

54. Any person who refuses or fails to comply with any order, direction or requirement made or given by any authority in exercise of any power or function vested in it by this Act shall be guilty of an offence against this Act. Offences.

Penalty: In the case of a company, One thousand pounds and, in addition One hundred pounds for each day during which the offence continues and, in the case of an individual, One hundred pounds or imprisonment for six months or both.

55. Orders made under this Act shall not be deemed to be Statutory Rules within the meaning of the *Rules Publication Act* 1903-1939 and sections forty-eight and forty-nine of the *Acts Interpretation Act* 1901-1941 shall not apply to any orders so made. Orders and by-laws not Statutory Rules.

56. The Governor-General may, upon the recommendation of the Prime Minister in agreement with the Premier of the State, 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 in relation to any matter within the powers and functions vested by this Act in the Board or in any other authority and generally for regulating and carrying into effect any action taken by the Board or any other authority in the exercise of any such power or function. Regulations.

TRADESMEN'S RIGHTS REGULATION.

No. 41 of 1946.

An Act to make provision in relation to the Regulation of Tradesmen's Rights of Employment in certain Trades, and Employment of Members of the Forces in those Trades, and for other purposes.

[Assented to 15th August, 1946.]

WHEREAS regulations were made under the *National Security Act* 1939, or under that Act as amended, regulating the employment of persons, and providing for the temporary relaxation of certain customs favourable to recognized tradesmen, in the trades to which this Act applies: Preamble.

AND WHEREAS it is necessary—

- (a) to make provision for dealing with the abnormal industrial conditions directly resulting from the operation of those regulations; and
- (b) to make provision for the training and employment of members of the Forces, as defined in this Act, in the trades to which this Act applies, as a measure of rehabilitation of those members:

BE it therefore enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

PART I.—PRELIMINARY.

- Citation.** 1. This Act may be cited as the *Tradesmen's Rights Regulation Act 1946*.
- Commencement.** 2. This Act shall come into operation on the day on which it receives the Royal Assent.
- Repeal.** 3.—(1.) The following Regulations are repealed :—
 National Security (Engineering Trades) Regulations ;
 National Security (Boilermaking Trades) Regulations ;
 National Security (Blacksmithing Trades) Regulations ;
 National Security (Electrical Trades) Regulations ;
 National Security (Sheet Metal Trades) Regulations.
- (2.) The repeal effected by this section shall not affect any right which would have existed but for that repeal of any apprentice who is, at the date of commencement of this Act, serving an employer in the fifth year of service to receive not less than a specified wage during the remainder of that year of service, and the employer shall accordingly pay to the apprentice not less than the specified wage.
- Pending proceedings.** 4. Any application, reference or appeal pending, at the commencement of this Act, before a committee or court in pursuance of any regulations repealed by this Act shall be deemed to have been made or instituted in pursuance of this Act and may be dealt with by the corresponding committee constituted under this Act, or by the court, as the case may require, in accordance with this Act.
- Parts.** 5. This Act is divided into Parts, as follows :—
 Part I.—Preliminary.
 Part II.—Engineering Trades.
 Part III.—Boilermaking Trades.
 Part IV.—Blacksmithing Trades.
 Part V.—Electrical Trades.
 Part VI.—Sheet Metal Trades.
 Part VII.—Incorporated Provisions.
 Part VIII.—Miscellaneous.
- Definitions.** 6. In this Act, unless the contrary intention appears—
 “employment” means remunerative employment, and
 “employed” has a corresponding meaning ;
 “member of the Forces” means a person who is a member of the Forces as defined in section four of the *Re-establishment and Employment Act 1945* ;
 “the Department” means the Department of Labour and National Service ;
 “the war” means the war as defined in section four of the *Re-establishment and Employment Act 1945*.

7. For the purposes of this Act, the Australian Capital Territory shall be deemed to be part of the State of New South Wales, and the Northern Territory shall be deemed to be part of the State of South Australia. Territories.

8. This Act shall bind the Crown in right of the Commonwealth or of a State and any authority constituted by or under any law of the Commonwealth or of a State or Territory of the Commonwealth. Act to bind Crown.

9. Except as otherwise provided in this Act, the provisions contained in Part VII. of this Act shall be incorporated and read as one with each of Parts II., III., IV., V. and VI. of this Act, and shall not have any other force or effect. Operation of Part VII.

PART II.—ENGINEERING TRADES.

10. In this Part, unless the contrary intention appears— Definitions.

“added tradesman” means an adult person (not being a recognized tradesman, a probationary tradesman or a trainee tradesman) whose engagement or elevation to perform work ordinarily performed by a recognized tradesman was authorized by a Local Dilution Committee under the National Security (Engineering Trades Dilution) Regulations or who was at any time deemed under those Regulations to be an added tradesman ;

“certificate of recognition as a recognized tradesman” means a certificate of recognition as a recognized tradesman granted in accordance with this Part, and includes such a certificate granted before the commencement of this Act in accordance with the National Security (Engineering Trades) Regulations ;

“Committee” means a committee established under this Part ;

“employer” means any person employing persons in engineering operations, and includes an intending employer of persons in such operations ;

“Local Committee” means a Local (Engineering Trades) Committee established under this Part, and includes a Committee which was established by that name under the National Security (Engineering Trades) Regulations ;

“probationary tradesman” means an adult member of the Forces whose employment as a probationary tradesman in a trade to which this Part applies has been authorized by a Local Committee ;

“recognized tradesman” means a person who, in relation to any trade to which this Part applies—

(a) was employed, prior to the eighth day of May, One thousand nine hundred and forty, as a tradesman ;

(b) has qualified or qualifies by service as an apprentice for employment as a tradesman ;

(c) has completed his course of training as a trainee tradesman to the satisfaction of a Local Committee ;
or

(d) has been granted a certificate of recognition as a recognized tradesman ;

“ Register ” means a Register established and maintained in pursuance of this Part ;

“ the Central Committee ” means the Central (Engineering Trades) Committee established under this Part, and includes a Committee which was established by that name under the National Security (Engineering Trades) Regulations ;

“ tradesman ” means a person employed in any of the classifications specified in the First Schedule to this Act ;

“ trainee tradesman ” means a member of the Forces (not being an apprentice) whose employment as a trainee tradesman in a trade to which this Part applies, for the purpose of undergoing a course of training in an industrial establishment, has been authorized by a Local Committee.

Trades to which Part applies.

11. This Part shall apply to the engineering trades specified in the First Schedule to this Act.

Central Committee.

12.—(1.) There shall be a Central (Engineering Trades) Committee consisting of—

- (a) a representative of the Minister, who shall be the Chairman of the Committee ;
- (b) two representatives of employers ; and
- (c) two representatives of employees.

(2.) The members of the Committee shall be appointed by the Minister and shall hold office during the pleasure of the Minister.

Local Committees.

13.—(1.) There shall be a Local (Engineering Trades) Committee in each State consisting of—

- (a) a representative of the Minister, who shall be the Chairman of the Committee ;
- (b) two representatives of employers ; and
- (c) two representatives of employees.

(2.) The members of each Local Committee shall be appointed by the Minister and shall hold office during the pleasure of the Minister.

Certain classes of recognized tradesmen.

14. A recognized tradesman whose classification is that of second-class machinist (including brass finisher), motor cycle mechanic, motor mechanic, motor tuner and tester or key-seating machinist shall, in relation to his employment in any other engineering trade to which this Part applies, be deemed not to be a recognized tradesman.

PART III.—BOILERMAKING TRADES.

Definitions.

15. In this Part, unless the contrary intention appears—

“ added tradesman ” means an adult person (not being a recognized tradesman, a probationary tradesman or a trainee tradesman) whose engagement or elevation to perform work ordinarily performed by a recognized tradesman was authorized by a Local Dilution Committee under the National Security (Boilermaking Trades Dilution) Regulations or who was at any time deemed under those Regulations to be an added tradesman ;

“certificate of recognition as a recognized tradesman” means a certificate of recognition as a recognized tradesman granted in accordance with this Part, and includes such a certificate granted before the commencement of this Act in accordance with the National Security (Boilermaking Trades) Regulations ;

“Committee” means a committee established under this Part ;

“employer” means any person employing persons in boilermaking operations, and includes an intending employer of persons in such operations ;

“Local Committee” means a Local (Boilermaking Trades) Committee established under this Part, and includes a Committee which was established by that name under the National Security (Boilermaking Trades) Regulations ;

“probationary tradesman” means an adult member of the Forces whose employment as a probationary tradesman in a trade to which this Part applies has been authorized by a Local Committee ;

“recognized tradesman” means a person who, in relation to any trade to which this Part applies—

(a) was employed, prior to the twenty-ninth day of November, One thousand nine hundred and forty, as a tradesman ;

(b) has qualified or qualifies by service as an apprentice for employment as a tradesman ;

(c) has completed his course of training as a trainee tradesman to the satisfaction of a Local Committee ;
or

(d) has been granted a certificate of recognition as a recognized tradesman ;

“Register” means a register established and maintained in pursuance of this Part ;

“the Central Committee” means the Central (Boilermaking Trades) Committee established under this Part, and includes the Committee which was established by that name under the National Security (Boilermaking Trades) Regulations ;

“tradesman” means a person employed in any of the classifications specified in the Second Schedule to this Act ;

“trainee tradesman” means a member of the Forces (not being an apprentice) whose employment as a trainee tradesman in a trade to which this Part applies, for the purpose of undergoing a course of training in an industrial establishment, has been authorized by a Local Committee.

16. This Part shall apply to the boilermaking trades specified in the Second Schedule to this Act.

Trades to
which Part
applies.

Central
Committee.

17.—(1.) There shall be a Central (Boilermaking Trades) Committee consisting of—

- (a) a representative of the Minister, who shall be the Chairman of the Committee ;
- (b) two representatives of employers ; and
- (c) two representatives of employees.

(2.) The members of the Committee shall be appointed by the Minister and shall hold office during the pleasure of the Minister.

Local
Committees.

18.—(1.) There shall be a Local (Boilermaking Trades) Committee in each State consisting of—

- (a) a representative of the Minister, who shall be the Chairman of the Committee ;
- (b) two representatives of employers ; and
- (c) two representatives of employees.

(2.) The members of each Local Committee shall be appointed by the Minister and shall hold office during the pleasure of the Minister.

Employment
of tradesmen.

19.—(1.) The provisions of sub-sections (2.) to (4.) (inclusive) of section forty-three of this Act shall not apply in relation to trades to which this Part applies, and the reference in sub-section (5.) of that section to sub-section (4.) of that section shall, for the purposes of this Part, be read as a reference to sub-section (4.) of this section.

(2.) An employer shall not, in the engagement or elevation of any person to carry out work ordinarily performed by a recognized tradesman, engage or elevate—

- (a) a person other than a recognized tradesman if a recognized tradesman who is competent to perform that work is available and offering for employment ; or
- (b) a person other than a recognized tradesman or a probationary tradesman if a probationary tradesman who is competent to perform that work is available and offering for employment.

(3.) Upon the direction of a Local Committee, an employer shall cease to employ a person other than a recognized tradesman on work ordinarily performed by a recognized tradesman if a recognized tradesman who is declared by the Committee to be competent to perform the work required is available and offering for employment.

(4.) An employer shall not, without the consent of a Local Committee—

- (a) dismiss a recognized tradesman who is competent to perform the work required while any tradesman, other than a recognized tradesman, is employed by him in the same establishment ; or
- (b) dismiss a probationary tradesman who is competent to perform the work required while any tradesman, other than a recognized tradesman or a probationary tradesman, is employed by him in the same establishment.

PART IV.—BLACKSMITHING TRADES.

20. In this Part, unless the contrary intention appears—

Definitions.

“added tradesman” means an adult person (not being a recognized tradesman, a probationary tradesman or a trainee tradesman) whose engagement or elevation to perform work ordinarily performed by a recognized tradesman was authorized by a Local Dilution Committee under the National Security (Blacksmithing Trades Dilution) Regulations or who was at any time deemed under those Regulations to be an added tradesman ;

“certificate of recognition as a recognized tradesman” means a certificate of recognition as a recognized tradesman granted in accordance with this Part, and includes such a certificate granted before the commencement of this Act in accordance with the National Security (Blacksmithing Trades) Regulations ;

“Committee” means a Committee established under this Part ;

“employer” means any person employing persons in blacksmithing operations, and includes an intending employer of persons in such operations ;

“Local Committee” means a Local (Blacksmithing Trades) Committee established under this Part, and includes a Committee which was established by that name under the National Security (Blacksmithing Trades) Regulations ;

“probationary tradesman” means an adult member of the Forces whose employment as a probationary tradesman in a trade to which this Part applies has been authorized by a Local Committee ;

“recognized tradesman” means a person who, in relation to any trade to which this Part applies—

(a) was employed, prior to the twenty-ninth day of November, One thousand nine hundred and forty, as a tradesman ;

(b) has qualified or qualifies by service as an apprentice for employment as a tradesman ;

(c) has completed his course of training as a trainee tradesman to the satisfaction of a Local Committee ;
or

(d) has been granted a certificate of recognition as a recognized tradesman ;

“Register” means a Register established and maintained in pursuance of this Part ;

“the Central Committee” means the Central (Blacksmithing Trades) Committee established under this Part, and includes the Committee which was established by that name under the National Security (Blacksmithing Trades) Regulations ;

“tradesman” means a person employed in any of the classifications specified in the Third Schedule to this Act ;

“trainee tradesman” means a member of the Forces (not being an apprentice) whose employment as a trainee tradesman in a trade to which this Part applies, for the purpose of undergoing a course of training in an industrial establishment, has been authorized by a Local Committee.

Trades to which Part applies.

21. This Part shall apply to the blacksmithing trades specified in the Third Schedule to this Act.

Central Committee.

22.—(1.) There shall be a Central (Blacksmithing Trades) Committee consisting of—

- (a) a representative of the Minister, who shall be the Chairman of the Committee ;
- (b) a representative of employers ; and
- (c) a representative of employees.

(2.) The members of the Committee shall be appointed by the Minister and shall hold office during the pleasure of the Minister.

Local Committees.

23.—(1.) There shall be a Local (Blacksmithing Trades) Committee in each State consisting of—

- (a) a representative of the Minister, who shall be the Chairman of the Committee ;
- (b) a representative of employers ; and
- (c) a representative of employees.

(2.) The members of each Local Committee shall be appointed by the Minister and shall hold office during the pleasure of the Minister.

Quorum of Committees.

24.—(1.) Section thirty-six of this Act shall not apply in relation to a Committee established under this Part.

(2.) Two members of a Committee shall constitute a quorum of that Committee.

PART V.—ELECTRICAL TRADES.

Definitions.

25. In this Part, unless the contrary intention appears—

“added tradesman” means an adult person (not being a recognized tradesman, a probationary tradesman or a trainee tradesman) whose engagement or elevation to perform work ordinarily performed by a recognized tradesman was authorized by a Local Dilution Committee under the National Security (Electrical Trades Dilution) Regulations or who was at any time deemed under those regulations to be an added tradesman ;

“certificate of recognition as a recognized tradesman” means a certificate of recognition as a recognized tradesman granted in accordance with this Part, and includes such a certificate granted before the commencement of this Act in accordance with the National Security (Electrical Trades) Regulations ;

“Committee” means a committee established under this Part ;
 “employer” means any person employing persons in electrical operations, and includes an intending employer of persons in such operations ;

“Local Committee” means a Local (Electrical Trades) Committee established under this Part, and includes a Committee which was established by that name under the National Security (Electrical Trades) Regulations ;

“probationary tradesman” means an adult member of the Forces whose employment as a probationary tradesman in a trade to which this Part applies has been authorized by a Local Committee ;

“recognized tradesman” means a person who, in relation to any trade to which this Part applies—

(a) was employed prior to the thirtieth day of October, One thousand nine hundred and forty-one, as a tradesman ;

(b) has qualified or qualifies by service as an apprentice for employment as a tradesman ;

(c) has completed his course of training as a trainee tradesman to the satisfaction of a Local Committee ;
 or

(d) has been granted a certificate of recognition as a recognized tradesman ;

“Register” means a Register established and maintained in pursuance of this Part ;

“the Central Committee” means the Central (Electrical Trades) Committee established under this Part, and includes the Committee which was established by that name under the National Security (Electrical Trades) Regulations ;

“tradesman” means a person employed in any of the classifications specified in the Fourth Schedule to this Act ;

“trainee tradesman” means a member of the Forces (not being an apprentice) whose employment as a trainee tradesman in a trade to which this Part applies, for the purpose of undergoing a course of training in an industrial establishment, has been authorized by a Local Committee.

26. This Part shall apply to the electrical trades specified in the Fourth Schedule to this Act.

Trades to which this Part applies.

27.—(1.) There shall be a Central (Electrical Trades) Committee consisting of—

Central Committee.

(a) a representative of the Minister, who shall be the Chairman of the Committee ;

(b) two representatives of employers ; and

(c) two representatives of employees.

(2.) The members of the Committee shall be appointed by the Minister and shall hold office during the pleasure of the Minister.

Local
Committees.

28.—(1.) There shall be a Local (Electrical Trades) Committee in each State consisting of—

- (a) a representative of the Minister, who shall be the Chairman of the Committee ;
- (b) two representatives of employers ; and
- (c) two representatives of employees.

(2.) The members of each Local Committee shall be appointed by the Minister and shall hold office during the pleasure of the Minister.

Licences and
certificates
under other
laws.

29. Nothing in this Part shall entitle a recognized tradesman, a probationary tradesman or a trainee tradesman to be employed on electrical operations for the performance of which the holding of a licence or certificate is required by or under the law of the Commonwealth or of a State or Territory of the Commonwealth unless he holds such a licence or certificate, and any certificate issued under this Part shall be endorsed accordingly.

PART VI.—SHEET METAL TRADES.

Definitions.

30. In this Part, unless the contrary intention appears—

- “added tradesman” means an adult person (not being a recognized tradesman, a probationary tradesman or a trainee tradesman) whose engagement or elevation to perform work ordinarily performed by a recognized tradesman was authorized by a Local Dilution Committee under the National Security (Sheet Metal Trades Dilution) Regulations or who was at any time deemed under those Regulations to be an added tradesman ;
- “certificate of recognition as a recognized tradesman” means a certificate of recognition as a recognized tradesman granted in accordance with this Part, and includes such a certificate granted before the commencement of this Act in accordance with the National Security (Sheet Metal Trades) Regulations ;
- “Committee” means a committee established under this Part ;
- “employer” means any person employing persons in sheet metal operations, and includes an intending employer of persons in such operations ;
- “Local Committee” means a Local (Sheet Metal Trades) Committee established under this Part, and includes a Committee which was established by that name under the National Security (Sheet Metal Trades) Regulations ;
- “probationary tradesman” means an adult member of the Forces whose employment as a probationary tradesman in a trade to which this Part applies has been authorized by a Local Committee ;

“recognized tradesman” means a person who, in relation to any trade to which this part applies—

- (a) was employed, prior to the thirtieth day of October, One thousand nine hundred and forty-one, as a tradesman ;
- (b) has qualified or qualifies by service as an apprentice or improver for employment as a tradesman ;
- (c) has completed his course of training as a trainee tradesman to the satisfaction of a Local Committee ;
or
- (d) has been granted a certificate of recognition as a recognized tradesman in accordance with this Part ;

“Register” means a Register established and maintained in pursuance of this Part ;

“the Central Committee” means the Central (Sheet Metal Trades) Committee established under this Part, and includes the Committee which was established by that name under the National Security (Sheet Metal Trades) Regulations ;

“tradesman” means a person employed in any of the classifications specified in the Fifth Schedule to this Act ;

“trainee tradesman” means a member of the Forces (not being an apprentice) whose employment as a trainee tradesman in a trade to which this Part applies, for the purpose of undergoing a course of training in an industrial establishment, has been authorized by a Local Committee.

31. This Part shall apply to the sheet metal trades specified in the Fifth Schedule to this Act.

Trades to which Part applies.

32.—(1.) There shall be a Central (Sheet Metal Trades) Committee consisting of—

Central Committee.

- (a) a representative of the Minister, who shall be the Chairman of the Committee ;
- (b) two representatives of employers ; and
- (c) two representatives of employees.

(2.) The members of the Committee shall be appointed by the Minister and shall hold office during the pleasure of the Minister.

33.—(1.) There shall be a Local (Sheet Metal Trades) Committee in each State consisting of—

Local Committees.

- (a) a representative of the Minister, who shall be the Chairman of the Committee ;
- (b) two representatives of employers ; and
- (c) two representatives of employees.

(2.) The members of each Local Committee shall be appointed by the Minister and shall hold office during the pleasure of the Minister.

PART VII.—INCORPORATED PROVISIONS.

Powers of
Central
Committee, &c.

34.—(1.) The powers and functions of the Central Committee shall be—

- (a) to determine and give directions on any matter referred to it by a Local Committee or the Chairman thereof;
- (b) to direct and supervise Local Committees in the general procedure to be followed in the exercise of the powers conferred on, or in the performance of the functions assigned to, those Committees under this Act;
- (c) to determine the form of certificate to be granted to any person in accordance with the provisions of this Part; and
- (d) to advise the Minister generally with respect to any action considered necessary to give effect to this Part.

(2.) The Chairman of the Committee shall convene meetings of the Committee as and when required and, in any event, within seven days after the date of receipt by him of an application therefor signed by a member of the Committee.

(3.) Any decision of the Committee on any matter within its powers and functions shall be final.

(4.) In considering any matter referred to in paragraph (a) of subsection (1.) of this section, the Committee may hear such evidence as it thinks fit.

(5.) The Central Committee may make rules, not inconsistent with this Act, in relation to the proceedings of that Committee or of any Local Committee.

(6.) There shall be a Secretary to the Central Committee, who shall be appointed by the Minister and shall attend all meetings of the Committee and take and maintain a record of all business transacted at those meetings.

Powers of
Local
Committees,
&c.

35.—(1.) A Local Committee shall have power to determine any matter arising under this Part in the State in which it is established and, without limiting the generality of the foregoing, the Committee shall have power in relation to that State—

- (a) to authorize the employment of probationary tradesmen and trainee tradesmen in accordance with the provisions of this Part;
- (b) to direct the removal from the Register in that State of the name of any probationary tradesman or trainee tradesman;

- (c) to issue certificates of recognition as a recognized tradesman ;
and
- (d) to consider, and to issue directions to employers in relation to; any matters in dispute regarding the claims of persons under this Part or under any other law of the Commonwealth to employment in any trade to which this Part applies.

(2.) The Chairman of a Local Committee may, and shall, upon the request of a member thereof, refer any matter within its powers and functions to the Central Committee for decision or direction.

(3.) There shall be a Secretary to each Local Committee, who shall be appointed by the Minister and shall attend all meetings of the Committee and take and maintain a record of all business transacted at those meetings.

36. Three members of a Committee shall constitute a quorum of that Committee. Quorum.

37. All questions arising at any meeting of a Committee shall be decided by a majority of the votes of the members present at the meeting in person or by proxy. Decision of questions before Committee.

38. A Committee may refer for investigation and report any matter within its powers and functions to such persons as it appoints for that purpose. Investigation and report.

39. Any member of a Committee, other than the Chairman, may appoint a person to act as his deputy in the event of his absence from any meeting of the Committee from any cause, and the deputy, while so acting, shall have and may exercise all the powers and functions of the member. Deputies.

40. The Minister may appoint a person to act as Deputy Chairman in the event of the absence of the Chairman from any meeting of a Committee from any cause, and the Deputy Chairman, while so acting shall have and may exercise all the powers and functions of the Chairman. Deputy Chairman.

41.—(1.) If a Local Committee is satisfied, upon application by any person, that that person is— Recognition of tradesmen, probationary tradesmen and trainee tradesmen.

- (a) a recognized tradesman within the meaning of paragraph (a), (b) or (c) of the definition of "recognized tradesman" ;
- (b) a member of the Forces who has, during the period of the war, acquired, by reason of his service in the Forces, the skill necessary for the performance of work ordinarily performed by a recognized tradesman ; or
- (c) a probationary tradesman or trainee tradesman who has satisfactorily completed any period of probationary employment or training in employment required by the Committee,

the Committee may, if it thinks fit, issue to that person a certificate of recognition as a recognized tradesman.

(2.) If a Local Committee is satisfied that an adult member of the Forces who, during the period of the war, has had training and experience in the Forces in a trade to which this Part applies could, within a period not exceeding twelve months, acquire the skill necessary for the performance of work ordinarily performed by a recognized tradesman, the Committee may, on the application of that member, authorize the employment, subject to the provisions of section forty-three of this Act, of that member as a probationary tradesman in a trade to which this Part applies.

(3.) If a Local Committee is satisfied that a member of the Forces who—

- (a) during the period of the war has had training and experience in the Forces in a trade to which this Part applies; and
- (b) is certified by a Regional Training Committee to be eligible for training benefits under the Commonwealth Reconstruction Training Scheme established under Part III. of the *Re-establishment and Employment Act 1945*,

could, within a reasonable period, acquire the skill necessary for the performance of work ordinarily performed by a recognized tradesman, the Committee may, upon the application of that member, authorize the employment, subject to the provisions of section forty-three of this Act, of that member as a trainee tradesman for the purpose of undergoing a course of training in an industrial establishment in a trade to which this Part applies.

(4.) An application under sub-section (2.) or (3.) of this section shall, unless a Local Committee in a particular case otherwise permits, be made within six months after the date of discharge of the member of the Forces or after the twenty-second day of March, One thousand nine hundred and forty-six (being the date of commencement of the National Security (Trades Dilution) Regulations (No. 2)), whichever is the later.

(5.) Before issuing a certificate to, or authorizing the employment of, any person in accordance with this section, the Committee may require that person to undergo a test of competence in the trade to which he seeks to be admitted.

(6.) The employer of a probationary tradesman shall pay him at a rate not less than the rate of the wage prescribed by the appropriate award, order, determination or industrial agreement for adult males employed in the trade in which he is authorized to be employed.

(7.) The employer of a trainee tradesman shall pay him at a rate not less than the difference between the rate of the wage prescribed by the appropriate award, order, determination or industrial agreement for adult males employed in the trade in which he is authorized to be employed and the rate of the allowance payable to him from time to time under the Commonwealth Reconstruction Training Scheme.

(8.) Added tradesmen, probationary tradesmen and trainee tradesmen shall be deemed not to be journeymen for the purpose of computing the number of apprentices who may be employed by an employer in accordance with the appropriate law or award, order, determination or industrial agreement.

42. In respect of any matters affecting the employment, training or assessment of the efficiency of a trainee tradesman in any of the trades to which this Part applies, a Local Committee, in the State in which it is constituted, shall be deemed to be an Industrial Committee in respect of that trade for the purposes of Part III. of the *Re-establishment and Employment Act 1945*, and, when acting in that capacity, shall have and may exercise such additional powers and functions as are conferred on it by or under the provisions of that Part.

Local
Committee
to be Industrial
Committee.

43.—(1.) Subject to the provisions of this Part, the provisions of Division 2 of Part II. of the *Re-establishment and Employment Act 1945* shall apply in relation to employment in the trades to which this Part applies.

Employment of
tradesmen.

(2.) An employer shall not, in the engagement or elevation of any person to carry out work ordinarily performed by a recognized tradesman of a particular classification, engage or elevate—

- (a) a person other than a recognized tradesman if a recognized tradesman of that classification who is competent to perform that work is available and offering for employment; or
- (b) a person other than a recognized tradesman or a probationary tradesman if a probationary tradesman of that classification who is competent to perform that work is available and offering for employment.

(3.) Upon the direction of a Local Committee, an employer shall cease to employ a person other than a recognized tradesman on work ordinarily performed by a recognized tradesman if a recognized tradesman who is of a classification appropriate to, and who is declared by the Committee to be competent to perform, the work required is available and offering for employment.

(4.) An employer shall not, without the consent of a Local Committee—

- (a) dismiss a recognized tradesman of a particular classification while any person of that classification, other than a recognized tradesman, is employed by him in the same establishment; or
- (b) dismiss a probationary tradesman of a particular classification while any person of that classification, other than a recognized tradesman or probationary tradesman, is employed by him in the same establishment.

(5.) The provisions of sub-section (4.) of this section shall not prevent the exercise by an employer of any rights which he possesses

under any law or any award, order, determination or industrial agreement to dismiss an employee for malingering, neglect of duty or misconduct.

(6.) An employee may appeal against any dismissal specified in the last preceding sub-section, within seven days thereafter, to a Local Committee, which shall thereupon make such inquiries as it thinks fit and shall either—

- (a) confirm the dismissal; or
- (b) direct the employer to reinstate the employee in his position, and to pay to the employee the remuneration which he would ordinarily have earned in that position for the whole or such portion (if any) of the period between his dismissal and reinstatement as it thinks just.

Review of
decisions
of Local
Committees.

44.—(1.) Where a Local Committee has directed or approved or consented to the dismissal of a person from employment, or the refusal by an employer to engage or elevate a person in employment, and that person or the employer considers that the direction, approval or consent is not justified by the provisions of this Part, he may request the Chairman of the Local Committee to refer the matter to the Central Committee, and the Chairman shall, as soon as practicable, refer the matter accordingly.

(2.) Upon a reference under this clause, the Central Committee shall review the decision of the Local Committee and may confirm or reverse the direction, approval or consent of the Local Committee, and give such directions as it considers necessary in order to give effect to its decision, and for a just settlement of the matter.

(3.) Any person aggrieved by a decision of the Central Committee under the last preceding sub-section may, within fourteen days after the decision, appeal against the decision to the appropriate Supreme Court, constituted by a single judge of the Court, and, in any such case, that Court shall have jurisdiction to hear the appeal.

(4.) On the hearing of the appeal, the Court shall make such order as it thinks just and reasonable in the circumstances and the decision of the Court shall be final and conclusive.

(5.) The practice and procedure on an appeal under this section shall be as the Court directs.

(6.) In this section, "the appropriate Supreme Court" means the Supreme Court of the State in which the Local Committee which directed, approved or consented to the dismissal or refusal is constituted.

Certain
proceeding
under
Re-establish-
ment and
Employment
Act.

45.—(1.) A person shall not be entitled to make an application to a court of summary jurisdiction under section twenty-eight of the *Re-establishment and Employment Act 1945* in respect of a failure to engage him in employment in a trade to which this Part applies unless the matter has first been considered by a Local Committee.

(2.) In any prosecution of an employer for a contravention of section forty-three of this Act, and in any proceedings against an employer under section twenty-eight of the *Re-establishment and Employment Act 1945*, it shall be a defence for the employer to prove that the act or omission with which he is charged or which is called in question was duly directed, approved or consented to by a Local Committee or, on review or appeal, by the Central Committee or a court, and that the decision of the Local Committee or Central Committee, as the case may be, does not stand reversed as the result of review or appeal.

(3.) Where an application is made under sub-section (2.) of section fifty-one of this Act for a declaration that the Crown in right of the Commonwealth or a State has contravened section forty-three of this Act, the declaration shall not be made if it is proved that the act or omission which is alleged to constitute the contravention was duly directed, approved or consented to by a Local Committee or, on review or appeal, by the Central Committee or a court, and that the decision of the Local Committee or Central Committee, as the case may be, does not stand reversed as the result of review or appeal.

46.—(1.) The Department shall establish and maintain a Register Register. in each State and shall record therein—

(a) in relation to persons to whom certificates of recognition as a recognized tradesman have been issued—

- (i) their names and addresses ;
- (ii) their ages ;
- (iii) the trades in respect of which they have been recognized ;

(b) in relation to probationary tradesmen and trainee tradesmen—

- (i) their names and addresses ;
- (ii) their ages ;
- (iii) the trades in which their employment has been authorized ;
- (iv) the names and addresses of their employers ;
- (v) particulars of their transfers, dismissals, or other changes of employment ; and
- (vi) such other particulars as the Central Committee or the Local Committee in the State from time to time determines ; and

(c) in relation to added tradesmen—

- (i) the particulars recorded in any Register established under regulations made under the *National Security Act 1939*, or under that Act as amended, relating to the trades to which this Part applies ; and
- (ii) the particulars supplied under sub-section (2.) of the next succeeding section.

(2.) Members of a Local Committee shall have access to the Register and related documents in the State in which the Committee is established and shall be entitled to make copies thereof or take extracts therefrom.

Changes of
address or
employment
to be notified.

47.—(1.) Every probationary tradesman and every trainee tradesman shall, within seven days after the change, give notice in writing of any change of address or employment to the Secretary of the Local Committee in the State in which he resided or was employed immediately before the change.

(2.) Until the Central Committee otherwise determines, every employer shall, within seven days after the event, give notice in writing of the transfer, dismissal or other change of employment of any added tradesman employed by him to the Secretary of the Local Committee in the State in which the added tradesman is or was employed.

Persons
removed from
Register.

48. A probationary tradesman or trainee tradesman whose name is removed from a Register shall, while his name is so removed, be deemed not to be a probationary tradesman or trainee tradesman, as the case may be, for the purposes of this Part.

Investigations.

49.—(1.) The Permanent Head of the Department may authorize any officer or employee of the Commonwealth to make investigations and reports in relation to the observance of the provisions of this Part.

(2.) Subject to the general control and direction of the Chairman of the Central Committee, an officer or employee of the Commonwealth so authorized may, at any time during working hours, enter any establishment, factory, mine, dockyard or workshop in which any trade to which this Part applies is being carried on, and may inspect any work, material, machinery, appliance, article, book or document contained therein, and may interview any person employed therein.

(3.) A person shall not hinder or obstruct an officer or employee of the Commonwealth so authorized in the exercise of his powers under this Act.

Certain
tradesmen and
apprentices
not to be
appointed to or
enlisted in
Defence Force.

50. A recognized tradesman or an apprentice to any of the trades to which this Part applies shall not be appointed to or enlisted in the Defence Force unless it is intended that his trade skill is to be fully utilized in that Force, and any such recognized tradesman or apprentice appointed to or enlisted in that Force whose trade skill is not being fully utilized therein shall be released from that Force.

PART VIII.—MISCELLANEOUS.

Offences.

51.—(1.) If any person (not being the Crown in right of the Commonwealth or a State) contravenes, or fails to comply with, any provision of this Act, or fails to comply with any order of a court or direction of a Committee made or given under this Act, that person shall be guilty of an offence punishable, upon conviction, by a fine not exceeding One hundred pounds or imprisonment for a period not exceeding six months, or both.

(2.) Where a person considers that the Crown in right of the Commonwealth or a State has contravened, or failed to comply with, any provision of this Act, or failed to comply with any order of a court or direction of a Committee made or given under this Act, that person may make an application to a court of summary jurisdiction constituted by a Police, Stipendiary or Special Magistrate for a declaration accordingly.

(3.) The court shall hear the application and, if the court is satisfied that there has been any such contravention or failure, make a declaration accordingly.

(4.) The Governor-General may make regulations, not inconsistent with this Act, prescribing the procedure to be observed with respect to the making and hearing of applications under sub-section (2.) of this section.

52. This Act shall cease to be in force at the time at which sections twenty-four to thirty-three (inclusive) of the *Re-establishment and Employment Act 1945* cease to be in force. Duration of Act.

THE SCHEDULES.

FIRST SCHEDULE.

ENGINEERING TRADES.

Sec. 11.

The trades in which persons are employed in any of the following classifications :—

- Fitter, turner and fitter and turner.
- Pattern maker.
- First class machinist.
- First class welder (engineering).
- Second class machinist (including brass finisher).
- Coppersmith.
- Toolsetter.
- Scientific instrument maker.
- Fitter, turbine blade.
- Marker-off (engineering).
- Locksmith.
- Safemaker, repairer and safemaker and repairer (security work).
- Scale maker, adjuster and scalemaker and adjuster.
- Wetstone grinder and glazer (tradesman).
- Refrigeration mechanic or serviceman.
- Motor cycle mechanic.
- Motor mechanic.
- Motor tuner and tester.
- Key-setting machinist.
- Electroplater, first class.
- Assembler, engine (aircraft).
- Checker (aircraft).
- Examiner, first class (aircraft).
- Inspector (aircraft).
- Jigmaker (metal-aircraft).
- Template Maker (metal-aircraft).
- Ground Engineer, aircraft mechanic and ground engineer and aircraft mechanic, as specified in classification No. 57 of clause 3 (a) of the Consolidated Award—Aircraft Industry of the Commonwealth Court of Conciliation and Arbitration.
- Tradesman ground engineer or aircraft mechanic holding no certificate.
- Optical finisher employed by the Department of Munitions.
- Optical tradesman employed by the Department of Munitions.
- Optical worker employed by the Department of Munitions.

SECOND SCHEDULE.

Sec. 16.

BOILERMAKING TRADES.

The trades in the industries of boilermaking, ship-building, ship-repairing and structural iron and steel work in which persons are employed in any of the following classifications :—

- Angle-iron smith.
- Boilermaker, structural steel tradesman and boilermaker and structural steel tradesman.
- Boilersmith.
- Driller using portable machines.
- Marker-off (a tradesman, the greater part of whose time is occupied in marking-off or template-making or in marking-off and template-making).
- Plate setter and frame bender.
- Welder, first class.

THIRD SCHEDULE.

Sec. 21.

BLACKSMITHING TRADES.

The trades in which persons are employed in any of the following classifications :—

- Forger, faggoter and forger and faggoter.
- Toolsmith.
- Angle-iron smith.
- Tradesman heat treater.
- Annealer, case hardener and annealer and case hardener.
- Brass smith.
- Other smith.
- First class welder (smithing).

FOURTH SCHEDULE.

Sec. 26.

ELECTRICAL TRADES.

The trades in which persons are employed in any of the following classifications :—

- Tradesman.
- Electrical fitter, armature winder and electrical fitter and armature winder.
- Electrical mechanic.
- Refrigeration mechanic or serviceman.
- Shift electrician.
- Aircraft electrician.
- Aircraft mechanic holding no certificate.
- Aircraft mechanic holding " X " certificate.
- Examiner, first class.
- Inspector.
- Electrician in charge of plant or installation or of plant and installation.
- Installation inspector, tester and installation inspector and tester.

FIFTH SCHEDULE.

Sec. 31.

SHEET METAL TRADES.

The trades in which persons are employed in either of the following classifications:—

- Sheet metal worker, first class.
- Welder.