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No. , 1916.

A BILL

To provide for the establishment, maintenance, and regulation of State Labour Exchanges, and for the licensing of persons keeping private employment agencies; to regulate such persons and agencies; for the protection and assistance of persons seeking employment; to penalise persons who refuse work; to provide for certain returns being made by employers; to amend the Industrial Arbitration Act, 1912, and certain other Acts; and for purposes consequent thereon or incidental thereto.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

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Preliminary.

- Short title.** 1. This Act may be cited as the "State Labour Exchanges Act, 1916."
- Definitions.** 2. In this Act, unless inconsistent with the context—
- "Employer" includes the Crown. 10
 - "Licensee" means person holding a license issued under this Act.
 - "Licensed" means licensed under this Act.
 - "Magistrate" means industrial, stipendiary, or police magistrate. 15
 - "Minister" means Minister of Labour and Industry.
 - "Prescribed" means prescribed by this Act, or by the regulations made thereunder.
 - "Private employment agency" includes the business of keeping an intelligence office, employment 20 bureau, or other agency, or of acting as agent for procuring employment or procuring labour where a fee or other valuable thing is exacted, charged, or received for registration or for procuring or assisting to procure employment 25 or labour.
 - "The department" means the Department of Labour and Industry.
 - "The Under Secretary" means the Under Secretary of the Department of Labour and Industry. 30

State Labour Exchanges.

- Establishment of State Labour Exchanges.** 3. The Minister shall establish, maintain, and conduct in the manner prescribed in Sydney, and in such other places as he thinks fit, free employment agencies within and under the department, which agencies shall 35 be known as State Labour Exchanges.

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4. Each State Labour Exchange shall do all in its power to bring together intending employers and persons seeking employment; to make known the opportunities for self-employment in the State; to aid in inducing minors and others to undertake training in skilled employments; to provide industrial or agricultural training for vagrants and other persons unsuited for ordinary employments; and to encourage wage-earners to insure themselves against distress from unemployment.

10 For any of the above purposes a State Labour Exchange may co-operate with and assist any other labour exchange or licensed private employment agency.

Duties of such exchanges.

5. The restriction of the Industrial Arbitration Act, 1912, or any Act amending it, as to the age of improvers shall not apply to the case of any worker who has been granted by the Minister special aid by way of technical instruction or otherwise to enable him to enter a skilled trade; provided that such worker shall not work for a wage less than the minimum wage prescribed by any award unless he has the permit of the Minister to do so, which permit shall have the same effect as a permit of the Industrial Registrar, given under section twenty-seven of the above-mentioned Act.

Restrictions in Arbitration Act as to improvers not to apply in certain cases.

6. Where any person or any other persons legally dependent on him is or are in receipt of public or other charity and such first-mentioned person is able to maintain himself and such other persons, wholly or in part, by work, and such person wilfully refuses or neglects to accept employment made available to him by or through a State Labour Exchange he may in the absence of some reasonable excuse for his conduct be declared by any magistrate to be "workshy," and such magistrate may order him to be removed to and detained for any period not exceeding six months in any place of detention and compulsory employment which the Minister may from time to time establish.

Detention and employment of persons who are "work shy."

7. The Minister, or the Under-Secretary upon the authority of the Minister, may, with the approval of the Treasurer, authorise a State Labour Exchange to make advances by way of loan towards meeting the expenses

Advances to meet expenses of travelling to work.

expenses of persons seeking employment and requiring to travel to places where employment has been found for them through a State Labour Exchange.

When any such advance has been made, the Minister, or the Under-Secretary with the authority of the Minister, may order that the amount of such advance shall be a charge on any moneys which are then, or which may thereafter be due to the person to whom such advance is made from his then or future employer, including the Crown, for wages or in respect of work done. On the making of any such order, the employer of such person for the time being, or any employer who has not discharged his indebtedness to such person, shall on being notified of such order pay such moneys to the Minister, when and as they become due and payable, in satisfaction of the charge imposed by the order.

Such order may be for the repayment of the amount of such advance in one sum or by such instalments as the Minister, or the Under-Secretary, may direct.

No charge upon, or assignment of his wages, or moneys in respect of work done, or to be done, whenever or however made by any such person shall have any force whatever to defeat or affect any such order and such order shall have effect as if no such charge or assignment existed.

Penalty for obtaining loan by fraud.

8. Any person obtaining or attempting to obtain under false pretences, or by means of any other fraud or deceit, an advance by way of loan, under the last preceding section, shall be liable, upon conviction, to a penalty not exceeding pounds, or to imprisonment not exceeding months.

Private employment agencies.

Persons carrying on private employment agencies to be licensed.

9. A person shall not, after the day of , one thousand nine hundred and , open, or carry on a private employment agency unless he is the holder of a license under this Act, for which license he shall pay three pounds per annum. Every such license shall be in the form

form prescribed, and shall, subject to the provisions of this Act, remain in force for one year from the date thereof, but may be renewed as hereinafter provided.

Such license, together with a copy of this section, shall be posted in a conspicuous place in the private employment agency to which it relates.

10 **10.** (1) Application for the issue or renewal of such license shall be made to the Minister in the form and in the manner prescribed, and shall be accompanied by the said license fee. Application for license.

(2) The Minister shall refer the application to a magistrate for inquiry as to whether the applicant is from his character or previous conduct a fit person to hold a license under this Act. A license shall not be issued or renewed unless such magistrate determines that the applicant is a fit person to hold the license. Reference for inquiry.

The magistrate shall for the purposes of any such inquiry and determination have power to administer oaths, take affidavits, and examine witnesses.

20 The applicant and all persons who in the manner prescribed notify their objection to the issue or renewal of the license shall have notice of such inquiry and shall be entitled to be heard thereat, personally or by counsel, attorney, or agent.

25 **11.** It shall be the duty of every licensee of a private employment agency to keep as prescribed— Licensee keep registers.

30 (a) a register in which shall be entered the age, sex, trade or occupation, name and address of every person who applies to such licensee for employment, and the employment required by him ;

(b) a separate register in which shall be entered the name and address of every person who so applies for labour, and the employment which he offers ;

35 (c) a further separate registrar of all engagements made by or through such licensee ; and

40 (d) the originals of all letters received by such licensee, by or his agents or servants in connection with the business of his private employment agency during the next preceding two years. Such

Such registers and letters shall, at all reasonable hours, be open to the inspection and examination of the Minister or any officer of the department appointed by the Minister for the purpose.

Scale of fees.

12. A scale of the fees chargeable by and payable to licensees in respect of the business of private employment agencies may, from time to time, be prescribed, and the said scale of fees shall be posted, and kept posted, in some conspicuous place in such agencies so as to be seen by all persons. 5 10

No fees to be received except those prescribed.

13. It shall not be lawful for any licensee, directly or indirectly, to demand or receive for or in respect of the registration or engagement of any person any greater or other fees than those prescribed as aforesaid, and any sum so received in breach of this section may be recovered back, with full costs of suit, by the person who paid it. 15

A licensee shall not, directly or indirectly, take or accept any goods or chattels in payment, or as security for the payment of such fees, or receive or accept any reward or other consideration in addition to the said fees. 20

Registration fee to be repaid if employment or labour not found.

14. Where any person who applies for employment or for labour has paid to any licensee a registration fee and such person does not obtain employment or labour through such licensee within one month after registration as aforesaid, then the licensee shall upon demand repay and return to such person the fee so paid, less any out of pocket expenses incurred by the licensee in respect of such person; provided that such demand be made within thirty days after the expiration of the period aforesaid. 25 30

Licensee not to share fees with employer.

15. No licensee shall, directly or indirectly, give or pay to any employer, or to the foreman or agent of any employer, for or in respect of the hiring of any employee any share or part of the prescribed fees; nor shall any employer, foreman, or agent, directly or indirectly take or receive from a licensee any share or part of such fees. 35

Licensee not to keep as lodgers any persons seeking employment.

16. (1) It shall not be lawful for any licensee, directly or indirectly, to keep as lodgers any persons seeking employment, or to have any share or interest in the keeping of a lodging-house for such persons. 40

(2)

(2) The fact that any member of the licensee's household keeps any such persons as lodgers, or keeps any lodging-house for such persons, shall be prima facie evidence that the licensee so keeps such persons or has an interest in the keeping of such lodging-house as aforesaid.

(3) Every contract or agreement made between any licensee or member of his household and any other person relating to the keeping as lodgers of persons seeking employment, or to the keeping of a lodging-house for such persons, shall be illegal and void for all purposes.

17. A licensee shall not publish or cause to be published any false information or make any false promise concerning or relating to work or employment to anyone who registers for employment.

False statements or entries by licensees.

A licensee shall not make or cause to be made any false entries in the registers to be kept as in this Act provided.

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General provisions and penalties.

18. (1) Every employer shall each year, on or before such day as the Minister may direct by notice in the Gazette, make and send to the Minister a correct return in the form prescribed stating the names, addresses, occupations, periods of service, and apparent ages of the persons employed by him during the preceding calendar year:

Returns by employers.

Provided that in, the case of the Crown or commissions, trusts, boards, or other bodies discharging functions on behalf of the Crown, if lists of its or their employees containing the information specified are from time to time published in accordance with the provisions of special statutes, the returns necessary to be made under this Act may, if so prescribed, be confined to references to such lists and particulars of any extensions or alterations made therein.

(2) If any employer fails to make or to send such return as aforesaid, or makes any such return which is false in any material particular, he shall be liable to a penalty not exceeding pounds.

19.

Penalty for sending female to house of ill-fame, &c.

19. (1) Any person who sends or causes to be sent any female person seeking employment to any place of bad repute, house of ill-fame or assignation house, or to any house or place of amusement kept for immoral purposes, shall be liable on indictment to a penalty not exceeding *one thousand* pounds and to imprisonment for a period not exceeding *ten* years. 5

Penalty for false statement.

(2) If any person knowingly makes any false statement or false representation to any superintendent of a State Labour Exchange, or to any person acting for or for the purposes of any such labour exchange, with intent to obtain employment or to procure labour, that person shall be liable in respect of each offence on conviction to a penalty not exceeding *ten* pounds. 10

20. If any person knowingly— 15

(a) sends, delivers, or causes to be sent or delivered to the department or any officer thereof any writing which purports to be signed or sent by any other person without such person's authority or in the name of any fictitious person; or 20

(b) makes, sends, or delivers any written communication which purports to be a communication from the department or any officer thereof, and which is not so in fact, 25

he shall be liable upon conviction to a penalty not exceeding pounds or to imprisonment not exceeding months.

Penalty for contravention of Act.

21. Any person who contravenes or fails to carry out any provision of this Act shall, where no other penalty or punishment is by this Act provided, be liable on conviction to a penalty not exceeding *ten* pounds. 30

Conviction to be endorsed on license. Cancellation of license.

22. Every conviction against a licensee shall be endorsed on his license by the judge, magistrate, or justice of the peace before or by whom such conviction is had, and, upon a third conviction within three years from the first conviction, the license shall be cancelled, and the clerk of the court shall forward it to the Minister for that purpose. 35

For the purpose of carrying out the provisions of this section the judge, magistrate, or justice may order the defendant to produce and deliver up his license. 40

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23. A person whose license has been cancelled shall not be entitled to hold a license until the expiration of one year from the date of such cancellation. Where license cancelled holder not qualified to obtain license.

24. A licensee shall not be entitled to maintain an action for the recovery of fees unless at the trial he produces his license. Production of license.

25. On satisfactory proof of loss or destruction of a license, and on the payment of one shilling, the Minister may, at the request of the licensee, issue a duplicate license bearing all endorsements, and such duplicate shall avail for all purposes as if it were the original license. Loss or destruction of license.

26. Pecuniary penalties for breaches of this Act or any regulations thereunder may, except where otherwise in this Act provided, be recovered in a summary way before a court of petty sessions. Recovery of penalties.

27. A copy of any entry in any of the registers prescribed, which copy purports to be signed by the Minister or any officer of the department making the same, shall be prima facie evidence of the truth of the matters stated in such copy. Copy of entries in registers to be evidence.

28. The Governor may make regulations— Regulations.

- (a) prescribing the form of registers and generally the forms to be used in carrying out this Act;
- 25 (b) providing for the establishing, management, and control of places of detention and compulsory employment of persons who, in pursuance of this Act, are declared to be "work-day," and for enforcing such detention and employment;
- 30 (c) prescribing the form of licenses which may be issued under this Act, and the form of renewals of such licenses;
- (d) regulating the exhibition of licenses and other documents required by this Act to be exhibited;
- 35 (e) prescribing the scale of fees chargeable by and payable to licensees;
- (f) regulating inspections by the Minister or the officers of the department as authorised by this Act;

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- (g) providing for the means of training of persons in terms of section four;
- (h) generally giving effect to the purposes of this Act;

and may by such regulations impose a penalty not exceeding *twenty* pounds for any breach thereof. 5

Publication of regulations.

29. (1) Regulations made under this Act, on being approved by the Governor and published in the Gazette, if not disallowed as hereinafter provided, and if not repugnant to this Act, shall have the force of law. 10

(2) All such regulations on being gazetted shall be laid before both houses of Parliament within fourteen days if Parliament is then sitting, and if not sitting, then within fourteen days after the next meeting of Parliament. But if either House of Parliament passes 15 a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such house disallowing any regulation, such regulation shall thereupon cease to have effect without prejudice to anything previously done or 20 suffered thereunder.