
TRANSPORT WORKERS.

No. 3 of 1929.

An Act to amend the *Transport Workers Act* 1928.

[Assented to 16th March, 1929.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

- 1.—(1.) This Act may be cited as the *Transport Workers Act* 1929.
- (2.) The *Transport Workers Act* 1928* is in this Act referred to as the Principal Act.
- (3.) The Principal Act, as amended by this Act, may be cited as the *Transport Workers Act* 1928-1929.

Short title and citation.

*Act No. 37, 1928.

Commencement.	2. This Act shall commence on a date to be fixed by Proclamation.
Heading of Part I.	3 The Principal Act is amended by inserting before section one the words "PART I.—PRELIMINARY."
	4. After section one of the Principal Act, the following section is inserted :—
Parts.	<p>" 1A. This Act is divided into Parts, as follows :—</p> <p style="padding-left: 40px;">Part I.—Preliminary.</p> <p style="padding-left: 40px;">Part II.—Transport Workers.</p> <p style="padding-left: 40px;">Part III.—Waterside Workers."</p>
	5. Section two of the Principal Act is repealed and the following section inserted in its stead :—
Definitions.	<p>" 2. In this Act, unless the contrary intention appears—</p> <p style="padding-left: 20px;">‘licensing officer’ means a licensing officer appointed under this Act ;</p> <p style="padding-left: 20px;">‘the Minister’ means the Minister for the time being administering this Act ;</p> <p style="padding-left: 20px;">‘transport worker’ means a person offering for or engaged in work in or in connexion with the provision of services in the transport of persons or goods in relation to trade or commerce by sea with other countries or among the States ;</p> <p style="padding-left: 20px;">‘waterside worker’ means a transport worker who offers or is engaged for work in the loading or unloading of ships as to cargo, coal, or oil fuel (whether for bunkers or not), and includes (except as otherwise declared by the Minister by notice in the <i>Gazette</i>) persons working in or alongside the ship in connexion with the direction or checking of the work of other waterside workers, but does not include except as otherwise declared by the Minister by notice in the <i>Gazette</i>)—</p> <p style="padding-left: 60px;">(a) the members of the crew of a ship on the ship’s articles : or</p> <p style="padding-left: 60px;">(b) the members of the crew of a lighter who do not handle cargo or bunker fuel."</p>
Heading of Part II.	6. The Principal Act is amended by inserting before section three the words "PART II.—TRANSPORT WORKERS."
Regulations.	7. Section three of the Principal Act is amended by inserting after the word "regulations" the words "not inconsistent with this Act".
	8. The Principal Act is amended by adding after section three the following Part heading and sections :—
	"PART III.—WATERSIDE WORKERS.
Application of Part.	" 4. This Part of this Act shall apply to waterside workers at such ports in the Commonwealth as are specified by the Minister by notice in the <i>Gazette</i> and to those ports.

"5. Subject to the directions of the Minister, the Permanent Head of the Department of State administered by the Minister may, as he thinks fit for the purposes of this Act, appoint licensing officers in respect of ports in the Commonwealth to which this Part applies.

Appointment of
licensing
officers.

"6.—(1.) Any person desiring to obtain a licence as a waterside worker at a port to which this Part applies, may make application to the licensing officer at that port in accordance with the prescribed form.

Licensing of
waterside
workers.

"(2.) An application under this section shall be accompanied by the prescribed fee.

"7.—(1.) Where an application is made under the last preceding section to a licensing officer he may issue to the applicant a licence in accordance with the prescribed form bearing a number and the name of the port in respect of which it is issued.

Grant of
licences.

"(2.) Any licence issued under this section shall contain the name of the person to whom it is issued and shall be signed in ink by that person and by the officer by whom it is issued.

"8.—(1.) A licensing officer may be appointed for a group of ports to which this Part applies and in that case any licence issued by him may be a licence in respect of all those ports.

Licences for a
group of ports.

"(2.) The appointment of a licensing officer may be varied by the inclusion of another port among the ports or which he is appointed, or by the exclusion of a port from among those for which he was previously appointed; and thereupon any licence issued by him before the variation shall be deemed to be in respect of the ports to which his appointment as so varied extends, and of no others.

"9.—(1.) Any licence issued under this Part shall, subject to this Part, remain in force until the thirtieth day of June next following the date of the issue of the licence.

Duration of
licence.

"(2.) A licence may be renewed upon application made at any time within thirty days before the expiry of the term of the licence.

"(3.) An application made under the last preceding sub-section shall be in accordance with the prescribed form and shall be accompanied by the prescribed fee.

"(4.) Any licence issued or renewed upon application made at any time within thirty days before the thirtieth day of June in any year shall, subject to this Part, remain in force until the thirtieth day of June in the next following year.

"10. In the event of a licence issued under this Part being lost or destroyed or becoming illegible, there may be issued to the person to whom that licence was issued a duplicate thereof upon that person making a statutory declaration declaring the circumstances of the loss or destruction or upon his surrendering the illegible licence (as the case may be) and upon his paying the prescribed fee.

Licences lost or
destroyed.

**Licence for
another port.**

“11.—(1.) Where a waterside worker licensed in respect of a port or ports desires to obtain a licence in respect of another port, he may make an application in accordance with the prescribed form to the licensing officer for the latter port.

“(2.) An application made under this section shall be accompanied by the prescribed fee.

“(3.) Upon receipt of the application, and upon receipt of the licence previously held by the applicant, the licensing officer may cancel that licence, and issue to the applicant a licence for the other port.

**Cancellation of
licences.**

“12.—(1.) A licensing officer may cancel a licence issued under this Part to a waterside worker in any case as to which he is satisfied that the worker after a licence has been issued to him—

- (a) has refused or failed to comply with any lawful order or direction given in relation to his employment ;
- (b) having offered for work or engaged to work at the port in respect of which he was licensed, has refused to work in accordance with the terms of a current award of the Commonwealth Court of Conciliation and Arbitration applying to such work ;
- (c) has, either alone or in company with other persons, exercised or attempted to exercise intimidation or violence in relation to, or used threatening or abusive language to, any waterside worker or to any officer authorised to perform duties in relation to the administration of this Act ;
- (d) has been convicted of an offence against this Act or the regulations thereunder ; or
- (e) has been convicted of an offence against any other Commonwealth law or against any State law committed upon a wharf, pier, jetty, hulk, barge or ship.

“(2.) A licensing officer may cancel any licence which he is satisfied has been issued in contravention of this Act or upon any misrepresentation made by the applicant for the licence.

“(3.) Where a licence issued to any person is cancelled under this section, the licensing officer by whom the licence is cancelled shall, by writing under his hand, fix a period, not being less than six months nor more than twelve months from the date of cancellation, during which the person shall be ineligible to receive a licence under this Part and the person shall, subject to this Part, thereupon be ineligible accordingly.

“(4.) Any waterside worker whose licence is cancelled under this section may within fourteen days of the cancellation appeal to a Court of summary jurisdiction against the cancellation of the licence.

“(5.) An appeal shall be by summons calling upon the licensing officer to show cause why the cancellation of the licence should not be set aside.

“(6.) Upon the hearing of an appeal the Court may as it thinks fit confirm the cancellation or order the restoration of the licence or, where it confirms the cancellation, may vary the period during which the appellant is ineligible to receive a fresh licence, but so that the period of ineligibility is not less than six, nor more than twelve, months.

“(7.) If, where a licence has been cancelled under paragraph (c) of sub-section (1.) of this section, the Court, on the hearing of an appeal against the cancellation of the licence, is satisfied that the intimidation or violence, or the threatening or abusive language, had no relation to the employment of the waterside worker, or to the fact that the waterside worker had offered for, accepted, or continued in employment in the work in respect of which he was licensed, the Court shall order the restoration of the licence.

“13. No person shall engage as a waterside worker for work on a wharf, pier, jetty, hulk, barge or ship at any port to which this Part applies unless that person is the holder of a licence issued to him under this Part to engage as a waterside worker in respect of that port which licence is still in force.

Unlicensed persons not to engage as waterside workers.

“14. No person shall engage another person as a waterside worker for work on any wharf, pier, jetty, hulk, barge or ship at any port to which this Part applies unless that other person is the holder of a licence issued to him under this Part which licence is still in force.

Unlicensed persons not to be employed.

“15. Any waterside worker who, while at work or when offering for work, upon being requested so to do by a licensing officer or any person thereunto authorized in writing by him, or by any officer of police of the Commonwealth or of a State, refuses or fails to produce the licence issued to him under this Part shall be guilty of an offence.

Production of licence.

“16. No person shall, except with lawful excuse (proof whereof shall lie upon him) have in his possession any licence which has not been issued to him under this Part or, having been so issued to him, has since been cancelled, and any licence so had in possession by such person shall be handed over by him to a licensing officer.

Unauthorized possession of licence.

“17. Any person who, without lawful excuse (proof whereof shall lie upon him) manufactures, produces or uses any false or counterfeit licence shall be guilty of an offence.

Making or using counterfeit licence.

“18. Any person who—

(a) being the holder of a licence under this Part, applies for the issue to him of a licence otherwise than by way of renewal under this Part;

Dual applications, &c.

(b) was the holder of a licence which has been cancelled and, during any period during which he is ineligible under section twelve of this Act to receive a fresh licence, applies for the issue to him of a licence; or

(c) applies for a licence in any other name than his own, shall be guilty of an offence.

Traffic in
licences.

“19. Any person who purchases, sells or pledges or accepts as a pledge, or who, without lawful authority (proof whereof shall lie upon him) alters, a licence issued under this Part, shall be guilty of an offence.

Payment for
employment.

“20. Any person who, for himself or another person, for the purpose of obtaining employment or continuance in employment as a waterside worker, gives, offers or promises to any foreman or to any other person whomsoever, any gift or consideration in money or kind, and any person who accepts any such gift or consideration given, offered or promised for that purpose or who is party to any arrangement whereby he is to receive any such gift or consideration upon condition that such employment is provided or continued, shall be guilty of an offence.

Right of entry
on ships.

“21.—(1.) Any licensing officer or person thereunto authorized by him may, for the purposes of this Act, go upon any wharf, pier, jetty, hulk, barge or ship on or in which any waterside workers are employed.

“(2.) Any person who obstructs the entry of, or interferes with, any such officer or person in the execution of his duty under this section shall be guilty of an offence.

Incorrect
answers.

“22. Any person who makes any false statement in an application under this Part shall be guilty of an offence.

Penalties.

“23. Any person who commits an offence against section thirteen, fifteen, sixteen, eighteen, nineteen, twenty, twenty-one or twenty-two of this Act shall upon conviction be liable to a penalty not exceeding Ten pounds and in default to imprisonment for a period not exceeding one month, and any person who commits an offence against section fourteen or section seventeen of this Act shall upon conviction be liable to a penalty not exceeding One hundred pounds and in default to imprisonment for a period not exceeding six months.

Regulations.

“24. The Governor-General may make regulations, not inconsistent with this Part, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Part.”

Continuance of
existing
licences, &c.

9. Notwithstanding anything contained in this Act, licences granted and tickets issued under any regulations made under the Principal Act shall continue to have force and effect in accordance with any regulations under the Principal Act made before the commencement of this Act, and the provisions of those regulations shall apply to those licences and tickets and to the persons to whom they have been granted or issued.