



ANNO SEXTO

# GEORGII V REGIS.

A.D. 1915.

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No. 1218.

An Act to Regulate the Keeping of Employees Registry Offices.

[Assented to, December 23rd, 1915.]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Employees Registry Offices Act, 1915." Short title.

2. In this Act, unless inconsistent with the context—

Interpretation.  
Vic., 1489, 1897, s. 2.

"Applicant" means applicant for the issue or transfer or renewal of a licence:

"Chief Inspector" means the Chief Inspector of Factories:

"District" means—

(a) the Metropolitan District, that is to say, the present House of Assembly electoral districts of Adelaide, North Adelaide, Port Adelaide, West Torrens, Sturt, and East Torrens, and such (if any) areas adjoining any of the said electoral districts as are by proclamation declared to be within the Metropolitan Area for the purposes of this Act; or

(b) any area which the Governor by proclamation declares to be a District for the purposes of this Act:

"Inspector" means inspector under the Factories Act, 1907: No. 945 of 1907.

*Employees Registry Offices Act.—1915.*

- “ Justice ” means Justice of the Peace for the State :
- “ Licence ” means licence under this Act :
- “ Licensee ” means the holder of a licence under this Act :
- “ Licensed premises ” means the premises in respect of which a licence has been issued :
- “ Prescribed ” means prescribed by this Act or by regulation :
- “ Proclamation ” means proclamation by the Governor published in the *Government Gazette* :
- “ Regulation ” means regulation made under this Act :
- “ Employee ” means any person engaged, or seeking engagement, for hire.
- “ Employees registry office ” means the premises at which is carried on the business of procuring employees for persons desiring to employ other persons in any kind of work, or of procuring employment for persons desiring to be employed in any kind of work, but does not include any premises used by a charitable association or institution in procuring such employment without fee or reward :
- “ This Act ” includes regulations.

Every person keeping a registry office to be licensed.

*Ibid.*, s. 3.

3. It shall not be lawful for any person—
- I. in the Metropolitan District, after one month from the passing of this Act :
  - II. in any other District, after one month from the publication in the *Government Gazette* of the proclamation declaring such District,

directly or indirectly—

- (a) to keep or conduct an employees registry office, or
- (b) to hold himself out to be a keeper or conductor of an employees registry office, or
- (c) to receive, charge, or recover any fee, charge, payment, or remuneration for or in connection with the hiring of any employee,

unless he is the holder of a licence in the form in the First Schedule, or in a form to the like effect.

4. (1) The Chief Inspector may, subject to section 5, issue a licence, or grant a transfer of a licence, to any person who—

- (a) makes written application therefor in the form in the Second Schedule, or in a form to the like effect ; and

(b) forwards

Power to issue licences.

*Ibid.*, ss. 4, 13.

*Employees Registry Offices Act.—1915.*

(b) forwards with such application—

- i. a certificate as to the applicant in the form in the Third Schedule, or in a form to the like effect, signed by a Justice and by six ratepayers of any Municipality or District Council District comprised (in whole or in part) within the District wherein the premises in respect of which the application is made are situate; and
- ii. a fee of Ten Shillings; and
- iii. in the case of an application to transfer a licence, the written consent of the licensee;

and, subject to section 5, may, upon application as hereinbefore mentioned, renew any licence.

(2) Every application for renewal of a licence shall be made not later than fourteen days before the expiration of the licence, and shall be accompanied by a fee of Ten Shillings.

Application for renewal.

(3) In every case where the Chief Inspector renews or transfers a licence, he shall endorse thereon a memorandum of such renewal or transfer.

Indorsement of renewal or transfer.

5. (1) The Chief Inspector shall not issue or transfer or renew a licence unless he is satisfied—

Power to refuse licence.

Ibid., s. 5.

(a) that the premises in respect of which the application is made are suitable for an employees registry office and are clean and in good repair, and

(b) that the applicant is a suitable person to keep or conduct an employees registry office.

(2) If the Chief Inspector refuses to issue or transfer or renew a licence, he shall furnish to the applicant a written statement of his reasons for such refusal.

Statement of reason for refusal.

6. (1) Any applicant whose application has been refused, on giving to the Chief Inspector at least seven clear days' notice in writing of his intention so to do, may appeal from the decision of the Chief Inspector to any Local Court held in the District wherein the premises in respect of which the application is made are situate.

Appeal on refusal.

Ibid.

(2) If after hearing the appeal the Court decides that the application ought to be granted, the Chief Inspector shall issue or transfer or renew the licence accordingly.

Effect of decision.

(3) The decision of the Court shall be final and conclusive, and shall not be challenged, appealed against, reviewed, quashed, or called in question, or be subject to prohibition or mandamus, in any Court on any account whatever.

Finality of decision.

(4) The Court on the hearing of any such appeal may make any such order as to costs as it thinks fit.

Costs.

(5) For any such appeal the Court shall consist of a Special Magistrate.

Constitution.

7. Subject

*Employees Registry Offices Act.—1915.*

Duration of licence.  
Ibid., s. 6.

7. Subject to section 21, every licence shall continue in force up to and including the thirtieth day of June next after the date of the issue thereof, and, if renewed, for the period of twelve months from the thirtieth day of June next after the date of the making of the application for renewal.

Inspector to keep register.  
Ibid., s. 7.

8. (1) The Chief Inspector shall keep a register of all licensees, and of all indorsements on, and renewals, transfers, and cancellations of, licences.

Copy of entry to be evidence.

(2) A document purporting to be a copy of any entry in such register and purporting to be signed by the Chief Inspector shall, in any legal proceedings, be *prima facie* evidence of the truth of the matters stated in such document.

If licence lost duplicate may be issued.  
Ibid., s. 15.

9. (1) Upon the application of the licensee under any licence, the Chief Inspector may, on proof to his satisfaction of the loss or destruction of such licence, and on payment of the prescribed fee, issue to such licensee a duplicate licence bearing all memoranda endorsed on the original licence.

Effect of duplicate.

(2) Such duplicate shall avail for all purposes as if it were the original licence.

Books and records to be kept by licensee.  
Ibid., s. 8.

10. (1) Every licensee shall—

(a) keep a book containing the names of every person who pays, or is charged, a payment or remuneration for or in connection with the hiring of an employee, together with the amount of such payment or remuneration and the date of the paying or charging thereof;

(b) keep a book in the form in the Fourth Schedule, containing, as to every engagement made at his licensed premises, or in connection with his business as the keeper or conductor of an employees registry office, the particulars specified in such form, and the signature of such licensee; and

(c) preserve for a period of at least one year from the date of the receipt thereof respectively, the originals of all letters received by the licensee relating to the hiring of employees.

To be kept at licensed premises.  
Ibid., s. 9.

(2) Such books and originals of letters as aforesaid shall be kept, at all times, at the licensed premises.

Powers of inspectors.  
Ibid., s. 10.

11. For the purpose of the execution or enforcement of the provisions of this Act, the Chief Inspector or any Inspector shall have power to enter at any time any licensed premises and every part thereof, and to inspect and take copies of, or extracts from, any books, papers, letters, accounts, or other documents relating to the business of the licensee found therein.

12. Every

*Employees Registry Offices Act.—1915.*

**12.** Every licensee shall at all times keep posted up in some conspicuous place on his licensed premises, so as to be easily read by the public, his Christian names and surname, together with the words "Licensed Registry-Office Keeper."

Name to be posted up.  
Ibid., s. 12.

**13.** Every licensee shall at all times keep a printed copy of the scale of fees as set out in the Fifth Schedule posted up in some conspicuous place in his licensed premises, so as to be easily read by persons attending at such premises.

Licence-holder to post list of fees in his office.  
Ibid., s. 16.

**14.** (1) No licensee shall, directly or indirectly, demand or receive from any person for or in respect of the hiring of any employee any sum in excess of the rate of payment or remuneration specified in the Fifth Schedule and applicable to the particular case.

Charges allowed to be received by registry office keepers.  
Ibid., s. 17.

(2) No licensee shall, directly or indirectly, take or accept any goods or chattels or other thing by way of payment or part payment for or in respect of, or to secure payment for or in respect of, the hiring of any employee; nor shall any licensee receive or accept any reward or other consideration in addition to the rate specified in the Fifth Schedule and applicable to the particular case.

Other consideration prohibited.

(3) If any licensee is guilty of any contravention of this section, the whole of the sum received by him (and not merely the excess), and any goods or chattels or other thing received by him, as aforesaid, shall be recoverable from him in any court of competent jurisdiction, by the person who paid or delivered it or them.

(4) The liability of a licensee under subsection (3) hereof is in addition to his liability to a penalty for the breach of this Act.

**15.** No licensee shall directly or indirectly permit any other person to carry on business under colour of his licence.

Only licensee to use the licence.  
Ibid., s. 13.

**16.** (1) It shall not be lawful for any licensee, directly or indirectly, to keep any employee as a lodger, or to have any share or interest in the keeping of a lodging-house for employees.

Licensee may not have interest in lodging-house.  
N.Z., 174, 1908.  
s. 16.  
Interest defined.

(2) For the purposes of this section, a licensee shall be deemed to have such interest as aforesaid if any such lodging-house is kept by any member of his family or household.

(3) Every contract or agreement relating to the keeping of an employee as a lodger, or to the keeping of a lodging-house for employees, to which a licensee is a party, shall be for all purposes, illegal and void.

Contracts and agreements illegal.  
Ibid., s. 17.

**17.** (1) The Governor may make regulations prescribing—

- i. the fees to be paid on applications under this Act;
- ii. penalties, not exceeding in any case Twenty Pounds, for the breach of any regulation; and

Regulations.  
Vic., 1489, 1897,  
s. 19.

*Employees Registry Offices Act.—1915.*

III. all such other matters and things as may be necessary or convenient for carrying into effect any of the provisions of this Act.

Publication and effect of regulations.

(2) Every regulation—

(a) shall be published in the *Government Gazette* ;

(b) shall, subject to subsection (3) hereof, take effect from the date of such publication, or from a later date to be fixed by the order making such regulation ; and

(c) shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament is in Session, and if not, then within fourteen days after the commencement of the next Session of Parliament.

Disallowance of Parliament.

(3) If either House of Parliament passes a resolution disallowing any regulation, of which resolution notice has been given at any date within fourteen sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without affecting the validity or curing the invalidity of anything done, or of the omission of anything, in the meantime.

This subsection shall apply notwithstanding that the said fourteen sitting days, or some of them, do not occur in the same Session or Parliament as that in which the regulation is laid before such House.

Publication of disallowance.

(4) When a resolution has been passed as mentioned in subsection (3) hereof, notice of such resolution shall be published in the *Government Gazette*.

Onus on accused to prove he is licensed.

*Ibid.*, s. 20 (2).

18. In all proceedings under this Act the onus shall be on the accused to prove that he is a licensee.

Accused to produce his licence on prosecution.

*Ibid.*, s. 22.

19. In all proceedings against a licensee for an offence against this Act or any other Act, or at common law, he shall produce his licence to the Court.

Conviction to be indorsed on licence.

*Ibid.*, s. 22 (part).

20. Every conviction of a licensee for an offence against this Act shall be indorsed on his licence by the Magistrate or Justices by whom he is convicted.

Cancellation of licence on conviction.

*Ibid.*, s. 22 (part).

21. (1) The Magistrate or Justices by whom a licensee is convicted of an offence against this Act may, on such conviction, cancel the licence ; and the clerk of the Court shall in such case forward or deliver such licence up to the Chief Inspector.

In certain cases licence deemed to be cancelled.

*Ibid.*, s. 23.

(2) If any licensee is convicted of an offence under any Act whatsoever or for an offence at common law, and is ordered or sentenced to be imprisoned for a term not being less than one month, without the option of a fine, his licence shall *ipso facto* be deemed

*Employees Registry Offices Act.—1915.*

deemed to have been cancelled; and the clerk of the Court by or before which he is convicted shall forward or deliver such licence up to the Chief Inspector.

**22.** (a) If any licensee fails or neglects to comply with any of the provisions of this Act, or

Penalty for breach of Act.

Ibid., s. 20.

(b) if any person, whether a licensee or not, commits a breach of any of the provisions of this Act,

he shall be liable to a penalty not exceeding Twenty Pounds.

**23.** (1) All proceedings in respect of offences against this Act shall be by information heard and determined in a summary way by a Special Magistrate or two Justices, and shall be regulated by the Ordinance No. 6 of 1850, and any amendments thereof, or any other Act or Acts regulating summary proceedings before Justices of the Peace.

Summary proceedings for offences.

(2) All convictions and orders made by such Magistrate or Justices may be enforced as provided by the said Ordinance or any other such Act as aforesaid.

**24.** (1) There shall be an appeal from—

Appeal.

(a) any conviction by any Special Magistrate or Justices,

(b) any order of a Special Magistrate or Justices dismissing any information, or

(c) any other order made by a Special Magistrate or Justices, under this Act.

(2) Such appeal shall be to the Local Court of Adelaide in its Full Jurisdiction.

(3) The proceedings on such appeal shall be regulated by the Ordinance No. 6 of 1850, and any amendments thereof, or any other Act regulating appeals to Local Courts: Provided that the Local Court may make such order as to costs as it thinks fit, and the costs so ordered may exceed Ten Pounds.

**25.** (1) The Local Court, upon the hearing of any such appeal, may state a special case or cases for the opinion of the Supreme Court.

Special case.

(2) The Supreme Court shall hear and decide any such special case according to the practice of the Supreme Court on special cases, and may make such order therein, including any order as to costs, as to the said Court appears just.

(3) The Supreme Court may send any such special case back for amendment, or may itself amend the same.

(4) The

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*Employees Registry Offices Act.—1915.*

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(4) The Magistrate or Justices, or the Local Court, shall make an order in respect to the matters referred to the Supreme Court in conformity with the certificate of the Supreme Court, or of any Judge thereof.

(5) Such order of the Magistrate or Justices, or Local Court, may be enforced in manner provided by section 23 or otherwise by law.

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

H. L. GALWAY, Governor.



Employees Registry Offices Act.—1915.

SCHEDULES.

THE FIRST SCHEDULE.

Section 3.

The Employees Registry Offices Act, 1915.

ANNUAL LICENCE TO KEEP AN EMPLOYEES REGISTRY OFFICE.

I the undersigned, being the Chief Inspector of Factories, do hereby license of to keep and have the conduct of an employees registry office at the premises situate at in the city [or town, or, as the case may be] of , subject to the provisions of the Employees Registry Offices Act, 1915. This licence, unless sooner cancelled, will continue in force in respect of the said premises (but no other premises) from the date hereof until and including the thirtieth day of June, 19 .

Dated this day of 19 .

..... Chief Inspector of Factories.

THE SECOND SCHEDULE.

Section 4.

The Employees Registry Offices Act, 1915.

APPLICATION FOR LICENCE TO KEEP AN EMPLOYEES REGISTRY OFFICE OR FOR THE RENEWAL OR TRANSFER OF SUCH LICENCE.

To the Chief Inspector of Factories.

I residing at hereby apply for a licence [or for the renewal (or for the transfer) of a licence] under the Employees Registry Offices Act, 1915, as the keeper of an employees registry office at the premises situate at in the city [or town or, as the case may be] of . I enclose herewith the necessary certificate [and, in case of application for transfer, the written consent of the licensee.]

Dated this day of 19 .

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THE THIRD SCHEDULE.

Section 4.

The Employees Registry Offices Act, 1915.

CERTIFICATE OF JUSTICE AND RATEPAYERS.

I the undersigned, being a Justice of the Peace residing within the of , and we the undersigned six ratepayers of the Municipality [or District, as the case may be] of do hereby certify that we are personally acquainted with [here state the name of the applicant], and believe him to be a fit and proper person to keep and have the conduct of an employees registry office at the premises situate at in the said Municipality [or District] under the Employees Registry Office Act, 1915.

Dated at this day of 19 .

.....Justice of the Peace.

} Ratepayers of the of

Witness to signature of the said Justice—

Witness to other signatures—

.....

THE

*Employees Registry Offices Act.—1915.*

Section 10.

THE FOURTH SCHEDULE.  
The Employees Registry Offices Act, 1915.  
BOOK OF ENGAGEMENTS.

Date of Engagement.	Name of Employee or Applicant for Engagement as an Employee.	Name of Employer.	Address and Occupation of Employer.	Nature of Engagement.	Rate of Wages.	Terms of Engagement.	Signature of Licensee.

Section 13.

THE FIFTH SCHEDULE.  
The Employees Registry Offices Act, 1915.

\* SCALE OF FEES THAT MAY BE CHARGED BY LICENSED REGISTRY OFFICE KEEPERS.

For every Engagement of an Employee actually made.	Maximum Fee Payable by—	
	Employee.	Employer.
A (1) Engagement of single employees (male or female)—	<i>s. d.</i>	<i>s. d.</i>
Where the rate of wages payable by the employer does not exceed 5s. per week .....	1 6	2 0
Where the rate of wages payable by the employer exceeds 5s. but not 8s. per week.....	2 0	3 0
Where the rate of wages payable by the employer exceeds 8s. but not 11s. per week .....	2 6	3 6
Where the rate of wages payable by the employer exceeds 11s. but not 14s. per week .....	3 0	4 0
Where the rate of wages payable by the employer exceeds 14s. but not 17s. per week .....	3 6	5 0
Where the rate of wages payable by the employer exceeds 17s. but not 20s. per week.....	4 0	5 0
Where the rate of wages payable by the employer exceeds 20s. but not 25s. per week .....	5 0	6 6
Where the rate of wages payable by the employer exceeds 25s. but not 30s per week.....	6 0	8 0
Where the rate of wages payable by the employer exceeds 30s. but not 35s. per week .....	6 6	8 6
Where the rate of wages payable by the employer exceeds 35s. per week .....	7 0	9 0

*Employees Registry Offices Act.—1915.*THE FIFTH SCHEDULE—*continued.*

For every Engagement of an Employee actually made.	Maximum Fee Payable by—	
	Employee.	Employer.
	<i>s. d.</i>	<i>s. d.</i>
(2) Engagement of married couples as employees (every engagement of a married couple being regarded as one engagement)—		
Where the rate of wages payable by the employer does not exceed 20s. per week .....	6 0	8 0
Where the rate of wages payable by the employer exceeds 20s. per week .....	7 0	9 0
B—For every engagement of an employee not at a fixed wage and of a temporary character, such as that of a shearer..	5 0	5 0

\* This scale applies whether the wages are fixed by the week, or the month, or the year, or otherwise howsoever, and for whatever term the engagement may be.

DEPOSIT.—A deposit of 25 per centum of the fee to be paid, or a minimum deposit of 6d., may be demanded by a licensed registry office keeper, such fee to be returned on demand to the depositor if no engagement is actually made. If an engagement is completed the deposit is to form part of the fee.