



ANNO VICESIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1978

No. 9 of 1978

An Act to amend the Apprentices Act, 1950-1974.

[Assented to 16th March, 1978]

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

1. (1) This Act may be cited as the "Apprentices Act Amendment Act, 1978". Short titles.

(2) The Apprentices Act, 1950-1974, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Apprentices Act, 1950-1978".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 5 of the principal Act is amended—

(a) by striking out from the definition of "apprentice" in subsection (1) the passage "Industrial Code, 1967, as amended," and inserting in lieu thereof the passage "Industrial Conciliation and Arbitration Act, 1972-1975,";

(b) by inserting in the definition of "apprentice" in subsection (1) after the passage "in any trade" the passage "and includes a mature age apprentice";

(c) by inserting in subsection (1) after the definition of "apprentice" the following definition:—

"approved course of instruction" means a course of training and instruction for apprentices approved by the Commission;

(d) by striking out from subsection (1) the definition of "correspondence course district";

Amendment of principal Act, s. 5—
Interpretation.

(e) by inserting in subsection (1) after the definition of "group apprenticeship scheme" the following definition:—

"mature age apprentice" means an apprentice who at the time that he entered his indentures was of or over the age of nineteen years;;

and

(f) by striking out from subsection (1) the definition of "technical school district".

Amendment of principal Act, s. 6—
Establishment and constitution of Apprenticeship Commission.

4. Section 6 of the principal Act is amended by striking out from paragraph (c) of subsection (3) the passage "South Australian Chamber of Manufacturers Incorporated;" and inserting in lieu thereof the passage "Chamber of Commerce and Industry, South Australia, Incorporated;".

Amendment of principal Act, s. 13—
General powers of Commission.

5. Section 13 of the principal Act is amended—

(a) by striking out from paragraph (a) of subsection (1) the passage "at technical schools or colleges or by correspondence courses";

(b) by striking out from subsection (2) the word "and" immediately following paragraph (h);

and

(c) by striking out paragraph (i) from subsection (2) and inserting in lieu thereof the following paragraphs:—

(i) to make recommendations to the Minister as to the manner in which the Minister exercises his powers under section 14 of this Act;

(j) to approve courses of training and instruction for apprentices.

Amendment of principal Act, s. 14—
Appointment of advisory trade committees and constitution thereof.

6. Section 14 of the principal Act is amended by striking out from paragraph (b) of subsection (3) the passage "Director of Technical Education," and inserting in lieu thereof the passage "Director-General of Further Education,".

Repeal of s. 17 of principal Act.

7. Section 17 of the principal Act is repealed.

Amendment of principal Act, s. 18—
Attendance at approved course of instruction.

8. Section 18 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "employed within a technical school district shall attend a technical college or class for an appropriate" and inserting in lieu thereof the passage "shall attend an appropriate approved";

(b) by striking out from subsection (1) the passage "two dollars, and for any subsequent offence, ten dollars" and inserting in lieu thereof the passage "ten dollars and for any subsequent offence, twenty-five dollars";

(c) by striking out subsection (3) and inserting in lieu thereof the following subsection:—

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

- (a) fails or refuses to permit the apprentice to attend an approved 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 an approved course of instruction on any occasion upon which the apprentice is bound to attend in accordance with the provisions of 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 an approved course of instruction in accordance with the provisions of subsection (1) and subsection (2) of this section or so as to discourage him from so attending such approved course of instruction,

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

(d) for a first offence, not exceeding fifty dollars;

and

(e) for any subsequent offence, whether in respect of the same apprentice, or in respect of any other apprentice, not exceeding two hundred dollars.

9. Section 19a of the principal Act is amended—

(a) by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(1) Notwithstanding any of the provisions of this Act, an apprentice who has failed to reach the standard required by the Commission on completion of any year of apprenticeship may be required by the Commission to attend an approved course of instruction outside or within working hours in any subject in which the apprentice has failed to reach the required standard.;

and

(b) by striking out from subsection (2) the passage “two dollars and for any subsequent offence to a penalty not exceeding ten dollars” and inserting in lieu thereof the passage “ten dollars and for any subsequent offence to a penalty not exceeding twenty-five dollars”.

Amendment of
principal Act,
s. 19a—
Commissioner
to have power
to require an
apprentice in
certain
circumstances
to attend
approved
course of
instruction
outside
working hours.

Repeal of
s. 19b of
principal Act.

10. Section 19b of the principal Act is repealed.

Repeal of
s. 20 of
principal Act.

11. Section 20 of the principal Act is repealed.

Repeal of
s. 22 of
principal Act.

12. Section 22 of the principal Act is repealed.

Amendment of
principal Act,
s. 23—
Computation
of time spent
at classes.

13. Section 23 of the principal Act is amended—

(a) by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(1) Notwithstanding anything contained in the Industrial Conciliation and Arbitration Act, 1972-1975, or any other Act, the time, during or outside the working hours, occupied by an apprentice in attending an approved course of instruction under this Part (including the time occupied by him going from his work to such approved course of instruction 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.;

and

(b) by striking out from subsection (2) the passage “a technical college or class or carrying on a correspondence course for the period prescribed in section 20 of this Act (including the time occupied by him in going from his work to the college or class)” and inserting in lieu thereof the passage “an approved course of instruction (including the time occupied by him in going from his work to such approved course of instruction)”.

Amendment of
principal Act,
s. 24—
Provision for
scholarships,
etc.

14. Section 24 of the principal Act is amended—

(a) by striking out from paragraph (a) the passage “technical schools or classes or carrying on correspondence courses” and inserting in lieu thereof the passage “approved courses of instruction”;

and

(b) by striking out from paragraph (b) the passage “technical schools or classes or courses” and inserting in lieu thereof the passage “approved courses of instruction”.

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

15. Section 25 of the principal Act is amended—

(a) by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(1) Every apprentice shall submit himself for examination to the Director-General of Further Education when required, and shall satisfy the Director-General of Further Education that he has made reasonable progress in proficiency during each year of his attendance at an approved course of instruction under this Act.;

and

(b) by striking out the passage "Director of Technical Education" wherever it occurs in subsections (3) and (4) and inserting in lieu thereof, in each case, the passage "Director-General of Further Education".

16. Section 25a of the principal Act is amended by striking out from paragraph (a) the passage "of the technical college or correspondence course, as the case may be".

Amendment of principal Act, s. 25a—
No indentures complete until certified by chairman.

17. Section 26 of the principal Act is amended by striking out from subsection (2) the passage "one hundred dollars" and inserting in lieu thereof the passage "two hundred and fifty dollars".

Amendment of principal Act, s. 26—
Form of indentures.

18. The following section is enacted and inserted in the principal Act after section 26 thereof:—

Enactment of s. 26aa of principal Act—

26aa. (1) Notwithstanding anything in this Act, a person shall not take a mature age apprentice in any trade unless the Commission has approved of that person taking that apprentice.

Entry into apprenticeship by mature age apprentices.

(2) The Commission shall not give an approval under subsection (1) of this section, unless it is satisfied—

(a) that the relevant advisory trade committee for the trade in relation to which it is proposed that the approval shall be given has recommended that the approval be given;

and

(b) that if the approval is given, the opportunities for persons, not being proposed mature age apprentices, to be apprenticed in the relevant trade will not be unduly restricted.

(3) Any indentures of apprenticeship entered into in contravention of subsection (1) of this section shall be void and of no effect.

19. Section 26a of the principal Act is amended by striking out from subsection (3) the passage "one hundred dollars" and inserting in lieu thereof the passage "two hundred and fifty dollars".

Amendment of principal Act, s. 26a—
No apprentice to be employed until Commission has approved of employer and place of employment.

20. Section 26b of the principal Act is amended by striking out the passage "One hundred dollars" and inserting in lieu thereof the passage "Two hundred and fifty dollars".

Amendment of principal Act, s. 26b—
Notification of employment of apprentice.

21. The following section is enacted and inserted in the principal Act after section 26b thereof:—

Enactment of s. 26c of principal Act—

26c. Where a person applies in writing to his employer to be taken as an apprentice in any trade and that employer does not so take that person as such an apprentice, within a period of one month next following that application, that employer shall forthwith notify the Commission of that application and of his response thereto.

Applications to be notified to Commission.

Penalty: Two hundred and fifty dollars.

22. Section 27 of the principal Act is amended by striking out from subsection (4) the passage "one hundred dollars" and inserting in lieu thereof the passage "two hundred and fifty dollars".

Amendment of principal Act, s. 27—
Requirements as to indentures.

23. Section 28 of the principal Act is repealed.

Repeal of s. 28 of principal Act.

Amendment of principal Act, s. 29—
Particulars concerning apprentices to be furnished.

24. Section 29 of the principal Act is amended—

- (a) by striking out from subsection (1) the word “January” and inserting in lieu thereof the word “March”;
and
(b) by striking out from subsection (2) the passage “forty dollars” and inserting in lieu thereof the passage “one hundred dollars”.

Amendment of principal Act, s. 33—
Right to terminate apprenticeship during first three months.

25. Section 33 of the principal Act is amended by striking out the passage “Industrial Code, 1967, as amended,” and inserting in lieu thereof the passage “Industrial Conciliation and Arbitration Act, 1972-1975.”

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

26. Section 35 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage “Industrial Code, 1967, as amended” and inserting in lieu thereof the passage “Industrial Conciliation and Arbitration Act, 1972-1975”;
and
(b) by striking out from subsection (2) the passage “one hundred dollars” and inserting in lieu thereof the passage “two hundred and fifty dollars”.

Repeal of s. 36 of principal Act and enactment of section in its place—

27. Section 36 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Financial provisions.

36. All moneys required for the purposes of this Act shall be paid by the Treasurer out of money provided by Parliament for the purpose.

Amendment of principal Act, s. 37—
Governor may make regulations.

28. Section 37 of the principal Act is amended by striking out from subsection (2) the passage “one hundred dollars” and inserting in lieu thereof the passage “two hundred and fifty dollars”.

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

29. Section 38 of the principal Act is amended—

- (a) by striking out from subsection (2) the passage “Director of Technical Education” and inserting in lieu thereof the passage “Director-General of Further Education”;
(b) by striking out from subsection (2) the passage “a technical college or class” and inserting in lieu thereof the passage “an approved course”;
and
(c) by striking out from subsection (2) the passage “or has failed to carry on a correspondence course”.

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

K. SEAMAN, Governor