

APPRENTICES.

No. 50 of 1960.

AN ACT to amend the *Apprentices Act 1942*. [5 December 1960.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title
and citation.

1—(1) This Act may be cited as the *Apprentices Act 1960*.
(2) The *Apprentices Act 1942*, as subsequently amended, is in this Act referred to as the Principal Act.

Powers of
commission.

2 Section nine of the Principal Act is amended by inserting after paragraph IV of subsection (1) the following paragraph:—

“IVA Enquire into and determine whether an employer has adequate trade knowledge and facilities for the instruction of apprentices or is otherwise a suitable person to employ apprentices:”.

Apprentices
to be
indentured.

3 Section thirteen of the Principal Act is amended—

(a) by adding at the end of subsection (1) the words
“Penalty: Fifty pounds.”;

(b) by adding at the end of subsection (2) the words
“Penalty: Fifty pounds.”;

(c) by inserting after that subsection the following subsection:—

“(2A) The taking or employment of any person as an apprentice contrary to subsection (2) of this section does not affect the validity of any indentures of apprenticeship into which he has entered.”;

(d) by inserting in subsection (3A) after paragraph I the following paragraph:—

“IA Subsection (2) of this section:”;

(e) by omitting paragraph v of that subsection and substituting therefor the following paragraph:—

“v Section twenty-six; and ”; and

(f) by omitting from paragraph VI of that subsection the words "Paragraph IV" and substituting therefor the words "Paragraph II and paragraph IV".

4 Section fourteen of the Principal Act is amended—

Applications for apprenticeship.

(a) by inserting after subsection (3) the following subsection:—

"(3A) On a demand being made by or on behalf of the commission, a person to whom a certificate has been issued under this section shall return that certificate to the commission within such time as may be specified in the demand.

Penalty: Twenty pounds."; and

(b) by adding at the end of subsection (4) the words "Penalty: Fifty pounds.".

5 Section fifteen of the Principal Act is amended by adding at the end of subsection (4) the words "Penalty: Fifty pounds.".

Form and effect of indentures.

6 Section seventeen of the Principal Act is amended by adding at the end thereof the following subsection:—

Assignment of indentures.

"(4) An assignment of any indentures of apprenticeship in any trade otherwise than in accordance with this section is of no effect."

7 Section eighteen of the Principal Act is amended—

Cancellation of indentures.

(a) by inserting after sub-paragraph (a) of paragraph II the following sub-paragraph:—

"(ab) If the indentures have been entered into contrary to the provisions of this Act or do not comply with the provisions of this Act:"; and

(b) by adding at the end thereof the following subsections:—

"(2) Indentures of apprenticeship in any trade may be suspended for such period as the parties thereto, with the approval of the commission, may agree.

"(3) Indentures of apprenticeship in any trade shall be suspended for such period as the commission may, by order, direct if, in the opinion of the commission, there are circumstances which render that suspension desirable.

"(4) An order of the commission under subsection (3) of this section may be revoked or varied by a subsequent order of the commission.

"(5) Where any indentures of apprenticeship are suspended under this section the parties thereto shall not, during the period for which the indentures are suspended, be bound thereby except in so far as may otherwise be agreed between them or as the commission may direct.

“(6) Where any indentures of apprenticeship are suspended under this section, the term for which they were entered into shall be deemed to be extended by the period for which they were so suspended.

“(7) Where, on notification being made to the commission by the employer that an apprentice in his employment has been charged with, or convicted of, an offence, the commission suspends the indentures of apprenticeship of that apprentice, the commission shall, on an application by the employer made after the conviction of the apprentice for that offence but before the period for which the indentures have been suspended has expired, order that those indentures be cancelled:

Provided that, if another employer is agreeable to have the indentures assigned to him, the commission may so assign them.”

8 After section nineteen of the Principal Act the following section is inserted in Division IV of Part III:—

Effect of
indentures
not comply-
ing with Act.

“19A—(1) No person shall enter into, or become a party to—

- (a) any indentures of apprenticeship in any trade contrary to the provisions of this Act; or
- (b) any indentures of apprenticeship in any trade that do not comply with the provisions of this Act.

Penalty: Fifty pounds.

“(2) Subject to section eighteen, nothing in this Part or section twenty-six invalidates any indentures of apprenticeship that are entered into in contravention of, or do not comply with, that Part or that section.”

Attendance
at classes,
&c.

9 Section twenty-one of the Principal Act is amended—

- (a) by inserting at the end of subsection (1) the words “Penalty: Five pounds.”; and
- (b) by inserting at the end of subsection (2) the words “Penalty: Twenty pounds.”.

Notice of
existing
indentures.

10 Section twenty-five of the Principal Act is amended by adding at the end thereof the words “Penalty: Fifty pounds.”.

Regulations.

11 Section twenty-eight of the Principal Act is amended—

- (a) by omitting from subsection (1) the words “under this Act” and substituting therefor the words “for the purposes of this Act, and any such regulations may make provision with respect to the matters referred to in the following provisions of this section”;

- (b) by inserting in sub-paragraph (b) of paragraph VI of subsection (2) after the word "indentures" (first occurring) the words "and their certification in accordance with paragraph VIA of subsection (1) of section nine"; and
- (c) by omitting from that sub-paragraph the words "and assignments" and substituting therefor the words ", assignments, and certifications".

HOBART FREE KINDERGARTEN UNION.

No. 51 of 1960.

AN ACT to make provision with respect to the winding up and dissolution of the Hobart Free Kindergarten Union. [5 December 1960.]

WHEREAS the Hobart Free Kindergarten Union was, on Preamble. the twenty-second day of July 1937, registered under the *Companies Act 1920* as a company limited by guarantee:

And whereas by a licence of the Attorney-General under section twenty-eight of that Act it was directed that the Union be so registered without the addition of the word "limited" to its name:

And whereas the objects for which the Union was established include the promotion of the knowledge of kindergarten principles in Tasmania and the establishment and maintenance of free kindergartens in poor neighbourhoods in Tasmania:

And whereas in the memorandum of association of the Union it is provided that if upon the winding up or dissolution of the Union there remains after the satisfaction of all its debts and liabilities any property whatsoever the same shall not be distributed among the members of the Union but shall be given or transferred to some other institution or institutions having objects similar to the objects of the Union and complying with certain other requirements:

And whereas by a conveyance, registered in the Registry of Deeds under the number 10/8899, and dated the first day of February 1904, certain land in Anglesea Street in the city of Hobart in this State (in this Act referred to as "the Anglesea Street land") was conveyed by *Fanny Maria Butler* to certain trustees (in this Act referred to as "the trustees"):

And whereas by a mortgage dated the second day of June 1904 that land was mortgaged to *John Mitchell* for the sum of one hundred and twenty-five pounds: