

## VICTORIA.



ANNO DECIMO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 6793.

An act to amend the *Apprenticeship Act 1958*.

[8th November, 1961.]

BE it enacted by the Queen'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 (Amendment) Act 1961*. Short title

(2) The *Apprenticeship Act 1958* is in this Act referred to as the Principal Act. Principal Act  
No. 6199.

2. In sub-section (1) of section three of the Principal Act in the interpretation of "Trade"— Amendment of  
No. 6199 s. 3  
(1).

(a) after the word "includes" there shall be inserted the words "occupation and"; and Interpretation  
of "Trade".

(b) after the word "trade" (wherever occurring) there shall be inserted the words "or occupation".

3. Sub-section (3) of section ten of the Principal Act shall be amended as follows:— Amendment of  
No. 6199 s. 10.  
Saving of rights  
of members of  
teaching service  
appointed as  
president or  
secretary.

(a) After the words "officer of the public service" there shall be inserted the words "or a member of the teaching service";

(b) In

(b) In paragraph (a) after the words "public service" there shall be inserted the expression "or in the teaching service (as the case may be)";

(c) For paragraph (b) there shall be substituted the following paragraph :—

"(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—

(i) if he is an officer of the public service be eligible on the recommendation of the Public Service Board 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 ; or

(ii) if he is a member of the teaching service be eligible on the recommendation of the Teachers Tribunal to be appointed to a position in the teaching service with a classification and emolument corresponding with or higher than that which he held in the teaching service immediately before the said date as if the period of his service as president or secretary had been service in the teaching service."

Amendment of  
No. 6199 s. 26.

4. After sub-section (4) of section twenty-six of the Principal Act there shall be inserted the following sub-section :—

Deduction from  
wages for  
failure to  
attend class.

"(4A) Where an employer has allowed an apprentice—

(a) time for the purpose of attending any class ; or

(b) in the case of an apprentice in the bread-making and baking trade or the pastry-cooking trade time away from his employment equivalent to time claimed by the apprentice to have been spent at any class held outside his hours of employment—

and the apprentice through his own fault has not attended the class the employer shall be entitled to deduct from the wages of the apprentice an amount proportionate to the time allowed to the apprentice."

5. (1) After

5. (1) After section twenty-nine of the Principal Act there shall be inserted the following section :—

Insertion of  
new section  
29A in No. 6199.

“ 29A. (1) Where pursuant to section twenty-nine of this Act the Commission authorizes the transfer of an apprentice and the assignment of the indentures of apprenticeship from one employer to another that other employer may employ the apprentice on probation for a period of not more than three months and (if the Commission on application made in that behalf by the employer so authorizes) for a further period of not more than three months.

Employment of  
transferred  
apprentice  
on probation.

(2) Where an employer so employs an apprentice on probation the indentures of apprenticeship shall at the commencement of the employment be assigned to that employer and shall be read subject to the provisions of this section and be deemed to be modified thereby accordingly.

(3) During the period of probation the employment may be terminated at any time by the employer or by the apprentice where the apprentice has attained the age of twenty-one years or by the apprentice and his parent or guardian (if any) where the apprentice is under the age of twenty-one years.

(4) Where the employment is so terminated the employer shall assign the indentures of apprenticeship to some other employer to whom the apprentice shall be transferred :

Provided that if it is for any reason impossible or impracticable for such assignment and transfer to be made the Commission, upon application made in that behalf by the employer or the apprentice or if the apprentice is under the age of twenty-one years by his parent or guardian (if any), may, if satisfied after due inquiry that the circumstances warrant such action—

- (a) order that the indentures of apprenticeship be suspended for such period as the Commission thinks fit ; or
- (b) order that the indentures of apprenticeship be cancelled.

(5) Any such period of probation served by an apprentice shall be counted as part of the term of apprenticeship.

(6) During any such period of probation the apprentice shall be paid wages at the same rate as would have been payable to him if he had continued his apprenticeship with the employer from whom he was transferred.”

(2) In sub-section (3) of section seventeen, sub-section (5) of section twenty-six, sub-section (2) of section thirty-eight and sub-section (3) of section forty-three of the Principal Act after the word “ includes ” there shall be inserted the words “ an apprentice and ”.

Consequential  
amendment of  
No. 6199 ss. 17,  
26, 38, 43.

## 6. Section

Amendment of  
No. 6199 s. 43.  
Obstructing &c.  
or assaulting  
authorized  
inspecting  
officer an  
offence.

6. Section forty-three of the Principal Act shall be amended as follows :—

(a) In paragraph (a) of sub-section (2) for the words “ the president or any such inspecting officer ” there shall be substituted the words “ a person authorized as aforesaid as an inspecting officer ”.

(b) For paragraph (b) of sub-section (2) there shall be substituted the following paragraph :—

“ (b) conceals or attempts to conceal any person to prevent his appearing before or being examined by a person authorized as aforesaid as an inspecting officer or in any other way prevents or attempts to prevent any person from so appearing or being examined ;”

(c) After sub-section (2) there shall be inserted the following sub-section :—

“ (2A) Every person who assaults or directly or indirectly intimidates or attempts or threatens to intimidate or threaten a person authorized as aforesaid as an inspecting officer shall be liable to a penalty of not more than Two hundred pounds or to imprisonment for not more than six months.”

Regulations.

7. After paragraph (d) of section forty-five of the Principal Act there shall be inserted the following paragraph :—

“ (da) prescribing fees to be paid—

(i) to members of the Commission in respect of their attendance at meetings of the Commission ; and

(ii) to members of trade committees in respect of their attendance at meetings of the Commission and at meetings of their committee.”

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