



ANNO DECIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1966

No. 9 of 1966

An Act to amend the Employees Registry Offices Act, 1915-1953.

[Assented to 24th February, 1966.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Employees Registry Offices Act Amendment Act, 1965-1966". Short titles.

(2) The Employees Registry Offices Act, 1915-1953, as amended by this Act, may be cited as the "Employees Registry Offices Act, 1915-1966".

(3) The Employees Registry Offices Act, 1915-1953, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. The principal Act is amended by striking out the words "chief inspector" wherever they occur therein, other than in section 2 thereof, and inserting in lieu thereof the words "Secretary for Labour and Industry" in each case. Principal Act amended.

4. Section 2 of the principal Act is amended—

(a) by striking out the words "or transfer" in the definition of "applicant" therein;

Amendment of principal Act, s. 2.

- (b) by striking out the definition of "district" therein and inserting in lieu thereof the following definition :—

"district" means—

- (a) the metropolitan district that is defined as the "metropolitan area" in section 5 of the Industrial Code, 1920-1963, as amended from time to time ; or
- (b) any area which the Governor by proclamation declares to be a district for the purposes of this Act ; ;
- (c) by inserting the passage "and includes the chief inspector" at the end of the definition of "inspector" therein ;
- (d) by striking out the definition of "licensee" therein and inserting in lieu thereof the following definition—

"licensee" means a person who holds a licence whether solely or jointly with any other person to keep or conduct an employees registry office ; ;

- (e) by inserting therein after the definition of "licensed premises" the following definition :—

"manager" in relation to a company means a person nominated by a company under section 4b of this Act to be the manager at any premises ; ;

- (f) by striking out the words "or institution" in the definition of "employees registry office" and inserting in lieu thereof the words "or charitable institution or an association : " ;

- (g) by inserting after the definition of "employees registry office" therein the following definitions :—

"association" means an association as defined by section 5 of the Industrial Code, 1920-1963, as amended from time to time :

"Secretary for Labour and Industry" means the person for the time being holding the office of Secretary for Labour and Industry under appointment by the Governor or the person so appointed to perform the duties of the Secretary for Labour and Industry for the time being ; ;

(h) by inserting at the end thereof the following subsection (the preceding portion of the section as amended by paragraph (a) to paragraph (g) of this section being designated as subsection (1) thereof):—

(2) The express references to companies in this Act shall not imply that references to persons or references to licensees shall exclude references to companies.

5. The following section is inserted in the principal Act after section 2a thereof:—

Enactment
s. 2b of
principal Act—

2b. The Minister may by notice published in the *Government Gazette*, exempt any person, who holds a licence under the Act, from complying with such provisions of this Act as he deems fit and subject to such terms and conditions as are specified in the notice in any case where he is satisfied that the keeping or conducting of an employees registry office by the holder of such licence is subsidiary to, or incidental to, the carrying on of any other business by him and he may by notice published in the *Government Gazette* revoke such a notice or vary it in such manner as he thinks fit.

Minister may
exempt
licence holder
from any
provisions
of the Act.

6. Section 4 of the principal Act is amended—

Amendment of
principal Act,
s. 4—
Power to issue
licences.

- (a) by striking out the passage “or grant a transfer of a licence” in subsection (1) thereof;
- (b) by striking out the word “forward” in paragraph (b) of subsection (1) thereof and inserting in lieu thereof the word “forwards”;
- (c) by striking out the passage “of any municipality or district council district comprised (in whole or in part) within the district” in sub-paragraph I of paragraph (b) of subsection (1) thereof and inserting in lieu thereof the passage “within the metropolitan district or, in the case of any other district, within that area which the Governor by proclamation declares to be a district for the purposes of this Act”;
- (d) by striking out the passage “ten shillings; and” in sub-paragraph II of paragraph (b) of subsection (1) thereof and inserting in lieu thereof the words “five pounds”;
- (e) by striking out sub-paragraph III of paragraph (b) of subsection (1) thereof;
- (f) by inserting after subsection (1) thereof the following subsection:—

- (1a) In the case of an application by a company a certificate as to the applicant under subparagraph 1 of paragraph (b) of subsection (1) of this section shall relate to the manager.;
- (g) by striking out the passage “, and shall be accompanied by a fee of ten shillings” at the end of subsection (2) and inserting in lieu thereof the passage “in the form in the Second Schedule or in a form to the like effect, and shall be accompanied by a fee of five pounds”;
- (h) by striking out subsection (3) thereof.

Enactment of
ss. 4a and
4b of
principal Act—

Partnership
business.

7. The following sections are inserted in the principal Act after section 4 thereof:—

4a. (1) Where two or more persons propose jointly to keep or conduct an employees registry office—

- (a) such persons shall make a joint application in the form in the Second Schedule or in a form to the like effect for a licence and each person shall forward with such joint application a certificate in the form in the Third Schedule or in a form to the like effect ;
- (b) only one licence shall be granted in respect of that employees registry office ;
- (c) the licence shall specify each such person ;
- (d) each such person shall for the purposes of this Act be deemed to be a licensee ; and
- (e) the fees payable on such joint application shall be the same as if the licence were granted to a single person.

(2) The provisions of subsection (1) of this section shall extend to a renewal of a licence except that no certificate in the form of the Third Schedule shall be required on a renewal of a licence.

(3) Where a licensee is required by any provision of this Act to produce any licence or to do any other thing required by this Act, it shall be sufficient if any of the persons jointly keeping or conducting an employees registry office complies with that provision.

Companies as
keeper of
registry office.

4b. Where a company proposes to keep or conduct an employees registry office at any premises a company shall nominate in the form in the Second Schedule a person to be the manager at those premises, being a person who—

- (a) is at all times in the service of the company ;

- (b) personally supervises the business conducted at those premises ; and
- (c) has his usual place of residence within the State.

8. Section 5 of the principal Act is amended—

Amendment of
principal Act,
s. 5—
Power to
refuse licence.

- (a) by striking out the passage “or transfer” in subsection (1) thereof ;
- (b) by inserting after paragraph (b) of subsection (1) the following paragraph :—
 - (c) where the applicant is a company that the person nominated to be manager is a fit and proper person to keep and conduct an employees registry office ;
- (c) by striking out the passage “or transfer” in subsection (2) thereof ;

9. Section 6 of the principal Act is amended by striking out the passage “or transfer” in subsection (2) thereof.

Amendment of
principal Act,
s. 6.

10. The following sections are inserted in the principal Act after section 6 thereof :—

Enactment of
ss. 6a and
6b of
principal Act—

6a. (1) This section shall apply to a licence held by a company.

Companies
change of
manager.

(2) In the event of—

- (a) the death of the manager nominated by the company ;
- (b) the manager ceasing to be at all time in the service of the company ;
- (c) the manager ceasing personally to supervise the business conducted at the premises specified in the licence ; or
- (d) the manager ceasing to have his usual place of business within the State,

the company shall within fourteen clear days of the event—

- (i) give notice in writing of that event to the Secretary for Labour and Industry ; and
- (ii) specify in such notice the name of the person nominated to be the new manager.

(3) The company may at any time revoke any nomination under this Act by notice in writing to the Secretary for Labour and Industry and shall within fourteen clear days after such revocation nominate a person to be the new manager.

(4) The provisions of this Act shall apply in relation to a nomination of a new manager under this section as if the nomination were an application for a licence by the company.

(5) The validity of the licence held by a company shall not be affected by reason only of the occurrence of an event specified in subsection (2) or a revocation of a nomination under subsection (3) of this section.

(6) A notice under subsection (2) shall be *prima facie* evidence of the facts stated in the notice.

Offences by
companies.

6b. (1) Except as provided by section 6a a company shall not keep or conduct an employees registry office at any premises unless in respect of those premises there is a manager who complies with the requirements of section 4b of this Act.

Penalty : Fifty pounds.

(2) In a prosecution for an offence against subsection (1) of this section an allegation in the complaint that a person does not have his usual place of residence within the State shall be *prima facie* evidence of that fact.

Amendment of
principal Act,
s. 7.

11. Section 7 of the principal Act is amended by striking out after the word "thereof" the whole of the passage to the end thereof and substituting therefor the passage "and shall, if renewed, continue in force from the first day of July until and including the thirtieth day of June in the year next following".

Amendment of
principal Act,
s. 8.

12. Section 8 of the principal Act is amended by striking out the passage "and of all endorsements on," and the word "transfers" therein in subsection (1) thereof.

Amendment of
principal Act,
s. 10—
Books and
records to be
kept by
licensee.

13. Section 10 of the principal Act is amended as follows :—

(a) by inserting immediately after the word "book" in paragraph (a) of subsection (1) thereof the passage "or a card index system approved by the Secretary for Labour and Industry,";

(b) by inserting immediately after the word "schedule" in paragraph (b) of subsection (1) thereof the passage "or card index system approved by the Secretary for Labour and Industry,";

(c) by striking out the word "and" in subsection (2) thereof and inserting in lieu thereof the passage ", or card index systems and".

14. Section 11 of the principal Act is repealed and the following section is inserted in lieu thereof :—

Repeal and re-enactment of principal Act, s. 11—

11. (1) For the purpose of the execution or enforcement of the provisions of this Act any inspector shall have power to enter at any time any licensed premises or any part thereof and—

Powers of Inspectors.

- (a) require the production of any books, papers, card indices, letters, accounts or other documents relating to the business of the licensee and inspect, examine, and take copies and extracts from the same ;
- (b) question with respect to matters under this Act any person found therein ;
- (c) take with him an interpreter, if he deems it necessary ;
- (d) any question asked on behalf of such inspector by such interpreter shall be deemed to have been asked by the inspector and any answer to such question given to the interpreter shall be deemed to have been given to the inspector.

(2) No person shall be bound to answer a question on such an occasion if the answer might incriminate him.

15. The following section is inserted in the principal Act after section 11 thereof :—

Enactment of s. 11a of principal Act.

11a. Any person who—

Obstruction of Inspectors.

- (a) obstructs or interferes with or wilfully delays an inspector or an interpreter in the execution of any of his duties or powers under this Act ; or
- (b) subject to subsection (2) of section 11, omits to truly answer or reply to a question asked by or on behalf of an inspector under the authority of section 11 ; or
- (c) directly or indirectly prevents or dissuades or attempts to prevent or dissuade, any person from appearing before or being questioned by or on behalf of an inspector under the authority of section 11 ; or
- (d) fails to produce any books, papers, card index system, letters, accounts, or other documents relating to the business of the licensee, which, pursuant to section 11 (1) (a), he is required by an inspector to produce, shall be guilty of an offence against this Act.

Amendment of
principal Act,
s. 12.—
Name to be
posted up.

16. Section 12 of the principal Act is amended by striking out all the words after the word “premises” therein and inserting in lieu thereof the following passage “a copy of the current licence issued under and in pursuance of this Act”.

Repeal of
s. 16 of
principal Act.
Amendment of
principal Act,
s. 17.

17. Section 16 of the principal Act is repealed.

18. Section 17 of the principal Act is amended by striking out the words “twenty pounds” in paragraph II of subsection (1) thereof and inserting in lieu thereof the words “fifty pounds”.

Amendment of
principal Act,
s. 22.

19. Section 22 of the principal Act is amended by deleting the words “twenty pounds” at the end thereof and inserting in lieu thereof the words “fifty pounds”.

Amendment of
Second
Schedule of
principal Act.

20. The Second Schedule to the principal Act is amended—

- (a) by striking out the words “or transfer” in the heading thereof occurring immediately below the title “The Employees Registry Offices Act, 1915”;
- (b) by inserting after the words “residing at” therein the passage “[being the manager of (insert name of company)]”;
- (c) by striking out the passage “(or for the transfer)” and the passage “[and, in case of application for transfer, the written consent of the licensee.]”.

Amendment of
Third
Schedule of
principal Act.

21. The Third Schedule to the principal Act is amended by striking out the word “municipality” wherever it occurs therein and inserting in lieu thereof in each case the passage “metropolitan district”.

Operation of
amendments.

22. (1) Where a person who was a licensee immediately before the commencement of this Act, proposes to renew the licence he shall make an application therefor in accordance with the principal Act as amended by this Act and the application shall be disposed of accordingly.

(2) Except in relation to any such application, the amendments effected by this Act shall not apply to a person until—

- (a) if he make such an application—the application is disposed of; or
- (b) if he does not make such an application—the expiration of his licence.

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

EDRIC BASTYAN, Governor.