

JUVENILE MIGRANTS APPRENTICESHIP ACT.

Act No. 52, 1923.

An Act to establish a system of apprenticing juvenile assisted migrants ; to provide for the care and control of such migrants and their property and earnings ; and for purposes connected therewith. [Assented to, 21st December, 1923.]

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BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the “ Juvenile Migrants Apprenticeship Act, 1923.”

2.

Juvenile Migrants Apprenticeship Act.

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Definitions.

“Employer” means a person to or with whom a juvenile is bound or placed out by indenture or contract of service under this Act.

“Indenture” means an indenture of apprenticeship made under this Act.

“Juvenile” means a minor who comes to New South Wales with the assistance of the Government of the Commonwealth of Australia or of the State and who is over the age of fourteen years and under the age of nineteen years at the date of arrival in the State.

“Minister” means Minister for Labour and Industry.

“Prescribed” means prescribed by this Act or the regulations made thereunder.

Powers of the Minister.

3. With respect to any juvenile who either before or after coming to the State signs a statement in or to the effect of the form in the Schedule to this Act, or in such other form as may be prescribed, the Minister shall have and may exercise all or any of the following powers and functions, namely:—

Care and control.

(1) He shall have the care, management, and control of the person of the juvenile before he is placed out as hereinafter provided, and at any time when he ceases to be so placed out.

Supervision.

(2) He shall have the supervision of the juvenile whilst so placed out.

Management of property.

(3) He shall at all times have the care, management, and control of the property of the juvenile.

Institutions for juveniles.

(4) He may appoint institutions for the reception, control, education, and employment of juveniles, and may make such provisions as he deems necessary or as may be prescribed for their control, maintenance, education, and employment in such institutions or in connection therewith.

(5)

- (5) He may, by indenture of apprenticeship which may be made either in this State or in the United Kingdom, bind the juvenile to any person to be taught a trade or calling, including domestic service :

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Indenture of
apprentice-
ship.

Provided that—

- (a) the period of apprenticeship shall not extend beyond the day on which the juvenile attains the age of twenty-one years ;
 - (b) the period of apprenticeship to farming shall not exceed three years.
- (6) He may place the juvenile out to reside and board with any person for such period as the Minister thinks proper :

Placing out.

Provided that—

- (a) the Minister shall be satisfied that such person is able and willing to maintain and is a suitable person to be entrusted with the care, management, and control of the juvenile ;
- (b) the period during which the juvenile is placed out shall not extend beyond the day upon which he attains the age of twenty-one years.

4. The following additional provisions shall apply in the case of an indenture which is made in the United Kingdom :—

Indenture
made in
United
Kingdom.

- (1) The indenture shall be executed on behalf of the Minister by the Agent-General for New South Wales, or by an officer appointed by the Minister for the purpose.
- (2) It shall not be necessary to name in the indenture the employer of the juvenile.
- (3) On arrival of the juvenile in New South Wales the Minister shall nominate some person to be the employer of the juvenile.
- (4) The employer so nominated shall signify acceptance by an endorsement in the prescribed form on the indenture.

cf. N.Z. Act
No. 36, 1920,
s. 2.

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- (5) The endorsement shall be signed by the employer, and shall render the indenture binding on the employer in the same manner as if he had been a party to the indenture.
- (6) The indenture shall from the time of execution on behalf of the Minister until the acceptance by an employer nominated by the Minister, have effect as an indenture between the juvenile and any person or persons appointed by or on behalf of the Minister to control the juvenile during the passage to and on and after arrival in New South Wales in such manner and to such extent as shall be prescribed.

Provisions of indentures.
cf. S.A. Act 1,134, 1913, s. 6.

5. (1) An indenture may contain provisions for the proper keeping of, maintaining, training, and educating the juvenile, and for the due payment of such wages as are payable thereunder.

To be binding notwithstanding infancy.

(2) An indenture shall be as effectual as if the juvenile were of full age at the date thereof, and had voluntarily executed the same; and it shall not in any case be necessary for the parents or guardians of any juvenile to be parties to, or to sign or assent to any indenture.

Wages may be paid to Minister.
cf. *Ibid.* ss. 7, 8.

6. (1) The Minister may in any indenture provide that all, or such portion as is therein specified, of any wages to become due to the juvenile shall be paid by the employer to the Minister.

(2) Every payment made as so provided shall be deemed to be a payment to the juvenile.

How expended.

(3) The money paid on account of any juvenile to the Minister may be expended by the Minister—

- (a) in repaying to the Government of the Commonwealth or of the State any payments on account of passage money or any expenses incurred by the State on the juvenile's behalf before or during his passage to the State or after his arrival in the State; and
- (b) in repaying any money—
- (i) advanced by any person, society or association, in the State or elsewhere, towards the passage-money of the juvenile; or

(ii)

- (ii) expended in providing the juvenile with an outfit for the purposes of his coming to the State; George V,
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and also—

- (c) for the benefit of the juvenile when and in such manner as the Minister from time to time deems advisable.

(3) All moneys held by the Minister under this section shall bear interest at the rate of four pounds per centum per annum. Interest.

(4) The balance of the moneys so held, and the interest thereon (after payments as aforesaid), shall be payable to the juvenile upon his attaining the age of twenty-one years.

7. (1) The wages or earnings due by any person to a juvenile under an indenture or contract of service, whether payable to such juvenile or not, may be sued for and recovered by and in the name of the Minister, or by and in the name of some person authorised by him. Minister may
recover
wages.
cf. S.A. Act
1,134, 1913,
s. 9.

(2) An authority purporting to be signed by the Minister shall be admitted as evidence without proof of the signature.

8. If the employer of a juvenile—

- (a) becomes insolvent; or
(b) dies; or
(c) in the opinion of the Minister becomes unable to carry out the terms of the indenture; or
(d) in the opinion of the Minister is guilty of such immoral or vicious conduct as to render him unsuitable to continue to be the employer of the juvenile; or

On insol-
vency, &c.,
of employer
indenture
may be
cancelled.
cf. *Ibid.* s. 10.

(e) is about to remove from the State, the Minister on application by the employer, or the juvenile, or on his own motion, may by order in writing under his hand cancel the indenture and release and discharge the employer and the juvenile respectively therefrom, but without prejudice to any rights which have accrued thereunder.

9. If a juvenile bound or placed out under this Act absconds or dies, the employer shall immediately give such notice and do all such further acts and things as are prescribed; and in default thereof he shall be liable to a penalty not exceeding five pounds for every such offence. If juvenile
absconds or
dies, notice
to be given.
cf. *Ibid.* s. 11.

10.

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Juvenile not
to be
transferred
or dismissed
without
consent of
Minister.
cf. S.A. Act
1,134, 1913,
s. 12.

Minister may
order return
of juvenile
when
indenture
cancelled.
cf. *Ibid.* s. 13.

Failure to
comply.

Constable
may
apprehend
juvenile
without a
warrant.
cf. *Ibid.*
s. 13 (3).

Penalty for
taking,
removing,
harbouring,
&c.
cf. *Ibid.* s. 14.

10. No employer shall have power to assign or transfer any indenture, or to transfer or make over to any other person the services or care of the juvenile, or in any way to discharge or dismiss such juvenile, without the consent in writing of the Minister first had and obtained.

Every such assignment, transfer or discharge attempted to be made without such consent shall be null and void.

11. (1) When an indenture has been cancelled, or has otherwise become of no effect, the Minister may at any time by order in writing signed by him require the juvenile forthwith to return to any place or institution to be named in the order.

(2) The Minister may by the same or a separate order require the employer forthwith to deliver the juvenile to some person named therein.

(3) Any employer or other person who fails to comply with an order under this section shall be liable to a penalty not exceeding five pounds.

12. If a juvenile bound or placed out under this Act absconds, or fails to comply with an order under the last preceding section, any member of the police force may, without any warrant, apprehend the juvenile and bring him to the place or institution appointed by the Minister or named in the order, as the case may be, and for such purpose may enter upon or into any land or house whereon or wherein the juvenile is or is supposed to be.

13. Any person who—

- (a) without the authority of the Minister takes or removes any juvenile from the employer to or with whom the juvenile is bound or placed out under this Act before the expiration of the term of apprenticeship or service or placing out; or
- (b) directly or indirectly aids, abets, counsels or induces any such juvenile to break his indenture, or to abscond from his employer before the expiration of his apprenticeship or service or placing out; or
- (c) prevents any such juvenile from returning to his employer; or

(d)

- (d) knowing that any such juvenile has absconded from his employer, harbours or conceals, or assists in harbouring or concealing, the juvenile,

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shall be liable, on conviction, to a penalty not exceeding twenty pounds, or imprisonment not exceeding six months.

14. (1) If the Minister is satisfied that any juvenile to whom section three applies has been guilty of misbehaviour or of wilful neglect of duty, the Minister may, by writing under his hand, forfeit any moneys held by him on behalf of such juvenile, or any part of such moneys, and the title of the juvenile to such moneys or part shall thereupon be absolutely determined.

Minister may forfeit moneys in case of misbehaviour, and use same for bonuses. cf. S.A. Act 1,134, 1913, s. 15.

(2) Any moneys so forfeited may be applied by the Minister—

- (a) in the payment of bonuses to such of the juveniles to whom section three applies as, having regard to their behaviour and attention to duty, are, in his opinion, deserving of reward; or
(b) in such a manner as the Minister considers suitable for carrying out the objects of this Act.

15. (1) The Governor may make regulations inconsistent with this Act 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 Act; and in particular, and without limiting the generality of the foregoing power, the Governor may make regulations—

Regulations.

- (a) prescribing the duties, powers, authorities, and privileges of any person employed in the administration of this Act;
(b) regulating the punishment of juveniles bound or placed out under this Act and other juveniles to whom section three applies, and for enforcing discipline on their part;
(c) prescribing the forms and contents of indentures, authorities, notices, orders, and other instruments and documents under and for the purposes of this Act, and the mode of executing, serving, or delivering the same;

(d)

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(d) for the regulation and management of, and maintenance of discipline in, institutions appointed under section three.

(2) The regulations shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of publication or from a later date to be specified in the regulations; and
- (iii) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

(3) The regulations may—

- (a) impose a penalty for any breach thereof and also distinct penalties in case of successive breaches thereof; but no such penalty shall exceed five pounds;
- (b) impose also a daily penalty for any continuing breach thereof not exceeding one pound per day;
- (c) fix a minimum as well as a maximum penalty.

Evidence.

16. In all proceedings in respect of offences against this Act or the regulations the onus of showing that any juvenile described in any information as a juvenile bound or placed out under this Act, is not a juvenile so bound or placed out, shall be upon the defendant.

Proceedings.

17. Proceedings in respect of a breach of this Act or of any regulation may be taken in a summary manner before a stipendiary or police or industrial magistrate or any two justices in petty sessions.

Registration of Stock Brands (Amendment) Act.

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SCHEDULE.

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sec. 3.

I, _____, do hereby declare that I am desirous of coming under the provisions of the Juvenile Migrants Apprenticeship Act, 1923, of the State of New South Wales. It has been explained to me that * during my passage to that State I will be under the control of a person appointed by or on behalf of the Minister for Labour and Industry of that State, and that * when I am in that State I shall, until I attain the age of twenty-one years, be under the control of the Minister for Labour and Industry of that State, who will have the power to apprentice me or otherwise bind me for service under the provisions of the above-mentioned Act, and that the other provisions of that Act and the Regulations made thereunder will also apply to me. The following particulars are true and correct :—

My name is _____

My address is _____

My age is _____

Dated the _____ day of _____, 19 ____.

{*Signature*}

(NOTE.—Strike out words between asterisks when the form is signed in New South Wales.)
