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SURVEY RESPONSE REPORT

17 July 2020 - 30 November 2021

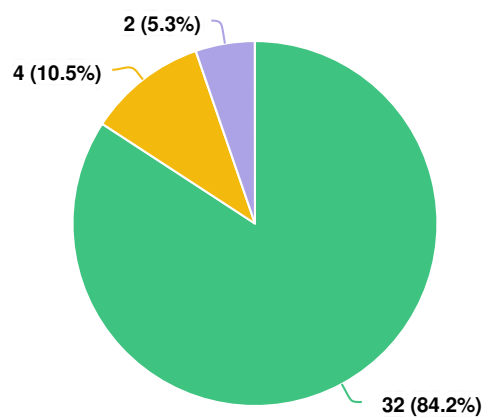
PROJECT NAME:

New rules for commercial agents in NSW



SURVEY QUESTIONS

Q1 | The draft Regulation outlines which offences may disqualify a person from practising as a commercial agent. These include o...



Question options

☒ Yes ☐ No ☐ Not sure

Optional question (38 response(s), 0 skipped)

Question type: Radio Button Question

Q2 You answered no. Please tell us why.

Screen Name Redacted

10/21/2021 05:28 PM

surveillance is needed for work ,what exactly is misuse

Screen Name Redacted

10/22/2021 08:17 AM

Can you define misuse of a surveillance device? Clear criteria are needed.

Screen Name Redacted

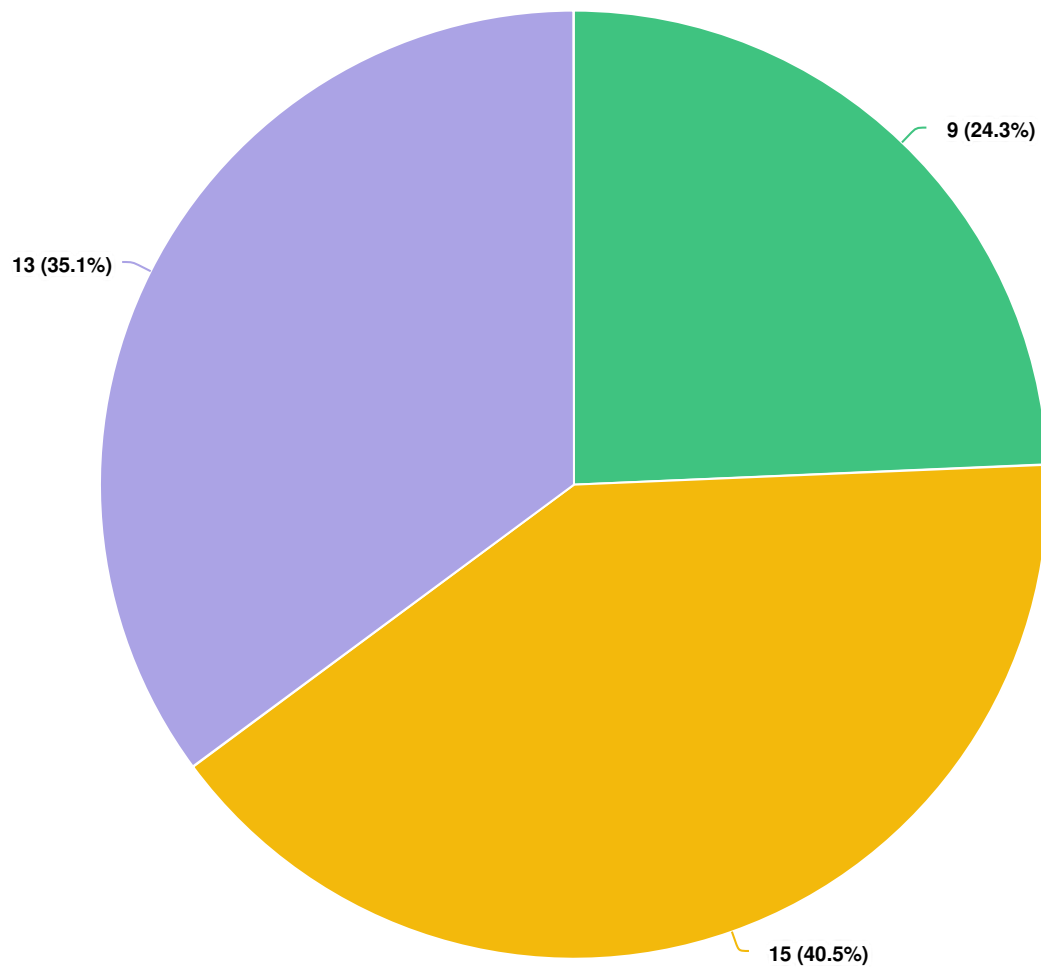
11/01/2021 01:51 PM

A licence has been cancelled before for failing to submit a trust account statement as the licence holder was in hospital. The licence was then reinstated. But now they cannot get a licence under the new legislation. seems unfair and means many people will not be able to work as they cannot get a licence, even though they had a valid licence under the old scheme.

Optional question (3 response(s), 35 skipped)

Question type: Essay Question

Q3 Are there any other grounds which the Fair Trading Commissioner should consider when determining if a person is fit and proper to hold a commercial agent licence?



Question options

☒ Yes ☒ No ☒ Not sure

Optional question (37 response(s), 1 skipped)
Question type: Radio Button Question

Q4 You answered yes. Please specify the grounds and tell us why.

Screen Name Redacted

10/21/2021 05:14 PM

Mental Health issues, threats, coercion, saying to people "if you cooperate with me I will ensure the liquidator looks at this favourably". And such similar because ladies and gentlemen that is rife in NSW. There are also unlicensed Mercantile Agents operating as Mercantile Agents, the licensed numbers do not reflect the numbers doing it. have major fines for banks, insurers and lenders who do not engage Licensed Mercantile Agents. Have a set \$10,000.00 fine for any one operating as an unlicensed Private Investigator including those who advertise OSINT - they have o be licensed too.

Screen Name Redacted

10/21/2021 05:28 PM

past bankrupt

Screen Name Redacted

10/21/2021 09:42 PM

Cancellations of previous businesses due to misconduct or breaching the regulations

Screen Name Redacted

10/22/2021 08:17 AM

The commission of an indictable offence within 10 years of the application.

Screen Name Redacted

10/25/2021 10:55 AM

Bankruptcy or fraud offences

Screen Name Redacted

10/26/2021 07:39 AM

Bankruptcy, court judgment, fraud offences etc

Screen Name Redacted

10/27/2021 01:25 PM

assault, weapons offences, bankruptcy

Screen Name Redacted

11/02/2021 07:54 PM

Firearms offences and probity surrounding acquisition or use of firearms

Screen Name Redacted

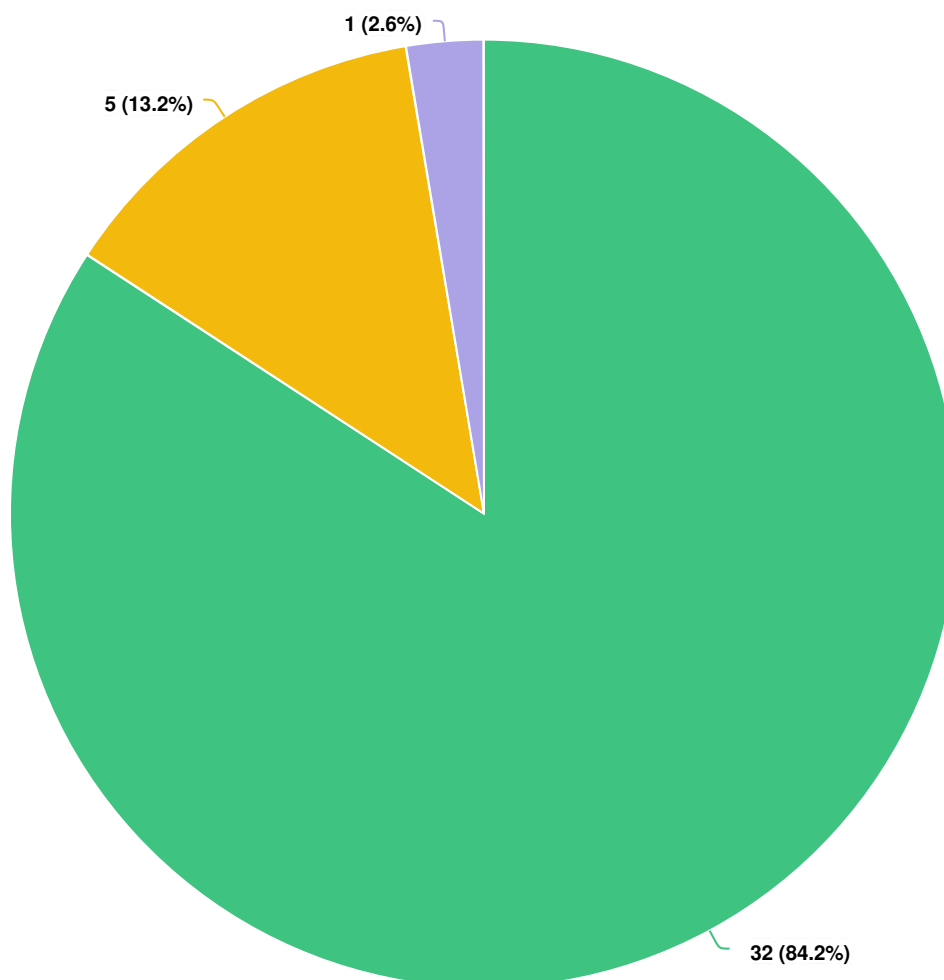
11/03/2021 11:54 AM

Criminal background (having people with a history of criminal activity would have a higher likelihood of abusing their power in this position)

Optional question (9 response(s), 29 skipped)

Question type: Essay Question

Q5 | Do you think it's suitable to delay granting a commercial agent licence to a person awaiting the outcome of court proceedings?



Question options

☒ Yes ☐ No ☐ Not sure

Optional question (38 response(s), 0 skipped)
Question type: Radio Button Question

Q6 You answered no. Please tell us why.

Screen Name Redacted

10/21/2021 09:55 PM

Innocent till proved different. Good example is the issue of Covert fines by Police.

Screen Name Redacted

10/22/2021 11:39 AM

Well if the person is awaiting an outcome that means they have not been proven guilty, however it really should be case by case. It would depend on the case.

Screen Name Redacted

10/27/2021 06:44 PM

Innocent until proven guilty

Screen Name Redacted

11/02/2021 07:54 PM

Innocence, until proven guilty in a court of law

Optional question (4 response(s), 34 skipped)

Question type: Essay Question

Q7 Do you have any other views on the application of the Licensing Act to this legislation?

Screen Name Redacted

10/20/2021 01:37 PM

Should be an easy process to get a licence if already licenced in other States or Territories.

Screen Name Redacted

10/20/2021 02:07 PM

No

Screen Name Redacted

10/20/2021 03:59 PM

A license similar to a AFSL ASIC license should be recognised Nationally. For example in the ACT where I live and have my business registered I don't need a license however, if I cross the border to Queanbeyan I do, however, no where in the legislation does it state this. This also if I need to serve a document in Victoria

Screen Name Redacted

10/21/2021 05:14 PM

Get rid of the Provisional license system. Audit all Registered Training Organisations who teach, assess and issue CPP30619 Certificate III in Investigative Services. Do not listen to ASIAL they foster corruption, as they have in Victoria with CPP30619 with ITSA

Screen Name Redacted

10/21/2021 06:25 PM

Agencies that a run out of a different state must also hold a masters licence to conduct business in NSW as they are licenced in eg QLD but do not hold a Master licence i NSW and using operator licenced agents in NSW

Screen Name Redacted

10/21/2021 07:19 PM

If someone has outstanding court proceedings for criminal acts they should not be granted any licence

Screen Name Redacted

10/21/2021 09:42 PM

In review , previous licence holders have been suspended or charged with a criminal offence like spouse busters who operate under a different person but primary person who was charged still runs the business.

Screen Name Redacted

10/21/2021 09:55 PM

Not at the moment

Screen Name Redacted

10/22/2021 11:39 AM

NO

Screen Name Redacted

10/22/2021 12:10 PM

Refusals for licences should only proceed if a conviction has been recorded. An allegation to have committed an offence would seem unfair. It is noted that 11I and 11H seem to deal with this.

Screen Name Redacted

10/25/2021 02:37 PM

Nil

Screen Name Redacted

10/25/2021 02:45 PM

Nil

Screen Name Redacted

10/25/2021 03:07 PM

No

Screen Name Redacted

10/26/2021 07:39 AM

No

Screen Name Redacted

10/29/2021 09:58 AM

We need to be able to employee someone so they can start working as a debt collector no more than 7 days after they have applied to be licenced.

Screen Name Redacted

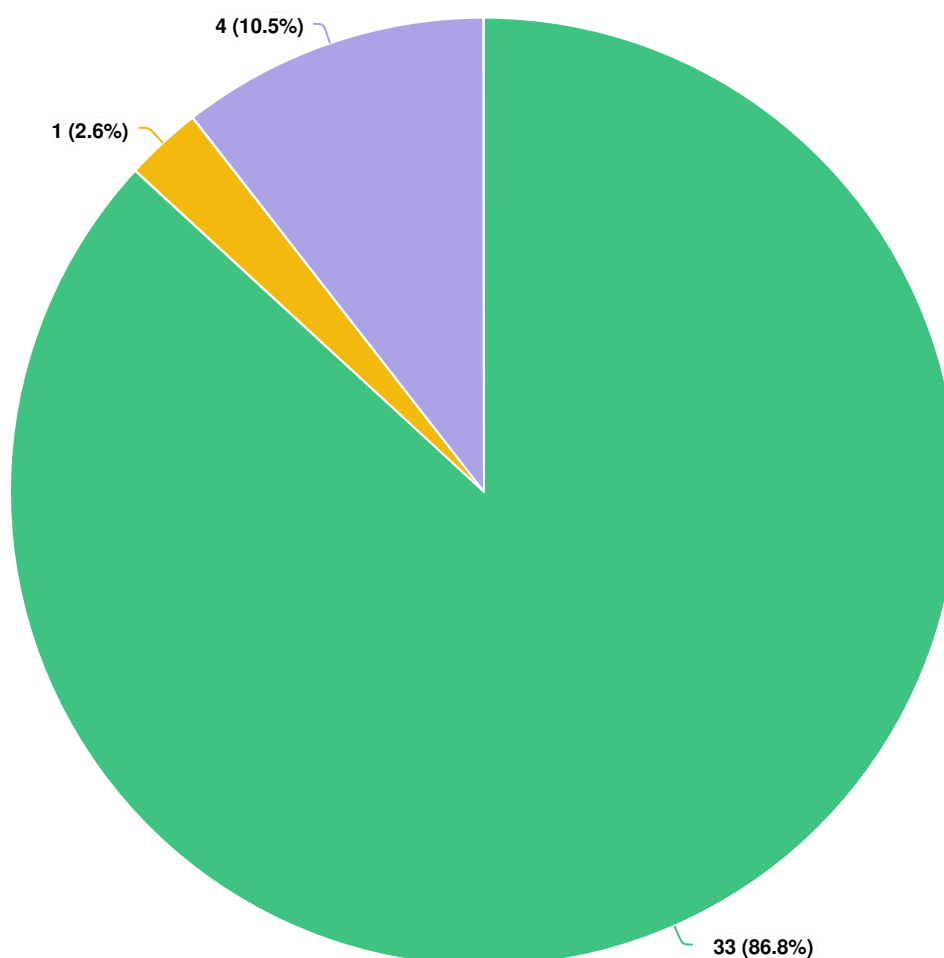
No.

11/06/2021 02:59 PM

Optional question (16 response(s), 22 skipped)

Question type: Essay Question

Q8 | Do you agree with the information to be included in the Commercial Agents Register as required by the draft Regulation?

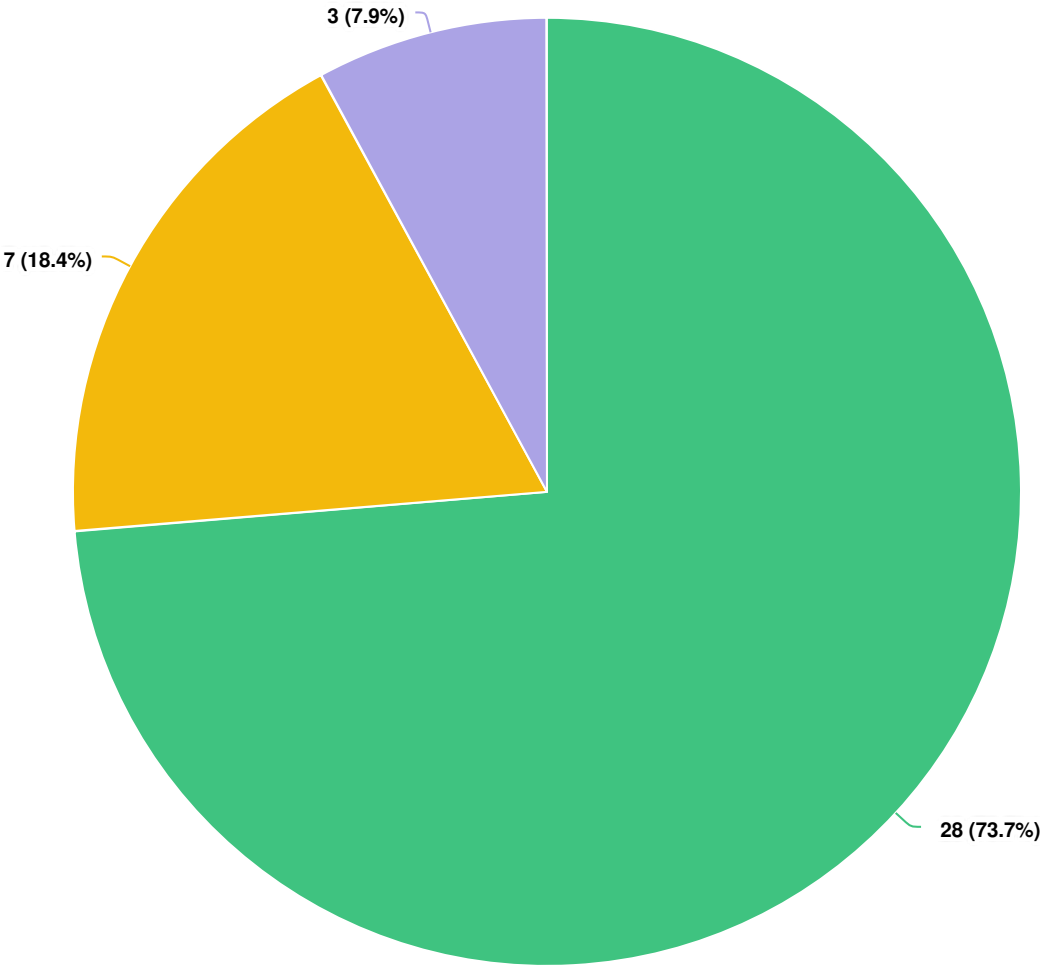


Question options

☒ Yes ☐ No ☐ Not sure

Optional question (38 response(s), 0 skipped)
Question type: Radio Button Question

Q10 | Do you agree that 10 years is an appropriate period of time for convictions, exclusion orders, restriction orders and cancelled licences to be kept on the Commercial Agents Register?



Question options

☒ Yes ☐ No ☐ Not sure

Optional question (38 response(s), 0 skipped)
Question type: Radio Button Question

Q11 You answered no. Please tell us what you think is an appropriate period of time and why.

Screen Name Redacted

10/20/2021 03:59 PM

you can rob someone even commit manslaughter and often the sentence is less than 7 years

Screen Name Redacted

10/21/2021 07:19 PM

even bankruptcy dies not get listed for 10 years i believe 5 years would be adequate with a provisional licence granted for a further 2 years

Screen Name Redacted

10/22/2021 12:10 PM

10 years seems somewhat excessive. Considering most major prison sentences are orientated around the 5 and 7 year mark for indictable offences, it seems unfair that a 10 year time period be applied.

Screen Name Redacted

10/26/2021 07:39 AM

Fraud offences should be a permanent bar to a licence.

Screen Name Redacted

10/27/2021 06:44 PM

5 years. 10 years is too long

Screen Name Redacted

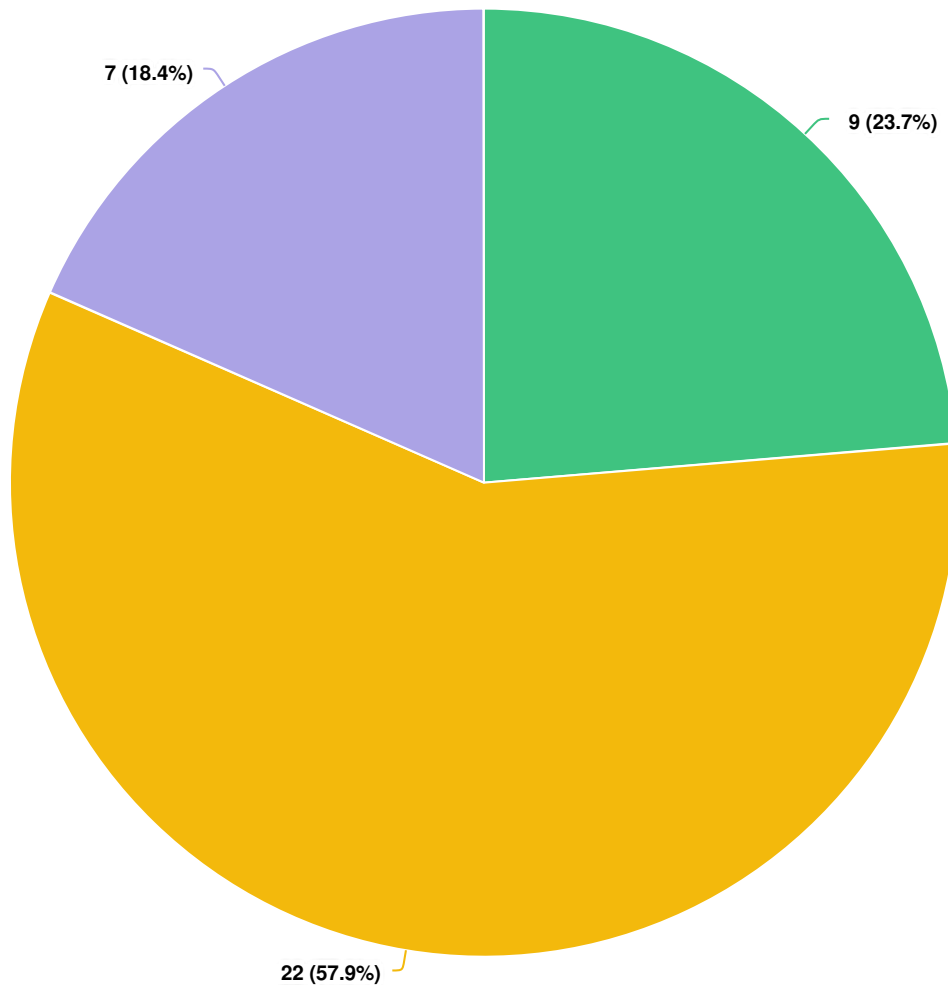
11/02/2021 07:54 PM

If s. 10 non-convictions (guilt is still determined) is considered, this should be included and any others, sure, 10 year period would suffice.

Optional question (6 response(s), 32 skipped)

Question type: Essay Question

Q12 When do you think the 10-year period should begin for convictions, exclusion orders, restriction orders and cancelled licences to be kept on the Register?



Question options

☒ From when they are entered in the register ☒ From the day that the relevant offence or conduct is committed ☐ Not sure

Optional question (38 response(s), 0 skipped)
Question type: Radio Button Question

Q13 You answered: From when they are entered in the register. Please tell us why.

| | |
|---|---|
| Screen Name Redacted 10/21/2021 07:19 PM | it gives an individual time to appeal any decision innocent until proven guilty |
| Screen Name Redacted 10/21/2021 09:55 PM | Final decision, date offence committed is not final. |
| Screen Name Redacted 10/22/2021 11:39 AM | Makes the most sense. |
| Screen Name Redacted 10/22/2021 06:37 PM | By the time all paperwork has been obtained, submitted and provided to all parties involved |
| Screen Name Redacted 10/25/2021 03:07 PM | That is fair and reasonable |
| Screen Name Redacted 10/27/2021 06:44 PM | Innocent until proven guilty |
| Screen Name Redacted 10/27/2021 10:02 PM | That's how people know |
| Screen Name Redacted 11/02/2021 06:32 PM | I am assuming that data matching would occur and the data would be available for entry to the register upon conviction or other order |

Optional question (8 response(s), 30 skipped)

Question type: Essay Question

Q14 You answered: From the day that the relevant offence or conduct is committed. Please tell us why.

| | |
|---|--------------|
| Screen Name Redacted 10/20/2021 01:37 PM | seems fair |
| Screen Name Redacted 10/20/2021 02:07 PM | Common sense |

| | |
|---|---|
| Screen Name Redacted 10/21/2021 05:14 PM | to send the message ; Don't even think about it crook!" |
| Screen Name Redacted 10/21/2021 07:01 PM | because from the day off conviction the person can not do ant capi or security activity and 10 yrs to prove he or she has been a proper person and haven't committed any crime in that time frame |
| Screen Name Redacted 10/21/2021 09:00 PM | Delays in the court system and appeal process may mean a considerable addition to the time |
| Screen Name Redacted 10/21/2021 09:42 PM | The offences may not be proven |
| Screen Name Redacted 10/22/2021 10:50 AM | The exclusion period should start from the date of the offense. If the date is instead from when they are first entered into the register, and commit the offence 5 years after being entered, won't this mean that the first five years of their 'exclusion' have already passed without actually having been excluded at all? What if someone commits the offence 9 years after being first entered into the register? Does this then mean they only suffer actual exclusion for one year before they can reapply? Using the date of the offence to commence the exclusion period makes the most sense in actually making it a deterrent. |
| Screen Name Redacted 10/22/2021 12:10 PM | This section seems to imply that if an offence takes place that warrants an exclusion order the register will not be completed until the outcome of investigations or potential Court orders. Considering that it may take 3 years or more for a court matter to be heard (normal timeline for court matters), waiting a further 10 years to re-apply seems excessive. The 10 year period should start from the time of the offence irrespective of other actions or sanctions imposed. |
| Screen Name Redacted 10/23/2021 08:41 PM | Due to time that may be required for any matter to go before courts |
| Screen Name Redacted 10/25/2021 02:37 PM | Because the offence etc was committed then |
| Screen Name Redacted | It may take a number of years for matters to be dealt with by the |

10/25/2021 02:45 PM

Courts

Screen Name Redacted

10/27/2021 01:25 PM

Due to potential inefficiency's with the systems in place with entering in the register or outcome of proceedings

Screen Name Redacted

10/28/2021 09:07 AM

A deal of other offences could be committed in the period from committing offence and entering it on the register

Screen Name Redacted

10/28/2021 02:28 PM

Because it appropriate.

Screen Name Redacted

10/29/2021 09:58 AM

Because its the day you were Guilty

Screen Name Redacted

11/01/2021 11:17 AM

It may take some time to be resolved

Screen Name Redacted

11/03/2021 11:54 AM

Someone might apply to the register before 9 years after an offence, then be prohibited from registering for a further 10 years

Screen Name Redacted

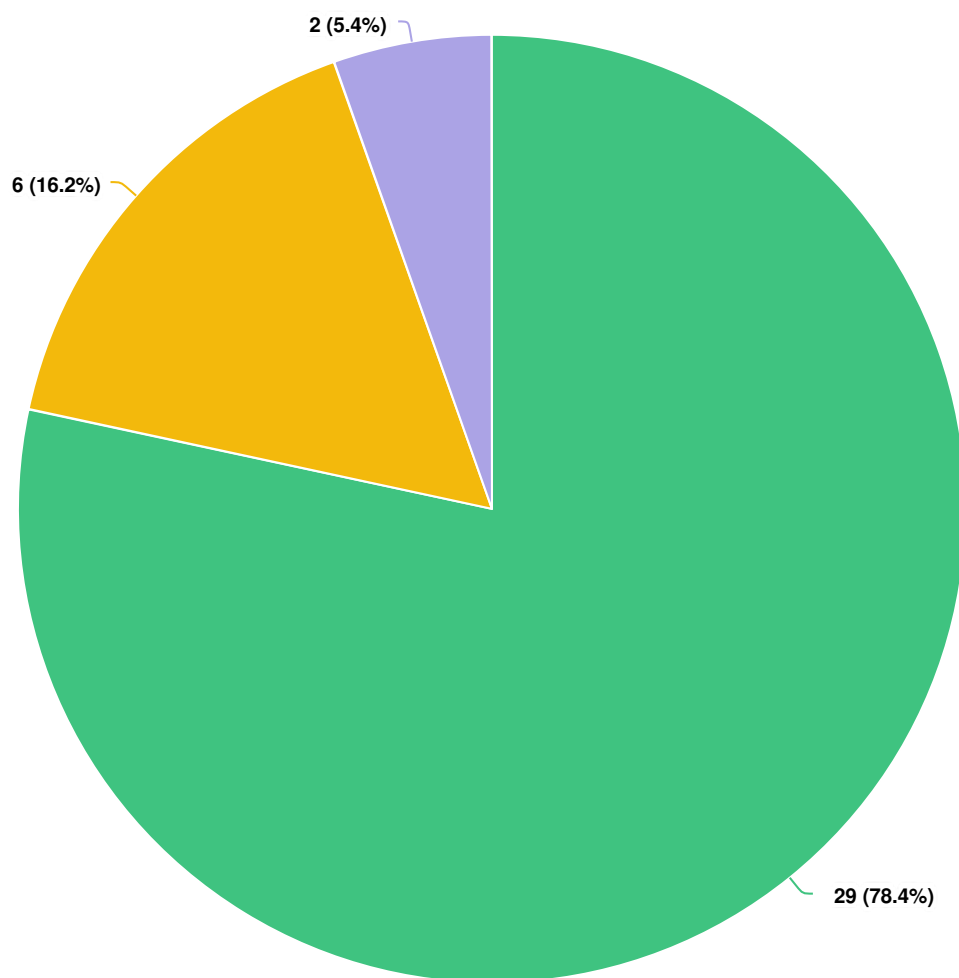
11/06/2021 02:59 PM

There may be a lengthy delay between the actual offence and when they are entered into the register.

Optional question (18 response(s), 20 skipped)

Question type: Essay Question

Q15 Under the Commercial Agent Rules, a commercial agent must not contact a person outside reasonable hours unless they have first made all reasonable efforts to contact the person during reasonable hours. Do you agree with the limits on contact hours?



Question options

☒ Yes ☐ No ☐ Not sure

Optional question (37 response(s), 1 skipped)
Question type: Radio Button Question

Q16 You answered no. Please tell us why. What alternatives would you suggest?

Screen Name Redacted

10/20/2021 02:07 PM

It depends on what information you have about the debtor prior to first attendance. If they have already evaded service in the past or you know that they are a shiftworker, then it is reasonable to attend at any time they are likely to be awake at the address. For this reason, it would be reasonable to have a federal register for problematic debtors that is accessible by Commercial Agents.

Screen Name Redacted

10/20/2021 03:59 PM

Most people who are hardcore debtors make it very difficult to contact so I fee their should be consideration given case by case

Screen Name Redacted

10/21/2021 09:00 PM

7am - 8.30 pm

Screen Name Redacted

10/22/2021 08:17 AM

Some people want to appear compliant and then make themselves constantly unavailable.

Screen Name Redacted

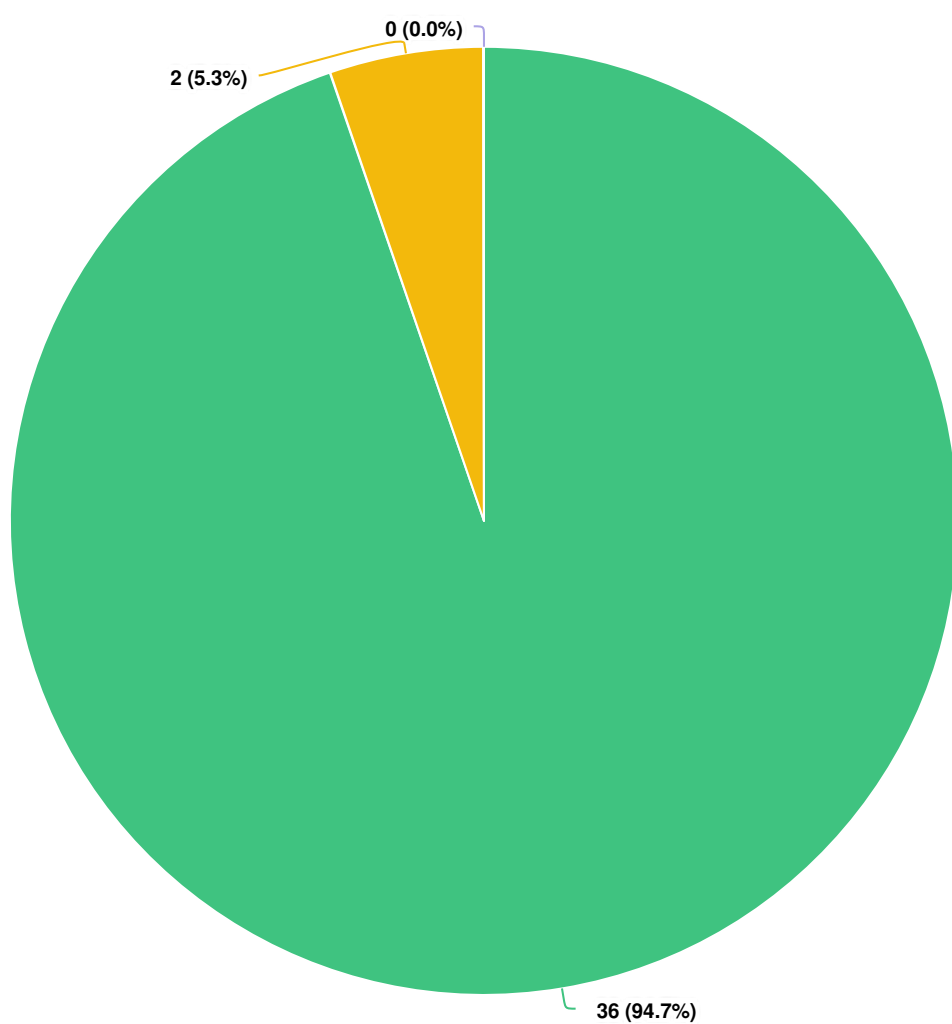
11/01/2021 11:17 AM

In some instances the subject may work shift work or unusual hours. When I first had my licence you could work at any time except Good Friday and Xmas day,whats wrong with that?

Optional question (5 response(s), 33 skipped)

Question type: Essay Question

Q17 Under the Commercial Agent Rules, a commercial agent who receives money on behalf of a client is required to hold the money in a trust account set up for that purpose. The agent must also, as soon as practicable, pay out the money according to the ...

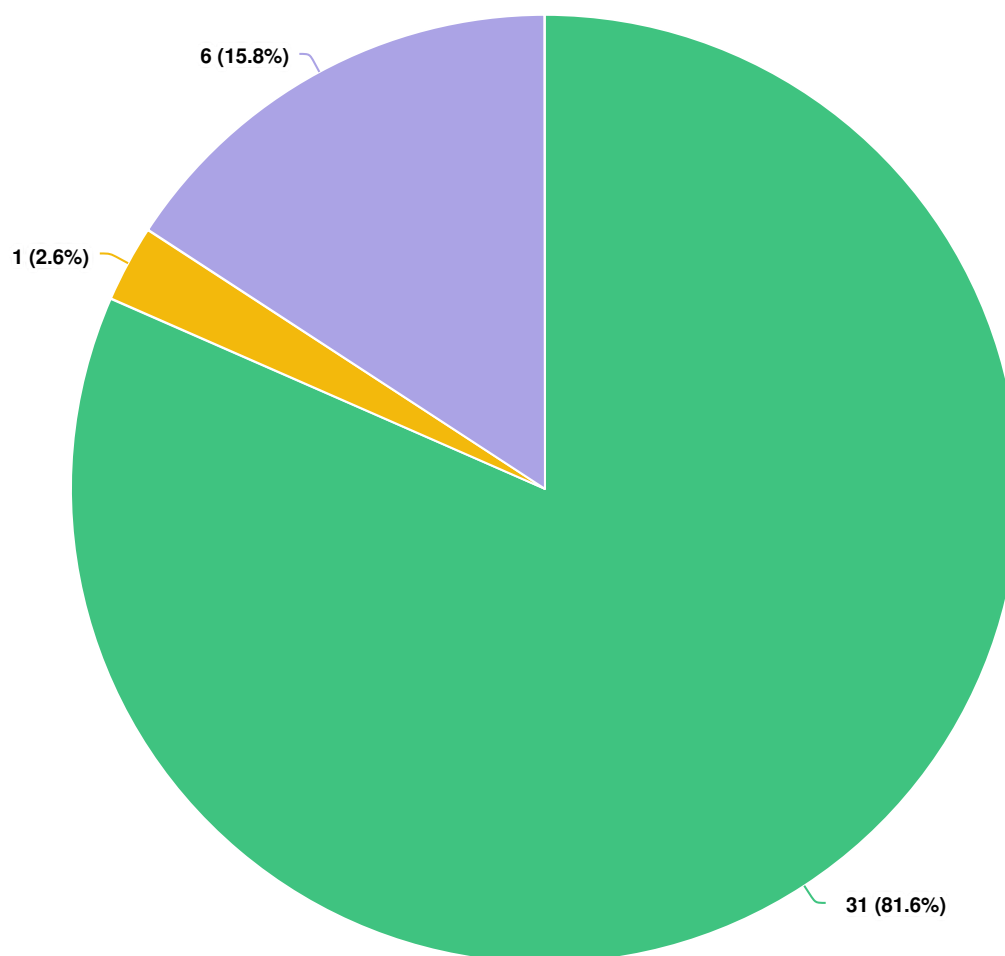


Question options

☒ Yes ☐ Not sure ☐ No

Optional question (38 response(s), 0 skipped)
Question type: Radio Button Question

Q19 Under the Commercial Agent Rules, a commercial agent must keep a record, either in hard copy or electronically, of information relating to trust accounts. Are the requirements in the RIS, relating to keeping trust account records, clear and appropri...



Question options

Yes No Not sure

Optional question (38 response(s), 0 skipped)
Question type: Radio Button Question

Q20 | You answered no. Please tell us why, including any suggested changes to the proposed requirements.

Screen Name Redacted

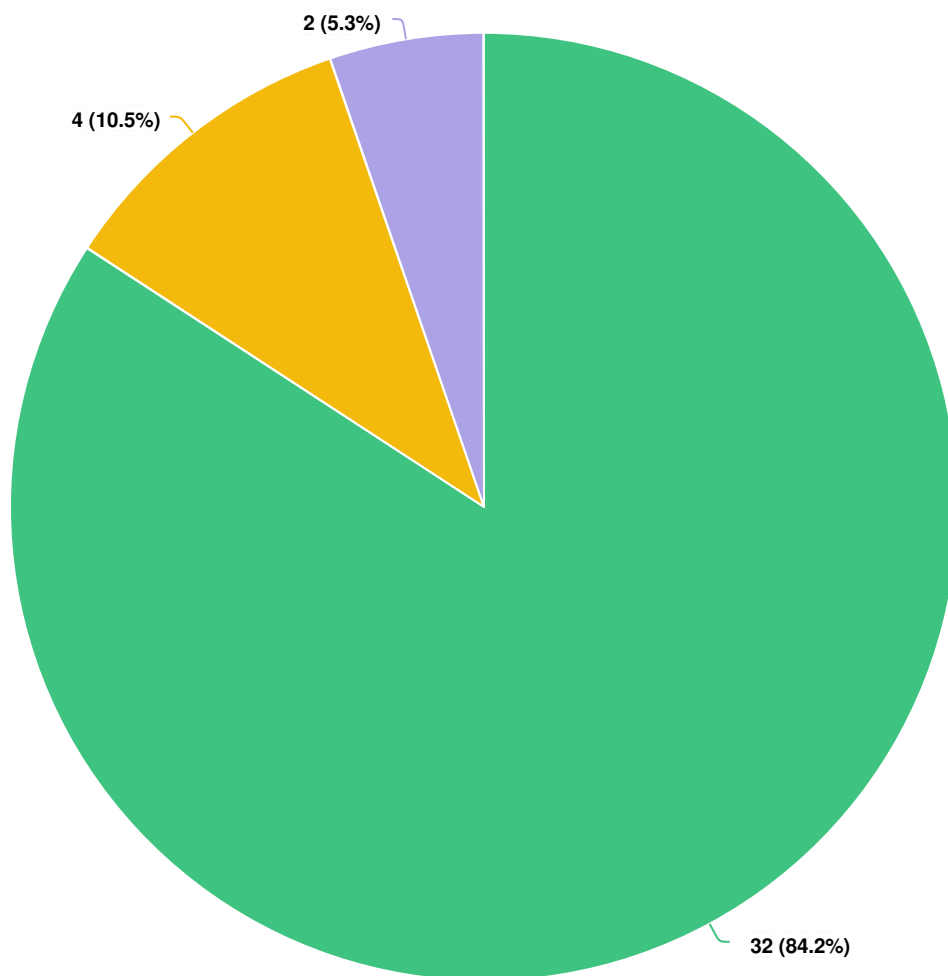
10/22/2021 08:17 AM

Only some commercial agents receive clients money on trust or in advance. The majority bill after the investigation or during the investigation on a regular basis.

Optional question (1 response(s), 37 skipped)

Question type: Essay Question

Q21 Under the Commercial Agent Rules, a commercial agent that holds money in a trust account for more than two years must make reasonable efforts to identify and locate the owner of the money, and ensure the money is paid to the owner. Do you think the ...



Question options

☒ Yes ☐ No ☐ Not sure

Optional question (38 response(s), 0 skipped)
Question type: Radio Button Question

Q22 You answered no. What changes would you make to this rule?

Screen Name Redacted

10/20/2021 03:59 PM

Who bears the cost 12 months is sufficient after this funds should be transferred to the ATO or ASIC

Screen Name Redacted

10/21/2021 07:19 PM

after 6 months the funde should be forwarded on to regulatory body

Screen Name Redacted

10/21/2021 09:00 PM

Should be one year

Screen Name Redacted

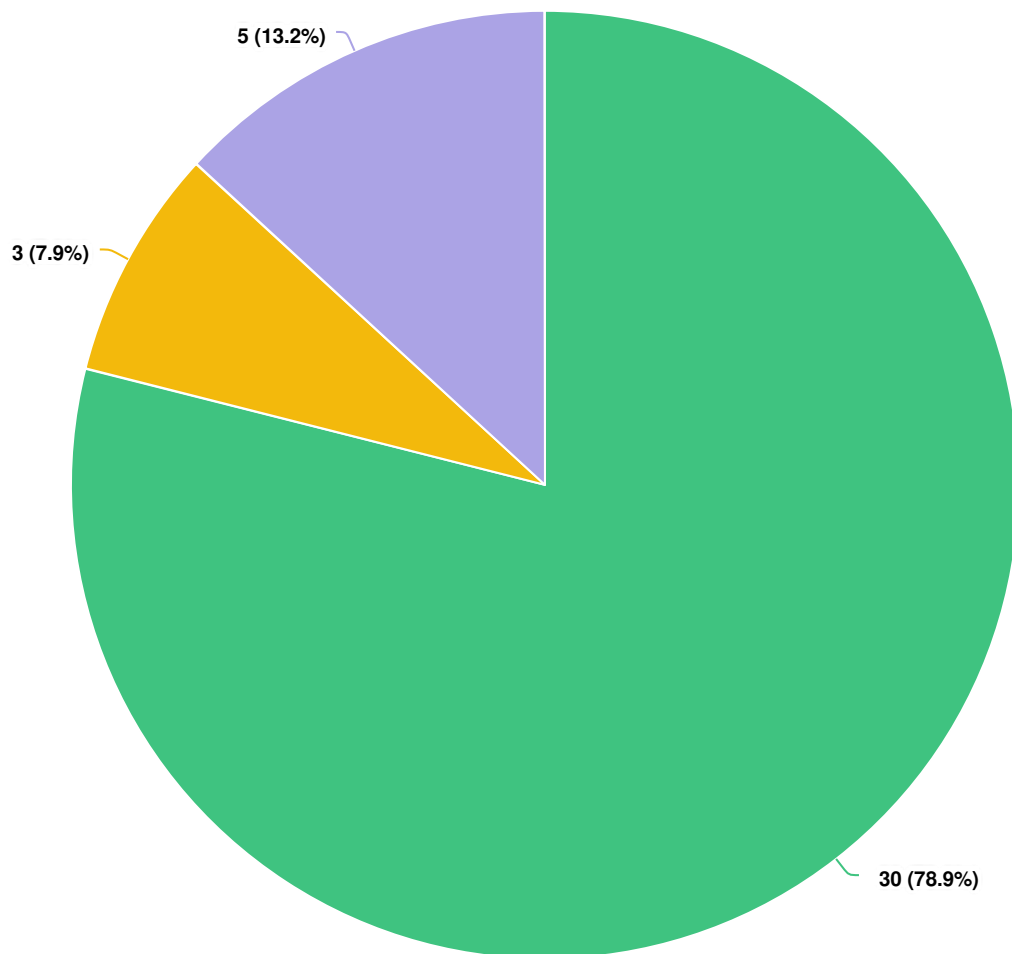
11/01/2021 01:51 PM

What does reasonable efforts mean? How is this measured? If the owner is unable to be located - "otherwise disburse the money". The money used to be paid to the Government under the current legislation. Can I disburse the money to anyone now, or keep it? The rules are unclear.

Optional question (4 response(s), 34 skipped)

Question type: Essay Question

Q23 Under the Commercial Agent Rules, a commercial agent who receives a complaint about their conduct, or the conduct of their business or employees, must take all reasonable steps to resolve the complaint to the complainant's satisfaction. Is th...



Question options

☒ Yes ☐ No ☐ Not sure

Optional question (38 response(s), 0 skipped)
Question type: Radio Button Question

Q24 | You answered no. Please tell us why.

Screen Name Redacted

10/20/2021 03:59 PM

All debtors will try and complain about the actions of a Process Server but I agree if a complaint is lodged the full background behind the case is disclosed

Screen Name Redacted

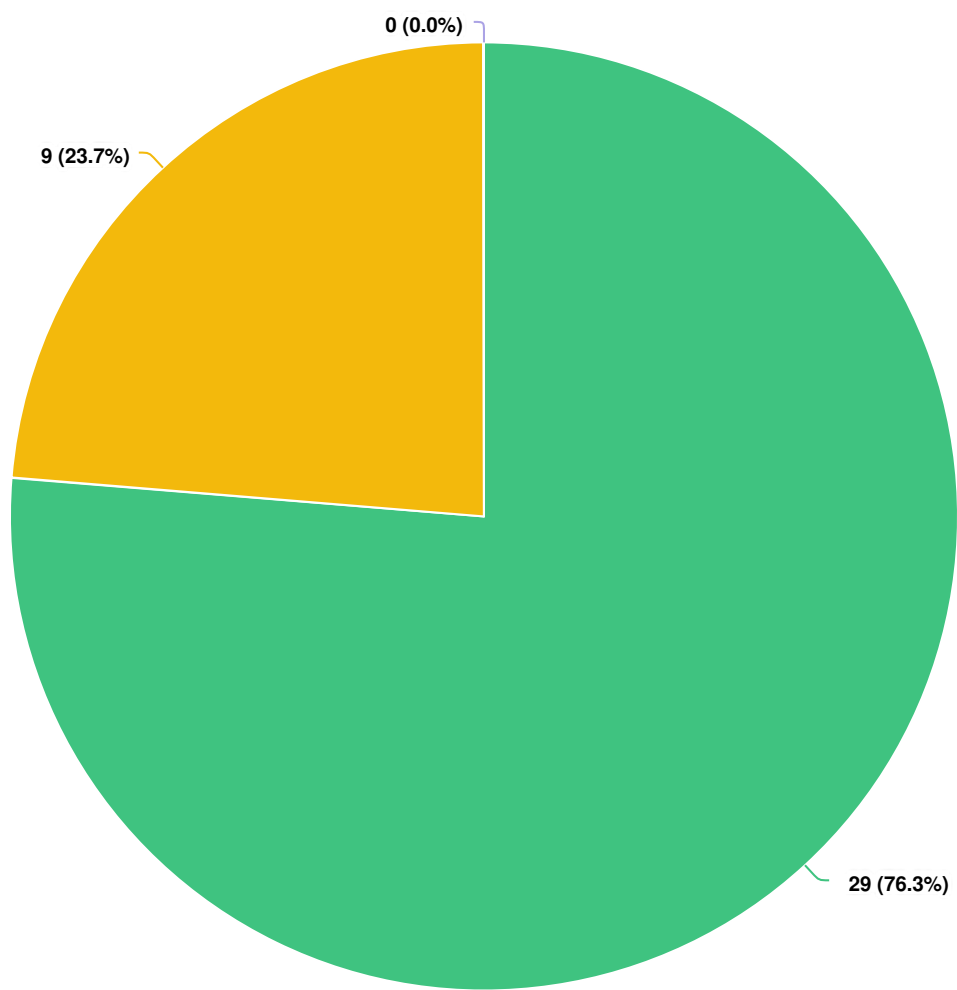
10/21/2021 05:14 PM

Because it gives them the option to go slow, draw out and effectively hold the complainant hostage to them.

Optional question (2 response(s), 36 skipped)

Question type: Essay Question

Q25 | Do you think the Commercial Agent Rules are clear and appropriate?

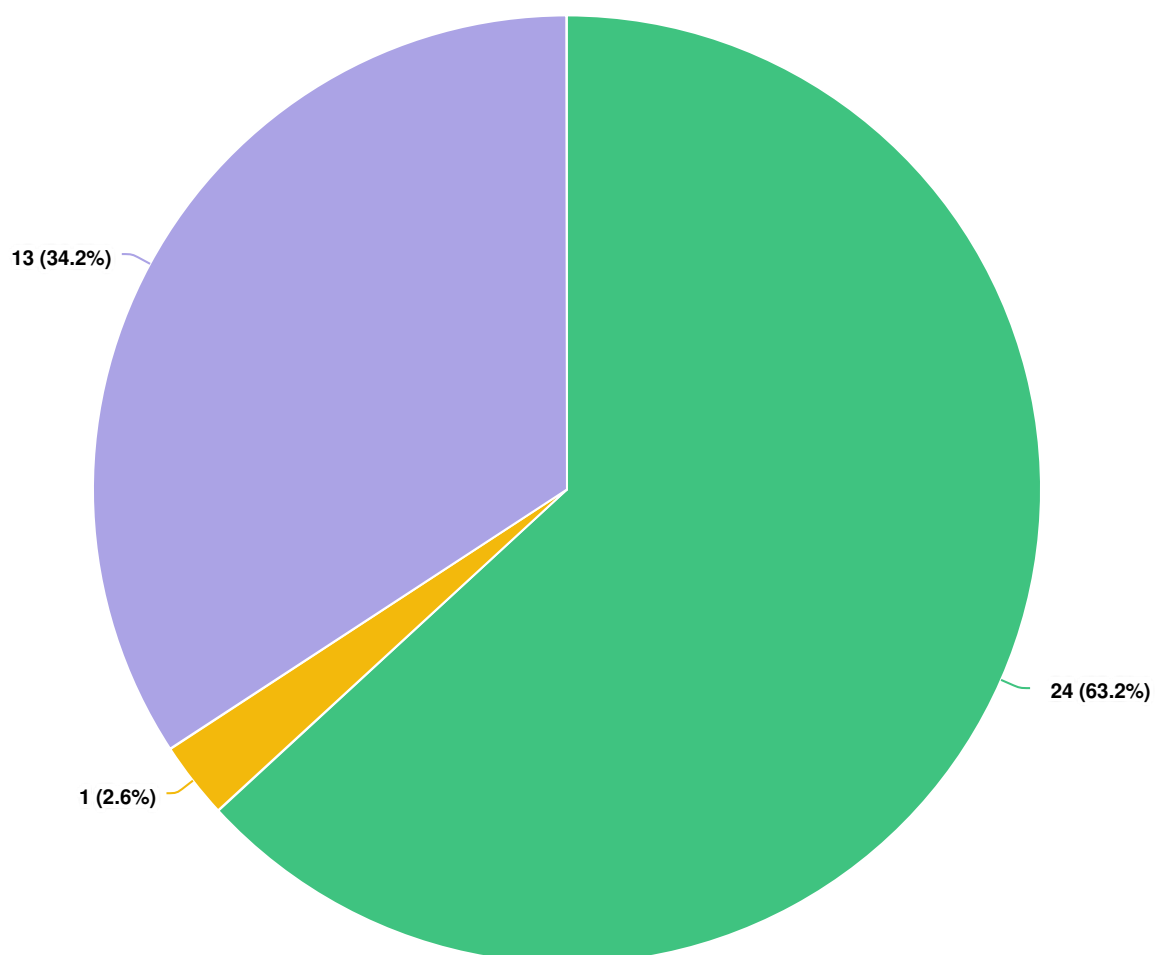


Question options

☒ Yes ☐ Not sure ☐ No

Optional question (38 response(s), 0 skipped)
Question type: Radio Button Question

Q27 Are the proposed penalty infringement amounts appropriate?



Question options

☒ Yes ☐ No ☐ Not sure

*Optional question (38 response(s), 0 skipped)
Question type: Radio Button Question*

Q28 You answered no. What amounts would you propose instead?

Screen Name Redacted i could not find the infringement amounts
10/21/2021 07:19 PM

Optional question (1 response(s), 37 skipped)

Question type: Essay Question

Q29 Is there anything you would like to add about the Regulation or the Commercial Agent Rules?

Screen Name Redacted No
10/20/2021 01:37 PM

Screen Name Redacted No, I'm a Process Server, so these rules don't seem to affect me.
10/20/2021 02:07 PM

Screen Name Redacted Why cant documents be witness by a Commercial agent under oath? We are approved by the NSW Police service who can witness documents but we are unable too. Seems silly
10/20/2021 03:59 PM

Screen Name Redacted Be see to enforce them and communicate results
10/21/2021 05:14 PM

Screen Name Redacted as previously advised think all Mercantile agencies must be master licenced to provide operator licenced agents in NSW if they are conducting business in said State and are based Nationally elsewhere
10/21/2021 06:25 PM

Screen Name Redacted no
10/21/2021 07:01 PM

Screen Name Redacted As an agent all rules and regulations need to be reviewed by the agents in order to ensure professional conduct.
10/21/2021 09:42 PM

Screen Name Redacted Not at this minute
10/21/2021 09:55 PM

Screen Name Redacted

10/22/2021 12:10 PM

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Screen Name Redacted

10/22/2021 06:37 PM

No

Screen Name Redacted

10/25/2021 02:37 PM

No

Screen Name Redacted

10/25/2021 02:45 PM

No

Screen Name Redacted

10/26/2021 07:39 AM

No

Screen Name Redacted

10/28/2021 02:28 PM

No.

Screen Name Redacted

10/29/2021 09:58 AM

I would love to see all of Australia as one licence ONLY and also NOT have individual rules per state.

Screen Name Redacted

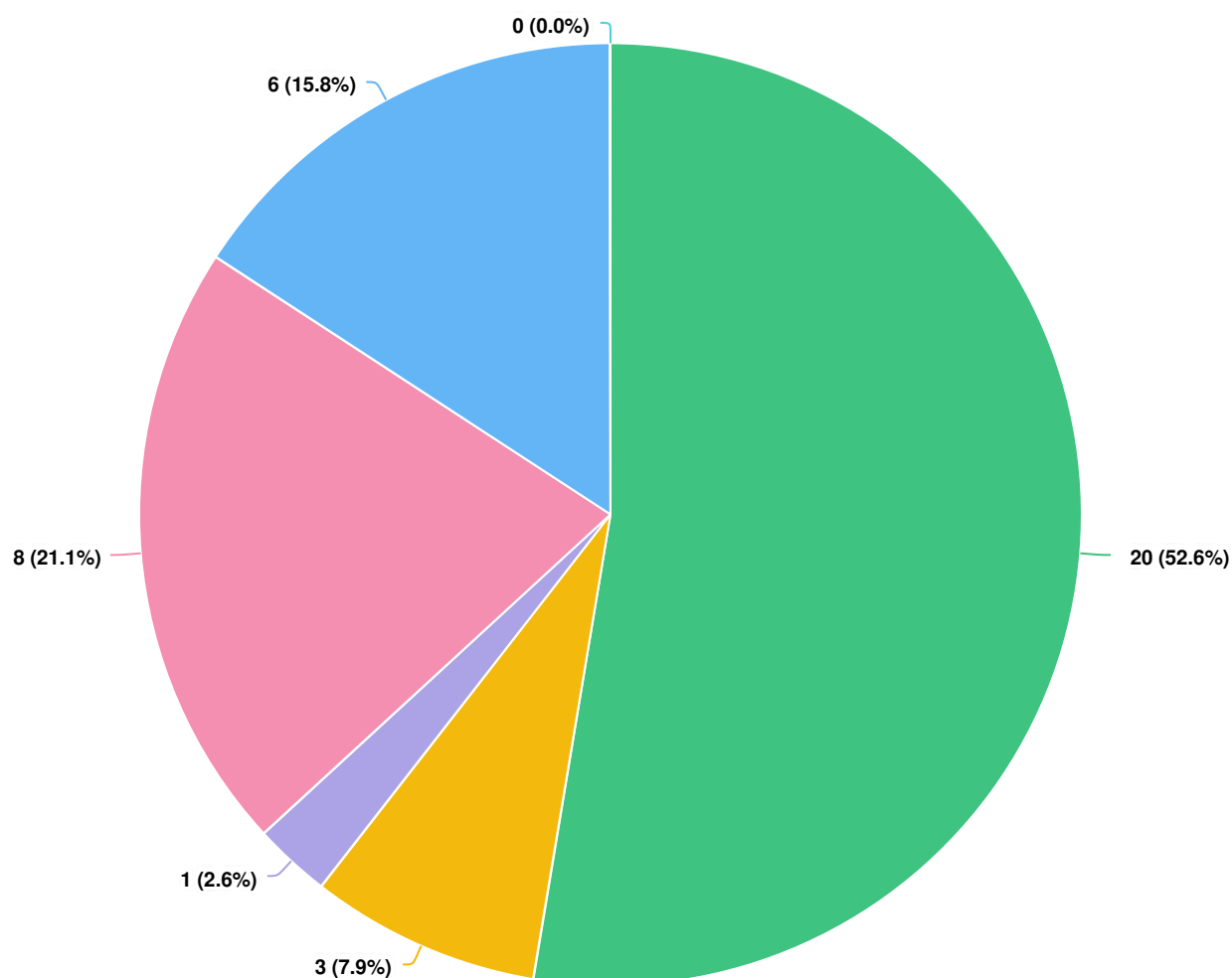
11/06/2021 02:59 PM

With regard to contact hours you make no allowance for the fact the some subject persons may work overtime, such as nurses and miners, and the hours detailed as appropriate for contact may not be.

Optional question (16 response(s), 22 skipped)

Question type: Essay Question

Q30 Which of the following best describes you?



Question options

- I am a commercial agent
- I employ commercial agents to perform duties on my behalf
- I work for an industry association representing commercial agents
- I am a member of the general public
- Other (please specify)
- I work for an organisation representing consumers

Mandatory Question (38 response(s))

Question type: Dropdown Question