

## HOUSE OF REPRESENTATIVES

# Supplementary Order Paper

Friday, 16 September 1983

## APPRENTICESHIP BILL

*Proposed Amendments*

Hon. Mr BOLGER, in Committee, to move the following amendments:

*Clause 1 (2):* To omit the word "October", and substitute the word "November".

*Proposed new clause 8A:* To insert, after *clause 8*, the following clause:

**8A. Validation of informal proceedings, etc.**—On the application of any person interested, the Court may, in its discretion,—

(a) Where anything required or authorised by this Act to be done has not been done within the time limited for its doing, make an order extending the time within which it may be done:

(b) Where anything so required or authorised has been done informally, validate its doing.

*Clause 9 (2) (c):* To omit the words "subparagraph (ii) of paragraph (b)" and substitute the words "paragraph (ba)".

*Clause 10 (1):* To omit the words "and submit to the employer for execution by the parties, a proposed contract in the prescribed form.", and substitute the words "a proposed contract, and submit it to the employer for execution by the parties."

*Clause 10 (7):* To omit the word "If", and substitute the word "Where".

*Clause 19:* To omit *subclause (6A)*.

*Clause 21:* To omit from line 13, in **subclause (5)** the word "wages", and substitute the words "any amount".

To omit from line 16 in that subclause, where it first appears, the word "the", and substitute the word "that".

To omit *subclause (5A)*.

*Clause 30 (4) (b):* To omit the word "it", and substitute the words "the Court".

*Clause 49:* To omit from *subclause (3)* the word "Every", and substitute the words "Subject to **subsection (4)** of this section, every".

To add the following subsection:

- (4) Nothing in this section shall require any person—
- (a) To answer any inquiry if the answer to that inquiry would tend to incriminate that person; or
- (b) To supply any information, if that information would tend to incriminate that person.

*Proposed new clause 50A:* To insert, after *clause 50*, the following clause:

**50A. Applications and appeals deemed not to be actions or proceedings**—For the purposes of section 226 of the Companies Act 1955 and section 32 of the Insolvency Act 1967, an application or appeal under this Act shall be deemed to be neither an action nor a proceeding.

*Clause 51:* To omit from *subclause (3)* the word “April”, and substitute the word “July”.

*Clause 52:* To omit from *subclause (5)* the words “30th day of September”, and substitute the words “31st day of October”.

*Clause 53:* To add the following subclause:

- (3) The following regulations are hereby consequentially revoked:
- (a) The Apprentices Regulations 1963;
- (b) The Apprentices Regulations 1963, Amendment No. 1.

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#### EXPLANATORY NOTE

The amendment to *clause 1 (2)* changes the commencement of the Bill from 1 October 1983 to 1 November 1983.

The proposed new *clause 8A* authorises the Arbitration Court, if it thinks fit, to extend time limits specified in the Bill, and to validate procedural informalities.

The amendment to *clause 9* corrects an inaccurate cross-reference.

The amendment to *clause 10 (1)* omits a reference to a prescribed form, which would have required one form of contract of apprenticeship to be prescribed by regulation.

The amendment to *clause 10 (7)* makes a minor drafting alteration.

The amendments to *clause 19*, the third amendment to *clause 21*, and the proposed new *clause 50A*, are connected. The provisions omitted from *clauses 19 and 21* protect certain applications under those sections from requirements of the Companies Act 1955 and the Insolvency Act 1967. The new *clause 50A* protects those applications, applications of 2 other categories, and appeals.

The amendments to *clause 21 (5)* are drafting amendments.

The amendment to *clause 30* is a minor drafting correction.

The amendment to *clause 49* gives an express protection against self-incrimination in relation to the powers contained in that clause to make inquiries and require information.

The proposed new *clause 50A* is explained in relation to the proposed amendments to *clauses 19 and 21*.

The amendment to *clause 51* are consequential on the change of the Bill's commencement date.

The amendment to *clause 53* revokes the Apprentices Regulations 1963. These will no longer be required.

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