

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

**New South Wales**



ANNO VICESIMO SEXTO

**ELIZABETHÆ II REGINÆ**

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**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-  
ment.**      **2.** (1) This section and section 1 shall commence on the 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  
Act.**      **3.** The Industrial Arbitration Act, 1940, in this Act, is 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.**

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*Industrial Arbitration (Employment Agencies) Amendment.*

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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.

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

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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”.

## SCHEDULE

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*Industrial Arbitration (Employment Agencies) Amendment.*

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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.

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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

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*Industrial Arbitration (Employment Agencies) Amendment.*

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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.