

1992—No. 152

JUSTICES ACT 1902—REGULATION

(Industrial Relations (Short Description of Offences) Regulation 1992)

NEW SOUTH WALES



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(L.S.) P. R. SINCLAIR, Governor.

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Justices Act 1902, has been pleased to make the Regulation set forth hereunder.

TERRY GRIFFITHS
Minister for Justice.

Citation

1. This Regulation may be cited as the Industrial Relations (Short Description of Offences) Regulation 1992.

Commencement

2. This Regulation commences on 31 March 1992.

Short description of offences

3. (1) For the purposes of section 145B (2) of the Justices Act 1902, the prescribed expression in relation to a summary offence specified in Column 1 of Schedule 1 is the expression set out opposite it in Column 2 of that Schedule.

(2) If a choice of words is indicated in Column 2 of Schedule 1, the words remaining after the omission of the words irrelevant to the offence constitute the prescribed expression.

(3) A reference in Column 1 of Schedule 1 to a provision of the Industrial Relations Act 1991, being a provision that creates an offence, is a reference to the provision as in force at the time the offence is alleged to have occurred.

SCHEDULE 1

(Cl. 3)

COLUMN 1	COLUMN 2
OFFENCES	PRESCRIBED EXPRESSION
Section 182 (4)—being an employer:	
(a) fail to comply with the requirements of section 182 regarding the supply of written pay details to employees; or	contravene s. 182 re pay detail requirement
(b) fail to comply with the conditions of an exemption from the requirements of section 182 regarding the supply of written pay details to employees	contravene conditions of exemption re pay detail requirement
Section 183 (1)—being an employer, fail to ensure that prescribed time-sheets and pay-sheets are kept at employer's place of business or other approved place	not keep prescribed time-sheets/pay-sheets under s. 183
Section 183 (1)—being an employer, fail to ensure that prescribed time sheets and pay sheets are kept in the medium and form prescribed	time sheets/pay sheets in wrong medium/form
Section 183 (2)—being an employer, fail to ensure that daily records are preserved in good order and legible condition	daily records not in good order/legible condition

Section 183 (2)—being an employer, fail to ensure that daily records are properly preserved for the period required by section 183	not preserve daily records for required period
Section 719 (1)—being a licensed private employment agent:	
(a) fail to keep a register showing: <ul style="list-style-type: none"> • details of applicants for employment or labour: and • nature of employment or labour required; 	not keep register under s. 719 re employment/labour
(b) fail to keep a register showing: <ul style="list-style-type: none"> • details of engagements made: and • fees received in respect of the engagements; and • person paying fees 	not keep register under s. 719 re engagements and fees
(c) fail to retain for 12 months the originals of letters received in course of business	not retain originals of letters for 1 year
Section 719 (2)—being a licensed private employment agent, fail to keep register in approved form	register not in approved form
Section 719 (3)—being a licensed private employment agent, fail to retain a register required under section 719 for at least 12 months after the last entry has been made	not retain register for 1 year after last entry
Section 719 (4)—being a licensed private employment agent:	
(a) not allow the Director-General or an authorised officer to inspect a register or letters required to be kept under section 719; or	not allow D.G./officer to inspect register/letters

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(b) fail to furnish required information to the Director-General regarding register details within specified time	not give D.G. information within time allowed
Section 731 (1) (d)—fail to produce any relevant record on demand made by an inspector	not produce record on demand by inspector
Section 731 (1) (e)—prevent or attempt to prevent an inspector:	
• from taking copies of or extracts from relevant records: or	prevent/attempt to prevent inspector taking copies/extracts
• from retaining records to take copies or extracts	prevent/attempt to prevent inspector taking records
Section 731 (1) (f)—on demand by an inspector, fail to deliver or send to the inspector any information which the inspector is authorised to have delivered or sent	not deliver or send information on demand by inspector
Section 731 (1) (g)—fail to comply with an authorised order or demand made by an inspector	not comply with order/demand of inspector

TABLE OF PROVISIONS

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SCHEDULE 1

EXPLANATORY NOTE

The purpose of this Regulation is to prescribe the short descriptions that, by virtue of section 145B of the Justices Act 1902, are sufficient to state or describe, in any information, complaint, summons, warrant, notice, order or other document, certain offences which may be dealt with by penalty notices under section 739 of the Industrial Relations Act 1991. The Regulation comprises matters of a machinery nature.
