

ANNO DECIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1966

No. 18 of 1966

An Act to amend the Apprentices Act, 1950.

[Assented to 17th March, 1966.]

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

Short titles.

- 1. (1) This Act may be cited as the "Apprentices Act Amendment Act, 1966".
- (2) The Apprentices Act, 1950, as amended by this Act, may be cited as the "Apprentices Act, 1950-1966".
- (3) The Apprentices Act, 1950, is hereinafter referred to as "the principal Act".

Commence-

2. Except as provided in sections 7 and 11 of this Act, this Act shall come into operation on the day on which the Act is assented to by the Governor.

I ncorporation.

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

Amendment of principal Act, s. 5— Interpretation.

- 4. Section 5 of the principal Act is amended—
 - (a) by inserting before the definition of "apprentice" therein the following definition:—

"advisory trade committee" means an advisory trade committee appointed by the Minister under section 14 of this Act:

- (b) by striking out from the definition of "apprentice" therein the words "Commonwealth Court of Conciliation and Arbitration" and inserting in lieu thereof the words "Commonwealth Conciliation and Arbitration Commission";
- (c) by inserting after the definition of "apprentice" therein the following definitions:—
 - "approved employer" means an employer approved by the Commission pursuant to section 26a of this Act:
 - "approved place of employment" means a place of employment approved by the Commission under this Act:
 - "chairman" means the chairman of the Commission:
 - "Commission" means the Apprenticeship Commission established under section 6 of this Act:
 - "group apprenticeship scheme" means arrangement between a group of employers whereby the training of an apprentice who is indentured to one employer is undertaken by the group of employers:

"member" means a member of the Commission;

and

- (d) by striking out the definitions of "board" "member" therein.
- 5. Part II of the principal Act is repealed and the following Repeal and reenactment of Part II of Part II of Part II of new Part enacted and inserted in lieu thereof:-

PART II.

ADMINISTRATIVE PROVISIONS.

6. (1) There shall for the purposes of this Act be and constituted an "Apprenticeship Commission" which shall apprenticeship Commission of Apprenticeship Commission. have and may exercise all the powers, duties and authority commission. conferred upon it by this Act.

- (2) The Commission shall consist of a chairman and five members appointed by the Governor.
 - (3) Of the five members—
 - (a) one shall be nominated by the Minister of Education;

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- (b) two shall be nominated by the United Trades and Labor Council of South Australia;
- (c) one shall be nominated by the South Australian Chamber of Manufactures Incorporated; and
- (d) one shall be nominated by the South Australian Employers Federation Incorporated.
- (4) The members of the Commission shall be appointed for a term of not more than five years.
- (5) Every member of the Commission shall be eligible for re-appointment.
- (6) Where a vacancy occurs (otherwise than by the retirement of a member on the expiration of his term of office) in the office of any member the Governor may on the nomination of the Minister or organization as the case may be, which nominated this member, appoint a person to fill the vacancy and that person shall be entitled to hold office during the remainder of the term of the member whose office he fills.
- (7) During any vacancy on the Commission the remaining members may act as if no vacancy existed.

7. (1) The chairman—

- (a) shall unless earlier removed from office by the Governor, be entitled to hold office until he reaches sixty-five years of age, and shall cease to hold office on reaching that age, but he may resign from his office before reaching that age;
- (b) shall be paid such remuneration and allowances as the Governor may determine; and
- (c) shall be subject to the provisions of the Public Service Act, 1936-1965, other than the provisions relating to remuneration and the appointment of officers, and shall be an "employee" within the meaning of the Superannuation Act, 1926-1965.
- (2) Before making the appointment of chairman applications in respect of the appointment shall be called for in the public press. Upon receipt of applications in respect of the appointment they shall be submitted to the Public Service Commissioner for his consideration and for his recommendations thereon.

(3) The members of the Commission shall be paid such annual fees as may from time to time be fixed by the Governor.

Fees and expenses of members.

- (4) The Chairman and members of the Commission shall be paid reasonable travelling expenses incurred whilst on the business of the Commission.
- 8. A quorum for the transaction of business of the Quorum. Commission shall be constituted by the chairman and two members, one of whom shall be a member appointed pursuant to paragraph (b) of subsection (3) of section 6 of this Part and one of whom shall be a member appointed pursuant to either paragraph (c) or paragraph (d) of subsection (3) as aforesaid.

- 9. If any member of the Commission—
 - (a) is absent from three consecutive meetings of the Commission except with leave granted by the a member. Commission except with leave granted by the Commission; or

(b) resigns his office by writing under his hand addressed to the Minister,

his office shall thereby become vacant.

10. (1) The chairman shall preside at meetings of the chairman to preside at meetings. Commission.

- (2) The chairman shall have a casting as well as a deliberative vote at any meeting of the Commission.
- 11. Subject to this Act, the Commission may regulate its Proceedings. own proceedings.
- 12. (1) A secretary to the Commission shall be appointed Secretary. and he shall by virtue of his appointment be also secretary to every advisory trade committee and the Registrar of Apprentices.

(2) The secretary to the Commission shall be appointed and hold office under, subject to, and in accordance with the Public Service Act, 1936-1965.

13. (1) Subject to this Act, the Commission shall have general powers of Commission. power-

- (a) to recommend to the Minister of Education the training and instruction which in the opinion of the Commission it is desirable should be given to apprentices employed in any particular trade or group of trades, at trade or technical schools or by correspondence courses;
- (b) to determine any matters connected with the training and instruction of apprentices which are referred to the Commission by the Minister;

- (c) to encourage minors to enter into indentures of apprenticeship and to encourage employers to employ apprentices and to equip themselves properly to train apprentices; and
- (d) to determine generally the best means of carrying into effect the objects of this Act.
- (2) In addition to the powers specified in subsection (1) of this section the Commission shall have power—
 - (a) to approve of employers who may employ apprentices and places of employment in which apprentices may be employed and to cancel any such approval;
 - (b) to approve of group apprenticeship schemes;
 - (c) to determine minimum standards of education for admission to an apprenticeship in any trade, provided that the Commission may exempt any person seeking to become an apprentice from such minimum standards if the Commission considers him to be otherwise suitable to become an apprentice;
 - (d) to promote the establishment of full-time trade training centres by employers either individually or in groups for the purpose of providing apprentices with adequate technical and workshop training during the first year of apprenticeship of apprentices;
 - (e) to transfer or assign the indentures of an apprentice to another employer for such period and under such conditions as the Commission may determine, if the employer of that apprentice—
 - (i) ceases to be an approved employer as defined by this Act; or
 - (ii) makes application to the Commission for the purpose of such transfer or assignment;
 - (f) to investigate either of its own motion or upon the application of any apprentice or the parent or guardian or the employer of that apprentice any matter arising out of an apprenticeship and it shall be competent for the appropriate trade union to bring to the notice of the Commission any matter arising out of an apprenticeship which the appropriate trade union considers should be investigated;

- (g) to transfer or assign the indentures of an apprentice to another employer or to cancel the indentures of apprenticeship where upon any investigation under paragraph (f) of this subsection, it deems it advisable to do so or to make such other arrangements as seems desirable as to the transfer, assignment or cancellation of the indentures or the suspension of the indentures for such period and under such conditions as the Commission may determine;
- (h) to determine what period of training received by an apprentice in any place outside South Australia may be regarded as part of the period of indentures of apprenticeship for the purposes of this Act; and
- (i) to recommend to the Minister the trades or groups of trades in respect of which an advisory trade committee should be appointed.
- (3) The Commission shall also discharge such other duties and functions as may be prescribed.
- 14. (1) For the purposes of this Act the Minister shall of advisory appoint an advisory trade committee in respect of every trade to which Part III of this Act applies.

trade committees and constitution thereof.

- (2) Nothing in subsection (1) of this section shall prevent the Minister from appointing an advisory trade committee in respect of any group of related trades.
 - (3)—
 - (a) The members of every advisory trade committee shall be equally representative of the employers and employees engaged in the trade or group of trades for which the committee is appointed.
 - (b) The Superintendent of Technical Schools, or a person nominated by him, shall be an ex officio member of every committee and shall be entitled to attend at any committee meeting, but shall not have the right to vote thereat except on matters relating to the technical education of apprentices.
 - (c) Each committee may co-opt any person to assist it in the discharge of any of its functions under this Act, but any person so co-opted shall not have the right to vote.

- (4) Subject to this section, a member of an advisory trade committee shall hold office until the next general retirement of members of the Commission following his appointment: Provided that—
 - (a) a retiring member shall be eligible for re-election;
 - (b) if a member who holds office in the place of any retiring member has not been appointed on or before the day of retirement that retiring member shall be deemed to remain in office until his successor is appointed.

Power of Minister to remove any member of an advisory trade committee.

Chairman to be ex officio chairman of

every advisory trade committee.

- (5) The Minister may remove any member of an advisory trade committee if he is satisfied that the member is for any reason unable to perform the duties of his office, or has been guilty of neglect of duty or of conduct which in the Minister's opinion shows him to be unfit to remain in office.
- (6) A person appointed to a casual vacancy shall hold office for the balance of the term of the person in whose place he was appointed.
- (7) The chairman of the Commission appointed under this Act—
 - (a) shall be ex officio chairman of every advisory trade committee; and
 - (b) shall not have a deliberative vote at any meeting of an advisory trade committee but in the event of an equal division of votes at any meeting shall have a casting vote.

Quorum.

(8) A quorum for the transaction of business of every advisory trade committee shall be constituted by the chairman and two members, one of whom shall be a member representing employers and one of whom shall be a member representing employees in the trade or group of trades for which such advisory trade committee is appointed.

Functions of advisory trads committees.

- 15. Subject to this Act, the functions of every advisory trade committee shall, in respect of the trade or group of trades for which the committee is appointed be—
 - (a) to recommend to the Commission any matter relating to the technical education of apprentices in respect of any matter which has been referred to the committee by the Commission;
 - (b) to recommend to the Commission on the suitability of an employer to employ apprentices when such matter has been referred to the committee by the Commission;

- (c) to investigate, report and recommend to the Commission upon any matter arising out of an indenture of apprenticeship which has been referred to the committee by the Commission.
- 6. Section 16 of the principal Act is amended by inserting Amendment of principal Act, after subsection (2) thereof the following subsection:
 - (3) The Governor may also, by proclamation, declare in respect of any trade to which this Part has been applied that an employer shall not employ a minor in that trade except under an indenture of apprenticeship and may by proclamation revoke any such proclamation: Provided however that an employer may employ a minor other than an apprentice under such circumstances or conditions as may be proclaimed or determined in respect of a particular employer.

7. Section 18 of the principal Act is amended—

- (a) by striking out the word "Minister" wherever it occurs therein and inserting in lieu thereof the word "Commission" in each case; and
- (b) by inserting at the end of subsection (3) thereof the following subsections:—
 - (4) Any notice issued by the Commission to an Amendment of employer under subsection (1) of this section, shall subsection (1) after the coming into force of this subsection, buty of apprentice to prescribe that during the first two years of an apprenticeship, an apprentice to whom this Part applies shall attend during working hours a attend. applies shall attend during working hours a technical school or class of instruction for eight hours each week in every week that the school or class is open for instruction but in addition after the completion of the second year of apprenticeship he shall attend during working hours a technical school or class of instruction for four hours each week in every week that the school or class is open for instruction.
 - (5) Subsection (4) of this section shall apply in respect of any trade from a date to be proclaimed in respect of that trade.
 - (6) Subsection (4) of this section shall not apply in any case where an apprentice is attending a school or class for full-time instruction and such school or class has been approved by the Commission and by the Minister of Education.

Proclamation of trades. Amendment o principal Act, s. 18— Times and occasions for attendance at technical technical schools.

- 8. Section 19 of the principal Act is amended—
 - (a) by striking out all words after "notice" in the fifth line of subsection (1) thereof and inserting in lieu thereof the passage "for such period or periods as may be prescribed by regulation on the recommendation of the Commission and shall attend to the satisfaction of the Commission the course of instruction which he is required by the Superintendent of Technical Schools so to attend"; and
 - (b) (i) by striking out in paragraph (a) of subsection (4) thereof the words "five shillings" and "one pound" and inserting in lieu thereof the words "two dollars" and "ten dollars" respectively; and
 - (ii) by striking out the words "ten shillings" and "five pounds" in paragraph (b) of subsection (4) thereof and inserting in lieu thereof the words "ten dollars" and "forty dollars" respectively.

Enactment of ss. 19a and 19b of principal Act—
Commission to have power to require an apprentice in certain chromastances to attend technical school outside working hours.

- 9. The following sections are enacted and inserted in the principal Act after section 19 thereof:—
 - 19a. (1) Notwithstanding any of the provisions of this Act, an apprentice who has failed to reach the standard required by the Commission on the completion of any year of apprenticeship may be required by the Commission to attend a technical school or class of instruction for instruction outside working hours.
 - (2) Any apprentice who fails to comply with any direction of the Commission under subsection (1) of this section shall be guilty of an offence and liable for a first offence to a penalty not exceeding two dollars and for any subsequent offence to a penalty not exceeding ten dollars.

Provisions of sections 20 and 21 of this Act to apply when appropriate course of instruction not available in a technical school district. 19b. Where an appropriate course of instruction in the trade of any apprentice is not available for any reason in the technical school district in which the apprentice resides the provisions of section 20 and section 21 of this Act shall apply to such apprentice as they apply to an apprentice who resides in a correspondence course district.

Amendment of principal Act, s. 20—

s. 20— Training by means of correspondence course.

- 10. Section 20 of the principal Act is amended—
 - (a) by striking out the word "Minister" where it firstly and thirdly occurs in subsection (1) thereof and inserting in lieu thereof the word "Commission" in each case; and

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(b) by striking out the word "Minister" where it firstly and secondly occurs in subsection (2) thereof and inserting in lieu thereof the word "Commission" in

11. Section 21 of the principal Act is amended—

(a) by inserting after subsection (1) thereof the following new subsections:—

s. 21—
apprentice to carry on correspondence

(la)---

each case.

- Amendment of principal Act, s. 21—
- (a) Any notice issued by the Commission to an employer under section 20 of this Act shall as from the coming into force of this subsection prescribe that an apprentice during the first three years of his apprenticeship shall be required, either under the supervision of his employer or in a school or class of the Education Department, as may be approved by the Commission, to carry on the theoretical and practical work of or incidental to his course of instruction by correspondence for four hours each week during working hours and the employer shall permit him to carry on the same;
- (b) Paragraph (a) of subsection (la) of this subsection shall operate in respect of any trade from the date to be proclaimed in respect of that trade.
- (1b) Nothing in this Act shall prevent the Commission directing any apprentice to whom section 20 of this Act applies-
 - (a) who has failed to reach the prescribed standard on the completion of the third year of his apprenticeship, to continue the course of instruction by correspondence outside working hours until he has reached the prescribed standard and the apprentice shall in such a case comply with that direction;
 - (b) to attend at a technical school or class of instruction, at a place away from his place of residence or work, for such period as may be fixed by the Commission and the employer shall permit the apprentice to attend the same during

working hours and in that event the Commission shall, unless the employer himself provides accommodation, approve such costs of accommodation for any period not exceeding fourteen days in any one year as are reasonably incurred by the apprentice while so attending that technical school or class of instruction. Upon such approval as aforesaid the employer shall reimburse the apprentice to the extent authorized by the Commission;

- (b) by striking out the word "Minister" in subsection (2) thereof and inserting in lieu thereof the word "Commission"; and
- (c) by striking out subsection (3) thereof and inserting in lieu thereof the following new subsection:—
 - (3) If any person fails to comply with any direction issued pursuant to this section he shall be guilty of an offence and liable—
 - (a) in the case of an apprentice, for the first offence, to a penalty not exceeding two dollars, and for any subsequent offence, to a penalty not exceeding ten dollars;
 - (b) in the case of an employer, for the first offence, to a penalty not exceeding ten dollars and for any subsequent offence in respect of the same or any other apprentice, to a penalty not exceeding forty dollars.

Amendment of principal Act, s. 22—
Attendance at school of apprentices not bound by this Part.

- 12. Section 22 of the principal Act is amended—
 - (a) by striking out the words "Superintendent of Technical Schools" and the words "said superintendent" in subsection (1) thereof and inserting in lieu thereof the word "Commission" in each case; and
 - (b) by striking out the words "ten shillings" and "five pounds" in subsection (3) thereof and inserting in lieu thereof the words "ten dollars" and "forty dollars" respectively.

Amendment of principal Act, s. 23—
Computation of time spent at classes.

13. Section 23 of the principal Act is amended by inserting the following subsection (the preceding portion of the section being designated as subsection (1) thereof):—

(2) Any time occupied by an apprentice during working hours in attending a technical school or class or carrying on a correspondence course for the period prescribed in section 21 of this Act (including the time occupied by him in going from his work to the school or class) shall be deemed to be time worked for the purpose of calculating wages to be paid to him under his indentures.

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14. Section 25 of the principal Act is amended—

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- (a) by striking out the words "a board of examiners" and Provision for examination. "the board of examiners" in subsection (1) thereof and inserting in lieu thereof the words Superintendent of Technical Schools";
- (b) by striking out subsection (2) thereof;
- (c) by striking out the words "board of examiners" in subsection (3) thereof and inserting in lieu thereof the words "Superintendent of Technical Schools" and by striking out the word "Minister" therein and inserting in lieu thereof the word "Commission"; and
- (d) by striking out the words "board of examiners" wherever they occur in subsection (4) thereof and inserting in lieu thereof the words "Superintendent of Technical Schools" and by striking out the word "Minister" therein and inserting in lieu thereof the word "Commission".
- 15. The following section is enacted and inserted in the fincipal Act after section 25 thereof:—

 Enactment of s. 25a of principal Act principal Act after section 25 thereof:-

25a. As from the commencement of the Apprentices Act No indentures complete until Amendment Act, 1966, and notwithstanding the provisions certified by chairman. of section 25 of this Act, no certificate of competency shall be granted and no indenture of apprenticeship shall be regarded as having been completed until the chairman or a member of the Commission authorized by him has certified on the indentures that an apprentice—

- (a) has passed the appropriate examinations of the technical school or correspondence course, as the case may be; and
- (b) has completed his indentures to the satisfaction of the Commission.
- 16. Section 26 of the principal Act is amended—

Amendment of principal Act, Form of indentures.

(a) by striking out the words "Chief Inspector of Factories" in subsection (1) thereof and inserting in lieu thereof the word "Commission";

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- (b) by adding after subsection (1) thereof the following subsection:—
 - (1a) The Commission shall have power to determine the term of any indenture in any particular trade: Provided that no term of indenture shall in any trade exceed five years.

; and

(c) by striking out the words "twenty pounds" in subsection (2) thereof and inserting in lieu thereof the words "one hundred dollars".

Enactment of s, 26a of principal Act17. The following section is enacted and inserted in the principal Act after section 26 thereof:—

No apprentice to be employed until Commission has approved of employer and place of employment.

- 26a. (1) No person shall take any apprentice in any trade to which this Act applies unless the Commission has approved of the employer and the place of employment of the apprentice as conforming to the standards required by the Commission in respect of that trade with regard to—
 - (a) the working conditions;
 - (b) the equipment to be used for training apprentices;
 - (c) the qualifications of persons appointed to train apprentices and the methods of training; and
 - (d) the course of training.
- (2) Every employer who, at the commencement of the Apprentices Act Amendment Act, 1966, employs, or has since the first day of January, 1965, employed, an apprentice in any trade, shall for the purposes of this Act be deemed to be an approved employer and his place of employment shall be deemed to be an approved place of employment in respect of that trade and that employer shall not (unless such approval is cancelled by the Commission), by so employing an apprentice in that trade at that place of employment commit an offence under this section.
- (3) Any person who commits any contravention of this section shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

Amendment of principal Act, s. 27—
Requirements as to indeutures.

- 18. Section 27 of the principal Act is amended—
 - (a) by striking out the words "Chief Inspector of Factories" wherever they occur therein and inserting in lieu thereof the word "chairman";

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- (b) by inserting after subsection (1) thereof the following subsections:
 - (1a) Every indenture of apprenticeship shall be signed by the parties thereto within a period of twenty-eight days from the day on which the apprentice commences his apprenticeship with his employer.
- (c) by inserting after subsection (2) thereof the following subsection:—
 - (2a) If any indentures of apprenticeship in any trade are transferred or assigned from one employer to another employer the parties to that transfer or assignment shall endorse or sign the transfer or assignment of that indenture within a period of twenty-eight days from that transfer or assignment.:
- (d) by striking out subsection (3) thereof and inserting in lieu thereof the following:-
 - (3) Except as provided in section 33 of this Act, no indentures of apprenticeship shall be cancelled except with the approval of the Commission; any cancellation made without such approval as aforesaid shall have no force or effect.; and
- (e) by striking out the words "twenty pounds" in subsection (4) thereof and inserting in lieu thereof the words "one hundred dollars".
- 19. Section 28 of the principal Act is amended—

(a) by striking out subsection (1) thereof; and

Amendment of principal Act, 8. 28— Age of apprentices.

- (b) by striking out the words "twenty-one" in subsection (2) thereof and inserting in lieu thereof the words "twenty-three".
- 20. Section 29 of the principal Act is amended—

(a) by striking out the passage "Within fourteen days Particulars after the thirtieth day of November" in subsection (1) thereof and inserting in lieu thereof the passage "On or before the thirty-first day of January";

Amendment of principal Act,

(b) by striking out the passage "that thirtieth day of November" in subsection (1) thereof and inserting in lieu thereof the passage "the thirty-first day of December";

- (c) by striking out the words "Chief Inspector of Factories" in subsection (1) thereof and inserting in lieu thereof the word "chairman"; and
- (d) by striking out the words "five pounds" in subsection (2) thereof and inserting in lieu thereof the words "forty dollars".

Repeal of s. 80 of principal Act. 21. Section 30 of the principal Act is repealed.

Amendment of principal Act, a. 31— Supervision of practical training of apprentices.

- 22. Section 31 of the principal Act is amended—
 - (a) by striking out the word "board" in subsection (1) thereof and inserting in lieu thereof the passage "Commission or any person appointed pursuant to section 35 to be an inspector under this Act"; and
 - (b) by striking out the word "board" wherever it occurs in subsection (2) thereof and inserting in lieu thereof the word "Commission" in each case.

Repeal of 8, 32 of principal Act. 23. Section 32 of the principal Act is repealed.

Amendment of principal Act, s. 33— Right to terminate apprenticeship during first six months.

- 24. Section 33 of the principal Act is amended—
 - (a) by striking out the word "six" therein and inserting in lieu thereof the word "three"; and
 - (b) by adding at the end thereof the passage "and where such termination occurs the employer shall, within seven days thereof advise the chairman of that fact in writing.".

Notice by Commission.

- 25. Section 34 of the principal Act is amended—
 - (a) by striking out the word "board" wherever it occurs in subsection (1) thereof and inserting in lieu thereof in each case the word "Commission"; and
 - (b) by striking out in subsection (1) thereof the passage ", or deputy chairman".

Amendment of principal Act, s. 85— Entry on premises.

- 26. Section 35 of the principal Act is amended—
 - (a) by striking out the words "Chief Inspector of Factories" wherever they occur in subsection (1) thereof and inserting in lieu thereof the word "chairman";

- (b) by striking out the passage "or any person authorized by him" in subsection (1) thereof and inserting in lieu thereof the passage "or any person appointed by the Governor to be an inspector under this Act";
- (c) by striking out the passage "or any person authorized as aforesaid" in subsection (1) thereof and inserting in lieu thereof the passage "or any inspector under this Act";
- (d) by striking out the words "Chief Inspector of Factories" in subsection (2) thereof and inserting in lieu thereof the word chairman;
- (e) by striking out the passage "or any person authorized as aforesaid" in subsection (2) thereof and inserting in lieu thereof the passage "or any inspector under this Act"; and
- (f) by striking out the words "twenty pounds" in subsection (2) thereof and inserting in lieu thereof the words "one hundred dollars".
- 27. Section 37 of the principal Act is amended by striking Amendment of principal Act, out the words "ten pounds" in subsection (2) thereof and 5.37 inserting in lieu thereof the words "one hundred dollars".

Governor may

being re-designated as subsection (1) thereof):-

Summary proceedings for offences.

- (2) In any proceedings for an offence against this Act a certificate purporting to be signed by the Superintendent of Technical Schools and certifying that an apprentice has failed to attend a technical school or class of instruction or has failed to carry on a correspondence course shall be prima facie evidence of the matters so certified.
 - In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.