



## COMMERCIAL AND INQUIRY AGENTS

No. 13 of 1976

### ANALYSIS

1. Short title and citation.
2. Interpretation.
3. Grant and renewal of licences.
4. Special provisions relating to the duration of commercial sub-agents' and security guards' licences.
5. Provisional licences.
6. Revocations and suspensions of licences.
7. Register of licences.
8. Regulations.

\*\*\*\*\*

### AN ACT to amend the Commercial and Inquiry Agents Act 1974.

[27 May 1976]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1—**(1) This Act may be cited as the *Commercial and Inquiry Agents Act 1976*. Short title and citation.

(2) The *Commercial and Inquiry Agents Act 1974* is in this Act referred to as the Principal Act.

Interpretation.

**2** Section 2 of the Principal Act is amended by inserting after the definition of “ process server ” the following definition:—

“ ‘ provisional licence ’ means a provisional licence issued under section 8A;”.

Grant and renewal of licences.

**3** Section 4 of the Principal Act is amended—

- (a) by omitting from subsection (9) the words “ corporate body ” (wherever occurring) and substituting, in each case, the words “ body corporate ”; and
- (b) by omitting from subsection (11) the word “ corporation ” and substituting the words “ body corporate ”.

**4** After section 7 of the Principal Act the following section is inserted:—

Special provisions relating to the duration of commercial sub-agents' and security guards' licences.

“ 7A—(1) A commercial sub-agent's licence ceases to have effect if—

(a) the holder of the licence—

- (i) ceases, at any time after its grant or renewal, to be employed by, or to act for or by arrangement with, the holder of a commercial agent's licence; and
- (ii) does not, within one month after ceasing to be so employed or to so act, become employed by, or act for or by arrangement with, another holder of a commercial agent's licence; or

(b) the licence held by the commercial agent by whom the holder of the commercial sub-agent's licence is employed, or for whom or by arrangement with whom he acts, is revoked, suspended, or otherwise ceases to have effect.

“(2) A security guard's licence ceases to have effect if—

(a) the holder of the licence—

- (i) ceases, at any time after its grant or renewal, to be employed by, or to act for or by arrangement with, the holder of a security agent's licence; and
- (ii) does not, within one month after ceasing to be so employed or to so act, become employed by, or act for or by arrangement with, another holder of a security agent's licence; or

(b) the licence held by the security agent by whom the holder of the security guard's licence is employed, or for whom or by arrangement with whom he acts, is revoked, suspended, or otherwise ceases to have effect.

“(3) A person whose licence ceases to have effect by virtue of subsection (1) or subsection (2) shall forthwith surrender it to the Secretary.

“(4) A person to whom subsection (3) applies who contravenes the provisions of that subsection is guilty of an offence.”.

**5** After section 8 of the Principal Act the following section is inserted:—

“8A—(1) Where an application for the grant of a commercial sub-agent's or security guard's licence is accompanied by— Provisional licences.

(a) two statutory declarations, one made by the applicant and the other made—

(i) if the applicant's employer or proposed employer is a body corporate, by an officer of that body corporate; or

(ii) by his employer or proposed employer, in any other case; and

(b) a written request for a provisional licence signed by the applicant,

the clerk with whom the application is lodged may, in his discretion, issue a provisional licence to the applicant.

“(2) In subsection (1), a reference to an employer or proposed employer of an applicant to whom that subsection applies includes a reference to a person for or by arrangement with whom the applicant acts or proposes to act.

“(3) Where an application for the grant of an inquiry agent's or a process server's licence—

(a) is made by an individual who will not be carrying on business on his own account pursuant to the licence; and

(b) is accompanied by—

(i) two statutory declarations, each made as respectively provided by subsection (1); and

(ii) a written request for a provisional licence signed by the applicant,

the clerk with whom the application is lodged may, in his discretion, issue a provisional licence to the applicant.

“(4) A statutory declaration for the purposes of subsection (1) or subsection (3) shall state that—

- (a) the declarant is satisfied, after making reasonable inquiries, that there are no grounds on which there could be sustained an objection under section 6 to the grant of the licence to which the appropriate application relates; and
- (b) the applicant for the grant of that licence is a suitable person to hold the licence.

“(5) Subject to this Act a provisional licence remains in force until—

- (a) the date on which a licence of the appropriate kind takes effect;
  - (b) the date on which the application for a licence of that kind is refused;
  - (c) the Commissioner of Police furnishes the clerk with a report under section 6 (2) (b) that includes a statement objecting to the grant of a licence of that kind; or
  - (d) notice of objection to the grant of a licence of that kind is lodged with the clerk under section 6 (3),
- whichever first happens.

“(6) For the purposes of this Act, the holder of a provisional licence shall, while it remains in force, be deemed to be the holder of a licence of the appropriate kind.”.

Revocations  
and suspensions  
of licences.

**6** Section 9 of the Principal Act is amended by omitting from subsection (5) all the words after the word “licence” (second occurring) and substituting the words “, any licence of a specified kind, any provisional licence, or any provisional licence of a specified kind”.

Register of  
licences.

**7** Section 13 of the Principal Act is amended—

- (a) by inserting after subsection (1) the following subsection:—

“(1A) A clerk shall forthwith give notice in writing to the Secretary of every provisional licence issued by him and of the date on which that provisional licence ceases to have effect by virtue of section 8A (5).”;

(b) by omitting subsection (3) and substituting the following subsection:—

“(3) The Secretary shall keep a register of—

(a) the licences granted under this Act, showing any renewals, suspensions, revocations, or surrenders thereof, and the names and the registered addresses of the holders of those licences; and

(b) the provisional licences issued under this Act, showing the dates on which they cease to have effect by virtue of section 8A (5), and the names and the proposed registered addresses of the holders of those provisional licences.”;

(c) by inserting in subsection (5), after the word “ licences ”, the words “ and provisional licences ”; and

(d) by inserting in subsection (8), after the numeral “(1)”, the words “, subsection (1A),”.

**8** Section 43 of the Principal Act is amended by inserting in subsection (2) (*k*), after the word “ licences ”, the words “, the issue of provisional licences,”. Regulations.

