

No. 3546.

An Act to amend the Law relating to Apprenticeship and for other purposes.

[21st December, 1927.]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. (1) This Act may be cited as the *Apprenticeship Act* 1927. Short title.
- (2) This Act shall come into operation on a day to be fixed by proclamation. Commencement.
- (3) This Act is divided into Parts as follows :— Division of Act.
- PART I.—General.
- PART II.—Apprenticeship Trades.
2. (1) In this Act unless inconsistent with the context or subject-matter— Interpretation.
- “Advisory committee” means an advisory committee appointed under this Act. “Advisory committee.”
- “Apprentice” means any person pursuant to this Act bound apprentice by indentures or by assignment of indentures to an employer in an apprenticeship trade. “Apprentice.”
Comp. No. 2693
s. 3.
- “Apprenticeship trade” means a skilled trade proclaimed pursuant to this Act to be an apprenticeship trade and so far as the same is carried on within the metropolitan district or within any other district to which the provisions of this Act relating to apprenticeship trades are extended as hereinafter provided. “Apprenticeship trade.”
- “Commission” means the Apprenticeship Commission of Victoria appointed under this Act. “Commission.”
- “Employer” means any person to whom or any corporation company or firm to which any person is pursuant to this Act bound apprentice in an apprenticeship trade by indentures or assignment of indentures. “Employer.”
Comp. No. 2693
s. 3.

“Improver”

"Improver."
Comp. No. 2650
s. 3.

"Metropolitan
district."
Comp. No. 2650
s. 82; No. 3048
s. 6.

"Parent or
guardian."

"Part."

"Prescribed."

"President."

"Proclama-
tion."

"Registrar."

"Regulations."

"Trade."
Comp. No. 2698
s. 3; No. 2688
s. 234; (S.A.)
No. 1294 s. 2.

"Trade
committee."

Construction.

"Improver" means improver within the meaning of the Factories and Shops Acts.

"Metropolitan district" means the metropolitan district within the meaning of the Factories and Shops Acts.

"Parent or guardian" means parent or guardian of an apprentice and (in any case where an apprentice has no parent or guardian or no parent or guardian resident in Victoria and capable of acting) includes any person approved by the Commission in lieu of a parent or guardian.

"Part" means Part of this Act.

"Prescribed" means prescribed by or under this Act or any proclamation or Order in Council hereunder or the regulations.

"President" means president of the Commission.

"Proclamation" means proclamation of the Governor in Council published in the *Government Gazette*; and "proclaimed" has a corresponding interpretation.

"Registrar" means the registrar of apprenticeship under this Act.

"Regulations" means regulations made under this Act.

"Trade" includes any branch or branches of a trade; but does not include the sea service or any professional or scientific pursuit or any trade so far as it is carried on in any Government Department.

"Trade committee" means a trade committee appointed under this Act.

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

Copies of
proclamations
to be laid
before
Parliament.

3. A copy of every proclamation under this Act shall be laid before both Houses of Parliament as soon as may be after the publication thereof in the *Government Gazette*.

4. Nothing

4. Nothing in any other Act or enactment or in any determination of a wages board or of the court of industrial appeals shall limit or affect the operation or effect of any of the provisions of this Act, and whenever any provision of any such other Act or enactment or of any such determination is inconsistent with the provisions of this Act the latter shall prevail :

As to
inconsistency
of other
enactments.
Comp. No.
2893 s. 21.

Provided that any indentures of apprenticeship in any trade in force immediately before that trade is proclaimed to be an apprenticeship trade shall continue in operation and shall have effect in all respects as if this Act had not passed unless the parties thereto with the approval of the Commission agree to substitute for the said indentures new indentures of apprenticeship under this Act with such modifications (if any) of the requirements of this Act or of the regulations as the Commission considers to be desirable in order to meet the altered circumstances of the case ; but notification of all indentures so in force shall be given to the registrar as provided in this Act.

Saving of
existing
indentures.

5. (1) The provisions of this Act relating to apprenticeship trades shall apply with respect to apprenticeship trades so far only as they are carried on in—

Application of
Act.

- (a) the metropolitan district ; or
- (b) any other district to which the said provisions are by proclamation declared to extend.

(2) The Governor in Council may by proclamation at any time revoke amend or vary any proclamation under this section and any proclamation so amended or varied shall take effect accordingly.

Revocation or
amendment of
proclamation.

6. This Act shall be administered in the Department of Labour ; but for the purposes of carrying out the powers duties authorities and obligations conferred or imposed upon him by this Act the Minister may by arrangement with the Minister administering any other Department make use of the services of any of the officers or employés of the last-mentioned Department.

Administration
of Act.

PART I.—GENERAL.

Apprenticeship Commission of Victoria.

7. (1) For the purposes of this Act the Governor in Council may—

Appointment of
Commission.

- (a) appoint a board to be called the Apprenticeship Commission of Victoria ;

(b) at

(b) at any time remove any member of the Commission ; and

(c) (subject to the provisions of sub-section (4) of this section) in the case of a vacancy in the membership of the Commission however arising appoint some person to fill the same.

Tenure.

(2) Every member of the Commission shall—

(a) be appointed for a term of not more than three years; and

(b) be eligible for re-appointment.

Casual vacancies.

(3) Where a vacancy occurs (otherwise than by the retirement of a member on the expiration of his term of office) the person appointed to fill the same shall be entitled to hold office during the residue of the term of the member whose office he fills and no longer but shall be eligible for re-appointment.

Members of the Commission.

(4) The Commission shall consist of five members, namely:—

(a) One member, being a competent and impartial person of proved administrative ability and with a general knowledge of industrial matters and with teaching experience in a technical school, who shall be appointed as the president of the Commission ;

(b) Two members appointed as representing employers and nominated by the body known as the Victorian Chamber of Manufactures; and

(c) Two members appointed as representing employé's and nominated by the body known as the Trades Hall Council of Melbourne.

Meetings.

8. (1) The persons first appointed as members of the Commission or the major part of them shall hold their first meeting at such time and place as the Governor in Council by notice in the *Government Gazette* appoints ; and thereupon the Commission shall be deemed and taken to be duly and legally constituted.

Times and places of meetings.

(2) Thereafter the Commission shall meet at such times and places as the Commission from time to time appoints.

Exercise of powers of Commission;

(3) The powers of the Commission may at any meeting be exercised by a quorum consisting of not less than four

members

members thereof; and during any vacancy in the membership of the Commission the continuing members may (subject to there being a quorum) act as if there were no vacancy.

(4) Subject to this Act the Commission may regulate its own proceedings. Proceedings.

(5) The president shall be entitled to be paid a salary at such rate as is determined by the Governor in Council before or at the time of his appointment. Remuneration of president.

9. (1) At every meeting of the Commission the president shall preside. President to preside at meetings of Commission.

(2) The president presiding at any meeting shall not have a deliberative vote but in the event of an equal division of votes at the meeting shall have a casting vote. Casting vote.

(3) If any member of the Commission—

(a) is absent from three consecutive meetings of the Commission except with leave granted by the Commission; or Effect of absence without leave or resignation of members.

(b) resigns his office by writing under his hand addressed to the Minister—

his office shall thereby become vacant.

(4) The Minister may subject to the provisions of section seven of this Act at any time appoint for any period not exceeding twelve months any person to act in place of the president or any other member of the Commission if the president or such member is absent from Victoria or is incapacitated by illness or other temporary cause from discharging his duties as president or as such member (as the case may be); and such acting president or acting member shall discharge the duties of and have all the powers of the president or of such member (as the case may be) who is so absent or incapacitated until the return to Victoria or removal of the incapacity of the president or of such member or the expiration of the period of appointment of such acting president or acting member whichever first happens. Appointment of acting president or members.

(5) The Commission may—

(a) authorize the president to do and perform such administrative acts on behalf of the Commission as it thinks fit; and Power to authorize president to act in certain cases.

(b) withdraw

Effect of
authority.

(b) withdraw any such authority—

and any acts done or performed under any such authority shall have the like force and effect as if done or performed by the Commission.

Report by the
Commission.

(6) The Commission shall submit to the Minister an annual report of its proceedings.

Secretary and
registrar.

10. (1) The Governor in Council may appoint any person in the public service (who if he is not at the time of such appointment an officer in the Department of Labour shall be immediately transferred to such Department) to be the secretary to the Commission and may remove any person so appointed.

(2) The secretary to the Commission shall also be the registrar of apprenticeship.

Saving of
rights of officers
of public
service
appointed as
president
or secretary.

(3) Notwithstanding anything in any Act any person appointed as president of or as secretary to the Commission who immediately before the date of such appointment is an officer of the public service—

Comp. No. 2620
s. 4 (15).

(a) shall while being or continuing to be president or secretary be deemed to remain in the public service; and

(b) shall (while being or continuing to be or on ceasing to be president or secretary) if he has not attained the age of sixty-five years be eligible on the recommendation of the Public Service Commissioner to be appointed to an office in the public service with a classification and emolument corresponding with or higher than that which he held in the public service immediately before the said date as if the period of his service as president or secretary had been service in the public service.

Trade Committees.

Appointment of
trade
committees.

11. (1) For the purposes of this Act the Commission—

(a) shall wherever practicable appoint a trade committee for—

- (i) any group of apprenticeship trades; or
- (ii) any one such trade if it is impracticable to include it in a group of such trades; and

(b) may remove any such committee or any member thereof.

(2) The

(2) The members of every trade committee shall be members appointed in equal numbers as representing employers and employés respectively and nominated by organized bodies thereof.

Members.

(3) The members of every trade committee appointed shall be persons who are actually engaged in the apprenticeship trade or in any of the group of apprenticeship trades concerned; Provided that one member may be appointed as representing employers and one member as representing employés if (though not actually engaged in such trade at the time of his appointment) he has at any time prior to his appointment been engaged for five years in such trade.

(4) The president—

(a) shall be *ex officio* chairman of every trade committee; and

President to be *ex officio* chairman.

(b) shall not have a deliberative vote at any meeting of a trade committee but in the event of an equal division of votes at any meeting shall have a casting vote.

(5) The Commission may—

(a) subject to this Act delegate to any trade committee concerned such of the powers and duties of the Commission (other than this power of delegation) as it thinks fit; and

Delegation of powers to and exercise of powers &c. by trade committees.

(b) revoke any such delegation.

(6) Subject to this Act any trade committee—

(a) may exercise all such powers and perform all such duties as are so delegated to it as fully and effectually as the Commission might have exercised and performed the same; and

General powers and duties.

(b) in addition to any powers so delegated to it shall have and may exercise and perform such other powers and duties as are prescribed.

Other powers and duties.

(7) The Commission may disallow any resolution of and may annul any act matter or thing made done or commenced by any trade committee:

Disallowance of resolutions &c. of trade committee.

Provided that the trade committee shall have an opportunity of being heard by the Commission before any action pursuant to this sub-section is taken by the Commission.

Advisory Committees.

12. (1) Subject to and for the purposes of this Act the Commission—

Appointment of advisory committees.

(a) may appoint advisory committees for any apprenticeship trade or group of trades so far as it is carried

carried on in any district to which this Act applies other than the metropolitan district ; and

(b) may remove any such advisory committee or any member thereof.

Powers and duties of advisory committees.

(2) Advisory committees shall have and may exercise all such powers and duties as are prescribed.

Proclamation of Apprenticeship Trades.

Commission to make recommendations as to the trades to which this Act is to apply.
Procedure.

13. (1) The Commission shall make recommendations to the Minister as to the trades to be proclaimed apprenticeship trades.

(2) Before making any such recommendation the Commission shall—

(a) publish in the *Government Gazette* notice of and cause a copy of such notice to be forwarded to organized bodies of employers and employés concerned and take such other steps as it deems advisable to intimate its intention to make such recommendation ; and

(b) set out in such notice—

(i) a list of any trades which it proposes to include in the recommendation : and

(ii) a date before which representations may be made to the Commission by or on behalf of employers or employés in any such trade whether for or against any such trade being included in the recommendation.

Recommendations to be sent to Minister.

(3) The Commission after considering such representations (if any) —

(a) may recommend that all or any of the trades or any branch or branches of such trades set out in the said notice be proclaimed apprenticeship trades ; and

(b) shall forthwith forward its recommendation to the Minister.

Powers of the Governor in Council as to proclamation of trades.

(4) After the Minister has taken into consideration any such recommendation the Governor in Council for the purposes of this Act may from time to time by proclamation proclaim any trades to be apprenticeship trades.

(5) When

(5) When any trade has been proclaimed an apprenticeship trade the provisions of Part II. shall so long as the proclamation continues in force apply with respect to such apprenticeship trade.

Effect of proclamation of apprenticeship trade.

(6) The Governor in Council (whether with or without any recommendation of the Commission) may by proclamation at any time revoke amend or vary any proclamation under this section and any proclamation so amended or varied shall take effect accordingly.

Revocation of amendment of proclamation

(7) If a resolution is passed by both Houses of Parliament declaring that it is expedient that any specified proclamation under this section be amended or varied as set forth in such resolution or be revoked such proclamation shall if not so amended or varied or revoked cease to have any force or effect on the expiration of one month after the passing of such resolution.

Effect of resolution on Houses of Parliament.

PART II.—APPRENTICESHIP TRADES.

14. The provisions of this Part shall apply with respect to apprenticeship trades and to no other trades.

This Part to apply to apprenticeship trades.

15. The Commission and every trade committee and every advisory committee shall endeavour so far as practicable to promote apprenticeship in apprenticeship trades up to the limit prescribed for each such trade.

The Commission and trade committees and advisory committees to promote apprenticeship &c.

16. (1) The Commission—

General powers and duties of the Commission

- (a) shall exercise a general supervision over the theoretical and practical training of apprentices;
- (b) shall ascertain the character and the scope of the practical training afforded to apprentices;
- (c) may ascertain by practical or written or oral examination or by inspection of his work or reports furnished by the employer or otherwise the degree of proficiency of any apprentice;
- (d) may issue grade or progress certificates to apprentices who have attained prescribed standards of proficiency;
- (e) shall—when an apprentice has completed the term of apprenticeship provided for in his indentures and has attained the standards of education and trade experience prescribed for his apprenticeship course—issue to him a final certificate accordingly; and

(f) shall

(f) shall have power to recommend to the Minister the remission of school fees in respect of inmates of any orphanages or orphans who may become apprentices in any apprenticeship trade.

Examinations
and inspections
by officers of
Education
Department.

(2) For the purposes of any examinations or inspections aforesaid the Commission shall have regard to the results of examinations conducted and inspections made under the control of the Education Department.

Number of
apprentices to
be employed.

17. (1) The Commission shall from time to time (after investigation and having regard to reports from any trade committee concerned) prepare draft regulations for or with respect to either—

(a) the proportionate number of apprentices to be employed in each apprenticeship trade to the number of journeymen employed in that trade; or

(b) the proportionate number of apprentices to be employed by any employer in each apprenticeship trade to the number of journeymen employed in that trade by such employer—

and the Governor in Council may thereupon make regulations in accordance with section thirty-nine of this Act.

Effect of
regulations.

(2) When any regulations have been made as aforesaid no new apprentice in any such trade shall be taken during the period to which such regulations relate in excess of the number provided for such trade or for any employer therein (as the case may be) in such regulations.

Provision for
certain special
cases of
applications.

18. (1) In the case of any applicant for apprenticeship whose application has been granted the Commission if satisfied that he has sufficient theoretical and practical knowledge may after conferring with the trade committee concerned permit him to be admitted to some year of the apprenticeship course other than the first year.

(2) In the case of an applicant for apprenticeship who in the opinion of the Commission has not had sufficient opportunity to obtain the preparatory educational qualification prescribed for entry into the apprenticeship trade the Commission may grant the application subject to such conditions as the Commission thinks fit.

(3) In the case of an applicant for apprenticeship who does not submit with his application a copy of proposed

indentures

indentures the Commission may record his name if satisfied that he has obtained the prescribed preparatory educational qualification.

(4) In any of the cases provided for in sub-section (2) or sub-section (3) of this section the applicant may work at any apprenticeship trade with the previous approval of the Commission for such period and subject to such conditions as the Commission thinks fit.

19. (1) Subject to this Act an employer shall not take any person as an apprentice in an apprenticeship trade unless and until such person is bound by indentures of apprenticeship under this Act; but this section shall not operate to prevent the employment on probation of any applicant for apprenticeship for a period not exceeding six months to determine his fitness or otherwise to become an apprentice:

All apprentices to be bound by indentures.

Provided that—

- (a) such applicant shall during such period be paid wages at the rate payable to apprentices in the first year in that trade; and
- (b) if at the expiration of such period such applicant is bound by indentures of apprenticeship such period shall be counted as part of the term of apprenticeship.

(2) An apprentice who is a party to any indentures of apprenticeship in an apprenticeship trade shall be bound thereby throughout the currency thereof notwithstanding that the apprentice may have attained the age of twenty-one years; but in the case of a female apprentice who marries before the expiration of the currency of the indentures the indentures shall expire on the date of the receipt by the employer of notification signed by her of such marriage.

Extent to which indentures are binding.

Comp. (Q.)
15 Geo. V. No.
12 s. 22.

(3) A parent or guardian of an apprentice who is a party to any such indentures shall be bound thereby until the apprentice attains the age of twenty-one years or the sooner expiration of the currency of the indentures and no longer.

Apprentices coming of age &c. before completion of apprenticeship.

(4) If any apprentice in an apprenticeship trade has not during the currency of his indentures of apprenticeship

Provision where certificates not obtained during currency of indentures.

attained

attained the standards of education and trade experience prescribed for his apprenticeship course—

- (a) he may with the approval of the Commission and the consent of his employer continue in the employment of the employer for such period as is specified by the Commission under the like conditions and with the like rates of pay as if the indentures of apprenticeship were in force; and
- (b) if within the period so specified he complies with the requirements necessary for obtaining a final certificate such certificate may be granted to him accordingly.

General provisions as to indentures.

20. The following provisions shall apply with respect to indentures of apprenticeship in apprenticeship trades :—

- (1) The term of apprenticeship shall be as prescribed.
- (2) All indentures shall be in triplicate and in the prescribed form and shall be registered as prescribed;
- (3) The parties to the indentures shall be the employer the apprentice and the parent or guardian of the apprentice :

Provided that in any case where the Commission is satisfied that it is to the interest of the employer and the apprentice to do so the Commission may by indorsement on the indentures consent to their being executed by the employer and the apprentice only; and such indorsement shall have the effect of dispensing with the necessity of there being any other party to the indentures;

- (4) Indentures shall not be deemed to be invalid by reason only of not being under seal; and
- (5) Indentures shall not be assigned except by the order or with the approval of the Commission.

Cancellation of indentures by mutual consent &c.

Comp. (Q.) 15
Geo. V. No. 12
s. 21.

Notice to registrar.

21. (1) Subject to the approval of the Commission any indentures of apprenticeship in an apprenticeship trade may be cancelled by mutual consent.

(2) The employer and the parent or guardian of the apprentice shall forthwith give notice in writing of any such cancellation to the registrar.

22. (1) The

22. (1) The Commission shall—

Apprenticeship
register.

(a) establish and maintain an apprenticeship register;
and

(b) as soon as practicable after the first day of July in every year cause to be published in the *Government Gazette* a list of the names of all apprentices who have obtained final certificates in the twelve months ending on the last preceding thirtieth day of June.

(2) The registrar shall keep the register under the direction of the Commission.

(3) The register and any certified copy of or extract from the register shall be *primâ facie* evidence of the facts stated therein; and the absence of the name of any person from the register shall be *primâ facie* evidence that such person is not or was not registered as an apprentice under this Act (as the case may be); and the absence of the name of any person from any list published as aforesaid shall be *primâ facie* evidence that such person did not obtain a final certificate in the period to which the list relates.

(4) A certificate that any person is or is not or was or was not registered as an apprentice under this Act shall if signed by the registrar be *primâ facie* evidence of the facts stated therein.

23. Within one month after any trade is proclaimed to be an apprenticeship trade every employer in such trade to whom any apprentice is bound by indentures of apprenticeship in force immediately before the proclamation shall give notice to the registrar of the particulars of such indentures.

Notice of exist-
ing indentures
to be given by
employer.

24. (1) Subject to this Act every apprentice under indentures of apprenticeship under this Act in an apprenticeship trade shall be entitled to be paid such rates of pay in each year of his apprenticeship course and such increased rates for proficiency as are prescribed.

Apprentices
to attain
standards of
proficiency.

(2) An apprentice shall not be entitled to be paid in any year of his apprenticeship course any such increased rate for proficiency unless he has attained in the next preceding year the standard of proficiency prescribed for that year:

Provided that the question whether or not an apprentice permitted pursuant to this Act to be admitted to some

year

year of the apprenticeship course other than the first year is to be entitled to be paid during the first year after his admission any such increased rate for proficiency shall be determined by the Commission.

Powers of Commission on failure of apprentice to attain such prescribed standards.

(3) If any apprentice fails to attain in any year of his apprenticeship course the standards of education and trade experience prescribed for that year the Commission if it thinks fit on application made in that behalf—

- (a) may determine that he be granted a further opportunity to attain that standard within a time specified by the Commission; and
- (b) if at the expiration of that time he has not attained that standard may, for any special reason which it deems satisfactory, by determination extend that time for a further specified time; and
- (c) if at the expiration of any such time or further extension thereof he has not attained that standard may order that his indentures of apprenticeship be cancelled.

Power to permit apprentice on cancellation of indentures hereunder to be apprenticed to another trade.

(4) Where an order of cancellation of indentures is made under this section the Commission if it thinks fit may by order—

- (a) permit the apprentice to be apprenticed in some other apprenticeship trade; and
- (b) if satisfied that he has sufficient theoretical and practical knowledge permit him to enter such trade as an apprentice in a year other than the first year of his apprenticeship.

Payments to apprentices for sick pay and holidays.

25. All indentures of apprenticeship in apprenticeship trades shall contain a condition to the effect that the apprentice shall receive subject to the provisions of this Act the same proportionate benefits (if any) as regards sick pay and payment for holidays provided for journeymen employed in the same trade by any competent industrial authority or in any industrial agreement made pursuant to the *Commonwealth Conciliation and Arbitration Act 1904-1926* as the rates of pay of the apprentice bear to journeymen's minimum rates of pay provided by any such authority or in any such agreement for such trade.

26. (1) Every

26. (1) Every apprentice shall in accordance with the regulations—

(a) attend such classes as are prescribed ; or

(b) if such classes are not available shall obtain such instruction (by correspondence or otherwise) as is prescribed—

for the apprenticeship course.

(2) The employer of any apprentice shall during the first two years of his apprenticeship course allow him reasonable time (not exceeding four hours per week) for the purpose of attending such classes or (as the case may be) obtaining such instruction by correspondence or otherwise as aforesaid.

(3) All time lost by reason of compulsory military or naval training (other than any training imposed through failure to attend compulsory parades) shall count as part of the apprenticeship.

(4) When an apprentice is absent from work without the consent of his employer the employer shall be entitled to deduct from the wages of the apprentice an amount proportionate to the time lost.

27. Without affecting any other provisions of this Act with respect to cancellation of indentures the Commission may order that the indentures of any apprentice be cancelled if in the opinion of the Commission there are special circumstances which render such cancellation desirable.

28. (1) For the purpose of carrying out the objects of this Act all indentures of apprenticeship in apprenticeship trades shall contain a condition to the effect that any question or difference arising between the employer and the apprentice touching the indentures or anything contained therein or the construction or operation thereof or any rights duties or liabilities of the employer or the apprentice thereunder shall be determined by the Commission.

(2) The Commission may inquire into and determine any such question or difference and make such order as it thinks just and, without limiting the generality of this provision, may exercise all or any of the following powers:—

(a) If it determines that any terms²³ covenants or conditions of the indentures were broken by the

Apprentices &c.
to attend classes
&c.

Comp. No. 2695
s. 97.

Duties of
employers.

Time lost.

Deduction for
time lost.

Power of
Commission
to cancel
indentures
in certain cases.

Condition in
indentures
as to
determination
of certain
questions &c.
by Commission.

Powers of
Commission
as to
determination
of questions
&c.

the apprentice the Commission may if it thinks fit order that the indentures be cancelled or that the apprentice perform his duties under the indentures with or without forfeiture of so much of his wages as it determines ; or

(b) If it determines that any of the terms covenants or conditions of the indentures were broken by the employer the Commission may if it thinks fit order that the indentures be cancelled or that they be assigned to another employer, and arrange for such assignment, and may in any case under this paragraph also by order refuse to permit the first-mentioned employer to take a new apprentice for such period as it determines.

Determination of other questions &c.

(3) Any question or difference arising between any of the parties to such indentures for which no provision is made in this section may be heard and determined as if this Act had not passed.

Powers of president as to cancellation of indentures and determination of questions &c.

(4) All or any of the powers conferred on the Commission by this or the last preceding section of this Act may be exercised by the president subject to such terms and conditions as the Commission thinks fit, and any order or determination of the president made in the exercise of such powers shall be deemed and taken to be an order or determination of the Commission.

Powers not to be delegated to trade committee.

(5) None of the powers conferred on the Commission or the president by this or the last preceding section of this Act shall be delegated to any trade committee.

Regulations as to procedure &c.

(6) The Governor in Council may make regulations for or with respect to—

(a) the procedure to be observed by the Commission in any inquiry or determination under this section; and

(b) any other matters or things necessary or convenient to be prescribed for carrying this section into effect.

Transfer of apprentice from one employer to another.

Comp. (Q.) 15
Geo. V. No. 12
s. 17 (4).

29. In any apprenticeship trade the Commission with the consent of the parent or guardian of the apprentice and upon the application of the employer or the apprentice may

for

for good cause shown authorize the transfer of the apprentice, whether temporarily or permanently, from one employer to another and the assignment of the indentures of apprenticeship.

30. (1) Where a person is apprenticed to partners his indentures of apprenticeship shall not be determined by reason only of the death or retirement of any partner, but shall be deemed to be assigned to the surviving or continuing partners.

Indentures not to be determined by death or retirement of partner.

(2) Unless the Commission otherwise determines upon the sale of the business of any employer or of any part thereof the indentures of apprenticeship of any apprentice bound to any apprenticeship trade which may form part of the business sold shall be deemed to be assigned to the purchaser of such business.

Indentures on sale of business to be deemed assigned to purchaser.

31. (1) Notwithstanding anything in this or any other Act no person shall—

Restrictions on the employing of improvers.

(a) (in any trade with respect to which notice has been published in the *Government Gazette* of the intention of the Commission to recommend that it be proclaimed an apprenticeship trade) employ any new improver—

(i) after the date of such publication and before the coming into operation of the proclamation of such trade to be an apprenticeship trade; or

(ii) if no such recommendation or proclamation is made, then before a date notified by the Minister for the purpose in the *Government Gazette*; or

(b) employ any new improver in any trade after it has been proclaimed an apprenticeship trade—

except with the approval of the Commission and subject to such terms and conditions as the Commission thinks fit.

This sub-section shall not apply to any improver or any class or classes of improvers employed in any apprenticeship trade aforesaid whose employment is not of such a nature as will permit or require him or them to become a skilled craftsman or skilled craftsmen.

Notwithstanding

Notwithstanding anything in section thirty-five of this Act no proceedings shall be taken against any person for an offence against this sub-section unless the Commission after notifying such person of the offence alleged against him and after considering any representations which may be made to the Commission in the matter whether by or on behalf of such person or by or on behalf of any other person or body of persons claiming to be interested in the matter recommends to the Minister that such proceedings be taken.

Saving.

(2) The employment pursuant to this Act of an applicant for apprenticeship or of an apprentice after the expiration of the currency of his indentures shall not be deemed to be a contravention of any of the provisions of this Act restricting the employment of improvers.

Prohibition of premiums in respect of apprenticeship.

32. (1) Any person who whether directly or indirectly demands or receives any premium fee gift or reward for—

- (a) taking an apprentice in an apprenticeship trade; or
- (b) inducing or attempting to induce any other person to take an apprentice in an apprenticeship trade—

shall be liable to a penalty of not more than One hundred pounds.

Recovery.

(2) Any person who pays or gives any such premium fee gift or reward may recover the same in any court of competent jurisdiction from the person who received the same.

Penalties with respect to the employment of apprentices.
Comp. No. 2650
s. 228.

33. (1) Any person—

- (a) who either directly or indirectly or under any pretence or device attempts to employ or employs or authorizes or permits to be employed any apprentice at a lower rate of pay (including increased rate for proficiency, if any) than the rate of pay to which he is entitled under and pursuant to this Act; or
- (b) who attempts to employ or employs or authorizes or permits to be employed any apprentice in excess of the number which under and pursuant to this Act he is entitled to employ—

shall be guilty of an offence against this Act.

Offences against Act.

(2) Any person who acts in contravention of or fails to comply with any of the provisions of this Act or of any

proclamation

proclamation or Order in Council hereunder or of the regulations or of any order or determination of the Commission shall be guilty of an offence against this Act.

34. Any person who is guilty of an offence against this Act for which a penalty is not expressly provided shall be liable to a penalty of not more than Twenty pounds. General penalty.

35. (1) Every offence against this Act shall be reported to the Minister, who may if he thinks fit direct proceedings to be taken against the offender. Proceeding against offenders to be directed by Minister.

(2) All proceedings directed by the Minister to be taken against any person for any offence against this Act may be taken by any person authorized by the Minister in writing either generally or in any particular case: Comp. No. 2650 s. 220.

36. For the purposes of this Act the Commission shall have and may exercise in respect of the summoning and examining of witnesses and requiring any witness to produce any relevant documents books or writings in his custody or control the same powers as are by the *Evidence Act* 1915 conferred on a Board appointed by the Governor in Council and the provisions of sections fourteen to sixteen of the said Act *mutatis mutandis* shall apply: Provided that every summons may be signed by the secretary to the Commission. Powers of Commission as to inquiries &c.
No. 2647 ss. 14-16.

37. For the purposes of the execution of this Act the president of the Commission or any inspecting officer of the Education Department or of technical schools or of the Department of Labour may, if authorized in writing in that behalf (whether generally or in any particular case) by the Minister, enter at all reasonable times any place where apprentices improvers or journeymen are employed. Powers of entry.

38. (1) The Commission shall prepare draft regulations for submission to the Governor in Council for or with respect to— Regulations to be prepared by the Commission for submission to the Governor in Council.

(a) any matters relating to the constitution of trade committees and advisory committees, the number of members thereof, the qualifications appointment removal and term of office of members thereof and the powers duties and procedure thereof;

(b) applications

- (b) applications by persons desiring to become apprentices in apprenticeship trades;
- (c) the preparatory education required in the case of each apprenticeship trade in order to qualify a person to enter into apprenticeship in such trade;
- (d) the minimum ages at which persons shall enter apprenticeship trades ;
- (e) the apprenticeship course required in the case of each apprenticeship trade or part thereof setting out the standards of education and trade experience necessary for that course;
- (f) defining localities within which attendance at classes for instruction in the subjects of any apprenticeship course is to be compulsory ; and if such classes are not available prescribing what other instruction in subjects of the apprenticeship course (whether by correspondence or otherwise) is to be compulsory ;
- (g) attendance by apprentices at classes for instruction in subjects of the apprenticeship course in localities within which such attendance is compulsory ; but so that the number of hours during which an apprentice or applicant for apprenticeship employed on probation shall be absent from work shall not exceed an average of four hours per week during any prescribed period ;
- (h) providing a scheme for scholarships or bursaries for apprentices or for payment of school fees of apprentices ;
- (i) prescribing in the case of each apprenticeship trade the term of apprenticeship to be provided in indentures of apprenticeship and standard forms of indentures of apprenticeship and the terms covenants and conditions thereof including probation ;
- (j) providing for the cancellation of indentures, the assignment of indentures, the registration of indentures and of any assignment or cancellation thereof ; and
- (k) prescribing—
 - (i) the rates of pay (including overtime rates) to be paid to apprentices in each apprenticeship

apprenticeship trade as wages in each year of their apprenticeship course; and

- (ii) increased rates to be paid in each year (other than the first year) to apprentices who have attained prescribed standards of proficiency.

(2) For the purpose of the preparation of any draft regulations under this section—

- (a) except in the case of draft regulations under paragraph (a) of sub-section (1) thereof the Commission shall confer with any trade committee concerned; and
- (b) in the case of draft regulations dealing with matters relating to the general or technical education of apprentices in apprenticeship trades the Commission and any trade committee concerned may confer with such officers of the Education Department as are nominated by the Minister of Public Instruction.

39. The Governor in Council may make regulations Regulations. for or with respect to—

- (a) providing for any matters which are or may be the subject of draft regulations submitted by the Commission;
- (b) prescribing forms to be used under this Act (and any such forms or forms to the like effect shall be sufficient in law);
- (c) providing for carrying out (with or without modification) recommendations orders and determinations of the Commission;
- (d) the appointment of members of the Commission or of trade committees in default of nomination;
- (e) prescribing the procedure which may be followed at any inquiry of any nature by the Commission; and
- (f) prescribing any matters authorized or required by or under this Act to be prescribed or necessary or convenient to be prescribed for carrying into effect the objects of this Act.

40. (1) In

Penalties for
contravention
of regulations.

40. (1) In any regulations under this Act penalties of not more than Twenty pounds may be prescribed for any contravention of or failure to comply with any of the provisions of such regulations.

Publication of
regulations.

(2) All regulations under this Act shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting, and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament.
