



ANNO DECIMO QUARTO

**GEORGII VI REGIS.**

A.D. 1950.

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**No. 51 of 1950.**

An Act to make provision for the technical education and the supervision of the training of apprentices, to repeal the Technical Education of Apprentices Act, 1917-1940, and to amend the Industrial Code, 1920-1950.

[Assented to 7th December, 1950.]

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

PART I.

PRELIMINARY.

1. This Act may be cited as the "Apprentices Act, 1950". Short title.
2. This Act shall come into force on a day to be fixed by proclamation. Commencement of Act.
3. The Technical Education of Apprentices Act, 1917, the Technical Education of Apprentices Act Amendment Act, 1921, and the Technical Education of Apprentices Act Amendment Act, 1940, are hereby repealed. Repealing provision.
4. The provisions of this Act are arranged as follows :— Arrangement of Act.
  - PART I.—Preliminary.
  - PART II.—Administrative Provisions.
  - PART III.—Technical Education of Apprentices.
  - PART IV.—Indentures of Apprenticeship and Supervision of Apprentices.
  - PART V.—Miscellaneous.

Interpretation.

**5. (1)** In this Act, unless the context or subject matter requires a different construction—

“ apprentice ” means a person whom another person has agreed in writing to teach, or to instruct in, some trade, whether that is or is not the sole purpose of the agreement, and whether the Industrial Code, 1920-1950, applies to that trade or not, and any person who is a trainee apprentice, as defined in any award of the Commonwealth Court of Conciliation and Arbitration, in any trade :

“ indentures ” includes any written contract of apprenticeship :

“ board ” means the Apprentices Board :

“ member ” means a member of the board and includes the chairman and deputy chairman of the board :

“ Minister ” means the Minister of the Crown to whom for the time being the administration of this Act is committed by the Governor :

“ trade ” means any process, business, occupation, or calling in which skilled handicraft is employed, but does not include any sea service or any professional pursuit.

(2) This Act shall be read and construed and shall take effect subject to any relevant law of the Commonwealth and to any valid and subsisting award, order or industrial agreement under any such law so far as such award, order or agreement relates to apprenticeship in any trade or apprentices in any trade ; and all the provisions of this Act shall, as regards any such apprenticeship or apprentices, be read and construed and given effect accordingly.

## PART II.

### ADMINISTRATIVE PROVISIONS.

Apprentices Board.

**6. (1)** There shall be a board to be called the “ Apprentices Board ”.

(2) The board shall consist of the following members :—

I. The Superintendent of Technical Schools who shall be the chairman of the board :

II. The Chief Inspector of Factories who shall be the deputy chairman of the board :

- III. Two persons to be appointed by the Governor on the nomination of the Minister :
- IV. Two persons to be appointed by the Governor on the nomination of the United Trades and Labour Council of South Australia :
- v. One person to be appointed by the Governor on the nomination of the South Australian Employers' Federation :
- VI. One person to be appointed by the Governor on the nomination of the South Australian Chamber of Manufactures, Incorporated.

(3) Subject to subsection (4), every nominated member of the board shall hold office for three years : Provided that—

- (a) a retiring member shall be eligible for re-appointment if nominated as provided by subsection (2) ;
- (b) if the nominated member to hold office in place of any retiring member has not been appointed on or before the day of retirement, the retiring member shall be deemed to remain in office until his successor is appointed ;
- (c) a nominated member appointed to fill a casual vacancy shall hold office for the balance of the term of the person in whose place he was appointed.

(4) Every person who at the commencement of this Act holds office as a nominated member of the Apprentices Advisory Board shall from the said commencement be deemed to be a member of the board without any further appointment and shall be deemed to have been appointed on the nomination of the body on whose nomination he was appointed to the Apprentices Advisory Board. Every such member shall retire at the time he would have retired as a member of the Apprentices Advisory Board.

7. (1) The members of the board may be paid such remuneration as is from time to time fixed by the Governor.

Fees and expenses of members.

(2) The members of the board may be paid reasonable travelling expenses incurred whilst on the business of the board.

8. Four members of the board, one of whom shall be the chairman or the deputy chairman, shall form a quorum for the transaction of business: Provided that there shall not be a quorum unless one of the members appointed pursuant to paragraph iv. of subsection (2) of section 6 and one of the members appointed pursuant to paragraph v. or paragraph vi. of subsection (2) of section 6 are present.

Quorum.

## Chairman.

9. (1) The chairman or, in his absence, the deputy chairman shall preside at meetings of the board.

(2) The person presiding at any meeting shall have a deliberative vote and in the case of equality of votes a casting vote.

## Vacancies on board.

10. (1) If any member of the board is absent from four consecutive meetings of the board, without leave granted by the board, his office shall thereupon become vacant.

(2) When the office of any member of the board becomes vacant the Governor may fill the vacancy: Provided that—

- i. if the member was a nominated member, the new member shall be appointed after nomination by the person or body which nominated the member in whose place he is appointed; and
- ii. if the vacancy occurs otherwise than by effluxion of time, the term of office of the new member shall be computed from the beginning of the term of office of the member in whose place he is appointed.

## Board may act during vacancy.

11. During any vacancy on the board the remaining members may act as if no vacancy existed.

## Functions of the board.

12. (1) The board shall have and may exercise the powers given by this Act to the board.

(2) The board shall report, and make such recommendations as the board thinks fit, to the Minister—

- (a) upon the training, education, and instruction of apprentices generally, and in particular as to the training, education, and instruction which, in the opinion of the board, it is desirable should be given to apprentices employed in any particular trade:
- (b) upon any matters connected with the training, education, and instruction of apprentices which are referred to the board by the Minister; and
- (c) generally as to the best means of carrying into effect the objects of this Act.

(3) The board shall also discharge such (if any) other duties and functions as are prescribed.

## Delegation of powers of board.

13. The board may delegate to the chairman or the deputy chairman any of the powers of the board under this Act and may, at any time, revoke any such delegation.

14. (1) The Minister may appoint a trade committee for any trade to which Part III. applies. Trade committees.

(2) The members of every such committee shall, as far as possible be representative of the employers and employees engaged in the trade for which the committee is appointed, but the Minister may, in his discretion, appoint any person who is not connected with that trade to be a member of the committee.

(3) Subject to this section, every member of a trade committee shall hold office until the next general retirement of members of the Apprentices Board, following the appointment of the member: Provided that—

(a) a retiring member shall be eligible for re-election ;

(b) if the members to hold office in the place of any retiring members have not been appointed on or before the day of retirement, those retiring members shall be deemed to remain in office until their successors are appointed.

(4) The Minister may remove any member of a trade committee from office 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.

(5) 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.

(6) The Superintendent of Technical Schools shall be *ex officio* chairman of every trade committee.

(7) Every trade committee—

(a) may report to the board on any matters relating to the technical education of apprentices in the trade for which the committee is appointed ;

(b) shall, upon written notice from the board, report to the board within a reasonable period to be specified in the notice, upon such matters relating to the technical education of apprentices in the said trade, as are specified in the notice.

(8) Every trade committee appointed pursuant to section 17 of the Technical Education of Apprentices Act, 1917-1940, the members of which hold office at the commencement of this Act, shall continue in office as if appointed by the Minister under this section and shall be deemed to have been so appointed. The

members holding office in that trade committee shall, without any further appointment, continue to hold office in that trade committee for such time as is provided by this section.

Secretary and officers.

**15.** (1) The Minister may appoint any member of the public service to act as secretary of the board.

(2) The Minister may direct that any officers of the public service shall perform such duties as are necessary to enable the board to exercise its functions under this Act.

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### PART III.

#### TECHNICAL EDUCATION OF APPRENTICES.

Proclamation of trades.

**16.** (1) This Part shall apply only to such trades as are declared by proclamation.

(2) The Governor may, by proclamation declare that this Part shall apply to such trades as are specified by proclamation and may by proclamation revoke or vary any such proclamation.

Proclamation of districts.

**17.** (1) This Part shall apply only within such districts as are declared by proclamation.

(2) The Governor may, by proclamation declare that the provisions of this Part relating to the attendance at technical schools or classes shall apply within the district or districts specified in the proclamation and may by proclamation revoke or vary any such proclamation. Any such district is hereinafter in this Part referred to as a "technical school district".

(3) The Governor may, by proclamation, declare that the provisions of this Part relating to correspondence courses shall apply within the district or districts specified in the proclamation and may by proclamation revoke or vary any such proclamation. Any such district is hereinafter in this Part referred to as a "correspondence course district".

18. (1) The Minister may, by notice published in the *Government Gazette*, from time to time prescribe the times during which and the minimum number of occasions on which apprentices employed in any trade to which this Part applies within any technical school district shall attend at a technical school or class for instruction, and may, in like manner, revoke or vary any such notice. The said time and number of occasions may be prescribed either generally or with respect to any particular trade within any particular technical school district.

Times and occasions for attendance at technical schools.

(2) The Superintendent of Technical Schools shall, consistently with any notice by the Minister under subsection (1) hereof and with any directions which the Minister may give—

- (a) give notice in writing to each apprentice to whom this section applies of the technical school or schools or class or classes at which he is required to attend for instruction, and of the occasions and hours for such attendance ; and
- (b) give notice in writing to the employer of each such apprentice of the school or schools or class or classes at which the apprentice is required to attend for instruction, and of the occasions and hours for such attendance.

(3) Any notice by the Superintendent of Technical Schools under subsection (2) hereof—

- (a) may be given from time to time ; and
- (b) may be given by post.

The giving of any such second or subsequent notice shall cancel any preceding notice.

19. (1) Every apprentice to whom section 18 applies and who has been given notice under section 18 shall attend for instruction at the technical school or schools or class or classes specified in the notice at the hours on the occasions specified in the notice, and on at least the number of occasions during each term prescribed by the Minister as the minimum number of occasions for such attendance : Provided that no apprentice shall be bound so to attend during a longer period than three years, unless he has failed to reach the prescribed standard within that period.

Duty of apprentice to attend technical school and of employer to permit him to attend.

(2) Every employer who has been given notice under section 18 shall permit the apprentice specified in the notice to attend for instruction at the technical school or schools or class or classes specified in the notice at the hours on the occasions specified in the notice on every occasion specified in the notice on which the school or class is open for instruction.

(3) If any employer in any way, either directly or indirectly,

- (a) interferes with or obstructs any such apprentice in such manner as to prevent him from attending a technical school or class on any occasion upon which he is bound so to attend as provided by subsection (1) hereof; or
- (b) alters his position to his prejudice or places him under any other disadvantage, in consequence of his attendance, or attempt to attend, as so provided, or so as to discourage him from such attendance,

he shall, within the meaning of this section, be deemed not to permit the apprentice to attend as so provided.

(4) If any person is guilty of any contravention of 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 five shillings, and for any subsequent offence, to a penalty not exceeding one pound;
- (b) in the case of an employer, for the first offence, to a penalty not exceeding ten shillings, and for any subsequent offence, in respect of the same or any other apprentice, to a penalty not exceeding five pounds.

Training by  
means of  
correspondence  
course.

20. (1) The Minister may, by notice, published in the *Government Gazette*, from time to time prescribe the course of instruction by correspondence which shall be carried on by apprentices employed in any trade to which this Part applies within any correspondence course district. Every such course of instruction shall be a correspondence course conducted by the Minister of Education or by some educational institution specified by the Minister.

(2) The Superintendent of Technical Schools shall, consistently with any notice given by the Minister under subsection (1) hereof and with any directions which the Minister may give—

- (a) give notice in writing to each apprentice to whom this section applies of the correspondence course he is required to carry on; and
- (b) give notice in writing to the employer of each such apprentice of the correspondence course required to be carried on by the apprentice.



(3) Any notice by the Superintendent of Technical Schools under subsection (2) hereof—

(a) may be given from time to time ; and

(b) may be given by post.

The giving of any second or subsequent notice shall cancel any preceding notice.

21. (1) Every apprentice to whom section 20 applies and who has been given notice under section 20 shall carry on the correspondence course referred to in the notice : Provided that no apprentice should be bound to carry on a correspondence course during a longer period than three years, unless he has failed to reach the prescribed standard within that period.

Duty of apprentice to carry on correspondence course.

(2) The Minister may, by notice published in the *Government Gazette* from time to time prescribe what is to be done by apprentices carrying on any such correspondence courses, and may, in like manner, revoke or vary any such notice.

(3) Any such apprentice who fails to comply with any such direction shall be guilty of an offence and liable for a first offence to a penalty not exceeding five shillings and for any subsequent offence to a penalty not exceeding one pound.

22. (1) Any apprentice to whom neither of sections 18 and 20 applies may attend, and every employer of any such apprentice shall permit him to attend, for instruction at such technical school or schools or class or classes as are approved by the Superintendent of Technical Schools, on such occasions and at such hours as are fixed by the said superintendent by notice in writing delivered to the apprentice and to his employer.

Attendance at school of apprentices not bound by this Part.

(2) Subsection (3) of section 19, but with the substitution of the expression "occasion upon which he may attend" for the expression "occasion upon which he is bound so to attend" shall apply to every employer referred to in subsection (1) of this section.

(3) Any employer who commits any contravention of this section shall be guilty of an offence and liable for a first offence, to a penalty not exceeding ten shillings, and for any subsequent offence, in respect of the same or any other apprentice, to a penalty not exceeding five pounds.

23. Notwithstanding anything contained in the Industrial Code, 1920-1950, or any other Act, the time, during the working hours, occupied by an apprentice in attending a technical school or class under this Part (including the time occupied by him

Computation of time spent at classes.

going from his work to the school or class and returning to his work) shall be reckoned as part of the time served under his indentures of apprenticeship, and such attendance shall not delay the completion of his indentures or interfere with the periodic increase of his wages under his indentures.

Provision for  
scholarships,  
etc.

**24.** The Minister may make provision for—

- (a) rewards, by way of scholarships or prizes, or otherwise, for regular attendance, zeal, and industry, on the part of apprentices attending technical schools or classes or carrying on correspondence courses under this Act ; and
- (b) scholarships and other awards or privileges to encourage such apprentices to pass on to more advanced technical schools or classes or courses.

Provision for  
examinations.

**25.** (1) Every apprentice to whom section 18 or section 20 applies shall submit himself for examination to a board of examiners when required, and shall satisfy the board of examiners that he has made reasonable progress in proficiency during each year of his attendance at a technical school or class or course or of his correspondence course under this Act.

(2) The board of examiners shall consist of the trade committee of the trade to which the apprentice is indentured, or of a sub-committee of that committee, or of such other persons as the Minister appoints for the purpose.

(3) On the advice of the board of examiners the Minister may grant the apprentice a certificate of competency for each year, or other prescribed period, of his attendance under this Part at the trade course at any technical school or class or the carrying out of a correspondence course.

(4) The board of examiners shall have power to insist, at the discretion of the Minister, when the board of examiners thinks proper, that an apprentice shall repeat his attendance at any class or any necessary part of his correspondence course where his work has been unsatisfactory.

## PART IV.

INDENTURES OF APPRENTICESHIP AND  
SUPERVISION OF APPRENTICES.

**26.** (1) Subject to any provision of any award, order, or industrial agreement made pursuant to the Commonwealth Conciliation and Arbitration Act, 1904-1948, or any amendment thereof, a person shall not take an apprentice in any trade except under indentures in the prescribed form or in such other form as may be approved by the Chief Inspector of Factories.

Form of  
indentures.

(2) Any person who commits any contravention of this section shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

**27.** (1) Every indentures of apprenticeship in any trade entered into after the commencement of this Act shall be in triplicate, and the employer shall, within fourteen days after the signing of the indentures, deliver one copy thereof to the apprentice, and one copy to the Chief Inspector of Factories.

Requirements  
as to  
indentures.

(2) If any indentures of apprenticeship in any trade are transferred or assigned from one employer to another, the employer from whom the indentures are transferred or assigned—

(a) shall, in the case of transfer or assignment effected by means of an indorsement written upon the indentures, indorse the transfer or assignment both upon his own copy of the indentures and also upon the apprentice's copy thereof, and within fourteen days of the making of the indorsement supply the Chief Inspector of Factories and the employer to whom the indentures are transferred or assigned with a copy of the indorsement :

(b) shall, in the case of a transfer or assignment affected by means of a written instrument separate from the indentures, prepare the same in quadruplicate and shall, within fourteen days of the execution of the written instrument, deliver one copy thereof to the Chief Inspector of Factories, one copy to the employer to whom the indentures are transferred or assigned, and one copy to the apprentice.

(3) Within fourteen days of the cancellation of any indentures of apprenticeship in any trade, the employer shall give notice in writing thereof to the Chief Inspector of Factories.

(4) Any employer who commits any contravention of this section shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

**Age of apprentices.**

**28.** (1) After the commencement of this Act, no person shall be capable of entering into indentures of apprenticeship in any trade or becoming apprenticed in any trade after he attains the age of twenty years.

(2) Subject to any provision of any award, order or industrial agreement made pursuant to the Commonwealth Conciliation and Arbitration Act, 1904-1948, or any amendment thereof, when any person who becomes apprenticed in any trade after the commencement of this Act attains the age of twenty-one years, his indentures of apprenticeship shall no longer bind the parties thereto, except as regards anything theretofore done or omitted.

**Particulars concerning apprentices to be furnished.**

**29.** (1) Within fourteen days after the thirtieth day of November in every year, every person who employed an apprentice in any trade upon that thirtieth day of November shall furnish to the Chief Inspector of Factories a statement, in the prescribed form, of his full names and the full names of every apprentice so employed, and such other particulars as are prescribed.

(2) If any person is guilty of any contravention of this section he shall be guilty of an offence and liable to a penalty not exceeding five pounds.

**Investigation of apprenticeship matters.**

**30.** (1) Upon the application of any apprentice or the parent or guardian of any apprentice or the employer of any apprentice, the board may investigate any matter arising out of the indentures of apprenticeship.

(2) Where upon any such investigation it deems it advisable so to do, the board may suggest arrangements for the assignment of the indentures of apprenticeship to another employer or may suggest such other arrangement as seems desirable to the board as to the transfer, assignment, or cancellation of the indentures.

**Supervision of practical training of apprentices.**

**31.** (1) The board may inspect the training of apprentices in the premises of the employer of the apprentice.

(2) If the board is of opinion that the practical training given by his employer to any apprentice is inadequate in any manner, the board may, by notice in writing given to the employer, require the employer to do such things for the training of the apprentice as the board deems necessary.

**Cancellation of apprenticeship in certain cases.**

**32.** (1) Any employer of an apprentice may, on the grounds that through lack of orders or financial difficulties the employer is unable to find employment and provide training for the apprentice, apply to the board for a certificate authorizing him to cancel or suspend the indentures of apprenticeship.

(2) The board may grant any such certificate but shall not do so unless satisfied by investigation that the facts are as alleged by the employer.

(3) The board shall give notice to the apprentice and to the parent or guardian who is a party to the indentures that the board has granted the certificate.

(4) Any employer to whom a certificate has been issued under this section shall be entitled to cancel or suspend any indentures of apprenticeship affecting the apprentice named in the certificate, and shall not be liable for damages or otherwise to any person for so doing.

(5) Any employer who has cancelled the indentures of any apprentice under this section shall, if he engages any apprentice within twelve months after the commencement of that cancellation, give preference in employment to any apprentice whose indentures have been so cancelled and who is an applicant for employment and is eligible for employment. Any employer who commits any contravention of this subsection shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

**33.** Notwithstanding anything contained in the Industrial Code, 1920-1950, or in any other Act, any party to any indentures of apprenticeship in any trade may, at any time during the first six months of the period of the apprenticeship, terminate the indentures by giving fourteen days written notice to the other party.

Right to terminate apprenticeship during first six months.

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## PART V.

### MISCELLANEOUS.

**34.** (1) Any notice required by this Act to be given by the board shall be deemed to be sufficient if signed by the chairman, deputy chairman, or secretary of the board.

Notice by board.

(2) Any such notice may be given by post.

**35.** (1) For the purpose of carrying out the provisions of this Act, the Chief Inspector of Factories or any person authorized by him for the purpose may, at any reasonable time, enter and inspect any premises in which any apprentice in any trade is employed. For any such purpose the Chief Inspector of Factories or any person authorized as aforesaid shall have all the powers of an inspector under the Industrial Code, 1920-1950.

Entry on premises.

(2) Any person who prevents or hinders the Chief Inspector of Factories or any person authorized as aforesaid in the exercise of any power conferred by subsection (1) hereof shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

**Financial provision.**

**36.** All fees payable by any apprentice for instruction at any technical school or class which he has attended as required, or as permitted, by this Act, or in respect of any correspondence course he is required by this Act to carry on, and all other moneys required for the purposes of this Act shall be paid by the Treasurer out of money provided by Parliament for the purpose.

**Governor may make regulations.**

**37.** (1) The Governor may make regulations prescribing all matters and things which by this Act are contemplated, required, or permitted to be prescribed, or which appear to him to be necessary or convenient to be prescribed for the purpose of more effectually carrying into effect the provisions of this Act.

(2) Any regulation may impose a penalty not exceeding ten pounds for any breach of the same or any other regulation.

**Summary proceedings for offences.**

**38.** All proceedings in respect of offences against this Act shall be disposed of summarily.

**Amendments of the Industrial Code, 1920-1949.**

**39.** (1) The Industrial Code, 1920-1950, is amended in manner shown in the schedule to this Act.

(2) The Industrial Code, 1920-1950, as amended by this Act, may be cited as the "Industrial Code, 1920-1950".

(3) This section and the schedule to this Act are incorporated with the Industrial Code, 1920-1950, and shall be read with that Act as one Act.

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

C. W. M. NORRIE, Governor.

## THE SCHEDULE.

## AMENDMENTS OF THE INDUSTRIAL CODE, 1920-1950.

Section amended.	How amended.
Section 5 . . . . .	The definition of "industrial matters" in section 5 is amended by striking out paragraph (f) thereof.
Section 140 . . .	The definition of "industrial matters" in section 140 is amended by striking out paragraph (f) thereof.
Division XI. of Part III.	Division XI. of Part III. (sections 219 to 223a, inclusive) is repealed.
Fourth Schedule	The fourth schedule is repealed.