



AUSTRALIAN CAPITAL TERRITORY
OFFICE OF FAIR TRADING
Subordinate Laws Act 1989
Agents Act 1968
Agents Amendment Act 2000

SUPPLEMENTARY DETERMINATION OF FEES AND EXPLANATORY MEMORANDUM

Explanatory note: This document amends the determination setting out fees and charges for 2000-1 administered by the ACT Office of Fair Trading. It provides for licence fees for employment agents.

INSTRUMENT NO. 310 OF 2000

1. This determination comes into effect on the commencement of section 4 of the Agents Amendment Act 2000.
2. Under section 5 of the Subordinate Laws Act 1989 and section 120A of the Agents Act 1968, for the purposes of the Agents Amendment Act 2000, I **AMEND** Determination No. 194 of 2000 which was notified in the Australian Capital Territory Gazette No. 26 of 29 June 2000 by:
 - i) replacing the words "48 to 54" with the words "48 to 54A" in clause 5; and
 - ii) inserting item 50A (below) after item 50 and item 54A (below) after item 54 in the Schedule.

Item	Matter in respect of which fee or charge is payable	Amount Payable
50A	Fee payable for a licence for an employment agent under section 54A of the Agents Act 1968. <i>There were no previous fees.</i>	\$1000.00 (for the principal place of business) \$150.00 (for each subsequent place of business)
54A	Fee payable by licensed employment agents whose licences must be re-issued because of a change in prescribed particulars under section 54A of the Agents Act 1968. <i>There were no previous fees.</i>	\$149.00

3. General explanatory notes are included at the end of this document in italic text but do not form part of this supplementary determination.

Dated this 13th day of September 2000.

Gary Humphries
Minister for Justice and Community Safety

General Explanatory Notes

A. Overview of fees

Licence fees have not previously been levied on employment agents in the ACT. The fees are based on the expected costs of regulating this business sector. Note that other fees in Determination No. 194 of 2000 will apply to employment agents automatically (eg, items 55 and 56 – copies and inspections).

B. Commencement

The determination is framed to come into effect on commencement of the substantive provisions of the Agents Amendment Act 2000 (and which, on commencement, amend the Agents Act to provide for the regulatory framework concerning employment agents). It is expected that this will occur on 6 October 2000.

C. Making instrument before commencement of provisions

This determination is made under section 5 of the Subordinate Laws Act 1989, which provides for the exercise of certain powers between notification and commencement of an Act.

D. No retrospectivity

Note that the fees provided for in this instrument do not have a retrospective effect because the regulatory scheme will only come into effect on commencement (see also s7 of the Subordinate Laws Act 1989).

E. Employment Agents

The Agents Act 1968 provides for the administration of real estate agents, stock and station agents, business agents and travel agents. The Agents Amendment Act 2000 provides for the administration of employment agents. Section 120A of the Agents Act 1968 permits the Minister to determine fees for the purposes of the Act and the minister previously set fees for agents other than employment agents. The fees will result in approximately \$70,000 in revenue (the expected cost of regulating this industry from 6 October 2000 to 1 July 2001). [Note that licences, if issued on 6 October 2000, will be based on a pro-rated amount of the determined fee.]

F. GST

Fees imposed in this instrument are exempted from GST by the "A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2000" by the Commonwealth Treasurer under section 81-5 of the "A New Tax System (Goods and Services Tax) Act 1999".