

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 12 October, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1977.

An Act to amend the Industrial Arbitration (Employment Agencies) Amendment Act, 1975, to provide that private employment agents shall not be entitled to demand or receive fees except from persons who employ labour or for whom work is otherwise carried out.

BE

Industrial Arbitration (Employment Agencies) Amendment.

BE it enacted by the Queen'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 :—

5 **1.** This Act may be cited as the "Industrial Arbitration Short title.
(Employment Agencies) Amendment Act, 1977".

2. (1) This section and section 1 shall commence on the Commence-
date of assent to this Act. ment.

 (2) Except as provided in subsection (1), this Act
10 shall commence on such day as may be appointed and notified
under section 2 (2) of the Industrial Arbitration (Employ-
ment Agencies) Amendment Act, 1975.

3. The Industrial Arbitration Act, 1940, in this Act, is Principal
referred to as the Principal Act. Act.

15 **4.** This Act contains the following Schedules :— Schedules.

**SCHEDULE 1.—AMENDMENTS TO CERTAIN PRO-
VISIONS TO BE INSERTED IN THE PRINCIPAL ACT
BY SECTION 4 (O) OF THE INDUSTRIAL ARBITRA-
TION (EMPLOYMENT AGENCIES) AMENDMENT
20 ACT, 1975.**

**SCHEDULE 2.—FURTHER AMENDMENTS TO THE
INDUSTRIAL ARBITRATION (EMPLOYMENT
AGENCIES) AMENDMENT ACT, 1975.**

Industrial Arbitration (Employment Agencies) Amendment.

5 5. (1) A provision to be inserted in the Principal Act Amendment
by section 4 (o) of the Industrial Arbitration (Employment of Act No.
Agencies) Amendment Act, 1975, being a provision specified 107, 1975.
in Schedule 1, is amended in the manner set forth in relation
to that provision in that Schedule.

(2) The Industrial Arbitration (Employment
Agencies) Amendment Act, 1975, is further amended in the
manner set forth in Schedule 2.

SCHEDULE 1.

Sec. 5 (1).

10 AMENDMENTS TO CERTAIN PROVISIONS TO BE INSERTED IN
THE PRINCIPAL ACT BY SECTION 4 (O) OF THE
INDUSTRIAL ARBITRATION (EMPLOYMENT AGENCIES)
AMENDMENT ACT, 1975.

(1) Section 145D (1) (a)—

15 Omit "except in accordance with the authority of a
license held by him", insert instead "unless he is the
holder of a license".

(2) Section 145E (4)—

After "notice in", insert "or to the effect of".

20 (3) (a) Section 145F (1) (a)—

Omit "made in", insert instead "in or to the effect
of".

(b) Section 145F (1) (c)—

Omit the paragraph.

SCHEDULE

Industrial Arbitration (Employment Agencies) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO CERTAIN PROVISIONS TO BE INSERTED IN
THE PRINCIPAL ACT BY SECTION 4 (O) OF THE
INDUSTRIAL ARBITRATION (EMPLOYMENT AGENCIES)
5 AMENDMENT ACT, 1975—*continued.*

(c) Section 145F (1) (d)—

After “notice in”, insert “or to the effect of”.

(4) (a) Section 145H (2) (b)—

Omit the paragraph.

10 (b) Section 145H (2)—

Omit “of the class applied for”.

(5) Section 145I—

Omit the section, insert instead :—

15 145I. A licensee who, in respect of the carrying on
by him of the business of a private employment agent, demands or receives any fee, charge or
remuneration except from a person for whom that
licensee procures or whom that licensee assists in
20 procuring a person to undertake employment or other-
wise to carry out work, whether that employment or
work is to be carried out pursuant to a contract of
employment, or otherwise, is guilty of an offence and
liable to a penalty not exceeding \$500.

(6) (a) Section 145J—

25 Before “the prescribed form”, insert “or to the
effect of”.

SCHEDULE

Industrial Arbitration (Employment Agencies) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO CERTAIN PROVISIONS TO BE INSERTED IN
THE PRINCIPAL ACT BY SECTION 4 (O) OF THE
INDUSTRIAL ARBITRATION (EMPLOYMENT AGENCIES)
5 AMENDMENT ACT, 1975—*continued.*

(b) Section 145J (b)—
Omit the paragraph.

(7) Section 145Q—
Omit the section.

10 (8) Section 145R (1) (e)—
Omit the paragraph.

SCHEDULE 2.

Sec. 5 (2).

FURTHER AMENDMENTS TO THE INDUSTRIAL ARBITRATION
(EMPLOYMENT AGENCIES) AMENDMENT ACT, 1975.

15 (1) Long title—
Omit “employees and”.

(2) (a) Section 5 (1)—
Omit “referred to in section 145I (1) (a)”,
insert instead “granted and issued under section
20 145H (2)”.

SCHEDULE

Industrial Arbitration (Employment Agencies) Amendment.

SCHEDULE 2—*continued.*

FURTHER AMENDMENTS TO THE INDUSTRIAL ARBITRATION
(EMPLOYMENT AGENCIES) AMENDMENT ACT, 1975
—*continued.*

5 (b) Section 5 (4)—

Omit the subsection, insert instead :—

10 (4) Where the holder of a license referred to
in subsection (1) or granted pursuant to an
application referred to in subsection (2)
surrenders that license, the Under Secretary of
the Department of Labour and Industry may, if
that license is still in force, issue to that person,
without fee, a license referred to in section 145H
15 (2) of the Principal Act, as amended by section
4, in which the date of the surrendered license
is specified as the day of issue and, upon the issue
of that license, the provisions of subsection (1),
or subsection (1) as applied by subsection (3),
20 shall cease to have effect in relation to the
surrendered license.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

[8c]

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**INDUSTRIAL ARBITRATION (EMPLOYMENT
AGENCIES) AMENDMENT BILL, 1977**

No. , 1977.

A BILL FOR

An Act to amend the Industrial Arbitration (Employment Agencies) Amendment Act, 1975, to provide that private employment agents shall not be entitled to demand or receive fees except from persons who employ labour or for whom work is otherwise carried out.

[MR HILLS—14 September, 1977.]

BE

Industrial Arbitration (Employment Agencies) Amendment.

BE it enacted by the Queen'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 :—

5 **1.** This Act may be cited as the "Industrial Arbitration Short title.
(Employment Agencies) Amendment Act, 1977".

2. (1) This section and section 1 shall commence on the Commence-
date of assent to this Act. ment.

 (2) Except as provided in subsection (1), this Act
10 shall commence on such day as may be appointed and notified
under section 2 (2) of the Industrial Arbitration (Employ-
ment Agencies) Amendment Act, 1975.

3. The Industrial Arbitration Act, 1940, in this Act, is Principal
referred to as the Principal Act. Act.

15 **4.** This Act contains the following Schedules :— Schedules.

**SCHEDULE 1.—AMENDMENTS TO CERTAIN PRO-
VISIONS TO BE INSERTED IN THE PRINCIPAL ACT
—BY SECTION 4 (O) OF THE INDUSTRIAL ARBITRA-
TION (EMPLOYMENT AGENCIES) AMENDMENT
20 ACT, 1975.**

**SCHEDULE 2.—FURTHER AMENDMENTS TO THE
INDUSTRIAL ARBITRATION (EMPLOYMENT
AGENCIES) AMENDMENT ACT, 1975.**

Industrial Arbitration (Employment Agencies) Amendment.

5 **5.** (1) A provision to be inserted in the Principal Act Amendment of Act No. 107, 1975. by section 4 (o) of the Industrial Arbitration (Employment Agencies) Amendment Act, 1975, being a provision specified in Schedule 1, is amended in the manner set forth in relation to that provision in that Schedule.

(2) The Industrial Arbitration (Employment Agencies) Amendment Act, 1975, is further amended in the manner set forth in Schedule 2.

SCHEDULE 1.

Sec. 5 (1).

10 AMENDMENTS TO CERTAIN PROVISIONS TO BE INSERTED IN THE PRINCIPAL ACT BY SECTION 4 (O) OF THE INDUSTRIAL ARBITRATION (EMPLOYMENT AGENCIES) AMENDMENT ACT, 1975.

(1) Section 145D (1) (a)—

15 Omit "except in accordance with the authority of a license held by him", insert instead "unless he is the holder of a license".

(2) Section 145E (4)—

After "notice in", insert "or to the effect of".

20 (3) (a) Section 145F (1) (a)—

Omit "made in", insert instead "in or to the effect of".

(b) Section 145F (1) (c)—

Omit the paragraph.

SCHEDULE

Industrial Arbitration (Employment Agencies) Amendment.

SCHEDULE 1—*continued.*

5 AMENDMENTS TO CERTAIN PROVISIONS TO BE INSERTED IN
THE PRINCIPAL ACT BY SECTION 4 (O) OF THE
INDUSTRIAL ARBITRATION (EMPLOYMENT AGENCIES)
AMENDMENT ACT, 1975—*continued.*

(c) Section 145F (1) (d)—

After “notice in”, insert “or to the effect of”.

(4) (a) Section 145H (2) (b)—

Omit the paragraph.

10 (b) Section 145H (2)—

Omit “of the class applied for”.

(5) Section 145I—

Omit the section, insert instead :—

15 145I. A licensee who, in respect of the carrying on by him of the business of a private employment agent, demands or receives any fee, charge or remuneration except from a person for whom that licensee procures or whom that licensee assists in
20 procuring a person to undertake employment or otherwise to carry out work, whether that employment or work is to be carried out pursuant to a contract of employment, or otherwise, is guilty of an offence and liable to a penalty not exceeding \$500.

Persons from whom licensees may seek remuneration.

(6) (a) Section 145J—

25 Before “the prescribed form”, insert “or to the effect of”.

SCHEDULE

Industrial Arbitration (Employment Agencies) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO CERTAIN PROVISIONS TO BE INSERTED IN
THE PRINCIPAL ACT BY SECTION 4 (O) OF THE
INDUSTRIAL ARBITRATION (EMPLOYMENT AGENCIES)
5 AMENDMENT ACT, 1975—*continued.*

(b) Section 145J (b)—
Omit the paragraph.

(7) Section 145Q—
Omit the section.

10 (8) Section 145R (1) (e)—
Omit the paragraph.

SCHEDULE 2.

Sec. 5 (2).

FURTHER AMENDMENTS TO THE INDUSTRIAL ARBITRATION
(EMPLOYMENT AGENCIES) AMENDMENT ACT, 1975.

15 (1) Long title—
Omit “employees and”.

(2) (a) Section 5 (1)—
Omit “referred to in section 145i (1) (a)”,
insert instead “granted and issued under section
20 145H (2)”.

SCHEDULE

Industrial Arbitration (Employment Agencies) Amendment.

SCHEDULE 2—*continued.*

FURTHER AMENDMENTS TO THE INDUSTRIAL ARBITRATION
(EMPLOYMENT AGENCIES) AMENDMENT ACT, 1975
—*continued.*

5 (b) Section 5 (4)—

Omit the subsection, insert instead :—

10 (4) Where the holder of a license referred to
in subsection (1) or granted pursuant to an
application referred to in subsection (2)
surrenders that license, the Under Secretary of
the Department of Labour and Industry may, if
that license is still in force, issue to that person,
without fee, a license referred to in section 145H
15 (2) of the Principal Act, as amended by section
4, in which the date of the surrendered license
is specified as the day of issue and, upon the issue
of that license, the provisions of subsection (1),
or subsection (1) as applied by subsection (3),
20 shall cease to have effect in relation to the
surrendered license.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

[8c]

SCHEDULE

PROOF

**INDUSTRIAL ARBITRATION (EMPLOYMENT AGENCIES)
AMENDMENT BILL, 1977**

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

THE objects of this Bill are—

- (a) to provide that a private employment agent shall not be entitled to demand or receive any fee, charge or remuneration except from a person for whom that agent procures or whom that agent assists in procuring a person to undertake employment or otherwise to carry out work, whether that employment or work is to be carried out pursuant to a contract of employment, or otherwise (Schedule 1 (5)); and
 - (b) to make other provisions of a minor, a consequential or an ancillary nature.
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PROOF

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REASON: EXECUTIVE ORDER 11652

EXEMPTION AUTHORITY: 50 CFR 17.102

PROOF

**INDUSTRIAL ARBITRATION (EMPLOYMENT
AGENCIES) AMENDMENT BILL, 1977**

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

1. This Act may be cited as the Industrial Arbitration (Employment Agencies) Amendment Act, 1977.

2. (1) This section and section 3 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1) of this Act, this Act shall commence on the day on which it is assented to and notified under section 5 (1) of the Industrial Arbitration (Employment Agencies) Act, 1975.

No. , 1977.

A BILL FOR

An Act to amend the Industrial Arbitration (Employment Agencies) Amendment Act, 1975, to provide that private employment agents shall not be entitled to demand or receive fees except from persons who employ labour or for whom work is otherwise carried out.

[MR HILLS—14 September, 1977.]

BE

Industrial Arbitration (Employment Agencies) Amendment.

5 **5.** (1) A provision to be inserted in the Principal Act Amendment
by section 4 (o) of the Industrial Arbitration (Employment of Act No.
Agencies) Amendment Act, 1975, being a provision specified 107, 1975.
in Schedule 1, is amended in the manner set forth in relation
to that provision in that Schedule.

(2) The Industrial Arbitration (Employment
Agencies) Amendment Act, 1975, is further amended in the
manner set forth in Schedule 2.

SCHEDULE 1.

Sec. 5 (1).

10 AMENDMENTS TO CERTAIN PROVISIONS TO BE INSERTED IN
THE PRINCIPAL ACT BY SECTION 4 (O) OF THE
INDUSTRIAL ARBITRATION (EMPLOYMENT AGENCIES)
AMENDMENT ACT, 1975.

(1) Section 145D (1) (a)—

15 Omit “except in accordance with the authority of a
license held by him”, insert instead “unless he is the
holder of a license”.

(2) Section 145E (4)—

After “notice in”, insert “or to the effect of”.

20 (3) (a) Section 145F (1) (a)—

Omit “made in”, insert instead “in or to the effect
of”.

(b) Section 145F (1) (c)—

Omit the paragraph.

SCHEDULE

Industrial Arbitration (Employment Agencies) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO CERTAIN PROVISIONS TO BE INSERTED IN
THE PRINCIPAL ACT BY SECTION 4 (O) OF THE
INDUSTRIAL ARBITRATION (EMPLOYMENT AGENCIES)
5 AMENDMENT ACT, 1975—*continued.*

(c) Section 145F (1) (d)—

After “notice in”, insert “or to the effect of”.

(4) (a) Section 145H (2) (b)—

Omit the paragraph.

10 (b) Section 145H (2)—

Omit “of the class applied for”.

(5) Section 145I—

Omit the section, insert instead :—

15 145I. A licensee who, in respect of the carrying on
by him of the business of a private employment
agent, demands or receives any fee, charge or
remuneration except from a person for whom that
licensee procures or whom that licensee assists in
20 procuring a person to undertake employment or other-
wise to carry out work, whether that employment or
work is to be carried out pursuant to a contract of
employment, or otherwise, is guilty of an offence and
liable to a penalty not exceeding \$500.

(6) (a) Section 145J—

25 Before “the prescribed form”, insert “or to the
effect of”.

SCHEDULE

Industrial Arbitration (Employment Agencies) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO CERTAIN PROVISIONS TO BE INSERTED IN
THE PRINCIPAL ACT BY SECTION 4 (O) OF THE
INDUSTRIAL ARBITRATION (EMPLOYMENT AGENCIES)
5 AMENDMENT ACT, 1975—*continued.*

(b) Section 145J (b)—
Omit the paragraph.

(7) Section 145Q—
Omit the section.

10 (8) Section 145R (1) (e)—
Omit the paragraph.

SCHEDULE 2.

Sec. 5 (2).

FURTHER AMENDMENTS TO THE INDUSTRIAL ARBITRATION
(EMPLOYMENT AGENCIES) AMENDMENT ACT, 1975.

15 (1) Long title—
Omit “employees and”.

(2) (a) Section 5 (1)—
Omit “referred to in section 145I (1) (a)”,
insert instead “granted and issued under section
20 145H (2)”.

SCHEDULE

Industrial Arbitration (Employment Agencies) Amendment.

SCHEDULE 2—*continued.*

FURTHER AMENDMENTS TO THE INDUSTRIAL ARBITRATION
(EMPLOYMENT AGENCIES) AMENDMENT ACT, 1975
—*continued.*

5 (b) Section 5 (4)—

Omit the subsection, insert instead :—

10 (4) Where the holder of a license referred to
in subsection (1) or granted pursuant to an
application referred to in subsection (2)
surrenders that license, the Under Secretary of
the Department of Labour and Industry may, if
that license is still in force, issue to that person,
without fee, a license referred to in section 145H
15 (2) of the Principal Act, as amended by section
4, in which the date of the surrendered license
is specified as the day of issue and, upon the issue
of that license, the provisions of subsection (1),
or subsection (1) as applied by subsection (3),
20 shall cease to have effect in relation to the
surrendered license.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

**INDUSTRIAL ARBITRATION (EMPLOYMENT
AGENCIES) AMENDMENT ACT, 1977**

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 116, 1977.

An Act to amend the Industrial Arbitration (Employment Agencies) Amendment Act, 1975, to provide that private employment agents shall not be entitled to demand or receive fees except from persons who employ labour or for whom work is otherwise carried out. [Assented to, 9th December, 1977.]

BE

Industrial Arbitration (Employment Agencies) Amendment.

BE it enacted by the Queen'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 :—

Short title. **1.** This Act may be cited as the “Industrial Arbitration (Employment Agencies) Amendment Act, 1977”.

Commence- **2.** (1) This section and section 1 shall commence on the
ment. date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed and notified under section 2 (2) of the Industrial Arbitration (Employment Agencies) Amendment Act, 1975.

Principal **3.** The Industrial Arbitration Act, 1940, in this Act, is
Act. referred to as the Principal Act.

Schedules. **4.** This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO CERTAIN PROVISIONS TO BE INSERTED IN THE PRINCIPAL ACT BY SECTION 4 (O) OF THE INDUSTRIAL ARBITRATION (EMPLOYMENT AGENCIES) AMENDMENT ACT, 1975.

SCHEDULE 2.—FURTHER AMENDMENTS TO THE INDUSTRIAL ARBITRATION (EMPLOYMENT AGENCIES) AMENDMENT ACT, 1975.

Industrial Arbitration (Employment Agencies) Amendment.

5. (1) A provision to be inserted in the Principal Act by section 4 (o) of the Industrial Arbitration (Employment Agencies) Amendment Act, 1975, being a provision specified in Schedule 1, is amended in the manner set forth in relation to that provision in that Schedule. Amendment of Act No. 107, 1975.

(2) The Industrial Arbitration (Employment Agencies) Amendment Act, 1975, is further amended in the manner set forth in Schedule 2.

SCHEDULE 1.

Sec. 5 (1).

AMENDMENTS TO CERTAIN PROVISIONS TO BE INSERTED IN
THE PRINCIPAL ACT BY SECTION 4 (O) OF THE
INDUSTRIAL ARBITRATION (EMPLOYMENT AGENCIES)
AMENDMENT ACT, 1975.

(1) Section 145D (1) (a)—

Omit “except in accordance with the authority of a license held by him”, insert instead “unless he is the holder of a license”.

(2) Section 145E (4)—

After “notice in”, insert “or to the effect of”.

(3) (a) Section 145F (1) (a)—

Omit “made in”, insert instead “in or to the effect of”.

(b) Section 145F (1) (c)—

Omit the paragraph.

SCHEDULE

Industrial Arbitration (Employment Agencies) Amendment.

 SCHEDULE 1—*continued.*

 AMENDMENTS TO CERTAIN PROVISIONS TO BE INSERTED IN
 THE PRINCIPAL ACT BY SECTION 4 (O) OF THE
 INDUSTRIAL ARBITRATION (EMPLOYMENT AGENCIES)
 AMENDMENT ACT, 1975—*continued.*

(c) Section 145F (1) (d)—

After “notice in”, insert “or to the effect of”.

(4) (a) Section 145H (2) (b)—

Omit the paragraph.

(b) Section 145H (2)—

Omit “of the class applied for”.

(5) Section 145I—

Omit the section, insert instead :—

Persons
from whom
licensees
may seek
remunera-
tion.

145I. A licensee who, in respect of the carrying on by him of the business of a private employment agent, demands or receives any fee, charge or remuneration except from a person for whom that licensee procures or whom that licensee assists in procuring a person to undertake employment or otherwise to carry out work, whether that employment or work is to be carried out pursuant to a contract of employment, or otherwise, is guilty of an offence and liable to a penalty not exceeding \$500.

(6) (a) Section 145J—

Before “the prescribed form”, insert “or to the effect of”.

Industrial Arbitration (Employment Agencies) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO CERTAIN PROVISIONS TO BE INSERTED IN
THE PRINCIPAL ACT BY SECTION 4 (O) OF THE
INDUSTRIAL ARBITRATION (EMPLOYMENT AGENCIES)
AMENDMENT ACT, 1975—*continued.*

(b) Section 145J (b)—

Omit the paragraph.

(7) Section 145Q—

Omit the section.

(8) Section 145R (1) (e)—

Omit the paragraph.

SCHEDULE 2.

Sec. 5 (2).

FURTHER AMENDMENTS TO THE INDUSTRIAL ARBITRATION
(EMPLOYMENT AGENCIES) AMENDMENT ACT, 1975.

(1) Long title—

Omit “employees and”.

(2) (a) Section 5 (1)—

Omit “referred to in section 145I (1) (a)”,
insert instead “granted and issued under section
145H (2)”.

SCHEDULE

Industrial Arbitration (Employment Agencies) Amendment.

SCHEDULE 2—*continued.*FURTHER AMENDMENTS TO THE INDUSTRIAL ARBITRATION
(EMPLOYMENT AGENCIES) AMENDMENT ACT, 1975
—*continued.*

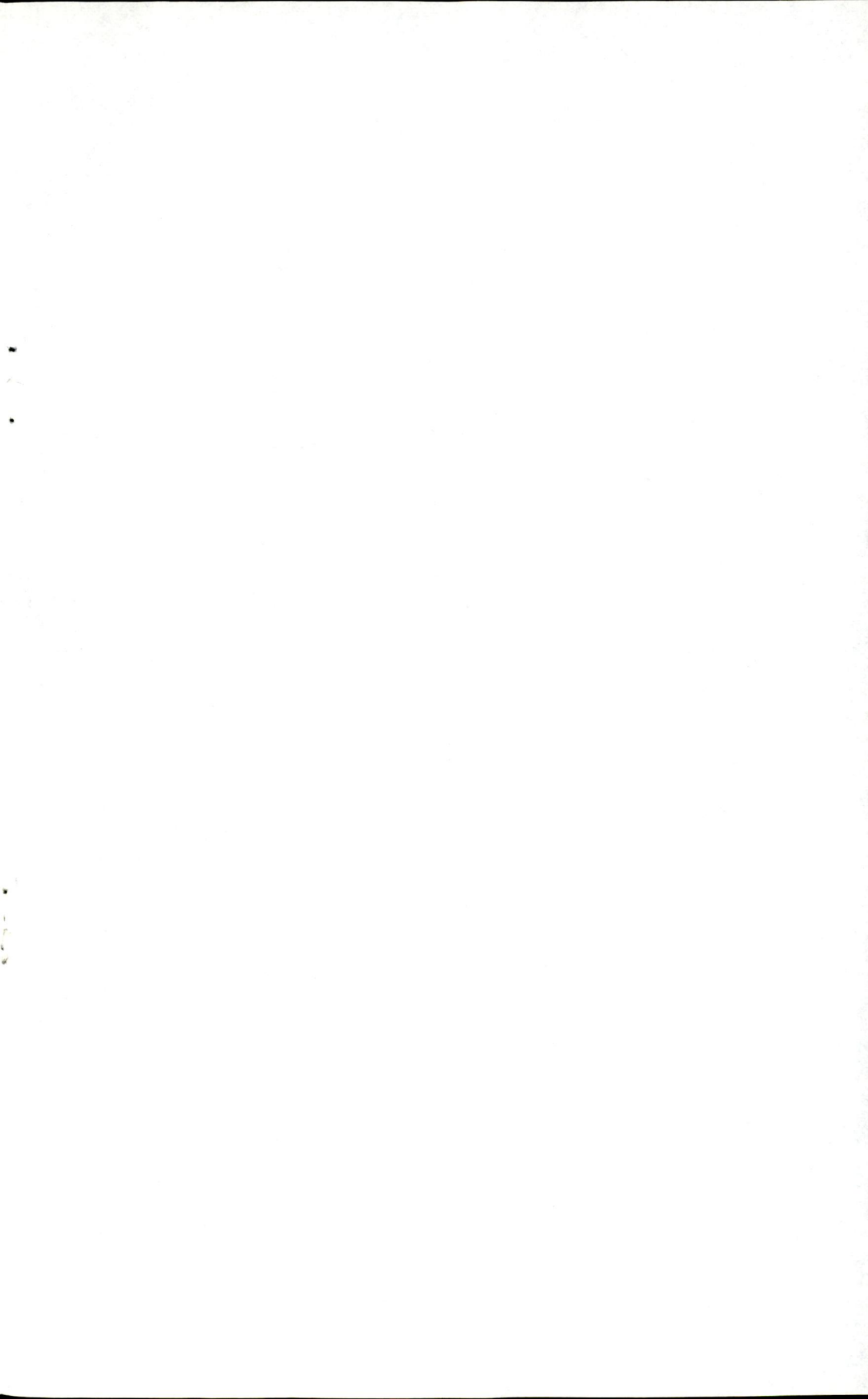
(b) Section 5 (4)—

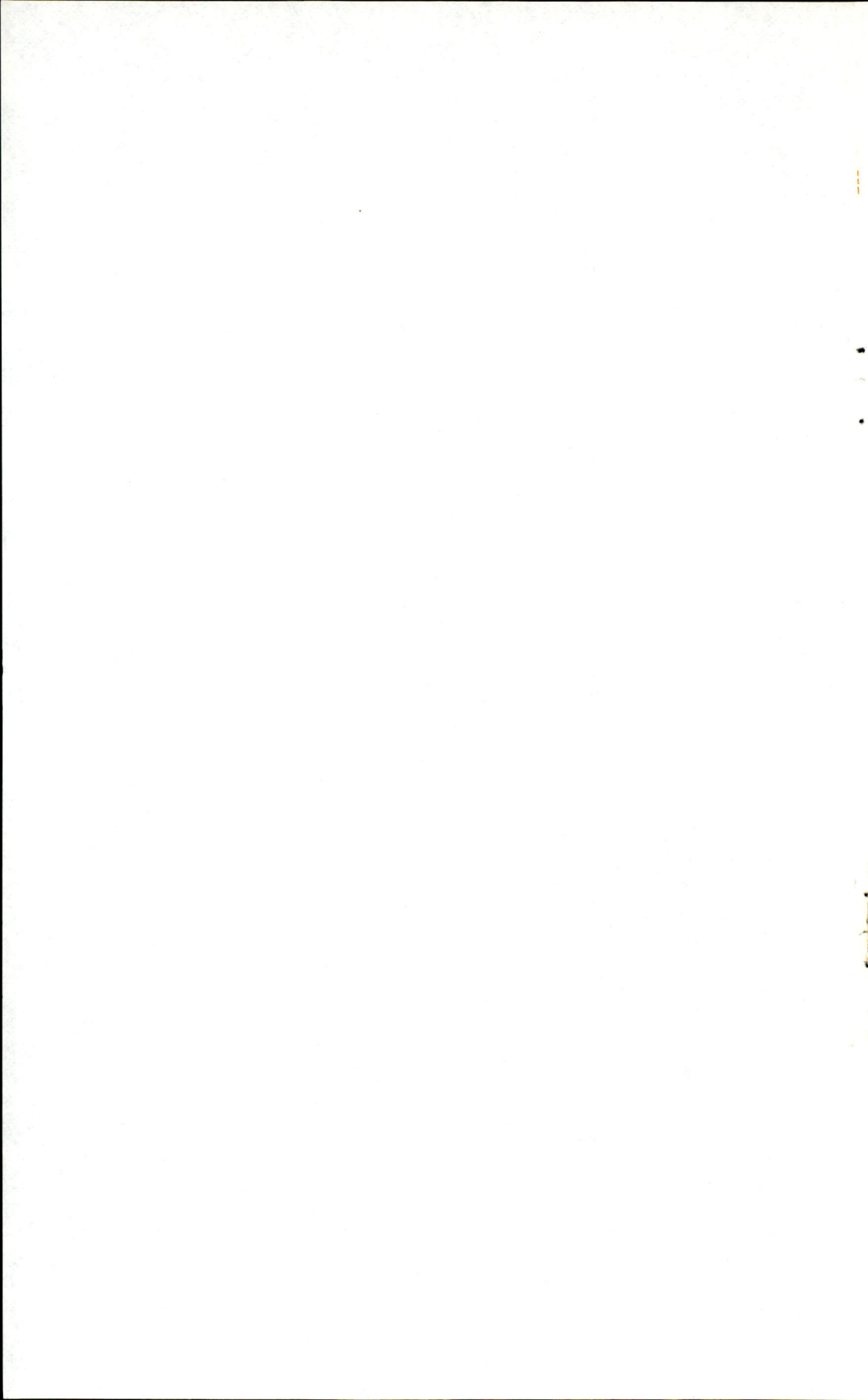
Omit the subsection, insert instead :—

(4) Where the holder of a license referred to in subsection (1) or granted pursuant to an application referred to in subsection (2) surrenders that license, the Under Secretary of the Department of Labour and Industry may, if that license is still in force, issue to that person, without fee, a license referred to in section 145H (2) of the Principal Act, as amended by section 4, in which the date of the surrendered license is specified as the day of issue and, upon the issue of that license, the provisions of subsection (1), or subsection (1) as applied by subsection (3), shall cease to have effect in relation to the surrendered license.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978





I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 28 November, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 116, 1977.

An Act to amend the Industrial Arbitration (Employment Agencies) Amendment Act, 1975, to provide that private employment agents shall not be entitled to demand or receive fees except from persons who employ labour or for whom work is otherwise carried out. [Assented to, 9th December, 1977.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

T. J. CAHILL,
Chairman of Committees of the Legislative Assembly.

Industrial Arbitration (Employment Agencies) Amendment.

BE it enacted by the Queen'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 :—

Short title. **1.** This Act may be cited as the "Industrial Arbitration (Employment Agencies) Amendment Act, 1977".

Commence- **2.** (1) This section and section 1 shall commence on the
ment. date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed and notified under section 2 (2) of the Industrial Arbitration (Employment Agencies) Amendment Act, 1975.

Principal **3.** The Industrial Arbitration Act, 1940, in this Act, is
Act. referred to as the Principal Act.

Schedules. **4.** This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO CERTAIN PROVISIONS TO BE INSERTED IN THE PRINCIPAL ACT BY SECTION 4 (O) OF THE INDUSTRIAL ARBITRATION (EMPLOYMENT AGENCIES) AMENDMENT ACT, 1975.

SCHEDULE 2.—FURTHER AMENDMENTS TO THE INDUSTRIAL ARBITRATION (EMPLOYMENT AGENCIES) AMENDMENT ACT, 1975.

Industrial Arbitration (Employment Agencies) Amendment.

5. (1) A provision to be inserted in the Principal Act by section 4 (o) of the Industrial Arbitration (Employment Agencies) Amendment Act, 1975, being a provision specified in Schedule 1, is amended in the manner set forth in relation to that provision in that Schedule. Amendment
of Act No.
107, 1975.

(2) The Industrial Arbitration (Employment Agencies) Amendment Act, 1975, is further amended in the manner set forth in Schedule 2.

SCHEDULE 1.

Sec. 5 (1).

AMENDMENTS TO CERTAIN PROVISIONS TO BE INSERTED IN
THE PRINCIPAL ACT BY SECTION 4 (O) OF THE
INDUSTRIAL ARBITRATION (EMPLOYMENT AGENCIES)
AMENDMENT ACT, 1975.

(1) Section 145D (1) (a)—

Omit "except in accordance with the authority of a license held by him", insert instead "unless he is the holder of a license".

(2) Section 145E (4)—

After "notice in", insert "or to the effect of".

(3) (a) Section 145F (1) (a)—

Omit "made in", insert instead "in or to the effect of".

(b) Section 145F (1) (c)—

Omit the paragraph.

SCHEDULE

Industrial Arbitration (Employment Agencies) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO CERTAIN PROVISIONS TO BE INSERTED IN
THE PRINCIPAL ACT BY SECTION 4 (O) OF THE
INDUSTRIAL ARBITRATION (EMPLOYMENT AGENCIES)
AMENDMENT ACT, 1975—*continued.*

(c) Section 145F (1) (d)—

After “notice in”, insert “or to the effect of”.

(4) (a) Section 145H (2) (b)—

Omit the paragraph.

(b) Section 145H (2)—

Omit “of the class applied for”.

(5) Section 145I—

Omit the section, insert instead :—

145I. A licensee who, in respect of the carrying on by him of the business of a private employment agent, demands or receives any fee, charge or remuneration except from a person for whom that licensee procures or whom that licensee assists in procuring a person to undertake employment or otherwise to carry out work, whether that employment or work is to be carried out pursuant to a contract of employment, or otherwise, is guilty of an offence and liable to a penalty not exceeding \$500.

Persons
from whom
licensees
may seek
remunera-
tion.

(6) (a) Section 145J—

Before “the prescribed form”, insert “or to the effect of”.

SCHEDULE

Industrial Arbitration (Employment Agencies) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO CERTAIN PROVISIONS TO BE INSERTED IN
THE PRINCIPAL ACT BY SECTION 4 (O) OF THE
INDUSTRIAL ARBITRATION (EMPLOYMENT AGENCIES)
AMENDMENT ACT, 1975—*continued.*

(b) Section 145J (b)—

Omit the paragraph.

(7) Section 145Q—

Omit the section.

(8) Section 145R (1) (e)—

Omit the paragraph.

SCHEDULE 2.

Sec. 5 (2).

FURTHER AMENDMENTS TO THE INDUSTRIAL ARBITRATION
(EMPLOYMENT AGENCIES) AMENDMENT ACT, 1975.

(1) Long title—

Omit “employees and”.

(2) (a) Section 5 (1)—

Omit “referred to in section 145I (1) (a)”,
insert instead “granted and issued under section
145H (2)”.

SCHEDULE

Industrial Arbitration (Employment Agencies) Amendment.

SCHEDULE 2—*continued.*FURTHER AMENDMENTS TO THE INDUSTRIAL ARBITRATION
(EMPLOYMENT AGENCIES) AMENDMENT ACT, 1975
—*continued.*

(b) Section 5 (4)—

Omit the subsection, insert instead :—

(4) Where the holder of a license referred to in subsection (1) or granted pursuant to an application referred to in subsection (2) surrenders that license, the Under Secretary of the Department of Labour and Industry may, if that license is still in force, issue to that person, without fee, a license referred to in section 145H (2) of the Principal Act, as amended by section 4, in which the date of the surrendered license is specified as the day of issue and, upon the issue of that license, the provisions of subsection (1), or subsection (1) as applied by subsection (3), shall cease to have effect in relation to the surrendered license.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 9th December, 1977.*

