



ANNO DECIMO NONO

ELIZABETHAE II REGINAE

A.D. 1970

No. 63 of 1970

An Act to amend the Apprentices Act, 1950-1966.

[Assented to 17th December, 1970]

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 "Apprentices Act Amendment Act, 1970". Short titles.
- (2) The Apprentices Act, 1950-1966, as amended by this Act, may be cited as the "Apprentices Act, 1950-1970".
- (3) The Apprentices Act, 1950-1966, is hereinafter referred to as "the principal Act".
2. Section 6 of the principal Act is amended by inserting after subsection (7) the following subsection:— Amendment of principal Act, s. 6—
 - (8) In the absence of a member of the Commission through illness or any other cause, the Governor may appoint a suitable person to be a deputy of that member and act in his absence, and such a person while so appointed shall be deemed to be a member of the Commission and if so appointed to be a deputy of the chairman, shall be deemed to be the chairman of the Commission. Constitution of Commission.
3. Section 13 of the principal Act is amended— Amendment of principal Act, s. 13—
 - (a) by inserting after paragraph (g) of subsection (2) the following paragraph:— General powers of Commission.
 - (ga) to suspend for a period determined by the Commission the indentures of apprenticeship

of an apprentice, where the apprentice, without due cause, fails to undertake any course of instruction, or to attend any class for instruction that he is required to undertake or attend under this Act, or otherwise fails to comply with the requirements of this Act;

and

(b) by inserting after subsection (3) the following subsections:—

(4) The Commission may, by instrument in writing signed by all members of the Commission, delegate to the chairman such of its powers and functions (excepting this power of delegation) as it thinks fit.

(5) Any delegated powers and functions must be exercised in accordance with the instrument of delegation and any such delegation shall not prevent the Commission from itself acting in any matter.

(6) The Commission may in the instrument of delegation provide for an appeal to the Commission, against any decision made in the exercise of any delegated powers and functions by the chairman.

Amendment of
principal Act,
s. 14—
Appointment
of advisory
trade com-
mittee.

4. Section 14 of the principal Act is amended by striking out from paragraph (b) of subsection (3) the passage “Superintendent of Technical Schools” and inserting in lieu thereof the passage “Director of Technical Education”.

Amendment of
principal Act,
s. 18—
Times and
occasions for
attendance at
technical
school.

5. Section 18 of the principal Act is amended—

(a) by striking out from subsections (2) and (3) the passage “Superintendent of Technical Schools” and inserting in lieu thereof in each case the passage “Director of Technical Education”;

(b) by striking out from subsection (4) the passage “of an apprenticeship” first occurring and inserting in lieu thereof the passage “after the commencement of a course of instruction that the apprentice is required to attend”;

(c) by striking out from subsection (4) the passage “in addition after the completion of the second year of apprenticeship and during the third year of an apprenticeship” and inserting in lieu thereof the passage “during the year following completion of the second year”;

and

(d) by striking out from subsection (5) the passage “from a date to be proclaimed in respect of that trade” and inserting in lieu thereof the passage “specified by proclamation from a date and within an area fixed in the proclamation”.

6. Section 19 of the principal Act is amended by striking out from subsection (1) the passage "Superintendent of Technical Schools" and inserting in lieu thereof the passage "Director of Technical Education".
- Amendment of principal Act, s. 19—
Duty to attend technical school.
7. Section 19a of the principal Act is amended by inserting in subsection (1) after the passage "for instruction outside working hours" the passage "in any subject in which the apprentice has failed to reach the required standard".
- Amendment of principal Act, s. 19a—
Instruction outside working hours.
8. Section 20 of the principal Act is amended by striking out from subsections (2) and (3) the passage "Superintendent of Technical Schools" wherever it occurs and inserting in lieu thereof in each case the passage "Director of Technical Education".
- Amendment of principal Act, s. 20—
Training by correspondence.
9. Section 21 of the principal Act is amended—
- Amendment of principal Act, s. 21—
Duty to carry on correspondence course.
- (a) by striking out from paragraph (a) of subsection (1a) the passage "of his apprenticeship" and inserting in lieu thereof the passage "after his enrolment in the correspondence course";
- and
- (b) by striking out from paragraph (a) of subsection (1b) the passage "of his apprenticeship" and inserting in lieu thereof the passage "of his course of instruction".
10. Section 22 of the principal Act is amended—
- Amendment of principal Act, s. 22—
Attendance at apprentice school.
- (a) by striking out from subsection (1) the passage "by notice in writing delivered to the apprentice and to his employer";
- and
- (b) by inserting after subsection (1) the following subsections:—
- (1a) The Director of Technical Education shall notify the employer and the apprentice in writing of the classes, occasions and hours approved or fixed by the Commission under subsection (1) of this section.
- (1b) Where it is necessary for an apprentice to obtain accommodation away from his normal place of residence for the purpose of attending the technical school or instruction class, the employer shall (unless the employer provides the accommodation at his own expense) reimburse the apprentice to the extent approved by the Commission for the costs of that accommodation.

Amendment of
principal Act,
s. 25—
Provisions for
examinations.

11. Section 25 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “Superintendent of Technical Schools” wherever it occurs and inserting in lieu thereof in each case the passage “Director of Technical Education”;

and

(b) by striking out subsections (3) and (4) and inserting in lieu thereof the following subsections:—

(3) On the advice of the Director of Technical Education, the Commission may grant to an apprentice upon completion of his indentures and successful completion of the appropriate course of instruction a certificate of competency.

(4) The Director of Technical Education may insist that an apprentice repeat outside working hours his attendance at any class in any subject in which the apprentice has not achieved a satisfactory standard.

Amendment of
principal Act,
s. 26—
Form of
indentures.

12. Section 26 of the principal Act is amended—

(a) by striking out the proviso to subsection (1a);
and

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

(1b) The term of any indentures entered into on or after the first day of January, 1971, shall not exceed four years.

(1c) Any indentures entered into on or after the first day of January, 1970, but before the first day of January, 1971, shall, unless expressed to terminate earlier, terminate—

(a) upon the expiration of a term of four and a half years;

or

(b) upon the thirty-first day of December, 1974,
whichever first occurs.

Enactment of
s. 26b of
principal Act—

13. The following section is enacted and inserted in the principal Act immediately after section 26a thereof:—

Notification of
employment of
apprentice.

26b. A person shall within fourteen days after he first employs an apprentice in a trade to which this Act applies notify the Commission in writing of that fact.

Penalty: One hundred dollars.

14. Section 27 of the principal Act is amended by striking out subsection (1a) and inserting in lieu thereof the following subsections:—

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

(1a) Indentures of apprenticeship must be executed in the prescribed manner.

(1b) Indentures of apprenticeship may with the approval in writing of the Commission be varied with the consent of all parties thereto.

15. Section 33 of the principal Act is amended by striking out the passage “of the apprenticeship” and inserting in lieu thereof the passage “in which the apprentice is actually engaged as such in the business of the employer”.

Amendment of principal Act, s. 33—
Right to terminate indentures.

16. Section 38 of the principal Act is amended by striking out from subsection (2) the passage “Superintendent of Technical Schools” and inserting in lieu thereof the passage “Director of Technical Education”.

Amendment of principal Act, s. 38—
Summary proceedings.

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

J. W. HARRISON, Governor.