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[CONFIDENTIAL]

(Rough Draft for Consideration Only.)

No. , 1928.

A BILL

To regulate in certain respects theatrical agencies and employment; and for purposes connected therewith.

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:—

1. (1) This Act may be cited as the "Theatrical Short title. Agencies and Registries Act, 1928."

(2) This Act shall commence on a day to be Commence- appointed by the Governor and notified by proclamation ment. published in the Gazette.

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2. (1) Subject to this section this Act applies to every agency or registry carried on or represented as being intended to be carried on (whether for the purpose of gain or not) for or in connection with the employment or engagement of persons in any capacity in any theatrical enterprise, concert, entertainment or side show of any description, whether such employment is intended to be within or without the State of New South Wales, and to any person, firm, company, society, association or office acting as principal or agent who directly engages any person for such employment. Application of Act.

(2) This Act shall not apply to—

Exceptions.

(a) any employment agency or registry carried on by or under the supervision of a Government department;

(b) any employment agency which is—

(i) carried on exclusively for the purpose of obtaining employment either for persons formerly members of His Majesty's naval, military or air forces, or for persons released from any prison or from any place of preventive or other detention, or from any reformatory or industrial school; and

(ii) certified at the commencement of this Act and from time to time thereafter by the Government department concerned to be in all respects properly carried on.

(3) In this Act the expression—

Definitions.

“agency” means any agency or registry to which this Act applies, and includes any individual offering employment in connection with any temporary theatrical enterprise of any description.

“prescribed” means prescribed by this Act or the regulations made thereunder.

(4) This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State, to the intent that when any enactment thereof would Construction.

would but for this subsection have been construed as being in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

3. (1) A person shall not carry on an agency without a license or permit from the prescribed authority authorising him to do so. Persons carrying on agency to be licensed.

(2) In the application of this section and of section four a person shall be deemed to carry on an agency who on any one occasion, or as an isolated act, engages any employee or person in connection with any theatrical enterprise, concert or entertainment of any description.

4. If any person carries on an agency without a license or permit from the prescribed authority he shall be liable upon summary conviction to a fine not exceeding *fifty* pounds, and if the offence continues after conviction thereof to a further fine not exceeding *ten* pounds for each day during which the offence so continues. Prohibition on carrying on agency by unlicensed person.

If it is alleged and proved that the accused person has so carried on an agency and that in or in connection with the carrying on of the agency there has been fraud, extortion or immorality, the court may sentence him to be imprisoned with or without hard labour for any term not exceeding *six* months or to a fine not exceeding *two hundred and fifty* pounds or to both such imprisonment and such fine.

5. A person requiring a license or permit or the renewal of a license under this Act shall make an application in writing to the prescribed authority and shall in the application state— Application for licenses or permits.

- (a) his full name;
- (b) his age and nationality;
- (c) his private address, or if the application is made by or on behalf of a company, society, association or body, the registered or principal office of any of such company, society, association or body and so far as may be reasonably required the names and private addresses of the persons directly or indirectly responsible for the management of such company, society, association or body;
- (d)

- (d) the name under which and the address at which the agency is carried on or proposed to be carried on ;
- (e) the nature of the agency and whether it is intended to deal with a succession of theatrical enterprises or matters of like nature, or is required in connection with a single enterprise or venture of the kind ;
- (f) whether he is interested in any other agency, and if so, the other in which he is interested and the extent of his interest therein ;
- (g) whether a license for several ventures and for a stated period is required or whether a permit in respect of an individual venture is required ;
- (h) such other particulars as the prescribed authority may reasonably demand.

6. (1) Where an application for an agency license or a permit or the renewal of an agency license has been made in accordance with this Act or any regulation thereunder, then, subject to the provisions of this section, the prescribed authority shall as soon as reasonably practicable take the same and any available information with respect thereto into consideration and, except where the application is refused in accordance with the subsequent provisions of this section, shall grant or renew a license or grant a permit to the applicant to carry on an agency of the description and in the name and at the address specified in the application.

Grant and renewal of licenses.

(2) The grant or renewal of a license may be refused—

- (a) to any person under the age of twenty-one years ; or
- (b) to any person who is not in all respects a fit person to hold an agency license ; or
- (c) in respect of any premises which are not in all respects suitable for an agency ; or
- (d) in respect of any agency which has been or is being improperly conducted ; or
- (e) in respect of any agency which the conditions (if any) imposed by the authority have not been satisfactorily complied with. (3)

(3) No license, renewed license or permit shall be issued until the prescribed fee is paid.

(4) A license or permit may be granted subject to the performance by the licensee or holder of the permit of such conditions as may be therein imposed. Conditions on licenses.

Conditions may be imposed in order to secure the due performance of the contract and for the protection of employees and others including—

- (a) the securing by approved security of the payment of salaries or wages to the members of or employees connected with any theatrical company, and where the actual employment is outside the metropolitan area return fares on termination from whatever cause arising of the engagement or employment;
- (b) any other condition which in the opinion of the prescribed authorities is necessary or desirable to safeguard the interests of the members or employees concerned or for the prevention of immorality.

7. (1) A license shall, unless revoked or resigned, continue in force for a period of twelve months from the date on which it is granted or renewed and no longer. Duration of agency license, &c.

(2) A permit shall only apply to the particular matter therein specified, and continue in force until the completion of same and no longer.

8. An agency license or permit may be revoked in the prescribed manner at any time on any one or more of the following grounds:— Revocation of agency license.

- (a) that the grant or renewal of the license was obtained by some false or misleading statement whether on the part of the holder of the license or of some other person;
- (b) that the holder of the license is not in all respects a fit person to hold the same;
- (c) that the premises in or upon which the business is being carried on are not in all respects suitable for an agency;
- (d) that the agency has been or is being improperly conducted.

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9. The prescribed authority shall not revoke or refuse to renew any agency license unless it has given to the holder thereof not less than seven clear days' notice in the prescribed form that a revocation is proposed or that an objection has been or will be taken to the renewal as the case may be.

10. Any person aggrieved by any refusal to grant or to renew an agency license or by any revocation of an agency license may within fourteen days of such refusal or revocation appeal to the Minister in the form and in the manner prescribed and such appeal shall be accompanied by the prescribed fee.

The Minister may refer the appeal to a stipendiary or police magistrate who for the purposes of any such appeal shall have the same powers as if he were sitting in a Court of Petty Sessions and the appeal were a matter for hearing and determination thereon.

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 appeal and shall be entitled to be heard thereat personally or by counsel, attorney or agent.

There shall be an appeal as prescribed by way of rehearing from the decision of a magistrate to the nearest Court of Quarter Sessions.

11. It shall be the duty of every licensee or holder of any permit under this Act to keep a register of all engagements made by or through such licensee or in connection with such permit.

Such registers shall at all reasonable times be open to the examination and inspection of any prescribed person.

12. The prescribed authority shall keep a register of the holders of agency licenses or permits, and such register shall contain in connection with each such holder—

- (a) his full name and private address ;
- (b) where the agency is carried on by or the permit issued to a company, society, association or body, the names and addresses of the persons

persons stated in the form of application to be directly or indirectly responsible for the management of such company, society, association or body ;

- (c) the name under which and the address at which the agency or business is carried on, or proposed to be carried on ;
- (d) the nature of the agency or of the enterprise or business in connection with which any permit is held ;
- (e) such other further particulars as the department thinks desirable.

13. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or authorised to be prescribed, or are necessary or convenient to be prescribed for giving effect to this Act, and without limiting the generality of the foregoing provision, the regulations may—

- (a) prescribe the form of licenses or permits which may be issued and the forms of renewals of same ;
- (b) prescribe the forms of application and registers and generally the forms to be used ;
- (c) regulate any premises used for the purposes of or in connection with any agency ;
- (d) prescribe measures for the prevention of fraud, extortion or immorality in connection with the carrying on of any agency or subject matter of any permit ;
- (e) restrict or regulate contracts for the employment abroad in any capacity of female persons.

(2) The Governor may by the regulations impose a penalty not exceeding *twenty* pounds for any breach or contravention thereof.

(3) The regulations shall—

- (a) be published in the Gazette ;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations ;

(c)

- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session and if not then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen days after the regulations have been laid before such House disallowing any regulation or part thereof such regulation or part thereof shall thereupon cease to have effect.

14. Any penalty incurred by this Act or the regulations made thereunder may be recovered in a summary manner before two or more justices or a stipendiary or police magistrate.
