

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 11 of 1936.

AN ORDINANCE

Relating to Apprenticeship.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910-1933* as follows:—

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Apprenticeship Ordinance 1936*. Short title.
2. This Ordinance shall commence on a date to be fixed by the Minister by notice in the *Gazette*. Commencement.
3. The Apprentices Act, 1901, of the State of New South Wales, shall cease to apply to the Territory. State Act to cease to apply.
4. This Ordinance is divided into Parts, as follows:—
Part I.—Preliminary.
Part II.—Administration.
Part III.—Trade Committees.
Part IV.—Apprenticeship Trades.
Division 1.—Declaration and Regulation of Apprenticeship Trades.
Division 2.—Admission of Apprentices to Apprenticeship Trades.
Division 3.—Assignment and Cancellation of Indentures of Apprenticeship.
Part V.—Miscellaneous. Parts.

5. In this Ordinance, unless the contrary intention appears—
“Apprentice” means any person employed within the Territory who is, in pursuance of this Ordinance, bound apprentice by indentures or by assignment of indentures to a master in an apprenticeship trade; Definitions.

- “Apprenticeship trade” means a trade declared, in pursuance of this Ordinance, to be an apprenticeship trade;
- “Industrial Board” means the Industrial Board constituted under the *Industrial Board Ordinance 1922-1933*;
- “Master” means any person to whom any person is, in pursuance of this Ordinance bound apprentice in an apprenticeship trade by indentures or assignment of indentures;
- “Parent or guardian” means parent or guardian of an apprentice and, in any case where an apprentice has no parent or guardian resident in the Territory and capable of acting, includes any person approved by the Board in lieu of a parent or guardian;
- “Registrar” means the Registrar of Apprenticeship appointed under this Ordinance;
- “the Board” means the Apprenticeship Board established under this Ordinance;
- “the Secretary” means the Secretary to the Board;
- “this Ordinance” includes any regulations made thereunder;
- “Trade” includes any branch or branches of a trade, but does not include any professional or scientific pursuit;
- “Trainee apprentice” means a minor who is employed in a trade without indentures or other written contract for the purpose of learning to be a skilled journeyman.

Application
of Ordinance.

6. This Ordinance shall apply to the apprenticeship of any person employed in the Territory by the Commonwealth who is included in a class of employees which has been exempted under section eight of the *Commonwealth Public Service Act 1922-1934* from the provisions of that Act, and the Minister of State for the Department in which any such person is employed, the Public Service Board and any apprentice or trainee apprentice so employed shall be bound by the provisions of this Ordinance accordingly:

Provided that nothing in this Ordinance shall apply to any person employed in the Government Printing Office, Department of the Treasury.

PART II.—ADMINISTRATION.

Secretary and
Registrar.

7.—(1.) The Minister may appoint a person to be the Secretary to the Board and the Registrar of Apprenticeship.

(2.) During any temporary vacancy in the office of Secretary and Register, the Minister may appoint a person to be Acting Secretary and Registrar and any Acting Secretary and Registrar so appointed, shall have and may exercise all the powers and functions of the Secretary and Registrar.

Apprenticeship
Board.

8.—(1.) There shall be an Apprenticeship Board which shall consist of the following members:—

- (a) A Chairman who shall be appointed by the Minister;

- (b) One representative of the Commonwealth who shall be appointed by the Minister;
- (c) One representative of private employers in apprenticeship trades nominated by those employers in such manner as is determined by the Minister; and
- (d) Two representatives of the employees in apprenticeship trades nominated by those employees in such manner as is determined by the Minister.

(2.) The Chairman and the representative of the Commonwealth shall, subject to this Ordinance, hold office during pleasure and the remaining members of the Board shall hold office for a period of three years from the date of nomination and be eligible for re-nomination.

9.—(1.) A Deputy Chairman may be appointed by the Minister and shall hold office during pleasure. Deputies of President and Members of Board.

(2.) The Deputy Chairman shall preside at any meeting of the Board in the case of absence of the Chairman on account of illness or any other cause, and shall at that meeting have all the powers and may exercise all the functions of the Chairman.

(3.) There shall be a deputy of each member of the Board, who shall be appointed or nominated in the same manner as the member of the Board of whom he is to be the deputy.

(4.) The deputy of the representative of the Commonwealth shall hold office during pleasure and the remaining deputies shall, subject to this Ordinance, hold office for a period of three years from the date of nomination and be eligible for re-nomination.

(5.) A deputy of a member of the Board may in any case where that member is unable to attend the meeting by reason of illness or other unavoidable cause or where the office of the member is vacant, attend any meeting of the Board, and shall at that meeting have all the powers and may exercise all the functions of that member.

(6.) (a) A member of the Board shall not be the deputy of any other member or of a member of a trade committee.

(b) A deputy of a representative of private employers or of a representative of the employees of those employers, appointed under this Ordinance, shall be a member of the same trade occupation as the member of whom he is appointed the deputy.

10.—(1.) The first meeting of the Board shall be held at such time and place as the Minister appoints. Meetings of Board.

(2.) Subsequent meetings of the Board shall be held at such times and places as the Board determines.

(3.) At any meeting of the Board three members of the Board shall form a quorum.

(4.) The Chairman shall preside at all meetings of the Board at which he is present.

(5.) In the event of the members of the Board present at any meeting being equally divided on any question, the Chairman, or (if the Chairman is not present) the Deputy Chairman shall have a vote, but not otherwise.

(6.) The Board shall cause minutes of its proceedings to be kept.

(7.) Subject to this Ordinance, the Board may regulate its own proceedings.

Vacation of office.

11.—(1.) If a member of the Board—

(a) is absent from three consecutive meetings except by leave of the Board;

(b) is, in the opinion of the Minister following upon a report by the Board, incapable of carrying out the duties of his office; or

(c) resigns his office by writing under his hand addressed to the Minister,
his office shall become vacant.

(2.) If the deputy of a member of the Board—

(a) is, in the opinion of the Minister following upon a report by the Board, incapable of carrying out the duties of his office; or

(b) resigns his office by writing under his hand addressed to the Minister,
his office shall become vacant.

(3.) Any vacancy occurring in the office of a member or of the deputy of a member of the Board being the representative of private employers or a representative of employees, shall be filled by a person nominated by those employers or employees, as the case may be, in such manner as is determined by the Minister.

(4.) Any person nominated in pursuance of the last preceding sub-section to fill a vacancy shall hold office for the remainder of the term of the member or deputy whose office was vacated.

General powers and duties of the Board.

12. The Board—

(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) may advise the Minister in relation to such matters affecting apprenticeship in the Territory as it thinks fit; and

(f) 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.

PART III.—TRADE COMMITTEES.

13.—(1.) The Minister may, by notice in the *Gazette*—

Appointment
of Trade
Committee.

- (a) appoint a trade committee for any group of apprenticeship trades, or for any one such trade if it is impracticable to include it in a group of those trades; and
- (b) abolish any such committee.

(2.) Each trade committee shall consist of a Chairman and an equal number of representatives of employers and employees nominated in such manner as is determined by the Minister.

(3.) Each trade committee shall consist of so many members as the Minister determines, upon the recommendation of the Apprenticeship Board.

(4.) (a) The Chairman of a trade committee shall be a person nominated as Chairman jointly and unanimously by the members of the committee; and

(b) If the members of the committee fail jointly and unanimously to nominate a Chairman within seven days after being required by the Minister to do so, the Minister may appoint a person to be Chairman of the committee.

(5.) The Chairman of a trade committee shall hold office during pleasure and the remaining members of the committee shall hold office for a period of three years from the date of nomination and shall be eligible for re-nomination.

(6.) If any member of a trade committee—

(a) is absent from three consecutive meetings except by leave of the committee;

(b) is, in the opinion of the Minister following upon a report by the committee, incapable of carrying out the duties of his office; or

(c) resigns his office by writing under his hand addressed to the Minister,

his office shall become vacant.

(7.) Any vacancy occurring in the office of Chairman of a trade committee shall be filled by a person nominated or appointed in accordance with sub-section (4.) of this section, and any Chairman so appointed shall hold office during pleasure.

(8.) Any vacancy occurring in the office of member of a trade committee, being the representative of employers or of employees, shall be filled by a person nominated by those employers

or employees, as the case may be, in such manner as is determined by the Minister, and any member so nominated shall hold office for the remainder of the term of the member whose office was vacated.

(9.) The quorum of each trade committee shall be determined by the Minister.

(10.) During any vacancy in the membership of a trade committee the continuing members may (subject to there being a quorum) act as if there were no vacancy.

Meetings of
Trade
Committees.

14.—(1.) Subject to this Ordinance, every trade committee shall meet at the request of the Chairman of the Board, and may regulate its own proceedings, and appoint and remove such sub-committees of its own members as it thinks fit.

(2.) At every meeting of a trade committee—

(a) the Chairman of the committee, if present, shall preside;

(b) in the absence of the Chairman, the members present shall elect one of their number to be the acting chairman of the committee and the member so elected shall preside at the meeting and have at the meeting all the powers and may exercise all the functions of the Chairman;

(c) if, at any election in pursuance of the last preceding paragraph, there is an equality of votes, it shall be decided by lot which of the members of the committee for whom an equal number of votes has been cast shall be acting chairman; and

(d) in the event of the members present being equally divided on any question, the Chairman or (if the Chairman is not present) the acting chairman shall have a vote, but not otherwise.

(3.) Every trade committee shall cause minutes of its proceedings to be kept.

Powers and
duties of
Trade
Committees.

15. Each trade committee shall consider and report to the Board upon any matters referred to it for that purpose by the Board.

PART IV.—APPRENTICESHIP TRADES.

Division I.—Declaration and Regulation of Apprenticeship Trades.

Declaration of
Apprenticeship
Trades.

16.—(1.) The Minister or the Board may, by notice published in the *Gazette*, declare any trade to be an apprenticeship trade.

(2.) Where any such declaration is proposed to be made by the Board, the Board shall, by notice published in the *Gazette*, and in such other manner, as it deems fit, notify its intention to make that declaration.

(3.) Any notification made in pursuance of the last preceding sub-section shall specify a date before which representations may be made to the Board, by or on behalf of employers or employees in the trade, whether for or against the trade being declared to be an apprenticeship trade.

(4.) The Minister or the Board may, at any time, by notice published in the *Gazette*, revoke, amend or vary any notice published in pursuance of sub-section (1.) of this section, and any notice so amended or varied shall take effect accordingly.

17.—(1.) The Board shall make such investigations as are directed by the Minister, or as the Board thinks necessary, with respect to—

- (a) the preparatory education required in the case of each apprenticeship trade in order to qualify a person to enter into apprenticeship in that trade;
- (b) the apprenticeship course required in the case of each apprenticeship trade or part thereof, setting out the general and technical education and the trade experience necessary for that course;
- (c) the extent to which attendance at classes for instruction in the subjects of any apprenticeship course should be compulsory, and, if those classes are not available, what other instruction in those subjects should be compulsory;
- (d) the number of hours and the times in each week in each year of any apprenticeship course during which apprentices or applicants for apprenticeship employed on probation should attend classes for instruction in subjects of the apprenticeship course; and
- (e) the term of apprenticeship to be provided in indentures of apprenticeship and the terms, covenants and conditions thereof.

(2.) For the purpose of any investigation under the last preceding sub-section, the Board may obtain from any trade committee a report as to any matter under investigation.

(3.) Upon the completion of any investigation under this section, the Board shall report to the Minister the result of the investigation and may make such recommendations as it thinks fit.

18.—(1.) The Board, in every period of twelve months commencing on a date to be determined by the Minister, shall—

- (a) estimate the maximum number of new apprentices to be taken in each apprenticeship trade or by any employer in that trade during the next ensuing period of twelve months having regard to—
 - (i) the number of apprentices in that trade or indentured to any such employer; and
 - (ii) the condition and prospects of the trade; and

Number of apprentices to be taken annually.

(b) declare by notice published in the *Gazette* the maximum number of new apprentices that may be taken in that trade or by any such employer (as the case may be) during the next ensuing period of twelve months:

Provided that, if during any period to which a notice under paragraph (b) of this sub-section relates, conditions arise in the trade which, in the opinion of the Board (after conferring with the trade committee concerned or its representatives) make it undesirable to permit the taking of the maximum number of apprentices prescribed in the notice for the trade or for any employer therein, the Board may, by notice published in the *Gazette*, amend or vary the notice in force, and any notice so amended or varied shall take effect accordingly.

(2.) When any such notice has been published, no new apprentice shall, during the period of twelve months to which the notice relates—

(a) be taken in the trade in excess of the number prescribed in the notice for that trade; or

(b) be taken by any employer in the trade in excess of the number prescribed in the notice for that employer.

Division 2.—Admission of Apprentices to Apprenticeship Trades.

Minors not to be employed in apprenticeship trades except in pursuance of Ordinance.

19.—(1.) No minor who is not a journeyman shall, after the date fixed by the Board by notice in the *Gazette*, be employed or engaged in any apprenticeship trade except as an apprentice or trainee apprentice or in pursuance of this Ordinance.

(2.) For the purposes of this Ordinance, a minor shall be deemed to be employed or engaged in a trade when he customarily works with the recognized tools of trade at the request or under the direction of, or in association with, an employer, master, or journeyman in the trade.

(3.) This section shall not apply to any person who, prior to the date fixed pursuant to sub-section (1.) of this section, is engaged as a junior or improver in any apprenticeship trade, but nothing in this section shall prevent such person from applying for apprenticeship.

Application for permission to become an apprentice.

20.—(1.) Subject to this Ordinance, any person desiring to become an apprentice in any apprenticeship trade shall apply to the Board for permission to do so.

(2.) An application under this section shall be accompanied by a copy of the proposed indentures (if a copy is available) and satisfactory evidence of the applicant having the preparatory educational qualifications determined by the Board for entry into the apprenticeship trade.

(3.) On receipt of an application under this sub-section, the Board shall consider whether the proposed master has such qualifications and facilities as are necessary for teaching and instructing the applicant the trade specified in the application.

(4.) The Board may grant or refuse any such application or postpone it for further consideration.

(5.) The Board shall extend preference, all other things being equal, to the application of a trainee apprentice.

(6.) Where the Board grants the application—

(a) the applicant shall be employed for a period of three months on probation to determine his fitness or otherwise for the apprenticeship; and

(b) in the event of his becoming an apprentice upon the expiration of the probationary period, the probationary period shall be reckoned as part of the term of apprenticeship with the same master, but (unless otherwise determined by the Board) shall not be reckoned as part of the term of his apprenticeship with any other master.

(7.) Where an applicant who has been employed for the probationary period, does not become an apprentice upon the expiration of the probationary period, he shall not, if permission is subsequently granted for him to become an apprentice in the same apprenticeship trade, be employed on probation for a further period exceeding one month.

21.—(1.) Where the Board is satisfied that an applicant under the last preceding section has sufficient theoretical and practical knowledge to warrant his admission to some year of the apprenticeship course, other than the first, it may permit the applicant to be admitted to some year of the apprenticeship course other than the first year. ▲Applications.

(2.) Where, in the opinion of the Board, an applicant has not had sufficient opportunity to obtain the preparatory educational qualifications determined by the Board for entry into the apprenticeship trade, the Board may grant the application subject to such conditions as it thinks fit.

(3.) Where an applicant does not submit with his application a copy of the proposed indentures the Board may record his name on a list to be kept for the purpose if satisfied that he had obtained the preparatory educational qualifications determined by the Board for entry into the apprenticeship trade.

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

22.—(1.) Subject to this Ordinance, any person desiring to become a trainee apprentice in any apprenticeship trade shall apply to the Board for permission to do so. Trainee
Apprentices.

(2.) An application under this section shall be accompanied by evidence that the applicant possesses the preparatory educational

qualifications determined by the Board for entry into the apprenticeship trade and that he is enrolled under a vocational training scheme approved by the Board.

(3.) On receipt of an application under this sub-section, the Board shall consider whether the proposed master has such qualifications and facilities as are necessary for teaching and instructing the applicant the trade specified in the application.

(4.) The Board may grant or refuse any such application or postpone it for further consideration.

(5.) The Board shall extend preference to the applications of persons resident in the Territory.

(6.) Where the Board grants an application—

(a) the applicant shall be employed for a period of three months on probation to determine his fitness or otherwise for the apprenticeship;

(b) in the event of his becoming a trainee apprentice upon the expiration of the probationary period, the probationary period shall be reckoned as part of the term of apprenticeship; and

(c) successive broken periods of employment of the applicant with one or more masters shall be recorded by the Registrar and reckoned by the Board as part of the trainee apprenticeship.

(7.) Where an applicant who has been employed for the probationary period does not become a trainee apprentice upon the expiration of the period of probation, he shall not, if permission be subsequently granted for him to become a trainee apprentice in the same apprenticeship trade, be employed on probation for a further period exceeding one month.

(8.) When a trainee apprentice has been employed in an apprenticeship trade for such period or periods as is or are equivalent to the period of apprenticeship applicable to that trade, the Board shall, where it is satisfied that the trainee apprentice has sufficient theoretical and practical knowledge, issue a certificate of completion of training and status as a tradesman.

(9.) The provisions of this Ordinance relating to apprentices shall, so far as they are in the opinion of the Board reasonably applicable, apply to trainee apprentices.

Time employed
as youth under
award of
Industrial
Board.

23. Where an apprentice has, prior to being indentured, been employed as a youth under any award made by the Industrial Board, the Board may, if it considers that the circumstances justify it, allow the apprentice to reckon that period or portion of that period as part of his apprenticeship period.

Contracts of
apprenticeship
existing at
commencemen
of Ordinance.

24.—(1.) Where a master and an apprentice in an apprenticeship trade are bound by a contract of apprenticeship entered into before the commencement of this Ordinance, they shall forthwith notify the Board thereof, and produce to the Registrar for registration the indentures or any writing evidencing the contract.

(2.) If the contract is not in writing, the master and apprentice and, if the Board so requires, the parent or guardian of the apprentice shall furnish to the Board a statement in writing of the facts

of the case and shall execute indentures of apprenticeship in the form prescribed or determined by the Board, with such modifications as are necessary in the circumstances of each case, and shall produce the indentures to the Registrar for registration.

25.—(1.) Subject to this Ordinance, a master shall not take any person as an apprentice in an apprenticeship trade unless and until that person is bound by indentures of apprenticeship under this Ordinance. Apprentices to be bound by indentures.

(2.) An apprentice who is a party to any indentures of 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, she may cancel her indentures by notice in writing to the master.

(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 expiration of the currency of the indentures, whichever first happens.

(4.) If any apprentice in an apprenticeship trade has not, during the currency of his indentures of apprenticeship, obtained the certificates of general and technical education and trade experience determined by the Board for his apprenticeship course—

- (a) he may, with the approval of the Board, and the consent of his master, continue in the employment of the master for such period not exceeding six months as is specified by the Board under the like conditions and with the like rates of pay as if the indentures of apprenticeship were in force, provided no special provisions to the contrary made by the Industrial Board are in force; and
- (b) if, within the period so specified, he complies with the requirements necessary for obtaining a final certificate, that certificate may be granted to him accordingly.

26.—(1.) All indentures of apprenticeship in apprenticeship trades shall be registered in the following manner:— Registration of indentures.

- (a) The master shall, within seven days after the execution thereof, produce the indentures in triplicate to the Registrar;
- (b) If the form and term, covenants and conditions of the indentures comply with the requirements of this Ordinance, one copy shall be filed and a certificate in accordance with the form determined by the Board shall be endorsed on the other copies and signed by the Registrar;
- (c) Where the parent or guardian of the apprentice is a party to the indentures, one of the copies so endorsed shall be retained by the master and the other by the parent or guardian; and

(d) Where the master and the apprentice are the only parties to the indentures, one of the copies so endorsed shall be retained by the master and the other by the apprentice.

(2.) Every copy of any indentures so endorsed and signed shall be received in evidence in any court or before any person having by law or consent of parties authority to receive and examine evidence.

Division 3.—Assignment and Cancellation of Indentures of Apprenticeship.

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

27.—(1.) It shall be deemed to be a condition of all indentures of apprenticeship in apprenticeship trades that any question or difference whatsoever arising between the master and the apprentice touching the indentures, or any clause or thing therein contained, or the construction thereof, or as to any matter in any way connected with or arising out of the indentures or the operation thereof or the rights, duties or liabilities of the master or apprentice in connexion therewith, shall be determined by the Board.

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

Transfer of apprentice from one master to another.

28.—(1.) In any apprenticeship trade, the Board, with the consent of the parent or guardian of the apprentice, may, for good cause shown, authorize the transfer of the apprentice, whether temporarily or permanently, from one master to another, and the assignment of the indentures of apprenticeship.

(2.) Where under this Ordinance an apprentice is transferred from one master to another, and the indentures of apprenticeship are assigned, the instrument of transfer and assignment—

(a) shall be in accordance with such form as is determined by the Board;

(b) unless the Board otherwise directs, shall be signed by the parent or guardian of the apprentice and by the apprentice and the former master and the new master;

(c) shall be executed within two months after the transfer is effected; and

(d) shall be produced by the new master to the Registrar for registration within seven days after execution.

29.—(1.) If any apprentice fails to attain, in any year of his apprenticeship course, the standard of proficiency in general and technical education, and trade experience determined by the Board for that year, the Board, if it thinks fit, on application made in that behalf—

Powers of Board on failure of apprentice to attain standard of proficiency, &c.

(a) may determine that he be granted a further opportunity to attain that standard within a time specified by the Board, which may be concurrent with the next or succeeding year of his apprenticeship course if the Board sees fit; 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.

(2.) Where an order of cancellation of indentures is made under this section, the Board, if it thinks fit, may—

(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 that trade as an apprentice in a year other than the first year of his apprenticeship.

30.—(1.) Any indentures of apprenticeship in an apprenticeship trade may be cancelled by mutual consent.

Cancellation of indentures by mutual consent.

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

31. Without prejudice to any other provisions of this Ordinance with respect to the cancellation of indentures of apprenticeship, the Board, after conferring with the trade committee concerned or its representatives, and subject to such conditions (if any) as the Board thinks fit, may order that the indentures of any apprentice be cancelled, if, in the opinion of the Board, there are special circumstances which render the cancellation desirable.

Power of Board to cancel indentures in certain cases.

32. Upon the cancellation of any indentures of apprenticeship in an apprenticeship trade, the Board shall give the apprentice a certificate, in accordance with such form as is determined by the Board, stating what time he has served, full particulars of the

Certificate of cancellation of indentures.

trade or the part of the trade in which he has received instruction, and the proficiency attained by the apprentice.

Cancelled indentures to be marked "Cancelled".

33.—(1.) Upon the cancellation of any indentures of apprenticeship in an apprenticeship trade, the Registrar, in addition to recording the cancellation thereof in the apprenticeship register, shall forthwith upon the fact of cancellation coming to his knowledge write the word "Cancelled" and the date of cancellation upon the copy of the indentures filed at the office of the Board, and upon every other copy of the indentures when produced to him.

(2.) Any master or apprentice or any parent or guardian of any apprentice or any other person who has the custody or possession of any copies of indentures of apprenticeship, which, under this Ordinance, the master or apprentice or the parent or guardian is entitled to retain, shall, within one month after the cancellation of the indentures, produce the indentures to the Registrar for the purposes of the last preceding sub-section.

Penalty: Twenty pounds.

(3.) The cancellation of any indentures of apprenticeship shall be effectual notwithstanding any such failure to produce the indentures.

Effect of cancellation of indentures by Board.

34. Upon the making by the Board of an order of cancellation of any indentures of apprenticeship under this Ordinance, the indentures shall cease to have any further force or effect.

PART V.—MISCELLANEOUS.

Restrictions on the taking of apprentices in certain circumstances.

35. Notwithstanding anything contained in this Ordinance or any other law in force in the Territory, an employer shall not take any new apprentice—

(a) in any trade, with respect to which notice has been published in the *Gazette* of the intention of the Board to declare it to be an apprenticeship trade—after the date of the publication of that notice and before the coming into operation of the notice declaring the trade to be an apprenticeship trade, or, if no such notice of intention or declaration is published, then before a date to be notified by the Board for the purpose in the *Gazette*; or

(b) in any apprenticeship trade—before the coming into operation of the first declaration made pursuant to this Ordinance with respect to that apprenticeship trade providing for the maximum number of apprentices to be taken in the trade during the period to which the declaration relates, except with the approval of the Board and subject to such terms and conditions as the Board thinks fit.

Penalty: Twenty-five pounds.

Penalties with respect to the employment of apprentices.

36. Any person—

(a) who, either directly or indirectly or under any pretence or advice, attempts to employ or employs or authorizes or permits to be employed any apprentice

at a lower rate of pay (including increased percentage for proficiency, if any) than the rate of pay to which he is entitled under and in pursuance of this Ordinance, or in pursuance of any award of the Industrial Board or the Commonwealth Court of Conciliation and Arbitration; 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 Ordinance he is entitled to employ,

shall be guilty of an offence.

Penalty: One hundred pounds.

37. Any master or apprentice who acts in contravention of, or fails to comply with, any of the terms, covenants or conditions of indentures of apprenticeship in an apprenticeship trade shall be guilty of an offence. Breach of indentures.

Penalty: Twenty-five pounds.

38.—(1.) Any person who acts in contravention of, or fails to comply with, any of the provisions of this Ordinance or of any order or determination of the Board shall be guilty of an offence. Offence against Ordinance.

(2.) Any person who is guilty of an offence against this Ordinance, for which no other penalty is provided, shall be liable to a penalty not exceeding Twenty pounds.

39. For the purposes of this Ordinance, the Board shall have and may exercise in respect of the summoning and examining of witnesses, and requiring any witness to produce any documents, books or writings, in his custody or control, the same powers as are by the *Royal Commissions Act 1902-1933* conferred on a Royal Commission and the provisions of that Act *mutatis mutandis* shall apply. Power of Board as to inquiries, &c.

40.—(1.) The Registrar shall establish and maintain an apprenticeship register in accordance with such form as is determined by the Board containing— Apprenticeship Register.

- (i) the names of all apprentices in each apprenticeship trade;
- (ii) a record of all assignments or cancellations of indentures;
- (iii) particulars regarding the annual progress of apprentices and the completion of apprenticeship courses; and
- (iv) a record for each apprenticeship trade of the names of all persons who have gained final certificates in the apprenticeship course for that trade.

(2.) The register and any certified copy of, or extract from, the register shall be *prima facie* evidence of the facts stated therein, and the absence of the name of any person from the register shall be *prima facie* evidence that that person is or was not registered as an apprentice under this Ordinance.

(3.) A certificate that any person is or is not or was or was not registered as an apprentice under this Ordinance shall, if signed by the Registrar, be *prima facie* evidence of the facts stated therein.

Powers of entry.

41. For the purposes of the execution of this Ordinance, the Chairman, or any officer authorized in that behalf by the Board, may enter at all reasonable times any place where apprentices or journeymen are employed.

Saving of Awards.

42. Where any provision of this Ordinance is inconsistent with any lawful provisions of an award of the Industrial Board or of the Commonwealth Court of Conciliation and Arbitration, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid:

Provided that nothing in this section shall limit the power of the Board to determine the number of apprentices that may be taken in any apprenticeship trade or by any employer in that trade.

Wages rates.

43. The rates of wages payable to any apprentice shall be a prescribed percentage of the rate fixed for journeymen in the relative trade in an award of the Industrial Board, or, if there is no such award, of the ruling rate for such journeymen in the Territory:

Provided that the rates of wages payable to trainee apprentices shall be fifteen per cent. greater than those for apprentices.

Proceedings for offences.

44.—(1.) An information or complaint for an offence against, or a contravention of any provision of, this Ordinance may be laid or made by any person and may be heard and determined in any Court of competent jurisdiction in the Territory.

(2.) If any such information or complaint is laid or made by any person, other than an officer thereto authorized by the Board or a member of the police force of the Territory, and the proceedings are dismissed or withdrawn, the Court may, if it thinks fit, order that person to pay to the defendant, in addition to any costs, such compensation as it thinks reasonable.

Printed evidence of Board's decision.

45. Any printed paper purporting to be a copy of any decision of the Board and to be printed by the Government Printer shall, in all courts having jurisdiction in the Territory, be evidence that such decision has been duly given by the Board.

Attendance fees.

46. The Chairman, Deputy Chairman, members and deputies of members of the Board shall be paid such fees for attendance at meetings of the Board as the Minister determines.

Annual Report.

47. The Board shall furnish annually to the Minister a report of the administration and operation of this Ordinance.

Regulations.

48. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance.

Dated this first day of April, 1936.

GOWRIE
Governor-General.

By His Excellency's Command,
T. PATERSON
Minister of State for the Interior.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.