



New South Wales

# Fair Trading Amendment (Employment Placement Services) Act 2002 No 86

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New South Wales

## **Fair Trading Amendment (Employment Placement Services) Act 2002 No 86**

Act No 86, 2002

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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. [Assented to 7 November 2002]

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**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- (1) The *Employment Agents Act 1996* is repealed.
- (2) The *Employment Agents Regulation 2001* is repealed.

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## 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).

[Second reading speech made in—  
Legislative Assembly on 3 September 2002  
Legislative Council on 30 October 2002]