

# TRADESMEN'S RIGHTS REGULATION.

No. 53 of 1958.

An Act to amend the *Tradesmen's Rights Regulation Act 1946-1955*.

[Assented to 1st October, 1958.]

**B**E it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Tradesmen's Rights Regulation Act 1958*. Short title and citation.

(2.) The *Tradesmen's Rights Regulation Act 1946-1955\** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Tradesmen's Rights Regulation Act 1946-1958*.

2.—(1.) This Act shall be deemed to have come into operation at midnight on the second day of September, One thousand nine hundred and fifty-eight, and the Principal Act shall be deemed not to have ceased to be in operation at that time. Commencement.

\* Act No. 41, 1946, as amended by No. 72, 1947; No. 88, 1952; and No. 52, 1955.

(2.) A person shall not be convicted of an offence against the Principal Act as amended by this Act committed on or after the third day of September, One thousand nine hundred and fifty-eight, and before the day on which this Act receives the Royal Assent.

**Definitions.**

3. Section ten of the Principal Act is amended—

- (a) by omitting the definition of “ added tradesman ” ;
- (b) by inserting in the definition of “ certificate of recognition as a recognized tradesman ”, after the word “ Part ”, the words “ before the commencement of the *Tradesmen's Rights Regulation Act 1958* ”;
- (c) by inserting in paragraph (d) of the definition of “ recognized tradesman ”, after the word “ granted ”, the words “ a tradesman's certificate or ”; and
- (d) by inserting after the definition of “ tradesman ” the following definition:—
  - “ ‘ tradesman's certificate ’ means a tradesman's certificate granted in accordance with this Part; ”.

**Definitions.**

4. Section fifteen of the Principal Act is amended—

- (a) by omitting the definition of “ added tradesman ”;
- (b) by inserting in the definition of “ certificate of recognition as a recognized tradesman ”, after the word “ Part ”, the words “ before the commencement of the *Tradesmen's Rights Regulation Act 1958* ”;
- (c) by inserting in paragraph (d) of the definition of “ recognized tradesman ”, after the word “ granted ”, the words “ a tradesman's certificate or ”; and
- (d) by inserting after the definition of “ tradesman ” the following definition:—
  - “ ‘ tradesman's certificate ’ means a tradesman's certificate granted in accordance with this Part; ”.

5. After section eighteen of the Principal Act the following section is inserted:—

“ 18A.—(1.) If a Local Committee is satisfied, upon application by any person, that that person has been employed for not less than seven years (including for this purpose any period of employment in a country other than Australia) on work ordinarily performed by a tradesman, the Local Committee may, if it thinks fit, grant to that person a tradesman's certificate.

**Grant of  
tradesmen's  
certificates.**

“(2.) A Local Committee may, in the exercise of its discretion under the last preceding sub-section, refuse to grant a tradesman's certificate to a person unless it is satisfied that that person has passed, at a standard approved by the Central Committee, a test of competence approved for the purpose by the Central Committee.”.

6. Section nineteen of the Principal Act is amended—

Employment of  
tradesmen.

- (a) by inserting in paragraph (a) of sub-section (2.), after the word “ who ”, the words “ became a recognized tradesman on or before the second day of September, One thousand nine hundred and fifty-eight, and ”;
- (b) by inserting in sub-section (3.), after the word “ who ” (second occurring), the words “ became a recognized tradesman on or before the second day of September, One thousand nine hundred and fifty-eight, and ”;
- and
- (c) by inserting in paragraph (a) of sub-section (4.), after the word “ who ”, the words “ became a recognized tradesman on or before the second day of September, One thousand nine hundred and fifty-eight, and ”.

7. Section twenty of the Principal Act is amended—

Definitions.

- (a) by omitting the definition of “ added tradesman ”;
- (b) by inserting in the definition of “ certificate of recognition as a recognized tradesman ”, after the word “ Part ”, the words “ before the commencement of the *Tradesmen's Rights Regulation Act 1958* ”;
- (c) by inserting in paragraph (d) of the definition of “ recognized tradesman ”, after the word “ granted ”, the words “ a tradesman's certificate or ”; and
- (d) by inserting after the definition of “ tradesman ” the following definition:—
  - “ “ tradesman's certificate ” means a tradesman's certificate granted in accordance with this Part; ”.

8. Section twenty-five of the Principal Act is amended—

Definitions.

- (a) by omitting the definition of “ added tradesman ”;
- (b) by inserting in the definition of “ certificate of recognition as a recognized tradesman ”, after the word “ Part ”, the words “ before the commencement of the *Tradesmen's Rights Regulation Act 1958* ”;
- (c) by inserting in paragraph (d) of the definition of “ recognized tradesman ”, after the word “ granted ” the words “ a tradesman's certificate or ”; and

(d) by inserting after the definition of "tradesman" the following definition:—

" 'tradesman's certificate' means a tradesman's certificate granted in accordance with this Part; ”.

Grant of  
tradesmen's  
certificates.

9. Section twenty-eight A of the Principal Act is amended by omitting the words "certificate of recognition as a recognized tradesman" and inserting in their stead the words "tradesman's certificate".

Definitions.

10. Section thirty of the Principal Act is amended—

(a) by omitting the definition of "added tradesman";

(b) by inserting in the definition of "certificate of recognition as a recognized tradesman", after the word "Part", the words "before the commencement of the *Tradesmen's Rights Regulation Act 1958*";

(c) by inserting in paragraph (d) of the definition of "recognized tradesman", after the word "granted", the words "a tradesman's certificate or"; and

(d) by inserting after the definition of "tradesman" the following definition:—

" 'tradesman's certificate' means a tradesman's certificate granted in accordance with this Part; ”.

Definitions

11. Section thirty-three A of the Principal Act is amended—

(a) by omitting the definition of "added tradesman";

(b) by adding at the end of the definition of "certificate of recognition as a recognized tradesman" the words "before the commencement of the *Tradesmen's Rights Regulation Act 1958*";

(c) by inserting in paragraph (c) of the definition of "recognized tradesman", after the word "granted", the words "a tradesman's certificate or"; and

(d) by adding at the end thereof the following definition:—

" 'tradesman's certificate' means a tradesman's certificate granted in accordance with this Part.”.

Recognition  
of tradesmen  
and  
probationary  
tradesmen.

12. Section thirty-three E of the Principal Act is amended—

(a) by inserting after paragraph (a) of sub-section (2.) the following paragraph:—

" (aa) that person is included in a class of persons, and satisfies the conditions in relation to that class, determined by the Central Committee under paragraph (b) of sub-section (1.) of section thirty-four of this Act; ”;

- (b) by omitting from sub-section (2.) the words "certificate of recognition as a recognized tradesman" and inserting in their stead the words "tradesman's certificate";
- (c) by omitting from sub-section (2A.) the words "certificate of recognition as a recognized tradesman" and inserting in their stead the words "tradesman's certificate"; and
- (d) by omitting from sub-section (7.) the words "Added tradesmen and probationary tradesmen" and inserting in their stead the words "Probationary tradesmen".

13. Section thirty-four of the Principal Act is amended—

*Powers of  
Central  
Committee, &c.*

- (a) by omitting sub-section (1.) and inserting in its stead the following sub-section:—

"(1.) The powers and functions of the Central Committee are—

- (a) to determine and give directions on any matter referred to it by a Local Committee or the Chairman of a Local Committee;
- (b) subject to the approval of the Minister, to determine classes of persons, in addition to the persons otherwise eligible for the grant of tradesmen's certificates, to whom such certificates may be granted, and the conditions subject to which such certificates may be granted to persons in the classes so determined;
- (c) to determine that a person who has applied for a tradesman's certificate is, subject to his satisfying such conditions (if any) as the Central Committee specifies, a person eligible to be granted a tradesman's certificate, and to direct that he shall be granted a tradesman's certificate accordingly;
- (d) to supervise Local Committees and to direct those Committees as to the general procedure to be followed, the principles to be applied and the considerations to be taken into account by those Committees in the exercise of the powers conferred on, or in the performance of the functions assigned to, those Committees under this Act;

(e) to determine the form of certificate to be granted to any person in accordance with the provisions of this Part; and

(f) to make recommendations to the Minister in relation to the making of regulations providing that a Part of this Act shall apply, or shall cease to apply, to specified trades and to advise the Minister generally with respect to any action considered necessary to give effect to this Part.”; and

(b) by omitting sub-section (4.) and inserting in its stead the following sub-section:—

“ (4.) For the purpose of the exercise by the Central Committee of its powers and the performance of its functions under sub-section (1.) of this section—

(a) the Central Committee, or the Chairman of the Central Committee, may require a Local Committee to furnish to the Central Committee such documents and information in its possession as the Central Committee, or the Chairman, specifies; and

(b) the Central Committee may hear such evidence as it thinks fit.”.

Powers of  
Local  
Committees,  
&c.

**14.** Section thirty-five of the Principal Act is amended—

(a) by omitting from sub-section (1.) the words “ A Local Committee ” and inserting in their stead the words “ Subject to compliance with any directions given by the Central Committee in pursuance of its powers under this Act, a Local Committee ”; and

(b) by omitting from paragraph (c) of sub-section (1.) the words “ certificates of recognition as a recognized tradesman ” and inserting in their stead the words “ tradesmen's certificates ”.

Decision of  
questions  
before  
Committee.

**15.** Section thirty-seven of the Principal Act is amended—

(a) by omitting the word “ All ” and inserting in its stead the words “ Subject to the next succeeding sub-section, all ”; and

(b) by adding at the end thereof the following sub-section:—

“ (2.) The Central Committee shall not make a determination for the purposes of paragraph (b) of sub-section (1.) of section thirty-four of this Act unless the determination is supported by a majority of the votes of the members, other than the Chairman, present at the meeting in person or by proxy.”

16. Section forty-one of the Principal Act is amended—

(a) by inserting after paragraph (b) of sub-section (1.) the following paragraphs:—

Recognition  
of tradesmen,  
probationary  
tradesmen and  
trainee  
tradesmen.

“ (ba) that person has acquired, by reason of service in the Permanent Forces of the Defence Force of the Commonwealth, the skill necessary for the performance of work ordinarily performed by a recognized tradesman;

“ (bb) that person is included in a class of persons, and satisfies the conditions in relation to that class, determined by the Central Committee under paragraph (b) of sub-section (1.) of section thirty-four of this Act; ”;

(b) by omitting from sub-section (1.) the words “ certificate of recognition as a recognized tradesman ” and inserting in their stead the words “ tradesman's certificate ”;

(c) by omitting from sub-section (1A.) the words “ certificate of recognition as a recognized tradesman ” and inserting in their stead the words “ tradesman's certificate ”; and

(d) by omitting from sub-section (8.) the words “ Added tradesmen, probationary tradesmen ” and inserting in their stead the words “ Probationary tradesmen ”.

17. Section forty-three of the Principal Act is amended—

Employment  
of tradesmen.

(a) by inserting in paragraph (a) of sub-section (2.), after the word “ who ”, the words “ became a recognized tradesman on or before the second day of September, One thousand nine hundred and fifty-eight, and ”;

(b) by inserting in sub-section (3.), after the word “ who ” (second occurring), the words “ became a recognized tradesman on or before the second day of September, One thousand nine hundred and fifty-eight, and ”; and

(c) by inserting in paragraph (a) of sub-section (4.), after the words "particular classification", the words "who became a recognized tradesman on or before the second day of September, One thousand nine hundred and fifty-eight,".

Register.

**18.** Section forty-six of the Principal Act is amended—

(a) by omitting paragraph (a) of sub-section (1.) and inserting in its stead the following paragraph:—

"(a) in relation to persons to whom tradesmen's certificates or certificates of recognition as a recognized tradesman have been granted—

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

(b) by omitting from paragraph (b) of sub-section (1.) the word "and" (last occurring); and

(c) by omitting paragraph (c) of sub-section (1.).

Changes of address or employment to be notified.

**19.** Section forty-seven of the Principal Act is amended by omitting sub-section (2.).

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

**20.** Section fifty of the Principal Act is repealed.

**21.** After section fifty-one of the Principal Act the following section is inserted:—

Regulations.

"51A. The Governor-General may make regulations—

- (a) providing that a Part of this Act shall apply to a specified trade; or
- (b) providing that a Part of this Act shall cease to apply to a specified trade,

and that Part shall, notwithstanding anything contained in this Act, apply, or cease to apply, accordingly."

**22.** Section fifty-two of the Principal Act is repealed and the following section inserted in its stead:—

Duration of certain sections of this Act.

"52.—(1.) Sections nineteen, forty-three, forty-four, forty-five and fifty-one, and paragraph (d) of sub-section (1.) of section thirty-five, of this Act shall cease to be in operation at midnight on the thirtieth day of June, One thousand nine hundred and sixty.

1958.

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“(2.) When the provisions referred to in the last preceding sub-section cease to be in operation they shall be deemed to have been repealed and the provisions of section eight of the *Acts Interpretation Act* 1901–1957 shall have effect accordingly.”.

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