

# APPRENTICES ORDINANCE, 1912.<sup>(1)</sup>

## An Ordinance to consolidate and amend the enactments relating to Apprentices.

**B**E it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

(1) This Ordinance may be cited as the *Apprentices Ordinance, 1912.*<sup>(1)</sup> Short title.

(2) It shall commence on a day to be fixed by the Lieutenant-Governor by proclamation published in the *Gazette.*<sup>(1)</sup> Commencement.

2.—(1.) The following enactments are repealed:—

*The Apprentices Act of 1828, 9 Geo. IV No. 8 (Queensland adopted).*

*The Apprentices Act of 1844, 8 Vic. No. 2 (Queensland adopted).*

Repeal.  
Sub-section (1)  
amended by  
No. 3 of 1914,  
s. 2 and First  
Schedule.

(2.) All indentures and assignments made or executed under any enactment hereby repealed shall be as valid as if the Ordinance had been in force when they were so made or executed and they had been made hereunder.

3.—(1.) In this Ordinance unless the context or subject-matter otherwise indicates or requires— Interpretation.

“Apprentice” means any child who is bound apprentice by indenture or assignment of indenture under the Ordinance;

(1) The *Apprentices Ordinance, 1912*, comprises the original *Apprentices Ordinance, 1912*, as amended by the other Ordinance referred to in the following Table:—

### ORDINANCES OF THE LEGISLATIVE COUNCIL FOR THE TERRITORY OF PAPUA.

Short title, number and year.	Date of assent by Lieut.-Gov.	Date of reservation by Lieut.-Gov.	Date on which assent of Gov.-Gen. in Council published in Papua <i>Govt. Gaz.</i>	Date on which came into operation.
<i>Apprentices Ordinance, 1912</i> (No. 24 of 1912)	16.7.1912 <sup>(a)</sup>	—	—	7.5.1913 (Papua <i>Govt. Gaz.</i> of 7.5.1913)
<i>Ordinances Revision Ordinance, 1913</i> (No. 3 of 1914)	—	14.8.1913	4.2.1914	4.2.1914 (Papua <i>Govt. Gaz.</i> of 4.2.1914)

(a) No notice of non-disallowance by Gov.-Gen. in Council has been published in Papua *Govt. Gaz.*

## APPRENTICES—

“Two justices” means two justices of the peace or a magistrate;

“Master” means any person or official male or female to whom any child may be bound apprentice by indenture or assignment of indenture under this Ordinance.

### Exceptions.

Q. 8 Vic. No. 2, s. 9; N.S.W. No. 41, 1901, s. 3.

(2.) Nothing in this Ordinance shall extend to any solicitor or to any person engaged in the tuition of any professional or scientific branch of learning or pursuit or to any articulated clerk of such solicitor or to any clerk or apprentice of such person.

### Limitation.

Q. *Ib.* s. 1; N.S.W. *Ib.* s. 4.

4. No child shall be bound apprentice under this Ordinance unless he has attained the age of fourteen years and the term of apprenticeship shall not in any case exceed seven years.

### Justices may in certain cases bind apprentices.

Q. 4 Vic. No. 5, s. 12. N.S.W. *Ib.* s. 8.

5. Any two justices may by indenture bind or cause to be bound any child in respect of whose maintenance an order has been made under any Ordinance enabling justices to make orders for the maintenance of children deserted or left without means of support to be apprenticed to any master.

### Where child has no parents or guardians, justices may act.

Q. 9 Geo. IV. No. 8, s. 3; Q. 8 Vic. No. 2, s. 3; N.S.W. No. 41, 1901, s. 9.

6. Any father resident in the Territory of any child or if the father is dead or the inmate of any prison asylum for the insane or benevolent institution of any kind then the mother so resident and not under any such disability or if the child has not such parent but has a guardian then such guardian and if there is no guardian any two justices may by indenture bind or cause to be bound any such child to any master to be instructed by him in any trade art business or manual occupation.

### Persons who may take apprentices.

Q. 8 Vic. No. 2, s. 1. N.S.W. *Ib.* s. 10.

7. Any person resident in and exercising any trade art business or manual occupation upon his own account within the Territory may by indenture take any apprentices coming within any of the preceding sections to be instructed in such trade art business or occupation.

### Government apprentices.

Q. 9 Geo. IV. No. 8, s. 1; N.S.W. *Ib.* s. 11.

Proposed apprentice may become probationer for three months.

N.S.W. *Ib.* s. 13.

8. Any official in the service of the Government of the Territory having the direction and control of persons engaged in any trade art or manual occupation exercised therein on behalf of that Government may with the approval of the Lieutenant-Governor<sup>(2)</sup> take so many apprentices coming within any of the preceding sections as he may require to serve under him and his successors in office.

9. Before any child is bound or taken as apprentice he may be admitted as and become a probationer on such terms as may be agreed upon for a period of three months to the proposed master in the trade art business or manual occupation as to which it is contem-

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

*Apprentices Ordinance, 1912.*

plated to bind him and the proposed master or the proposed apprentice or the parent or the other person authorised may at the end of such period of three months terminate such engagement if any or either so desires or signifies; but if no such desire is expressed the child may be indentured as apprentice.

10. An indenture of apprenticeship shall be in writing with a counterpart thereof and shall be entered into signed and sealed by the apprentice as of the first part by the parent or by such person guardian or justices as the case may be of the second part; and by the intended master of the third part; and such indenture shall specify the particular trade art business or occupation in which the apprentice is to be instructed and the period for which he is to serve and shall be in the form as nearly as may be set out in the First Schedule hereto; and every such indenture shall be binding both on the master and on the apprentice in like manner as it would have been if the apprentice had been of full age at the time of his entering into signing and sealing the same.

How indenture of apprenticeship entered into.  
N.S.W. No. 41,  
1901, s. 13.

First Schedule.

11. Any master or if he is then dead the executor or administrator of the master may by endorsement set out upon the indenture of apprenticeship or on the counterpart thereof or if both be lost then by any other sufficient instrument in writing under his hand and seal but by and with the consent of two justices testified by their joining as parties to such endorsement and after reasonable notice to and hearing such apprentice and with the consent of such apprentice assign that indenture and the services of the apprentice thereunder to any fit person (who shall also sign as a party to such endorsement) for the remainder of the term mentioned in that indenture:

Assignment of indenture in certain cases.  
N.S.W.  
*Ib.* s. 14.

Provided that such endorsement or other instrument as aforesaid shall be on the form as nearly as can be and contain the declaration and acknowledgement set out in the Second Schedule hereto; and in such case such apprentice shall be deemed to be the apprentice of such assignee to all intents and purposes.

Second Schedule.

12. Notwithstanding any provision contained herein or in any such indenture of apprenticeship or assignment the term of apprenticeship specified shall if it is not sooner completed by effluxion of time be taken to expire and shall expire when the apprentice attains the age of twenty-one years or marries with the consent of the person appointed to give consent to the marriage of minors under the provisions of any Ordinance for that purpose.

Term of apprenticeship to expire in certain cases.  
N.S.W. *Ib.*  
s. 15.

13. No apprentice shall be bound to serve his master for more than forty-eight hours during one week.

Hours of labour.  
N.S.W. *Ib.* s. 16.

## APPRENTICES—

Court may settle disputes between master and apprentice, award costs, &c.

N.S.W. No. 41, 1901, s. 17; Q. 9 Geo. IV. No. 8, s. 5.

Compare Q. 8 Vic. No. 2, s. 7.

14. In case of any difference or dispute between any master and any apprentice arising under any indenture or assignment the party aggrieved may cause a summons to be issued out of the court of petty sessions of the district in which the difference or dispute rose specifying the wrong or injury complained of and the redress sought and calling upon the other party to show cause upon a given day before that court why that party should not be ordered to give or make that redress; and thereupon any two justices may hear the complaint and make such order upon such difference or dispute as in their discretion equity and right requires and may impose any fine not exceeding ten pounds upon such master or apprentice as a penalty for any proved misconduct or breach of contract. Such justices may also discharge such apprentice if they think proper by certificate under their hands from the service of such master and may cancel the indenture of apprenticeship or any assignment thereof which certificate shall be a bar to any action brought on such indenture or assignment and may award such costs of the proceeding as they may think reasonable and may order the payment of any wages then owing by the master to the apprentice.

Apprentice absents himself without leave.

Q. *Ib.* s. 5; N.S.W. *Ib.* s. 18.

15.—(1.) If any apprentice before the expiration of his apprenticeship absents himself without leave from his master's service for more than a week such apprentice may at any time be compelled to serve such master for such a time as he has so absented himself or to make reasonable satisfaction to his master for the loss the latter has sustained by such absence and so from time to time as often as such apprentice so absents himself.

(2.) If such apprentice refuses to serve as hereby required or to make reasonable satisfaction as aforesaid or cannot then be found his master may make complaint of such offence on oath to any justice of the peace and such justice may thereupon issue his warrant for the apprehension of such apprentice. Any two justices may hear such complaint in a summary way and determine what satisfaction shall be made to such master and if such apprentice does not make or give security to make such satisfaction according to such determination such justices may commit him to any gaol for any period not exceeding one month and he shall also be bound to serve his master for the period during which he so absented himself.

Penalty where master transfers or discharges apprentice without consent, &c. N.S.W. *Ib.* s. 19.

16. It shall not be lawful for any such master as aforesaid to put away or transfer any such apprentice as aforesaid to any other person or in any way discharge such apprentice from his service without such consent as is specified in section eleven or under the certificate provided for by section fourteen hereof; and any master

*Apprentices Ordinance, 1912.*

violating the provisions of this section shall be liable to a penalty of not exceeding ten pounds.

17. All proceedings and complaints under this Ordinance shall be had taken heard and determined in a summary way under the provisions of any Ordinance for the time being in force relating to duties of justices of the peace with respect to summary convictions and orders and all convictions and orders may be enforced and appealed against as in any such Ordinance is or may be provided.

Proceedings  
and appeals.

18. Any fine or penalty or any portion thereof paid or recovered under this Ordinance may at the discretion of the court be applied to and for the use and benefit of the complainant as compensation for the injury or wrong sustained by him. Subject to any order of the court for such application such fine or penalty shall be paid into the public revenue of the Territory.

Appropriation  
of penalties.  
N.S.W. No. 41,  
1901, s. 21,  
altered.

19. No imprisonment shall be inflicted under this Ordinance upon any apprentice under sixteen years of age or upon any female apprentice.

Exemption  
from  
imprisonment.  
N.S.W. *ib.*  
s. 22.

20. When any child is bound or caused to be bound as an apprentice by justices under this Ordinance or when any justices shall consent to any assignment of the indenture of any such child the said justices shall cause the Government Secretary to be immediately informed thereof and to be supplied with a copy of the indenture or assignment of the indenture of apprenticeship as the case may be.

Justices to  
inform &c.,  
Government  
Secretary  
concerning  
children bound  
apprentices by  
them.

21. Children bound or caused to be bound as apprentices by justices under this Ordinance shall be liable to inspection by any officer authorised by the Lieutenant-Governor in Council<sup>(2)</sup>; and such officer shall have right of access to and communication with such children at all times during the term of their apprenticeship and have full power to initiate and carry out legal proceedings on their behalf and otherwise provide that the conditions of the indentures and agreements made between such apprentices and their master are faithfully carried out; and such officer shall report annually upon the operation of this Ordinance as far as he is herein empowered to exercise supervision thereunder to the Government Secretary.

Supervision of  
apprentices  
bound by  
justices.  
N.S.W. *ib.* s. 23,  
altered.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

APPRENTICES—

SCHEDULES.

FIRST SCHEDULE.

Sec. 10.

This Indenture made the \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_\_, between \_\_\_\_\_, son of \_\_\_\_\_, of \_\_\_\_\_, and hereinafter designated apprentice of the first part; \_\_\_\_\_ of the second part, as consenting hereto, and \_\_\_\_\_ carrying on business as \_\_\_\_\_, at \_\_\_\_\_, and hereinafter designated master of the third part, witnesseth that the said \_\_\_\_\_ puts himself apprentice to the said master to learn the trade, art, business, or occupation of \_\_\_\_\_, and everything relating thereto, for the space of \_\_\_\_\_ years, and for so many additional days as is hereinafter provided for; such term to be computed from the day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_\_:

And the apprentice engages and agrees with the master and his executors and administrators that during such time he will faithfully, diligently, and assiduously serve and obey all lawful commands of the master and his executors and administrators or those he or they may please to set over him in the said trade, art, business, or occupation; that he will at no time absent himself therefrom without proper consent; that he will not be accessory to nor commit nor permit any hurt or damage to his master or his property, nor conceal any such hurt or damage if known to him, but shall do everything in his power to prevent same: And that for every day's absence during the said term from attention to the said art, trade, business, or occupation without such consent he shall serve one day at the end of each year of his apprenticeship, and such year shall not be considered complete until the said additional day or days have been served: And the said master hereby agrees, engages, and binds himself unto and to the said apprentice and his executors and administrators, that he the said master or his executors or administrators shall, during the aforesaid term, duly teach and instruct the said apprentice, or cause him to be taught and instructed in the trade, art, business, or occupation aforesaid, and do his utmost to make him skilled and expert therein: And shall also make payment to the said apprentice at the following rate of wages per \_\_\_\_\_, during which he shall diligently and faithfully labour in the said trade, art, business, or occupation, that is to say:—

shillings per	for the first year;
shillings per	for the second year;
shillings per	for the third year;
shillings per	for the fourth year;
shillings per	for the fifth year;
shillings per	for the sixth year;
shillings per	for the seventh year,

from the said \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_\_: [And shall during the said term provide necessary and proper food, clothing, and lodging for the said apprentice] (*The words within these brackets may be omitted where they are not the subject of the agreement for apprenticeship*): And the said apprentice further agrees with his said master that he will be responsible for all tools, patterns, and other property that may be in his charge or under his care, and that in the event of any such tools, patterns, or other property being damaged or lost through his neglect or default, it shall be lawful for his said master to deduct a fair charge for the same from the wages abovementioned; and that in all respects he will conform to the reasonable rules and regulations for the time being in force in the establishment of the said master: And the said \_\_\_\_\_ and the said \_\_\_\_\_ each, for himself his executors and administrators, covenants and agrees with the other, and his executors and administrators, that he shall in all respects well and faithfully observe and perform all the covenants and agreements contained in these presents on his part to be observed and performed.

*Apprentices Ordinance, 1912.*

In witness whereof the said parties hereto have hereunto set their hands and seals the day and year first before written.

Signed, sealed, and delivered }  
by the said }  
in the presence of }

And by the said }  
in the presence of }

And by the said }  
in the presence of }

SECOND SCHEDULE.

*Assignment of the within Indenture.*

Sec. 11.

The within-named master doth hereby, with the consent of ,  
, assign the within Indenture and the services thereunder of the within-named apprentice unto of his executors and administrators, for the unexpired portion of the within-named term of years: And the said doth hereby declare his acceptance of the said apprentice, and acknowledge himself, his executors and administrators, to be bound by the agreements, engagements, obligations, and covenants on the part of the master of such apprentice to be done and performed as fully as if he himself had entered into the same as a party under that Indenture.

In witness whereof the parties hereto have set their hands and seals this day of , one thousand nine hundred and

Signed, sealed, and delivered }  
by the said }  
(or by the executors or }  
administrators of the }  
said ) }

Master.

*Witness)*

Consenting party or parties.

Proposed Assignee.