



ANNO VICESIMO

ELIZABETHAE II REGINAE

A.D. 1971

No. 94 of 1971

An Act to amend the Apprentices Act, 1950-1971.

[Assented to 3rd December, 1971]

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 and
Commence-
ment.

1. (1) This Act may be cited as the "Apprentices Act Amendment Act, 1971" and shall come into operation on a day to be fixed by proclamation.

(2) The Apprentices Act, 1950-1971, as amended by this Act, may be cited as the "Apprentices Act, 1950-1971".

(3) The Apprentices Act, 1950-1971, is hereinafter referred to as "the principal Act".

Amendment of
principal Act,
s. 5—
Interpretation.

2. Section 5 of the principal Act is amended—

(a) by striking out from the definition of "apprentice" in subsection (1) the passage "1920-1950" and inserting in lieu thereof the passage "1967, as amended";

(b) by inserting after the definition of "Commission" in subsection (1) the following definition:—

"correspondence course district" means that part of the State that is not within a technical school district;

and

- (c) by striking out from subsection (1) the definition of "Minister" and inserting in its place the following definitions:—

"Minister" means Minister as defined in section 4 of the Acts Interpretation Act, 1915, as amended:

"technical school district" means an area declared by proclamation to be a technical school district for the purposes of this Act.

3. Section 7 of the principal Act is amended—

- (a) by striking out from paragraph (c) of subsection (1) the passage "1936-1965" and inserting in lieu thereof the passage "1967, as amended";

Amendment of principal Act, s. 7—

Tenure of office of Chairman and remuneration, etc.

and

- (b) by striking out from subsection (2) the passage "Public Service Commissioner for his consideration and for his" and inserting in lieu thereof the passage "Public Service Board for its consideration and for its".

4. Section 12 of the principal Act is amended by striking out from subsection (2) the passage "1936-1965" and inserting in lieu thereof the passage "1967, as amended".

Amendment of principal Act, s. 12—
Secretary.

5. Section 13 of the principal Act is amended—

- (a) by striking out from paragraph (a) of subsection (1) the passage "trade or technical schools" and inserting in lieu thereof the passage "technical schools or colleges";

Amendment of principal Act, s. 13—

General powers of Commission.

and

- (b) by striking out from paragraph (g) of subsection (2) the word "seems" and inserting in lieu thereof the word "seem".

6. Sections 17, 18 and 19 of the principal Act are repealed and the following sections are enacted and inserted in their place:—

Repeal of ss. 17, 18 and 19 of principal Act and enactment of sections in their place—

17. (1) The Governor may, by proclamation—

Declaration of districts.

- (a) declare any area to be a technical school district for the purposes of this Act;

and

- (b) vary or revoke any such declaration or revoke any proclamation made under a corresponding previous enactment.

(2) Subject to section 19b of this Act, the provisions of this Part relating to attendance at technical schools or classes apply to and in relation to technical school districts and apprentices employed within technical school districts and the provisions of this Part relating to correspondence courses apply to and in relation to correspondence course districts and apprentices employed within correspondence course districts, but the Governor may, by proclamation, modify the effect of this subsection or the application of any provision of this Part in relation to any district or class of district or any apprentice or class of apprentice or, by proclamation, vary or revoke an earlier proclamation made under this subsection or under any corresponding previous enactment.

Attendance
at technical
college.

18. (1) Every apprentice employed within a technical school district shall attend a technical college or class for an appropriate course of instruction during such times and periods, not exceeding in the aggregate 800 hours, and shall comply with such conditions, as may be prescribed.

Penalty: For a first offence, two dollars, and for any subsequent offence, ten dollars.

(2) Subject to section 19a of this Act, the apprentice must complete the course of instruction referred to in subsection (1) of this section within a period of three years after the commencement thereof.

(3) The employer of an apprentice referred to in subsection (1) of this section who—

- (a) fails or refuses to permit the apprentice to attend a technical college or class for an appropriate course of instruction in accordance with the provisions of subsection (1) and subsection (2) of this section;
- (b) directly or indirectly interferes with or obstructs the apprentice so as to prevent him from attending a technical college or class on any occasion upon which the apprentice is bound to attend the college or class as provided by subsection (1) and subsection (2) of this section;

or

- (c) directly or indirectly alters the position of the apprentice to the prejudice of the apprentice or places the apprentice under any other disadvantage because of

the apprentice attending, or attempting to attend, a technical college or class on any such occasion or so as to discourage him from so attending the technical college or class,

shall be guilty of an offence and on conviction shall be liable to a penalty—

(a) for a first offence, not exceeding ten dollars;

and

(b) for any subsequent offence, whether in respect of the same apprentice, or in respect of any other apprentice, forty dollars.

7. Section 19b of the principal Act is amended by striking out the passage “and section 21”.

Amendment of principal Act, s. 19b—

When appropriate course of instruction not available in technical school district.

8. Sections 20 and 21 of the principal Act are repealed and the following section is enacted and inserted in their place:—

Repeal of ss. 20 and 21 of principal Act and enactment of s. 20 in their place—

Correspondence courses.

20. (1) Every apprentice employed within a correspondence course district shall, subject to the regulations—

(a) carry out an appropriate correspondence course of instruction conducted on behalf of the Minister of Education;

(b) attend a technical college or class for an appropriate course of instruction during such times and periods, not exceeding in the aggregate 800 hours;

or

(c) carry out an appropriate course of instruction by such a combination of an appropriate correspondence course of instruction and an appropriate course of instruction at a technical college or class as the Commission may approve,

and shall comply with such conditions as may be prescribed.

Penalty: For a first offence, two dollars, and for any subsequent offence, ten dollars.

(2) Subject to subsection (3) of this section and to section 19a of this Act, the apprentice must complete the course of instruction referred to in paragraph (a), (b) or firstly referred to in paragraph (c) of subsection (1) of this section, as the case may be, within a period of three years after the commencement thereof.

(3) An apprentice shall not be required to carry out a correspondence course of instruction for a period longer than three years after he first commenced that course unless he fails to reach the standard required by the Commission on the completion of the third year of that course, in which case he shall carry out the same course, or some other course of instruction approved by the Commission, outside working hours until he has reached that standard.

(4) An apprentice who is required to carry out a correspondence course of instruction shall, if so required by the Commission and subject to the regulations—

(a) attend such technical college or class as the Commission directs;

and

(b) during four hours each week of the school year, and, with the Commission's approval, either under the supervision of his employer or in a school or class conducted by the Education Department, carry out the theoretical and practical work of and incidental to his correspondence course of instruction,

but, except as provided in subsection (3) of this section, such attendance referred to in paragraph (a) and such theoretical and practical work referred to in paragraph (b) of this subsection must not exceed in the aggregate 800 hours.

(5) Where, under subsection (4) of this section, an apprentice is required by the Commission to attend a technical college or class or to carry out the theoretical and practical work of and incidental to his correspondence course of instruction in a school or class conducted by the Education Department, the Commission shall, unless the employer of the apprentice provides him with accommodation approved by the Commission, 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 college or class or that school or class conducted by the Education Department, and, upon such approval, the employer shall reimburse the apprentice to the extent authorized by the Commission.

(6) An employer of an apprentice referred to in this section who—

- (a) fails or refuses to permit the apprentice to comply with such of the provisions of subsection (1) and subsection (4) of this section as are applicable to him;
- (b) directly or indirectly interferes with or obstructs the apprentice so as to prevent him from complying with such of those provisions as are applicable to him;

or

- (c) directly or indirectly alters the position of the apprentice to the prejudice of the apprentice or places the apprentice under any other disadvantage because of the apprentice complying with or attempting to comply with any of those provisions or so as to discourage him from complying with any of them,

shall be guilty of an offence and on conviction shall be liable to a penalty—

- (a) for a first offence, not exceeding ten dollars;

and

- (b) for any subsequent offence, whether in respect of the same apprentice, or in respect of any other apprentice, forty dollars.

9. Section 22 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage “school or schools” and inserting in lieu thereof the passage “college or colleges”;
 - (b) by striking out from subsection (1b) the word “school” and inserting in lieu thereof the word “college”;
- and
- (c) by striking out subsection (2).

Amendment of
principal Act,
s. 22—

Attendance at
colleges of
apprentices
not bound by
this Part.

10. Section 23 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage “1920-1950” and inserting in lieu thereof the passage “1967, as amended”;

Amendment of
principal Act,
s. 23—

Computation of
time spent
at classes.

(b) by striking out from subsection (1) the word "school" wherever it occurs and inserting in lieu thereof in each case the word "college";

(c) by striking out from subsection (2) the word "school" wherever it occurs and inserting in lieu thereof in each case the word "college";

and

(d) by striking out from subsection (2) the passage "section 21" and inserting in lieu thereof the passage "section 20".

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

11. Section 25 of the principal Act is amended by striking out from subsection (1) the word "school" and inserting in lieu thereof the word "college".

Amendment of
principal Act,
s. 25a—

No indentures
complete until
certified by
chairman.

12. Section 25a of the principal Act is amended—

(a) by inserting after the passage ", 1966" the passage "(Act No. 18 of 1966)";

and

(b) by striking out from paragraph (a) the word "school" and inserting in lieu thereof the word "college".

Amendment of
principal Act,
s. 26a—

No apprentice
to be employed
until Com-
mission has
approved of
employer and
place of
employment.

13. Section 26a of the principal Act is amended by inserting after the passage ", 1966" the passage "(Act No. 18 of 1966)".

Amendment of
principal Act,
s. 33—

Right to
terminate
apprenticeship
during first
3 months.

14. Section 33 of the principal Act is amended by striking out the passage "1920-1950" and inserting in lieu thereof the passage "1967, as amended".

Amendment of
principal Act,
s. 35—
Entry on
premises.

15. Section 35 of the principal Act is amended by striking out the passage "1920-1950" and inserting in lieu thereof the passage "1967, as amended".

16. Section 38 of the principal Act is amended by striking out from subsection (2) the word "school" and inserting in lieu thereof the word "college".

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

17. Section 39 of the principal Act is repealed.

Repeal of
s. 39 of
principal Act.

18. The schedule to the principal Act is repealed.

Repeal of
schedule
principal

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

M. L. OLIPHANT, Governor