

9 GEO. VI. No. 12, 1945. *Apprentices and Minors Acts Amendment Act.*

INSURANCE—MOTOR VEHICLES.

See TRAFFIC.

**INSURANCE—UNEMPLOYED WORKERS
(SUSPENSION).**

See LABOUR.

INTERSTATE DESTITUTE PERSONS RELIEF.

See MARRIAGE AND DIVORCE.

INTEREST RATES.

See BANKING.

IPSWICH MARKET RESERVE RATING.

See PART II. (LOCAL GOVERNMENT).

JUDGES—SALARIES AND LEAVE OF ABSENCE.

See SUPREME COURT.

JUSTICES ACTS AMENDMENT.

See CRIMINAL LAW.

LABOUR.

- (1) *Apprentices and Minors Acts Amendment Act of 1945* 9 Geo. VI. No. 12
- (2) *Industrial Conciliation and Arbitration Acts (War Service Preference in Employment) Act of 1944* 9 Geo. VI. No. 4
- (3) *Industrial Conciliation and Arbitration Acts Amendment Act of 1945* 9 Geo. VI. No. 14
- (4) *Factories and Shops Acts Amendment Act of 1945* 9 Geo. VI. No. 10
- (5) *Unemployed Workers Insurance Acts (Suspension) Act of 1944* 8 Geo. VI. No. 14
- (6) *Workers' Compensation Acts Amendment Act of 1944* 9 Geo. VI. No. 2

An Act to Amend "The Apprentices and Minors Acts, 1929 to 1934," in certain particulars.

[ASSENTED TO 5TH APRIL, 1945.]

9 GEO. VI.
NO. 12.
THE
APPRENTICES
AND MINORS
ACTS
AMENDMENT
ACT OF 1945.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. (1.) This Act may be cited as "*The Apprentices and Minors Acts Amendment Act of 1945*," and shall be read as one with *"*The Apprentices and Minors Acts, 1929 to 1934*," herein referred to as the Principal Act.

Short title
and
construction.

* 20 G. 5 No. 37 and amending Acts, v. 4, pp. 663 *et seq.*

Apprentices and Minors Acts Amendment Act. 9 GEO. VI. No. 12,

Collective
title.

(2.) The Principal Act and this Act may collectively be cited as "*The Apprentices and Minors Acts, 1929 to 1945.*"

Amendments of the Principal Act.

Amendment
of s. 3.

2. Section three of the Principal Act is amended as follows :—

[Interpre-
tation.]

(a) After the definition of "Area" a new definition is inserted, namely :—

Calling.

" "Calling"—Any calling, craft or trade to which this Act applies."

(b) After the definition of "Industrial union" a new definition is inserted, namely :—

Industry.

" "Industry"—Any calling as defined in this Act."

Amendment
of s. 6.

[Probation.]

3. (1.) Subsection three of section six of the Principal Act is amended by deleting all words from and including the words "Every apprentice" to and including the words "otherwise for apprenticeship and," and by inserting the following words in lieu thereof, namely :—

"Subject to this Act, to determine his fitness or otherwise for apprenticeship, every apprentice shall be employed on probation for a period of six months ; such period shall include a period of thirteen weeks' training in a technical college which training shall be continuous unless otherwise determined by the Executive and every apprentice."

Operation of
amendment.

(2.) The amendment made to section six of the Principal Act by this section shall come into operation on a date to be fixed by the Governor in Council by Order in Council published in the *Gazette* :

Provided that the Governor in Council shall have power, in the said Order in Council, or in any subsequent Order or Orders in Council, to direct and define the Area or Areas and/or the specific trade or trades in any such Area in and in respect of which the said section as so amended shall apply :

Provided further that if, on the date of the coming into force of any such Order in Council—

(a) In respect of any Area or Areas ; and/or

(b) In respect of any specific trade or trades in any such Area,

which have been so directed and defined, any apprentice, whose indenture of apprenticeship was entered into

1945. *Apprentices and Minors Acts Amendment Act.*

before such firstmentioned date, had completed his probation period of six months, or had served for a portion of such period, then, in any such case, the Minister, on the recommendation of the Executive after consultation with the Group Committee for the particular calling, may direct and order—

- (i.) That a period of thirteen weeks' training in a technical college shall be undergone by any such apprentice during the first year of his apprenticeship ; or
- (ii.) If it is not possible to undergo a full thirteen weeks' training in such first year of apprenticeship, that such portion of thirteen weeks shall be served in such training in such first year by such apprentice as may be possible for him to so serve :

Provided also, that during any such attendance at a technical college for training as aforesaid, the provisions of subsections one and two of section thirty of the Principal Act (as inserted by paragraph (i.) of subsection one of section thirteen of this Act, shall, *mutatis mutandis*, apply and have effect accordingly.

4. Section nine of the Principal Act is amended as follows :—

(i.) In paragraph (b) of subsection two after the words "for reappointment" the words "and shall remain in office until his successor shall have been appointed, notwithstanding that he shall have held office for three years or longer" are added.

(ii.) In subsection three the words "and no longer" are repealed and the words "and thereafter until his successor has been appointed" are inserted in lieu thereof.

5. (1.) Section thirteen of the Principal Act is amended by repealing paragraph (a) of subsection three and inserting the following paragraph (a) in lieu thereof, namely :—

(a) The rates of pay (including overtime rates) to be paid to apprentices in each trade as wages in each year of their apprenticeship course :

Provided that the minimum weekly wage in a five-years' apprenticeship shall be—

First year, seventeen and one-half per centum ;

Amendment
of s. 9.

[Apprentice-
ship
Executive.]

Amendment
of s. 13.

[Rates of
pay.]

Apprentices and Minors Acts Amendment Act. 9 GEO. VI. No. 12,

Second year, thirty per centum ;

Third year, forty-five per centum ;

Fourth year, fifty-seven and one-half per centum ;

Fifth year, seventy-two and one-half per centum of the wage prescribed for journeymen in the award for the particular trade :

Provided further that where a period of apprenticeship shorter than five years is specified in accordance with section twenty-four of this Act the average wage during such period shall not be less than forty-four and one-half per centum of the journeyman's wage for the particular trade :

Provided also that these provisions shall be read and construed so as not to prejudice or affect any regulation, order, rule or by-law made under the * *National Security Act 1939-1943* of the Commonwealth.

Operation of
amend-
ments.

(2.) Any regulations hereafter made under section thirteen of the Principal Act pursuant to the amendments made therein by this section shall extend and apply to apprentices whose indentures of apprenticeship are in existence at the making of such regulations as well as to apprentices indentured after the making of such regulations.

Amendment
of s. 14.

6. Section fourteen of the Principal Act is amended as follows :—

[Group
Apprentice-
ship
Committees.]

(i.) The following proviso is added to paragraph (b) of subsection two, namely :—

“ Provided that in determining such number, the Minister shall give consideration to any recommendation of the Executive therein.”

(ii.) In paragraph (b) of subsection three, after the words “ for reappointment ” the words “ and shall remain in office until his successor shall have been appointed notwithstanding that he shall have held office for three years or longer.”

(iii.) In subsection four the words “ and no longer ” are repealed and the words “ until his successor has been appointed ” are inserted in lieu thereof.

* No. 15 of 1939 (and amending Acts) of the Commonwealth.

1945. *Apprentices and Minors Acts Amendment Act.*

(iv.) Subsection five is amended by inserting after the word "representative" the words "other than the chairman," also by adding thereto the following proviso:—
"Provided that in any such absence of the chairman, the Minister may appoint a person to act as chairman and any person while he so acts shall have in respect of the meeting concerned all the powers, authorities and responsibilities and shall perform all the duties of the chairman."

7. In paragraph (i) of subsection one of section fifteen of the Principal Act after the words "referred to" the words "in paragraph (f) of section twelve and" are inserted. Amendment of s. 15.
[Duties of Group Committees.]

8 Section sixteen of the Principal Act is amended as follows:— Amendment of s. 16.

(i.) In paragraph (a) after the words "Delegate to" the words "the chairman or to any sub-committee of the Executive or to" are inserted. [Power of Executive to delegate powers and authorities.]

(ii.) Also the words "Subject to this Act any Group Committee" are repealed and the words "Subject to this Act, the chairman or any sub-committee of the Executive or any Group Committee" are inserted in lieu thereof.

(iii.) Also the words "to it" where they twice occur are repealed and the words "to him or it" are inserted in lieu thereof.

9. Section eighteen of the Principal Act is amended as follows:— Amendment of s. 18.

(i.) In paragraph (a) of subsection one the words "State labour agent" are repealed and the words "Technical College Principal" are inserted in lieu thereof. [Advisory Committee.]

(ii.) The following words are added to the said subsection one before the proviso therein, namely:—
"and each such member of an Advisory Committee (other than the chairman) shall hold office for a period of three years and thereafter until his successor shall have been appointed, and shall be eligible for reappointment:"

10. (1.) Section twenty-two of the Principal Act is amended as follows:— Amendment of s. 22.

(i.) Subsection two of section twenty-two of the Principal Act is repealed.

Apprentices and Minors Acts Amendment Act. 9 GEO. VI. No. 12,

(ii.) In the last paragraph of subsection six, after the words "offence by" the words "a welfare officer or" are inserted.

(iii.) In subsection seven the words "one, two and three" are repealed and the words "one and three" are inserted in lieu thereof.

Operation of amendment.

(2.) The amendment to section twenty-two of the Principal Act made by paragraphs (i.) and (iii.) of subsection one of this section shall come into effect on the date upon which the amendments made by section three of this Act to section six of the Principal Act come into operation, and if such lastmentioned amendments are brought into operation in any specified Area or Areas of the State and/or in respect of any specific trade or trades in any such Area such amendments shall be in force in such Area or Areas and (as the case may be) in respect of the specific trade or trades concerned only.

Amendment of s. 24.
[Period of apprenticeship.]

11. (1.) Section twenty-four of the Principal Act is amended by omitting therefrom the words "unless the Executive otherwise determines."

Existing indentures preserved.

(2.) The amendment of the Principal Act made by this section shall not apply with respect to any indenture entered into before and in force at the passing of this Act.

Amendment of s. 25.

12. The following proviso is added to section twenty-five of the Principal Act, as follows:—

[Age for apprenticeship.]

"Provided that no apprenticeship shall begin at an age earlier than the school-leaving age. For the purposes of this section "the school-leaving age" shall mean the age for the time being prescribed under section twenty-eight of **"The State Education Acts, 1875 to 1940"* (or any Act amending or in substitution of the same) as the age until attaining which a parent of a child is compulsorily required to cause such child to attend a State school or a provisional school."

Amendment of s. 30.

13. (1.) Section thirty of the Principal Act is amended as follows:—

[Technical classes.]

(i.) Subsections one and two are repealed and the following subsections one and two are inserted in lieu thereof, namely:—

"(1.) Unless otherwise determined by the Minister on the recommendation of the Executive after consultation with the Group Committee for the particular

* 39 V. No. 11 and amending Acts, v. 3, pp. 177 *et seq.*

1945. *Apprentices and Minors Acts Amendment Act.*

calling, every apprentice shall, in accordance with the provisions of subsection three of section six of this Act, during the period of probation attend, and every employer shall permit him to attend, a technical college or school for a period of thirteen weeks for full-time trade instruction :

Provided that, where in any case, it is not practicable or possible for any such apprentice to attend such technical college or school for the said period of thirteen weeks during the period of probation of such apprentice, the Minister may on a like recommendation of the Executive after consultation with the Group Committee for the particular calling, direct and order—

- (i.) That such period of thirteen weeks' trade instruction as aforesaid shall be undergone by the apprentice concerned during the first year of his apprenticeship ; or
- (ii.) If it is not possible for the apprentice to undergo a full thirteen weeks' trade instruction in such first year of apprenticeship, that such portion of thirteen weeks shall be served in such training in such first year by such apprentice as may be possible for him to so serve.

(2.) The apprentice shall attend for such full-time instruction referred to in subsection one hereof during the same ordinary working hours per week as may be prescribed by an industrial award applicable to the calling in which he is employed and during any such attendance as aforesaid he shall receive remuneration from his employer at the rate prescribed for the first year of apprenticeship."

(ii.) Subsection three is repealed and the following subsections three to eight are inserted in lieu thereof, namely :—

"(3.) Unless otherwise determined by the Minister on the recommendation of the Executive after consultation with the Group Committee for the particular calling, every apprentice shall attend, and every employer of such apprentice shall permit him to attend, a technical college or school for a period of one full day per fortnight during each of the second, third and fourth years of his apprenticeship for instruction in such subjects as may be determined by the Minister on the

Apprentices and Minors Acts Amendment Act. 9 GEO. VI. No. 12.

recommendation of the Executive from time to time after consultation with the Group Committee for the particular calling. And during such attendance he shall be paid by his employer wages in accordance with his year of apprenticeship.

For the purposes of this subsection the Executive shall determine what shall constitute the second, third, and/or fourth year as herein referred to.

(4.) (i.) Where it is not practicable for an apprentice to attend a technical college as referred to in subsection three of this section he shall carry out such course of instruction by correspondence as is determined by the Executive after consultation with the Group Committee for his particular calling; and for such purpose the apprentice shall be allowed to absent himself for a period of one full day per fortnight and on production by the apprentice of evidence satisfactory to such Group Committee that he has devoted his full time for the prescribed instruction he shall be paid wages by his employer, as in the case provided for in subsection three aforesaid, which subsection is applied accordingly.

(ii.) This subsection four shall only apply to those apprentices who are not required to attend at a Technical College.

(5.) Unless otherwise determined by the Minister on the recommendation of the Executive after consultation with the Group Committee for the particular calling, as from the commencement of the period of apprenticeship and until the close of the college or school year, the apprentice shall (except during the period of thirteen weeks' full-time training) attend, and his employer shall permit him to attend, a technical college or school for a minimum of two evening hours per week for part-time instruction in such subjects as may be determined by the Minister on the recommendation of the Executive from time to time after consultation with the Group Committee for his particular calling, but during such attendance he shall not be paid by his employer unless prevented by the nature of his work from attending classes in his own time. During each of the succeeding three college or school years such last-mentioned minimum period of part-time instruction shall be increased to four hours, which four hours shall be spent by attendance at the technical college or school

1945. *Apprentices and Minors Acts Amendment Act.*

for two evenings per week and/or on Saturday mornings thereat in those cases in which Saturday is not a working day for the apprentice concerned.

(6.) The Minister, on the recommendation of the Executive after consultation with the Group Committee of the particular calling concerned, shall allow any apprentice, who has reached a prescribed standard in his final apprenticeship certificate examination, to attend, in his own time, a higher trade course at a Technical College covering two college years, free of the payment by the apprentice concerned of any fees or charges in respect of any such attendance.

(7.) No fees shall be charged for any instruction attendance whereat is compulsory as hereinbefore in this section prescribed.

(8.) Notice of determinations as referred to in subsections one, three, four and five above referred to shall be given in the *Gazette*."

(iii.) The following further amendments are made in the said section, namely:—

(a) Subsection four is renumbered subsection nine and is amended as follows:—The word "Reports" is repealed and the words "Term reports" are inserted in lieu thereof; also after the words "teacher concerned" the words "within twenty-one days of the close of each term" are inserted.

(b) Subsections five and six are renumbered subsections ten and eleven.

(c) Subsection seven is renumbered subsection twelve and is amended by deleting all words from and including the words "each of" to and including the words "to do so" at the end of the subsection.

(d) Subsection eight is repealed.

(e) A new subsection (now numbered thirteen) is inserted after subsection seven (now numbered twelve), as follows:—

"(13.) If an apprentice fails to secure a record of at least eighty per centum of attendances at each prescribed class his attendance shall be deemed to be unsatisfactory unless his absence is supported by a certificate from a registered medical practitioner:

Provided that if it is reported to the Group Committee concerned that the attendance of the apprentice has been deemed unsatisfactory it shall be lawful,

Apprentices and Minors Acts Amendment Act. 9 GEO. VI. No. 12,

with the approval of the Group Committee, for the employer to withhold the increase in wages accruing to the apprentice in accordance with the prescribed scale for such period as may be determined by the Group Committee but not exceeding twelve months.”

(f) Subsection nine is renumbered subsection fourteen.

(g) Subsection ten is renumbered subsection fifteen.

(h) Subsection eleven is renumbered subsection sixteen.

(i) Subsection twelve is renumbered subsection seventeen.

Operation of
amendments.

(2.) Subject as hereinafter provided, the amendments to section thirty of the Principal Act made by this section thirteen shall come into operation on the date upon which the amendments made by section three of this Act to section six of the Principal Act come into operation, and if such lastmentioned amendments are brought into operation in any specified Area or Areas of the State and/or in respect of any specific trade or trades in any such Area, such amendments shall be in force in such Area or Areas and (as the case may be) in respect of the specific trade or trades in any such Area concerned only, and shall apply and extend, so far as may be in respect of apprentices whose indentures are in existence on any such date, as well as to apprentices indentured after such date :

Provided that in any Area where the amendments of section six of **“The Apprentices and Minors Acts, 1929 to 1934,”* made by section three of this Act, have not been declared to be in force (or where in any Area the said amendments are in force but only in respect of any specific trade or trades as directed or defined) the provisions of section thirty of the Principal Act shall apply in any such Area (or as the case may be) to any specific trade or trades not so directed or defined, in any such Area, but with the following modifications, namely :—

Paragraphs (ii.) and (iii.) of subsection one of section thirteen of this Act shall apply, on the passing of this Act (and, as far as may

* 20 G. 5 No. 37 and amending Acts, v. 4, pp. 663 *et seq.*

1945. *Apprentices and Minors Acts Amendment Act.*

be, to any existing or future indentures of apprenticeship) with the following modification, namely :—

“ That the attendance of the apprentice at a technical college or school as referred to in subsections three and five contained in paragraph (ii.) shall commence in the first college year in which he is apprenticed ; unless the Minister on the recommendation of the Executive after consultation with the Group Committee for the particular calling may fix the commencement at another date ; ”

and section thirty of the Principal Act shall be read and construed accordingly.

14. In subsection one of section forty-one of the Principal Act the words “ the final ” are repealed and the words “ a final ” are inserted in lieu thereof. Amendment of s. 41. [Final examination.]

15. The last paragraph of section forty-four of the Principal Act being the proviso commencing with the words “ Provided that ” and ending with the words “ or industry ” are repealed. Amendment of s. 44. [Employment of minors.]

16. In section forty-six of the Principal Act after the words “ Advisory Committee ” the words “ or a person representing the Executive, Group Committee, or Advisory Committee,” are inserted. Amendment of s. 46. [Power of executive, &c., to enter premises.]

17. After section forty-seven of the Principal Act, a new section 47A is inserted, namely :— New s. 47A.

“ [47A.] (1.) For the purposes of this Act, the Governor in Council may appoint any persons to be welfare officers and any such appointee may be so appointed in a part-time capacity. Welfare officers.

(2.) Any such welfare officer shall hold office as such at the pleasure of the Governor in Council.

(3.) The powers, duties, and authorities of any welfare officer so appointed shall be as follows :—

- (i.) To enter any premises ;
- (ii.) To make an inspection of the premises, plant, machinery, or work upon which any apprentice or minor is employed or could be employed ;

Apprentices and Minors Acts Amendment Act. 9 GEO. VI. No. 12, 1945.

- (iii.) To interview any apprentice, minor or employee ;
- (iv.) To examine any books or documents of the business relating to the wages and conditions of apprentices or minors ;
- (v.) To interrogate the employer in regard to any of the abovementioned matters.
- (vi.) To receive regularly from technical colleges or schools the names of apprentices and minors whose unexplained absence over a period to be fixed by the Executive from classes at which their attendance is compulsory is noted and to ascertain the causes of absence ;
- (vii.) To endeavour to remove the cause of any grievance or complaint on the part of an employer or of an apprentice or minor with the object of ensuring good relations between employers and apprentices or minors ;
- (viii.) To endeavour to arrange that the trade experience of apprentices as provided by employers is progressive and in co-ordination with college training ;
- (ix.) Generally to do any act relating to matters comprised in this Act ; and
- (x) To see that the provisions of this Act are duly observed.

(4.) A welfare officer shall report to the chairman of the Apprenticeship Executive all breaches of this Act, or of any regulation, which have come to his knowledge.

Amendment
of s. 48.
[Returns to
Group
Committees.]

18. In paragraph (d) of section forty-eight of the Principal Act, after the words " names of " the word " journeymen " is inserted.