50 penalty units.

- (2) It is immaterial whether the employment is to be carried out or undertaken pursuant to a contract of employment.
- (3) If any fee, charge or other remuneration is received in contravention of this section, the amount concerned may be recovered from the person to whom it was paid in a court of competent jurisdiction as a debt due to the person who paid the amount.

60R Information standards

- (1) The regulations may prescribe an information standard for employment placement services.
- (2) A prescribed information standard may contain either or both of the following:
- (a) requirements for information relating to employment placement services to be communicated to a person to whom the services are to be supplied,
 - (b) requirements with respect to the type and form of information to be so communicated and the manner of communication.
- (3) A person who provides employment placement services must comply with the requirements of any information standard prescribed in accordance with this section.

[2] Schedule 5 Savings and transitional provisions

Insert at the end of clause 12 (1):

*Fair Trading Amendment (Employment Placement Services)
Act 2002*

Schedule 2 Consequential amendment of other Acts

(Section 4)

2.1 Fines Act 1996 No 99

Schedule 1 Statutory provisions under which penalty notices issued

Omit “Employment Agents Act 1996, section 29”.

2.2 Industrial Relations Act 1996 No 17

Schedule 4 Savings, transitional and other provisions

Omit “*Employment Agents Act 1996*” from clause 2 (1).