

THE NORTHERN TERRITORY OF AUSTRALIA

INDUSTRIES TRAINING ACT

No. 6 of 1980

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THE NORTHERN TERRITORY OF AUSTRALIA

No. 6 of 1980

AN ACT

Relating to the training of persons for industry

[Assented to 7 January 1980]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

PART I - PRELIMINARY

- | | |
|--|--------------|
| 1. This Act may be cited as the <u>Industries Training Act 1979</u> . | Short title |
| 2. This Act shall come into operation on a date to be fixed by the Administrator by notice in the <u>Gazette</u> . | Commencement |
| 3. The Ordinances specified in the Schedule are repealed. | Repeal |
| 4. Notwithstanding the repeal effected by section 3 - | Savings |
| (a) an apprenticeship determination made under the <u>Apprentices Ordinance</u> in force immediately before the commencement of this Act continues in force as a determination made under this Act but may be altered or repealed by a determination under this Act; | |
| (b) indentures of apprenticeship entered into under the <u>Apprentices Ordinance</u> in force immediately before the commencement of this Act continue in force as indentures of apprenticeship under this Act but may be suspended, cancelled or assigned under this Act; | |
| (c) a trade declared under the <u>Apprentices Ordinance</u> in force immediately before the commencement of this Act to be an apprenticeship trade shall be deemed to have been declared to be an apprenticeship trade under this Act; | |

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- (d) an application to the Apprentices Board made under the Apprentices Ordinance in force immediately before the commencement of this Act may be dealt with as an application to the Commission under this Act; and
- (e) the register maintained by the Apprentices Board under the Apprentices Ordinance in force before the commencement of this Act shall be maintained as the register required to be maintained under this Act.

Interpretation 5.(1) In this Act, unless the contrary intention appears -

"Acting Chairman" means the Acting Chairman of the Commission appointed under section 15(2);

"apprentice" means any person employed within the Territory who is bound apprentice by indentures of apprenticeship, whether or not those indentures have been assigned;

"apprenticeship trade" means a trade declared under section 37 to be an apprenticeship trade;

"approved" means approved by the Commission;

"Chairman" means the Chairman of the Commission appointed under section 15(1);

"Commission" means the Northern Territory Industries Training Commission established by section 7;

"determined" means determined by the Commission;

"employer", in relation to an apprentice, means the person to whom the apprentice is bound apprentice by indentures of apprenticeship, and, where the indentures have been assigned, the person specified in the assignment as the employer of the apprentice;

"member" means a member of the Commission appointed under section 10;

"probationer" means a person who is employed in an apprenticeship trade and who has made an application under section 46 for registration as an applicant for apprenticeship;

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"registered applicant for apprenticeship" means a person registered under section 47 as an applicant for apprenticeship;

"trade" includes a branch or part of a trade;

"training course" means a course, arrangements for the preparation or conduct of which have been approved or made under Part III.

(2) For the purposes of this Act, a person is employed in a trade when he customarily works as an employee with the recognized tools of that trade at the request or under the direction of, or in association with, an employer or tradesman in the trade.

(3) A reference in this Act to the employment of -

(a) an apprentice - is a reference to the employment of that apprentice in the apprenticeship trade to which he is indentured; and

(b) a probationer - is a reference to the employment of that probationer in the apprenticeship trade in respect of which he has made application under section 46 for registration as an applicant for apprenticeship.

6. This Act binds the Crown.

Act to
bind Crown

PART II - NORTHERN TERRITORY INDUSTRIES TRAINING COMMISSION

7.(1) There is established a commission which shall be known as the Northern Territory Industries Training Commission.

Commission

(2) The Commission is -

(a) a body corporate with perpetual succession and a common seal; and

(b) capable, in its corporate name, of -

(i) acquiring, holding and disposing of real and personal property; and

(ii) suing and being sued.

(3) The Commission is, in the exercise of its powers and performance of its duties and functions (except in relation to the contents of a report or recommendation made to the Minister) subject to the control and direction of the Minister.

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- Judicial notice 8. All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Commission affixed to a document and shall presume that it was duly affixed.
- Members 9. The Commission consists of 7 members.
- Appointment 10. Subject to this Act, the Minister may appoint a person to be a member.
- Qualifications of members 11.(1) Two members shall be employees within the meaning of the Public Service Act.
- (2) One member shall be a person with qualifications or experience satisfactory to the Minister in post-secondary education in the Territory.
- (3) Two members shall be persons representing employers in the Territory.
- (4) Two members shall be persons representing employees in the Territory.
- Nominations 12. The Minister shall not appoint a person to be a member by reference to section 11(2), (3) or (4) unless he has given -
- (a) in the case of a member referred to in section 11(2) - post-secondary educational institutions and persons claiming to represent training and educational institutions in the Territory;
- (b) in the case of a member referred to in section 11(3) - employers in the Territory and persons claiming to represent employers in the Territory; or
- (c) in the case of a member referred to in section 11(4) - employees in the Territory and persons claiming to represent employees in the Territory,
- an opportunity to recommend persons to be so appointed.
- Vacancies not to invalidate 13. The exercise of a power or the performance of a function by the Commission is not invalid by reason only of there being a vacancy in the membership of the Commission.
- Temporary vacancies 14.(1) Where -
- (a) there is, or is expected to be, a vacancy in the office of a member; or

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(b) a member is, or is expected to be, absent or unable to act,

the Minister may, by instrument in writing, authorize a person to act in the office of that member.

(2) The power of a Minister under sub-section (1) includes the power to authorize a person to act in the office of a member from time to time during the absence or inability to act of the member.

(3) This Act applies to and in respect of a person who is authorized under this section to act in an office, while he is so acting, as though he were the holder of that office.

15.(1) The Minister shall appoint a member referred to in section 11(1) to be Chairman.

Chairman
and Acting
Chairman

(2) The Commission shall, as occasion requires, appoint a member to be Acting Chairman.

16. An appointment under section 10 or 15(1) shall be notified in the Gazette and shall take effect from -

Appointments
to be
notified

(a) the date of publication of the notification; or

(b) if there is a later date specified in the notification - that later date.

17.(1) The Chairman holds office for such period as is specified in the notice of appointment under section 16 or 5 years, whichever is the shorter.

Term of
appointments

(2) A member other than the Chairman holds office for such period as is specified in the notice of appointment under section 16 or 3 years, whichever is the shorter.

(3) Each member is eligible for reappointment as a member.

18.(1) The Minister may remove a member from office if the member is, in the opinion of the Minister, guilty of misbehaviour or incompetence.

Removal
from
office

(2) The Minister shall remove a member from office if the member -

(a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors

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or makes an assignment of his remuneration for their benefit;

(b) is of unsound mind; or

(c) is absent from 3 consecutive meetings of the Commission without leave of the Commission.

(3) A member may resign his office by writing under his hand delivered to the Minister.

Confidential-
ity

19. No member of the Commission or a committee of the Commission or an employee within the meaning of the Public Service Act shall disclose any information obtained in the course of his duties as such a member or employee unless that disclosure is made in the course of his duty as such a member or employee.

Penalty: \$4,000 or imprisonment for 2 years.

Conflict
of interests

20.(1) If a member has a direct or indirect interest in any matter -

(a) which is the subject of consideration at a meeting of the Commission or a committee of the Commission; or

(b) in which the Commission is concerned,

he shall, as soon as possible after he knows that he has the interest and that the Commission is considering the matter, disclose his interest to the Commission.

(2) A member who has made a declaration under sub-section (1) shall take no further part in the deliberation of the Commission in relation to the matter in respect of which his interest was so disclosed.

Penalty: \$1,000.

(3) A member required under sub-section (2) to refrain from taking part in the deliberation of the Commission shall be disregarded for the purpose of determining whether a quorum has been formed.

Pecuniary
interests

21. For the purposes of section 20, a member who -

(a) is a member of the governing body of, or is a substantial shareholder within the meaning of section 69C of the Companies Act in; or

(b) has a relevant interest within the meaning of section 6A of that Act in,

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a company which has a direct or indirect pecuniary interest in a matter has a direct or indirect pecuniary interest in the matter.

22. A member or person acting with the authority of the Commission is not personally liable in respect of any matter or thing done, or contract entered into -

Protection
of members

(a) by the Commission; or

(b) by that person,

if the matter or thing was done, or the contract was entered into, in good faith for the purpose of executing this Act or any other Act conferring or imposing powers, functions or duties on the Commission.

23.(1) An employer -

Protection
of members
in employ-
ment

(a) shall not refuse employment to any person; or

(b) penalize or prejudice an employee in his employment, whether by reducing his salary or wages or otherwise,

by reason only of -

(c) the fact that the person or employee is a member of the Commission or a committee of the Commission; or

(d) anything said or done or omitted to be said or done by the person or employee in the exercise by him of a power or the performance by him of a duty or function as a member of the Commission or a committee of the Commission.

Penalty: \$500.

(2) The employer of a person who is a member shall grant that member such reasonable leave of absence as is necessary to enable the member to attend meetings of the Commission without prejudice to such rights as to leave as the member may otherwise have in respect of his employment with the employer.

(3) An employer shall not be held to have penalized or prejudiced an employee in his employment by reason only of the employee's being granted leave of absence without pay under sub-section (2) if that employee is entitled under the Remuneration (Statutory Bodies) Act to remuneration in respect of the period of his absence.

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(4) Upon a conviction of an employer for an offence against sub-section (1), the court, in addition to imposing a penalty, may order -

- (a) that the employer pay to the employee the amount of wages lost by the employee by reason of the action constituting the offence; or
- (b) if the employee has been dismissed, that the employer reinstate the employee in his former employment or in employment of similar status.

Meetings

24.(1) Subject to sub-section (2), the Commission and each committee of the Commission shall hold such meetings as the Chairman considers necessary for the efficient conduct of its affairs.

(2) The Chairman shall, within 28 days of receiving a written notice signed by not less than 4 members requesting a meeting of the Commission to be held, call a meeting of the Commission.

Committees

25.(1) The Commission may establish committees for the purposes of advising the Commission upon such matters with respect to which the Commission has powers, duties or functions as are referred to the committee by the Commission.

(2) A person may be appointed to a committee of the Commission to which this section applies whether or not he is a member.

Procedure

26.(1) Subject to this Act, the procedure for -

- (a) calling meetings; and
- (b) the conduct of meetings of the Commission and of committees of the Commission,

shall be as determined from time to time by the Commission.

(2) At a meeting of the Commission -

- (a) 4 members constitute a quorum;
- (b) in the case of the Commission, the Chairman or, in his absence, the Acting Chairman shall preside;
- (c) all questions shall be decided by a majority of the votes of the members or members of the committee, as the case may be, present; and

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- (d) the Chairman or, if he is not present, the Acting Chairman, has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

27. The Commission shall cause minutes to be kept of each meeting of the Commission and each meeting of a committee of the Commission. Minutes

28.(1) The functions of the Commission are - Functions

- (a) to consider and advise, furnish reports to and make recommendations to the Minister for or with respect to any matter connected with training in apprenticeship trades and semi-skilled occupations;
- (b) to carry out or cause to be carried out research into matters related to training for industry, including -
 - (i) the assessment of the present and future requirements of industry for skilled and semi-skilled labour; and
 - (ii) the special training needs of persons by reason of their background and otherwise in relation to the acquisition by those persons of employment skills,and to plan training for industry accordingly;
- (c) to supervise and co-ordinate the provision of training for industry in the Territory;
- (d) to supervise standards of training for industry;
- (e) to promote training in apprenticeship trades and in industry generally; and
- (f) to exercise and discharge such other powers, duties and functions as are conferred or imposed on it by or under this or any other Act.

(2) The Commission shall, in relation to the performance of a function relating to a training course, consult with the Post-school Advisory Council constituted under the Education Act and such other training and educational institutions as it considers are concerned in the provision of the course.

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Powers

29. The Commission has power to do all things necessary or convenient to be done for or in connection with or supplemental, incidental or consequential to the exercise of its powers and the performance of its duties and functions.

Delegation

30.(1) The Commission may, from time to time, by resolution delegate such of its powers and functions, other than this power of delegation, as are specified in the resolution -

(a) to any member or employee within the meaning of the Public Service Act; or

(b) to any committee of the Commission.

(2) A delegation referred to in sub-section (1) may be made either generally or for any particular case or class of cases.

(3) A power or function delegated under this section may be performed by the person or committee to whom the delegation is made in accordance with the terms of the delegation.

(4) A delegation under this section is revocable at will and does not prevent the exercise of the power or the performance of the function so delegated by the Commission.

Status of
Commission

31.(1) The Commission is a statutory corporation to which Divisions 1 and 2 of Part IV of the Financial Administration and Audit Act apply.

(2) The Commission is a prescribed authority for the purposes of the Public Service Act.

Report

32.(1) The Commission shall furnish annually to the Minister a report on the operation of this Act during the preceding 12 months.

(2) The Minister shall cause a copy of each report furnished under sub-section (1) to be tabled in the Legislative Assembly within 3 sitting days of the Legislative Assembly after it has been so furnished.

PART III - TRAINING COURSES FOR INDUSTRY

Training
courses for
industry

33.(1) Subject to this Act, the Commission may approve arrangements or make such arrangements as it thinks fit for the preparation and conduct of training courses for industry.

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(2) The power of the Commission under this section to make or approve arrangements for the preparation and conduct of training courses -

- (a) extends to pre-apprenticeship and pre-vocational courses; but
- (b) does not extend to training courses in relation to a professional or scientific pursuit.

(3) Without limiting the generality of sub-section (1), the power of the Commission to make and approve arrangements for the preparation and conduct of training courses includes the power to -

- (a) determine or approve the content of training courses for industry, including the theoretical and practical instruction to be given in such courses;
- (b) determine or approve the standards of proficiency or knowledge to be reached by students in training courses for industry;
- (c) determine or approve the manner of certification or accreditation accorded to students successfully completing training courses for industry;
- (d) provide or arrange for the provision of financial assistance to such persons, bodies or institutions as it thinks fit in relation to the provision of training courses for industry; and
- (e) provide or arrange for the provision of scholarships, bursaries and prizes in relation to training courses for industry.

(4) The Commission shall, in exercising its powers under this section, endeavour to ensure that appropriate recognition is given to training courses referred to in this section by such authorities in States and other Territories as are concerned with training for industry.

(5) A determination or approval under sub-section (3)(a), (b) or (c) shall be published in the Gazette.

34. A person shall not attend a training course, arrangements for the preparation or conduct of which have been made or approved by the Commission, without the approval of the Commission.

Attendance
at courses

Penalty: \$100.

Industries Training

Applications
for approval
to attend
courses

35.(1) A person may apply to the Commission for approval to attend a training course.

(2) An application under sub-section (1) shall be -

(a) in the prescribed form; and

(b) accompanied by the prescribed fee.

Approval
of applications

36. The Commission may approve an application under section 35 either conditionally or unconditionally.

PART IV - APPRENTICESHIPS

Division 1 - Declaration and Regulation of Apprenticeship Trades

Declaration
of apprentice-
ship trades

37. The Minister may, by notice in the Gazette, declare a trade, other than a professional or scientific pursuit, to be an apprenticeship trade.

Certain persons
not to be
employed in
apprenticeship
trades

38.(1) Subject to this section, a person shall not employ a person who has not attained the age of 21 years in an apprenticeship trade unless -

(a) the person so employed -

(i) is a registered applicant for an apprenticeship;

(ii) is an apprentice; or

(iii) has completed an apprenticeship in that trade; or

(b) the employer ensures that the person so employed makes an application under section 46 for registration immediately upon his becoming so employed.

Penalty: \$500.

(2) An employer who is specified or who is a member of a class of employers which is specified by the Commission for the purposes of this sub-section may employ a person in contravention of sub-section (1).

(3) A person may employ a person who is or who is a member of a class of persons which is specified by the Commission for the purposes of this sub-section in contravention of sub-section (1).

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(4) Notice of the specification of a class of employers or persons for the purposes of sub-section (2) or (3) shall be published in the Gazette.

39. It is not a defence to an action for recovery of wages or other remuneration that the person employed was employed in contravention of section 38(1).

40. Subject to this Act, an employer shall not purport to take a person as an apprentice in an apprenticeship trade unless and until that person is bound by indentures of apprenticeship under this Act but nothing in this section prevents the employment of a probationer not inconsistent with this Act.

Apprentices
to be bound

Penalty: \$500.

41.(1) This section applies subject to the terms of any award under the Conciliation and Arbitration Act 1904 of the Commonwealth.

Rate of
wages in
apprentice-
ship trades

(2) The rate of wages payable to an apprentice in respect of his employment in a year of his apprenticeship in an apprenticeship trade shall be the prescribed rate or such other rate as is determined by the Commission under section 44(2)(a).

(3) The rate of wages payable to and the terms and conditions of the employment of a probationer in respect of his employment in an apprenticeship trade shall be the rate payable and the terms applicable to an apprentice -

(a) in the year of apprenticeship determined by the Commission in relation to the probationer; or

(b) if no year is so determined - the first year of apprenticeship in that trade.

42. A person shall not employ, attempt to employ or authorize or permit to be employed an apprentice or probationer at a lower rate of wages than the rate of wages to which the apprentice or probationer is entitled under this Act.

Apprentices,
&c., to be
paid rate of
wages

Penalty: \$500.

43. Where a court convicts a person of an offence against section 42, the court may, in addition to imposing a penalty, order the offender to pay to the apprentice or probationer such sums as the court considers to be due to the apprentice or probationer.

Recovery of
wages unpaid

Industries Training

Shorter
working
weeks, &c.

44.(1) The Commission may, where it is satisfied that the employer of an apprentice is or is likely to be temporarily unable to provide sufficient work to keep the apprentice fully employed during an ordinary working week or month, approve of the employer's employing the apprentice for such less time in the week or month as the Commission specifies.

(2) Where the Commission approves the reduction in working time of an apprentice under sub-section (1) -

- (a) it may, by notice in writing served on the employer and the apprentice, fix the rate of wages payable to the apprentice for that week or month; and
- (b) it may, by notice in writing served on the parties to the indentures, vary the indentures of apprenticeship by extending the term of the indentures for the time specified in the notice and the term of the indentures is accordingly extended.

Effects of
power failure
on wages

45.(1) Subject to sub-section (2), where the employer of an apprentice or probationer is unable, by reason of the shortage or failure of electric power, to keep the apprentice or probationer fully employed during the normal working hours of a day, the employer may deduct from the wages due to that apprentice or probationer an amount equal to the wages for that part of the day in excess of 20 minutes during which the apprentice or probationer cannot be fully employed.

(2) An apprentice or probationer -

- (a) who is required to attend for work on a day but by reason of the shortage or failure of electric power cannot be fully employed shall be entitled to pay for 2 hours work; or
- (b) who commences work on a day but by reason of the shortage or failure of electric power cannot be fully employed, shall be entitled to pay for -

(i) 4 hours work; or

(ii) the number of hours actually worked,

whichever is the greater.

Industries Training

Division 2 - Indentures of Apprenticeship

46. A person may make application to the Commission in the approved form to be registered as an applicant for apprenticeship in an apprenticeship trade.

Application
for registra-
tion

47. The Commission may, after considering the suitability of an applicant for apprenticeship in that trade, including the educational qualifications of the applicant, register a person as an applicant for apprenticeship in an apprenticeship trade.

Registration

48. A person who employs an apprentice or probationer shall, not later than 14 days after the commencement of that employment, notify the Commission in the prescribed form of that employment.

Commission
to be notified
of employment

Penalty: \$200.

49. The Commission may, by notice in writing served on the employer of the registered applicant for apprenticeship, approve the employer of a registered applicant for apprenticeship as the employer of that applicant.

Approval
of employers

50. Upon the employer of a registered applicant for apprenticeship being served with notice of approval under section 49 -

Execution
of indentures
of apprentice-
ship

(a) the employer;

(b) the applicant; and

(c) if the applicant has not attained his majority, unless the Commission otherwise directs, a parent or guardian of the applicant,

may execute indentures of apprenticeship in relation to the apprenticeship trade in respect of which the applicant is registered.

51.(1) Indentures of apprenticeship in an apprenticeship trade shall -

Form of
indentures of
apprentice-
ship

(a) contain the prescribed covenants; and

(b) be expressed to be -

(i) for the term prescribed in relation to that trade; or

(ii) for such lesser term as is approved by the Commission.

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(2) The Commission shall not approve a lesser term for indentures of apprenticeship under sub-section (1)(b)(ii) unless it is satisfied that the theoretical knowledge of the apprentice in relation to the apprenticeship trade to which the apprenticeship relates or the practical experience in that trade gained by him warrants the reduction in the term of the indentures of apprenticeship.

Indentures deemed to be signed

52. Where a registered probationer continues to be employed by an employer approved under section 49 for more than 3 months, indentures of apprenticeship in accordance with section 51 shall be deemed to have been executed by -

- (a) the employer;
- (b) the probationer; and
- (c) if the probationer has not attained his majority, a parent or the guardian of the probationer.

Term of apprenticeship

53. Where indentures of apprenticeship are executed or deemed to have been executed under this Act, the term of the apprenticeship shall be deemed to have commenced on and to include the day on which the apprentice was first employed by the employer specified or deemed to be specified in the indentures.

Seal not required

54. Indentures of apprenticeship shall be signed but need not be under seal.

Delivery of indentures to Commission

55.(1) Upon indentures of apprenticeship being executed, the employer specified in the indentures shall deliver the indentures to the Commission.

Penalty: \$100.

(2) Subject to this Act, the Commission shall retain the original of all indentures of apprenticeship executed under this Act.

Parties to be bound

56.(1) Subject to this Act, an apprentice shall be bound by the terms of the indentures of his apprenticeship during the term thereof, notwithstanding that he had not, at the time of becoming a party to the indentures, attained his majority.

(2) The parent or guardian of an apprentice who is a party to the indentures of apprenticeship of the apprentice shall be bound by the terms of the indentures until -

- (a) the apprentice attains his majority; or

Industries Training

(b) the expiration of the term of the indentures,
whichever first occurs.

(3) The employer of an apprentice shall, if he does not comply with the terms and covenants of the indentures of apprenticeship, be guilty of an offence punishable upon conviction by a fine not exceeding \$500.

Division 3 - Training of Apprentices

57. The Commission may, by notice in the Gazette, determine -

Determination
by Commission

- (a) that apprentices in the apprenticeship trade specified in the determination shall attend, in each year of apprenticeship specified in the determination, the training courses specified in the determination;
- (b) that probationers shall attend the training courses specified in the determination;
- (c) that apprentices in the apprenticeship trade specified in the determination shall obtain, in each year of apprenticeship specified in the determination, the practical training and experience specified in the determination;
- (d) that probationers shall obtain the practical training specified in the determination;
- (e) the number of hours in each year of an apprenticeship during which apprentices and probationers shall attend classes for instruction in a training course and, with the approval of the person providing the course, the times in each week in each year during which they shall so attend; and
- (f) the standard of education and trade experience to be attained by an apprentice in an apprenticeship trade in a year of his apprenticeship.

58.(1) Subject to this section, each probationer shall, upon commencing employment -

Apprentices
to be trained

- (a) obtain such practical training and experience as is; and
- (b) attend such training courses as are

determined under section 57 in relation to that trade.

Industries Training

(2) The Commission may, if it is of the opinion that it is impractical for an apprentice or a probationer to attend a training course or part of a course determined under section 57 in respect of that trade, by notice in writing served on the apprentice or probationer, give directions as to the training to be obtained by the apprentice or probationer in that trade in substitution for that course or part of the course.

(3) The Commission may, if it is satisfied that the theoretical knowledge of the apprentice or probationer in relation to the apprenticeship trade to which his apprenticeship relates and the practical experience in that trade gained by him in that trade warrants it, exempt an apprentice or probationer from attendance at the training courses or parts of such courses determined by the Commission.

Leave to
be granted

59. The employer of an apprentice or a probationer shall allow the apprentice or probationer, as the case may be, such leave of absence from his employment as is necessary to enable the apprentice or probationer to obtain the instruction that is and attend the training courses that are determined in relation to the apprentice or probationer under section 57 or 58.

Penalty: \$200.

Extension
of training
period

60.(1) Where an apprentice has not, during a year of his apprenticeship, attained the standard of education and trade experience determined in relation to that year of his apprenticeship under section 57, the Commission may, by notice in writing served on the apprentice -

- (a) extend the time within which the apprentice shall attain that standard; and
- (b) if it thinks fit, direct that the apprentice shall be deemed to have not completed that year of his apprenticeship until he attains that standard.

(2) Where the Commission gives a direction under sub-section (1)(b), the term of the indentures of apprenticeship of the apprentice to whom the direction relates shall be deemed to be extended accordingly.

Division 4 - Assignment of Indentures of Apprenticeship

No assignment
without
approval

61. A purported assignment of indentures of apprenticeship without the approval of the Commission is of no effect.

Industries Training

62. An apprentice or the parent or guardian or employer of an apprentice may make application to the Commission in the approved form for approval to assign the indentures of apprenticeship, either temporarily or permanently, to another employer.

Application
for approval

63. The Commission may approve an application under section 62, either conditionally or unconditionally.

Approval
of applica-
tion

64.(1) Where the Commission approves the assignment of indentures of apprenticeship from an employer to another employer, both employers and the apprentice shall execute an assignment of the indentures in the prescribed form.

Execution
of assignment
of indentures

(2) Where an apprentice continues to be employed by the employer to whom the assignment of his indentures of apprenticeship has been approved under section 62 for more than 14 days and an assignment of the indentures has not been executed, an assignment of the indentures in accordance with sub-section (1) shall be deemed to have been executed.

(3) Where an assignment of indentures of apprenticeship has been or has been deemed to have been executed in accordance with this Act, the assignment shall be deemed to have taken effect on the day on which the employment of the apprentice by the employer commenced.

65.(1) The Commission may give such directions as it thinks fit in relation to the execution of any assignment of indentures of apprenticeship.

Directions
as to
execution

(2) A person to whom the direction under sub-section (1) has been given shall comply with and not contravene the direction.

Penalty: \$100.

66.(1) Notwithstanding the terms of any indentures of apprenticeship assigned to an employer, the employment of an apprentice whose indentures of apprenticeship have been so assigned may be terminated by -

Termination
of employ-
ment

- (a) if the apprentice has attained his majority - the apprentice;
- (b) if the apprentice has not attained his majority - the apprentice with the consent of a parent or the guardian of the apprentice; or

Industries Training

(c) the employer of the apprentice,

at any time before the expiration of 3 months from the date on which the apprentice was first employed by the employer to whom the indentures of his apprenticeship were so assigned.

(2) The parties bound by the indentures of apprenticeship of an apprentice whose employment has been terminated under sub-section (1) shall notify the Commission of the termination within 7 days of the termination.

Penalty: \$100.

(3) It is a defence to a prosecution of a person for an offence against sub-section (2) that another person required under that sub-section to notify the Commission of the termination of the employment of an apprentice so notified the Commission.

Division 5 - Regulation of Apprenticeships

Questions or differences to be determined by Commission

67. Any question or difference arising between the parties to indentures of apprenticeship in relation to -

- (a) the construction of the indentures; or
- (b) any matter connected with the indentures,

shall be determined by the Commission.

Register

68. The Commission shall establish and maintain an apprenticeship register in the approved form containing -

- (a) the names of all apprentices and probationers in each apprenticeship trade;
- (b) the names of all employers approved under section 49 in each apprenticeship trade;
- (c) a record of all assignments, suspensions or cancellations of indentures of apprenticeship;
- (d) such particulars that are determined by the Commission in relation to the annual progress of apprentices and the completion of training courses by those apprentices; and
- (e) for each apprenticeship trade the names of all persons who have successfully completed the training courses determined in respect of that trade under section 57.

Industries Training

69.(1) The Commission may, if it is of the opinion that an apprentice or probationer -

Disciplinary
proceedings

- (a) has committed a minor breach of the indentures of his apprenticeship; or
- (b) has failed, without good cause -
 - (i) to attend classes held in an industrial training course; or
 - (ii) to obtain such instruction as is

determined under section 57 in relation to the apprenticeship trade in which he is employed by notice in writing served on the apprentice or probationer require the apprentice or probationer to show cause why he should not be fined in accordance with this section.

(2) A notice under sub-section (1) shall set out details of the alleged breach or failure.

(3) Subject to this section, the Commission may, at any time after the expiration of 28 days from the date of service of a notice under sub-section (1) on an apprentice or probationer, impose on the apprentice or probationer a fine not exceeding \$20.

(4) The Commission shall not impose a fine under this section on an apprentice or probationer unless it has given the apprentice or probationer or his agent a reasonable opportunity to show cause, either personally or in writing, why he should not be so fined.

70.(1) A fine imposed under section 69 is a debt due to the Commission.

Recovery
of fines

(2) The Commission may, by notice in writing served on the employer of an apprentice or probationer, require the employer to -

- (a) deduct the amount of any unpaid fine imposed under section 69 from the wages of the apprentice or probationer, as the case may be; and
- (b) pay that amount to the Commission.

(3) An employer on whom a notice under sub-section (2) is served shall comply with and not contravene the notice.

Penalty: \$100.

Industries Training

Certificate

71. The Commission may, upon request, give an apprentice or former apprentice a certificate in the approved form setting out particulars of -

- (a) the time served by the apprentice or former apprentice as apprentice;
- (b) the employer to whom the apprentice or former apprentice was bound;
- (c) the trade in which the apprentice or former apprentice has received instruction; and
- (d) the standard of proficiency attained by the apprentice or former apprentice.

Powers of entry and inspection

72.(1) For the purposes of this Act, the Chairman or any person authorized in that behalf by the Commission may -

- (a) enter at all reasonable times any place where -
 - (i) apprentices are employed;
 - (ii) persons under the age of 21 years are employed in an apprenticeship trade; or
 - (iii) he has reasonable cause to believe such persons are employed;
- (b) inspect and, at the expense of the Commission, take extracts from or copies of such documents or papers in the possession or control of the occupier of the place entered in pursuance of paragraph (a) as are kept in relation to the employment of an apprentice or registered applicant for apprenticeship, other than a tax return; or
- (c) make inquiries of and examine -
 - (i) an apprentice;
 - (ii) a probationer; or
 - (iii) a person whom the Chairman or the person authorized in that behalf by the Commission has reasonable cause to believe to be or to have been within the preceding 2 months employed as an apprentice or in an apprenticeship trade,

and do any act which appears to the Chairman or authorized person to be necessary to ascertain whether the provisions of the Act are being complied with.

Industries Training

(2) A person authorized under sub-section (1) by the Commission shall be issued with a form of identification approved by the Chairman.

(3) Any person who -

(a) wilfully delays or obstructs the Chairman or a person authorized under sub-section (1) in the exercise of a power under this section; or

(b) conceals or prevents a person from appearing before or being examined by the Chairman or a person authorized under sub-section (1) or attempts so to conceal or prevent a person from appearing or being examined,

is guilty of an offence.

Penalty: \$100.

73.(1) The Commission may, by notice in writing served on the employer of an apprentice or person under the age of 21 years employed in an apprenticeship trade, require the production to the Commission of such books, papers or other documents, other than a tax return, kept in relation to the employment of the apprentice or person within the time specified in the notice.

Books may
be required
to be
produced

(2) A person served with a notice under sub-section (1) shall not contravene or fail to comply with the notice.

Penalty: \$100.

Division 6 - Suspension or Cancellation of Indentures of Apprenticeship

74.(1) Notwithstanding any other provisions of this Act or the terms of any indentures of apprenticeship, the Commission may, if it thinks fit, by notice in writing served on the parties bound by the indentures, suspend or cancel the indentures of apprenticeship.

Commission
may suspend
or cancel

(2) A notice under sub-section (1) has effect according to its tenor.

75.(1) Subject to this section, any indentures of apprenticeship may, by instrument in writing signed by the parties to the indentures, be cancelled by mutual consent of the parties bound thereby.

Cancellation
by mutual
consent

Industries Training

(2) The parties bound by the indentures of apprenticeship of an apprentice shall forthwith give to the Commission notice in writing of the cancellation of the indentures of apprenticeship.

(3) It is a defence to a prosecution of a person for an offence against sub-section (2) that another person required by that sub-section to give notice to the Commission gave that notice.

Application
for approval
to suspend
or cancel

76. An apprentice or the parent or guardian or employer of an apprentice may make application to the Commission in the approved form for approval to suspend or cancel the indentures of apprenticeship of that apprentice.

Approval of
suspension or
cancellation

77. The Commission may approve, conditionally or unconditionally, the suspension or cancellation of indentures of apprenticeship.

Effect of
approval

78. Where the Commission approves the suspension of indentures of apprenticeship under this Division, the indentures shall be deemed to be suspended for the period specified in the approval.

Division 7 - Completion of Apprenticeships

Original
indentures to
be returned
to apprentice

79. The Commission shall, upon the completion of the term of his indentures of apprenticeship, give to the apprentice the original indentures of his apprenticeship endorsed as prescribed.

Completion of
training
courses

80. The Commission shall, after the satisfactory completion of a training course determined under section 57 in respect of the apprenticeship trade in respect of which the apprentice was indentured, give to the apprentice a certificate in the approved form stating that the apprentice has satisfactorily completed the course.

Foreign
certificates

81. The Commission may certify that a final certificate or other document held by an apprentice or tradesman which fulfils the requirements specified in the law of a State or another Territory is equivalent to such certificate or other document required or permitted to be given under this Act as is specified in the certificate so given by the Commission.

PART V - MISCELLANEOUS

Inquiries

82.(1) The Commission may conduct inquiries for any purpose connected with the implementation of this Act.

Industries Training

(2) The Commission may appoint any person to conduct an inquiry under sub-section (1).

(3) The Commission or person conducting an inquiry under sub-section (2) may inform itself or himself in relation to the matters the subject of the inquiry in any manner it or he thinks fit.

83. A certificate purporting to be signed by the Chairman or Acting Chairman - Evidentiary

(a) that a specified person was or was not at a specified time an apprentice or a registered applicant for apprenticeship;

(b) that a specified approval was or was not on a specified day given by the Commission; or

(c) that a specified determination was or was not on a specified day given by the Commission,

is evidence of the facts stated in the certificate and all courts, judges and persons acting judicially shall take judicial notice of the signature of the Chairman or Acting Chairman, as the case may be, on such a certificate.

84. A notice or other document required or permitted to be served under this Act may be served by certified post. Service by post

85. The Administrator may make regulations not inconsistent with this Act 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 Act. Regulations

SCHEDULE

Section 3

REPEALED ORDINANCES

Apprentices Ordinance 1948 (No. 1 of 1948)
Apprentices Ordinance 1949 (No. 12 of 1949)
Apprentices Ordinance 1950 (No. 9 of 1950)
Apprentices Ordinance 1952 (No. 40 of 1952)
Apprentices Ordinance 1957 (No. 34 of 1957)
Apprentices Ordinance 1960 (No. 19 of 1960)
Apprentices Ordinance 1962 (No. 35 of 1962)
Apprentices Ordinance (No. 2) 1962 (No. 48 of 1962)
Apprentices Ordinance (No. 3) 1962 (No. 11 of 1963)
Apprentices Ordinance 1971 (No. 3 of 1971)

