



ANNO VICESIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1978

No. 1 of 1978

**An Act to amend the Commercial and Private Agents Act,
1972-1976.**

[Assented to 23rd February, 1978]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Commercial and Private Agents Act Amendment Act, 1977-1978". Short titles.

(2) The Commercial and Private Agents Act, 1972-1976, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Commercial and Private Agents Act, 1972-1978".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 5 of the principal Act is amended—

(a) by inserting in paragraph (a) of the definition of "commercial agent" after the passage "hire purchase agreement" the passage ", mortgage"; Amendment of principal Act, s. 5— Interpretation.

(b) by inserting after paragraph (a) in the definition of "loss assessor" the following paragraph:—

(ab) the obtaining of evidence for the purpose of legal proceedings in respect of any such loss or injury;;

(c) by striking out the definition of "security agent" and inserting in lieu thereof the following definition:—

"security agent" means a person who, for monetary or other consideration—

(a) performs the function of guarding property, or keeping property under surveillance;

or

(b) hires out or otherwise supplies dogs or other animals for the purpose of guarding, or keeping intruders away from, property;;

and

(d) by inserting after the definition of "security guard" the following definition:—

"store security officer" means a person—

(a) who is employed by a person who carries on the business of selling goods by retail;

and

(b) whose principal function consists of the prevention, detection or investigation of offences in relation to property of his employer, or property that his employer is empowered to sell.

Amendment of
principal Act,
s. 6—
Application of
Act.

4. Section 6 of the principal Act is amended by inserting after the passage "any person" in paragraph (h) of subsection (1) the passage "(other than a store security officer)".

Amendment of
principal Act,
s. 14—
Licences and
obligation to
be licensed.

5. Section 14 of the principal Act is amended—

(a) by striking out paragraph (g) of subsection (1) and the word "and" preceding that paragraph and inserting in lieu thereof the following paragraphs:—

(g) security guards;

and

(h) store security officers.;

(b) by striking out from subsection (2) the passage ", or perform, or hold himself out as willing to perform, any of the functions of";

(c) by striking out paragraph (g) of subsection (2) and the word "or" preceding that paragraph and inserting in lieu thereof the following paragraphs:—

(g) a security guard;

or

(h) a store security officer.;

and

(d) by striking out from subsection (3) the passage "or performs or holds himself out as willing to perform any of the functions of".

Enactment of
s. 16a of
principal Act—
Provisional
licences.

6. The following section is enacted and inserted in the principal Act after section 16 thereof:—

16a. (1) Subject to this section, where—

(a) a person (not being a corporation) has applied for a licence of a particular category;

(b) a licensed agent employs, or proposes to employ, the applicant or, where the applicant applies to be licensed as a store security officer, a person who carries on the business of selling goods by retail employs, or proposes to employ, the applicant;

and

(c) the applicant furnishes the Board with a statutory declaration—

(i) made by his employer or prospective employer;

or

(ii) where the employer or prospective employer is a corporation made by an officer of the corporation,

stating that after making reasonable inquiries he is satisfied that the applicant is a fit and proper person to hold a licence of that category, and is otherwise qualified to hold the licence,

the Board may grant to the applicant a provisional licence of that category subject to such conditions as the Board thinks fit and specifies in the licence.

(2) A provisional licence granted under this section shall be in force for an initial period of six weeks from the date on which it is issued, and the Registrar may, from time to time, at his discretion, extend the licence for a further period not exceeding four weeks until the application has been disposed of by the Board.

(3) No person shall be provisionally licensed as a commercial agent under this section.

(4) The Board may revoke a provisional licence granted under this section at any time.

7. Section 27 of the principal Act is amended by inserting after the passage "hire purchase agreement" the passage ", mortgage".

Amendment of principal Act, s. 27—
Repossession of motor vehicles to be reported.

8. Section 28 of the principal Act is repealed.

Repeal of s. 28 of principal Act.

9. Section 43 of the principal Act is amended by striking out from paragraph (b) of subsection (2) the word "notice" and inserting in lieu thereof the word "summons".

Amendment of principal Act, s. 43—
Powers of Board.

10. The following sections are enacted and inserted in the principal Act after section 47 thereof:—

Enactment of ss. 47a and 47b of principal Act—

47a. (1) An agent shall not engage or employ another person to act as an agent unless that other person is licensed under the appropriate category in pursuance of this Act.

Prohibition against employment of unlicensed persons.

Penalty: Five hundred dollars.

(2) A person shall not employ another person to act as a store security officer unless that other person is licensed under this Act as a store security officer.

Penalty: Five hundred dollars.

Prohibition
against a
person falsely
pretending to
be a com-
mercial agent,
etc.

47b. (1) No creditor, when dealing with a debtor for payment of a debt, shall assume or adopt any name, title or description, or use any document or device, calculated to induce the debtor to believe that he is not dealing directly with the creditor, but with some other person acting on his behalf.

Penalty: Five hundred dollars.

(2) No person (whether licensed under this Act or not) shall supply or lend any document or form to another person for the purpose of enabling that other person falsely to pretend that he is a commercial agent, or a person who, in the course of his business, performs any of the functions of a commercial agent.

Penalty: Five hundred dollars.

Enactment of
a. 50a of
principal Act—

11. The following section is enacted and inserted in the principal Act after section 50 thereof:—

Proceedings.

50a. (1) Proceedings for offences against this Act shall be disposed of summarily.

(2) Proceedings for an offence against this Act may be commenced at any time within two years after the date on which the offence is alleged to have been committed.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. SEAMAN, Governor