

VICTORIA.



ANNO PRIMO

GEORGII QUINTI REGIS.

No. 2291.

An Act to further amend the Factories and Shops Acts with regard to Apprentices and Improvers.

[4th January, 1911.]

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. This Act may be cited as the *Factories and Shops Act 1910* and shall be read and construed as one with the *Factories and Shops Act 1905* (hereinafter called the Principal Act) which Act and any Act amending the same and this Act may be cited together as the *Factories and Shops Acts*.

Short title construction and citation.

Nos. 1975, 2008, 2137, 2177, 2184, 2241.

2. (1) For such time only as this Act shall remain in force there shall be substituted for section ninety-one of the Principal Act as amended by section twelve of the *Factories and Shops Act 1907* the following section :—

“ 91. (1) When determining any prices or rates of payment pursuant to this Part every Special Board shall also determine—

Special Boards to fix number or proportionate number of apprentices and improvers &c.

No. 1975 s. 91. No. 2137 s. 12.

(a) the number or proportionate number of apprentices and improvers who may be employed within any factory or work-room or shop or place or in any process trade business or occupation ; and

(b) the

(b) the lowest prices or rates of pay payable to apprentices or improvers when wholly or partly preparing or manufacturing any articles as to which any Special Board has made or makes a determination or when engaged in any process trade business or occupation as to which any Special Board has made or makes a determination.

(2) The Board when so determining may—

(a) take into consideration the age sex and experience of such apprentices or improvers ;

(b) fix a scale of prices or rates payable to such apprentices or improvers respectively according to their respective age sex and experience ; and

(c) fix a different number or proportionate number of male and female apprentices or improvers.

(3) In fixing the number or proportionate number of apprentices the Board shall not fix a less number or proportionate number than one apprentice for every three or fraction of three workers engaged in the particular process trade or business and receiving the minimum wage or earning at piece-work rate not less than the minimum wage fixed for the time by such determination.

(4) Provided that where prior to the commencement of this Act all the apprentices of any employer have been engaged so that all of their terms of apprenticeship would expire within eighteen months of one another, such employer shall be exempt from the operation of this Act and from the determination of any Special Board so far as limitation of apprentices is concerned for a period not exceeding the term of apprenticeship in the particular trade from the commencement of this Act. So that it shall be lawful during such period as each apprentice of such employer completed his first, second, third, fourth, fifth, or sixth year, for the employer to take another apprentice to supply his place, so that a due and not disproportionate number of skilled workmen shall be secured. Provided that at the expiration of such period of exemption the number of apprentices is not in excess of the number such employer would be entitled to employ in proportion to the number of persons other than apprentices and improvers employed."

Board to take into consideration age sex and experience of apprentices and improvers.

Proportion of male and female apprentices and improvers.

Repeal of No. 2137 s. 12.

(2) Section twelve of the *Factories and Shops Act* 1907 is hereby repealed.

Act not contravened in certain cases by number of apprentices being in excess of Board's determination.

3. No person who has a greater number of apprentices in his employ than is prescribed in the determination of a Special Board shall be or be deemed to be guilty of a contravention of the *Factories and Shops Acts* if he proves—

(a) that such apprentices employed by him were under indentures of apprenticeship entered into before the thirty-first day of December One thousand nine hundred and ten ; or

(b) that

(b) that at the date of entering into the indentures of apprenticeship in respect of the last apprentice employed by him and for three months previous thereto he had in his employ such number of persons other than apprentices and improvers as at that date entitled him to the number of apprentices (including such last apprentice) in his employ.

4. In paragraph (b) of sub-section (1) of section one hundred and nineteen of the Principal Act after the word "any" the words "apprentice or" are hereby inserted. Extension of penalty.

5. Where any indentures of apprenticeship are entered into with respect to any trade to which the determination of a Special Board applies and the wages to be paid to the apprentice are stated in such indentures then notwithstanding anything contained in the Factories and Shops Acts and notwithstanding any subsequent alteration of such determination by such Special Board the wages to be paid to such apprentice during the currency of such indentures shall be the wages stated in the indentures. Wages to be paid to apprentices.

6. This Act shall remain in force until the thirty-first day of December One thousand nine hundred and twelve and no longer. Continuance of Act

MELBOURNE:

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