

No. 41 of 1986.

***Apprenticeship and Trade Testing Act 1986.***

Certified on: / /20 .



INDEPENDENT STATE OF PAPUA NEW GUINEA.



No. 41 of 1986.

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# INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

## ***Apprenticeship and Trade Testing Act 1986,***

Being an Act to provide for the training of apprentices and other skilled workers and for related purposes.

### **PART I. – PRELIMINARY.**

#### **1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.**

(1) This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C. (*qualified rights*) of the *Constitution*, namely–

- (a) the freedom from arbitrary search and entry conferred by Section 44 of the *Constitution*; and
- (b) the freedom of employment conferred by Section 48 of the *Constitution*; and
- (c) the right to privacy conferred by Section 49 of the *Constitution*,

is a law that is made for that purpose.

(2) For the purposes of Section 29 of the *Organic Law on Provincial Government*, it is declared that this law relates to a matter of national interest.

#### **2. INTERPRETATION.**

In this Act, unless the contrary intention appears–

“**apprentice**” means a person who is employed under a contract of apprenticeship under this Act;

“**Board**” means the National Apprenticeship and Trade Testing Board established under Section 7;

“**contract**” means a contract of apprenticeship entered into under this Act;

“**Controller**” means the Controller of Apprenticeship and Trade Testing appointed under Section 45 and includes an Assistant Controller appointed under that section;

“**Inspector**” means an Inspector of Training appointed under Section 46;

“**occupation**” means an occupation declared under Section 5 to be an occupation to which this Act applies;

“**officer**” means an officer as defined in the *Interpretation Act 1975*;

“**trade**” means a trade declared under Section 5 to be a trade to which this Act applies;

“**trade testing**” means trade testing in accordance with Part IV;

“**Trade Testing Officer**” means a Trade Testing Officer appointed under Section 46;

“**this Act**” includes the Regulations.

### **3. ACT BINDS THE STATE.**

This Act binds the State and every authority and instrumentality of the State.

### **4. APPLICATION OF OTHER LAWS.**

The provisions of this Act apply in addition to and do not derogate any other law in force in relation to apprentices, their employment and other matters connected with apprenticeship.

### **5. DECLARATION OF TRADES AND OCCUPATIONS.**

The Minister may, on the advice of the Board given after consultation with, and having regard to the custom, requirements and interests of, industries in which a trade or occupation is carried out, by notice in the National Gazette—

- (a) declare a trade or occupation as a trade or occupation in respect of which the provisions of this Act apply; and
- (b) define the trade or occupation by reference to the work performed in that trade or occupation.

### **6. THE NATIONAL APPRENTICESHIP REGISTER.**

(1) There is established a National Apprenticeship Register.

(2) The National Apprenticeship Register shall be maintained by the Controller and shall be in such form as the Board may determine.



**PART II. – THE NATIONAL APPRENTICESHIP AND TRADE TESTING BOARD.**

**7. ESTABLISHMENT OF THE BOARD.**

(1) The Minister may by notice in the National Gazette establish a body to be known as the National Apprenticeship and Trade Testing Board.

(2) The Board shall consist of–

- (a) the Departmental Head of the Department responsible for labour matters or his nominee; and
- (b) the Departmental Head of the Department responsible for education matters or his nominee; and
- (c) three persons representing employers in the private sector appointed by the Minister by notice in the National Gazette; and
- (d) three persons representing employees in the private sector appointed by the Minister by notice in the National Gazette; and
- (e) two persons representing employers in the public sector appointed by the Minister by notice in the National Gazette; and
- (f) two persons representing employees in the public sector appointed by the Minister by notice in the National Gazette; and
- (g) the Controller.

(3) The Minister may, by notice in the National Gazette appoint a member to be the Chairman and another member to be the Deputy Chairman of the Board.

(4) The Chairman, Deputy Chairman and the members of the Board referred to in Subsection (2)(c), (d), (e) and (f) shall hold office for such period not exceeding three years as is determined by the Minister and are eligible for re-appointment.

(5) The Controller shall be the Secretary to the Board but is not eligible for appointment as Chairman or Deputy Chairman of the Board.

**8. ALTERNATE MEMBERS OF THE BOARD.**

(1) For each of the members of the Board appointed under Section 7(2)(c), (d), (e) and (f) an alternate member may be appointed in the same manner and subject to the same conditions as the member for whom he is the alternate.

(2) In the event of the inability to act of a member, his alternate has and may exercise all his powers, functions, duties and responsibilities under this Act.

(3) An alternate member may, unless the Board otherwise directs, attend all meetings of the Board but shall not, except where he is attending in the absence of the member for whom he is the alternate, take part in debate, vote on any matter or be counted towards a quorum.

**9. CO-OPTED MEMBERS OF THE BOARD.**

(1) The Board may, where it considers it necessary in relation to a matter before it, co-opt representatives of interested parties as members of the Board.

(2) A member co-opted under Subsection (1) may take part in the deliberations of the Board but shall not vote on any matter before the Board.

(3) For the purposes of this Act, other than as provided by this section, a member co-opted under Subsection (1) shall not be regarded as a member of the Board.

**10. VACATION OF OFFICE.**

(1) The office of a member of the Board, (other than a member referred to in Section 7(2)(a) and (b)), becomes vacant, if—

- (a) his appointment is, by virtue of Section 36 of the *Interpretation Act 1975*, revoked; or
- (b) he resigns his office by writing under his hand to the Minister; or
- (c) he becomes permanently incapable of performing his duties; or
- (d) he is absent, except with the written consent of the Chairman, or, in the case of the Chairman, with the written consent of the Minister, from three consecutive meetings of the Board.

(2) Where the office of a member is vacated under Subsection (1), the office of his alternate also becomes vacant.

**11. MEETINGS OF THE BOARD.**

(1) The Board may meet and transact business at such times and in such places as are determined by the Chairman and in any case shall meet at least four times in each calendar year.

(2) The Chairman shall preside at all meetings of the Board at which he is present.

(3) Where the Chairman is not present at a meeting of the Board the Deputy Chairman shall preside at that meeting.

(4) Where neither the Chairman nor the Deputy Chairman is present at a meeting of the Board, the members present shall elect one of their number to act as Chairman for the purposes of that meeting.

(5) The quorum for a meeting of the Board is seven members.

(6) Questions arising at a meeting of the Board shall be decided by a majority of the votes of the members present and voting.

(7) The member presiding has a deliberative vote and, in the event of an equality of votes on a matter, has also a casting vote.

(8) Subject to this section the procedures of the Board are as determined by the Board.

**12. FUNCTIONS OF THE BOARD.**

The functions of the Board are—

- (a) to investigate and determine disputes in connection with apprenticeship or trade testing referred to it by the Controller; and
- (b) to determine appeals by persons aggrieved by decisions of the Controller; and
- (c) subject to the directions of the Minister, whether generally or in relation to any particular matter, to take such measures as it may consider necessary to ensure adequate numbers of skilled or qualified persons in an industry and to ensure that those persons have attained adequate standards of competence; and
- (d) whether on request by the Minister, or as in the opinion of the Board it is desirable so to do, to investigate and make recommendations to the Minister on any matter relating to the administration of this Act.

**PART III. – APPRENTICESHIP.**

***Division 1.***

***Contract of Apprenticeship.***

**13. APPLICATION FOR APPROVAL TO EMPLOY APPRENTICES.**

(1) An employer who wishes to employ a person as an apprentice shall submit an application, in the form approved by the Board, to the Controller for approval to employ that person as an apprentice.

(2) Subject to Subsection (3) the Controller may grant or refuse to grant approval to employ an apprentice.

(3) The Controller shall not grant approval under this section unless the Controller is satisfied that the employer has reasonable facilities for the proper training of apprentices proposed to be employed.

(4) An employer whose application has been refused may appeal to the Board in accordance with Part V.

(5) An employer who—

(a) in support of an application under Subsection (1), makes a false declaration; or

(b) without approval under Subsection (1), employs a person as an apprentice,

is guilty of an offence.

Penalty: A fine not exceeding K1,000.00 or imprisonment for a term not exceeding six months.

**14. MEDICAL EXAMINATION OF APPRENTICES.**

(1) A person who wishes to be employed as an apprentice shall submit himself to medical examination by a medical practitioner approved by the Controller and the employer.

(2) The cost of the examination under Subsection (1) shall be borne by the employer.

**15. CONTRACTS OF APPRENTICESHIP.**

(1) Subject to this Act, a person who wishes to be employed as an apprentice by an employer shall enter into a contract of apprenticeship with that employer.

(2) A contract of apprenticeship shall—

(a) be in such form as is determined by the Board; and

(b) contain such matters as are prescribed.

(3) A person shall not enter into a contract of apprenticeship unless—

- (a) subject to Subsection (4), he has attained the age or apparent age of 15 years; and
- (b) in the case of an apprenticeship in a trade for which an entry qualification is prescribed, he possesses those qualifications for that trade.

(4) A person below the age of 15 years may—

- (a) with the consent of his parent or guardian; or
- (b) with the consent of the Controller if compliance with Subsection (1) is not practicable,

enter into a contract of apprenticeship, and subject to this Act, a contract so entered into remains valid according to its tenor notwithstanding that the person has in the meantime attained the age of 15 years.

(5) A contract of apprenticeship entered into other than in accordance with this Act is invalid.

#### **16. ALL CONTRACTS TO BE FILED FOR REGISTRATION.**

(1) A contract of apprenticeship made in accordance with this Act shall, within one month from the date of the making of the contract, be filed by the employer with the Controller for registration.

(2) A contract filed under Subsection (1) shall be—

- (a) in triplicate; and
- (b) accompanied by a medical certificate certifying that the apprentice is medically fit.

(3) An employer who fails to comply with Subsection (1) or (2), is guilty of an offence.

Penalty: A fine not exceeding K1,000.00 or imprisonment for a term not exceeding six months.

#### **17. REGISTRATION OF CONTRACTS.**

(1) The Controller may, on receipt of the documents required under Section 16, register and deal with the contract as prescribed.

(2) A contract has no force until registered under this section.

#### **18. CONTROLLER MAY REFUSE REGISTRATION.**

(1) Where the Controller is satisfied that a contract is not in the best interest of the person intended to be employed as an apprentice, the Controller may refuse to register the contract.

(2) A party to a contract which has been refused registration under this section may appeal to the Board in accordance with Part V.

**19. ISSUE OF COPIES OF CONTRACT.**

(1) The Controller shall issue to an apprentice and his employer, each, a registered copy of a contract.

(2) A duplicate copy of a contract may only be issued for such reasons, in such manner and to such persons as are prescribed.

***Division 2.***

***General Terms of Contract.***

**20. TENURE OF CONTRACT.**

(1) A contract entered into and registered in accordance with this Act—

- (a) is binding on the employer and the apprentice. to whom it relates; and
- (b) is enforceable only in relation to the matters stated in it; and
- (c) unless a lesser period is specified in it, shall be for the prescribed period.

(2) Notwithstanding Subsection (1) or any provision in the contract to the contrary, an apprentice shall, for the first three months of the contract, be employed on probation.

**21. EXTENSION OF CONTRACTS.**

(1) In this section, “**working day**” means a day in which a course of instructions, as determined by the Board in relation to a trade, is given and on which the apprentice is required to attend.

(2) Subject to Subsection (3), if the Controller is satisfied that it is necessary to do so, he may authorize that the period of contract for an apprentice be extended for such period as is determined by the Controller.

(3) An extension under Subsection (2) shall—

- (a) be not more than one day for each working day for which the apprentice was absent from duty; and
- (b) not exceed 180 days in aggregate or consecutive working days.

**22. REDUCTION OF PERIOD OF CONTRACT.**

Where the Controller is satisfied that—

- (a) a person has previously undertaken technical training which relates directly to the trade in which he is or wishes to be apprenticed; and
- (b) that training has the approval of the Board for that trade,

the Controller may authorize the reduction of the period of the contract to such lesser period as is determined by the Board.

**23. TRANSFER OF CONTRACTS.**

(1) Subject to this section, the rights and obligations of an employer under a contract may, with—

- (a) the consent of the apprentice; and
- (b) the approval of the Controller,

be transferred to another employer.

(2) An approval under Subsection (1) shall not be granted if the Controller has reasonable grounds to believe that the transfer is not in the best interests of the apprentice.

(3) A transfer of a contract has no force or effect until—

- (a) endorsed and signed by the former employer and future employer and the apprentice, or, if the apprentice is below the age of 15 years, by his parent, guardian or the Controller, as the case may be; and
- (b) registered by the Controller.

(4) For the purposes of Subsection (3)(b), the employer to whom the contract is transferred shall, within one month from the date the contract is endorsed and signed in accordance with Paragraph (a) of that subsection, submit the contract to the Controller for registration in the prescribed manner.

(5) An employer, who fails to submit the contract within the time prescribed under Subsection (4), is guilty of an offence.

Penalty: A fine not exceeding K1,000.00 or imprisonment for a term not exceeding six months.

**24. SUSPENSION OF APPRENTICES.**

(1) If an employer is satisfied that an apprentice has committed a serious breach of the terms of his contract, the employer—

- (a) may suspend the apprentice without pay for a period not exceeding one month; and
- (b) shall, within three working days from the date of suspension, report in writing, the reasons for the suspension, to the Controller.

(2) On receipt of the report under Subsection (1)(b), the Controller shall—

- (a) investigate, or cause an investigation to be made into the suspension; and
- (b) within seven working days from the date of the receipt of the report, confirm, set aside or reduce the period of suspension.

(3) Where in accordance with Subsection (2)(b) the suspension is set aside or reduced, the employer shall pay to the apprentice such remuneration as may have been withheld from the apprentice during the period of suspension.

(4) An employer or apprentice aggrieved by the decision of the Controller under this section may appeal to the Board in accordance with Part V.

(5) An employer who fails to comply with Subsection (1)(b), is guilty of an offence.

Penalty: A fine not exceeding K1,000.00 or imprisonment for a term not exceeding six months.

## **25. TERMINATION OF CONTRACTS.**

(1) A contract may be terminated—

- (a) by either party at any time within the period of probation referred to under Section 20(2); or
- (b) by mutual agreement in writing between the employer and—
  - (i) the apprentice; or
  - (ii) where the apprentice is below the age of 15 years, the parent, guardian or Controller, as the case may be; or
- (c) on request by a party to the contract, by the Controller, if the Controller is satisfied that it is necessary to do so; or
- (d) by the Controller on the recommendation of the Board where—
  - (i) the Board considers it desirable so to do; or
  - (ii) the Board, after considering a submission by the Controller, so determines.

(2) A termination of contract under Subsection (1)(a) or (b) shall, within seven days from the date of termination, be notified by the employer to the Controller, and an employer who fails to give the notification within the period required under this subsection, is guilty of an offence.

Penalty: A fine not exceeding K1,000.00 or imprisonment for a term not exceeding six months.

(3) The Controller shall not terminate a contract under Subsection (1)(c), unless he has given both parties to the contract the opportunity to appear or to make representations before him.

(4) The Controller shall record the termination on the file copy of each contract terminated under this section.

(5) A party to a contract terminated by the Controller under Subsection (1)(c) or (d) may appeal to the Board in accordance with Part V.

(6) A termination of contract does not affect any right of action which may have accrued before the termination and for that purpose that action may be continued as if the contract was still enforceable.



**26. APPRENTICES TO BE APPRENTICED WITH ONE EMPLOYER.**

(1) A person shall not, while a contract of apprenticeship is in force, enter into another contract of apprenticeship with another employer.

(2) A person shall not—

- (a) induce or attempt to induce an apprentice to terminate his contract with his employer; or
- (b) employ a person whom he knows is under a contract of apprenticeship with another employer.

(3) A person who contravenes Subsection (1) or (2), is guilty of an offence.

Penalty: A fine not exceeding K1,000.00 or imprisonment for a term not exceeding six months.

**27. WAGES OF APPRENTICES.**

(1) An apprentice shall be paid such rates of pay as are determined by the Board in accordance with this section.

(2) A determination for the purposes of Subsection (1)—

- (a) shall specify the minimum hourly rates of pay for each year of apprenticeship; and
- (b) may provide different minimum hourly rates of pay for different classes of apprentices or trades,

and in so doing the Board may apply such methods of differentiation as it considers appropriate.

(3) All determinations under this section shall be published in the National Gazette.

**PART IV. – TRADE STANDARDS AND TRADE TESTS.****28. APPLICATION.**

This Part does not apply to a person who is under a contract of apprenticeship in accordance with Part III.

**29. INTERPRETATION.**

In this Part, unless the contrary intention appears–

“**register**” means a register established under Section 30;

“**trade testing certificate**” means a certificate issued under Section 37;

“**Trade Testing Committee**” means a committee constituted in accordance with Section 48 for the purposes of this Part.

**30. REGISTERS FOR TRADE TESTING.**

The Controller shall–

- (a) cause to be kept a register or registers for trade testing in such form as may be determined by him; and
- (b) cause to be entered on the register or registers, such matters as may be required under this Act or as are prescribed.

**31. TRADE STANDARDS.**

(1) The Regulations may establish trade standards for and in respect of trades or occupations.

(2) A standard established in accordance with Subsection (1) may–

- (a) provide for different grades of standards for a particular trade or occupation; or
- (b) adopt a standard laid down by any body, whether or not within the country, with such modifications (if any) as may be prescribed.

**32. TRADE TESTING.**

(1) For each trade or occupation there shall be such grades of trade tests as may be approved by the Board.

(2) All trade tests in all grades shall be conducted–

- (a) in such form and manner and on such subjects as the Regulations may prescribe; and
- (b) unless the Board otherwise directs, at institutions approved by the Board.

**33. APPLICATION FOR TRADE TESTS.**

(1) Subject to Subsection (3), a person who wishes to take a trade test in any grade may apply to the Board or to a person or authority approved by the Board for that purpose.

(2) An application for the purposes of Subsection (1) shall be in a form approved by the Trade Testing Committee and shall be accompanied by the appropriate fee, as prescribed.

(3) A person is not eligible to take a trade test unless he possesses the prescribed requirements.

(4) A person who, in support of an application under Subsection (1), makes a false declaration or gives false information, is guilty of an offence.

Penalty: A fine not exceeding K1,000.00 or imprisonment for a term not exceeding six months.

**PART V. – APPEALS.**

**34. APPEALS TO THE BOARD.**

- (1) A person may appeal to the Board against–
- (a) the refusal by the Controller to grant an approval for employment under Section 13; or
  - (b) the refusal by the Controller to register a contract under Section 18; or
  - (c) the decision of the Controller in respect of a suspension under Section 24; or
  - (d) the decision by the Controller to terminate a contract under Section 25; or
  - (e) the refusal by the Controller to grant a certificate under Part VI.
- (2) An appeal shall be–
- (a) made in writing within one month from the date of refusal or decision, as the case may be; and
  - (b) lodged in such manner as determined by the Controller.

**35. DETERMINATION OF APPEALS.**

(1) All appeals shall be determined by the Board and for that purpose the Board shall allow the parties to appear and to make representations before it.

(2) The Board may make such orders as it considers appropriate in relation to any matter before it.

(3) A decision of the Board is, subject to Section 155(5) (*The National Judicial System*) of the *Constitution*, final.

(4) The procedures of the Board on an appeal are as determined by the Board.

**PART VI. – APPRENTICESHIP AND TRADE TESTING CERTIFICATES.**

**36. CERTIFICATE OF COMPLETION.**

(1) The Controller may, in the form determined by the Board, issue a Certificate of Completion to a person who has completed his contract of apprenticeship in accordance with Part III.

(2) If under Subsection (1) the Controller decides not to issue a certificate to a person, that person may appeal to the Board in accordance with Part V.

(3) For the purposes of Subsection (1), the employer shall, within one month after the date of completion of the contract, endorse on the contract such particulars as required by the Controller and submit the contract to the Controller.

(4) A person who, in endorsing a contract under Subsection (3), makes a false statement or provides false particulars, is guilty of an offence.

Penalty: A fine not exceeding K1,000.00 or imprisonment for a term not exceeding six months.

**37. TRADE TESTING CERTIFICATE.**

(1) The Controller may, on the recommendation of a Trade Testing Officer, issue a trade testing certificate of the appropriate grade, to a person who has, in accordance with Part IV, successfully completed a trade test of a grade prescribed for a trade or occupation.

(2) If under Subsection (1) the Controller decides not to issue a trade testing certificate to a person, that person may appeal to the Board in accordance with Part V.

(3) A certificate issued under this section shall be signed by the Controller and shall contain such matters or particulars as are prescribed.

(4) For each certificate issued under this section, the Controller shall cause to be entered on the register established under Part IV–

- (a) the name of the person to whom the certificate is issued; and
- (b) the trade or occupation in respect of which the certificate is issued; and
- (c) the grade of certificate; and
- (d) any other particulars the Controller considers necessary.

**38. OTHER CERTIFICATES.**

There may be issued–

- (a) in such form as is or are prescribed; and
- (b) in such manner and to such persons as are prescribed; and

- (c) in relation to such matters and the conditions of eligibility, as are prescribed, such other certificates as the Minister, acting on the advice of the Board, authorizes.

**39. DUPLICATE CERTIFICATES.**

A duplicate copy of a certificate issued under Sections 36, 37 and 38 may be issued to such persons, in such manner, for such reasons and upon payment of such fees, as are prescribed.

**40. OFFENCES RELATING TO UNAUTHORIZED USE OR DEALING WITH A CERTIFICATE.**

(1) In this section, “**certificate**” means—

- (a) a certificate issued under Section 36, 37 or 38; and
- (b) a duplicate certificate issued under Section 39.

(2) A person who—

- (a) uses a certificate to which he is not entitled; or
- (b) alters, defaces or makes a model, likeness or facsimile of a certificate with intent to deceive or defraud; or
- (c) being entitled to a certificate, with intent to deceive or defraud—
  - (i) gives the certificate to another person; or
  - (ii) allows another person to use the certificate; or
- (d) fails, without good cause, to produce or surrender a certificate when requested to do so by the Controller or a person authorized by the Controller,

is guilty of an offence.

Penalty: A fine not exceeding K1,000.00 or imprisonment for a term not exceeding six months.

**PART VII. – TRAINING LEVIES.**

**41. TRAINING LEVY.**

(1) A training levy is imposed on every employer in respect of all his employees who are apprentices or persons to whom Part IV relates.

(2) The levy shall be assessed and collected as prescribed under the regulations.

**42. TRUST ACCOUNT.**

For the purposes of this Part, there shall be established, in accordance with Section 15 of the *Public Finances (Management) Act 1995*, a trust account within the Trust Fund.

**43. PAYMENTS INTO AND OUT OF TRUST ACCOUNT.**

(1) All moneys received, from the collection of the levy in accordance with Section 41, shall be paid to the credit of the trust account established in accordance with Section 42.

(2) Payments out of the trust account shall be made for a prescribed purpose only.

**44. EMPLOYER NOT TO REDUCE WAGES, ETC.**

(1) An employer shall not, by reason of his liability to pay levies under this Part, reduce, directly or indirectly, the wages or salary or other benefits or emoluments to which an apprentice or a person to whom Part IV relates is entitled under his contract of employment or under any other law.

(2) An employer who contravenes Subsection (1), is guilty of an offence.

Penalty: A fine not exceeding K1,000.00 or imprisonment for a term not exceeding six months.

**PART VIII. – CONTROLLER OF APPRENTICESHIP AND TRADE TESTING.**

**45. CONTROLLER AND ASSISTANT CONTROLLERS.**

(1) The Minister may, by notice in the National Gazette, appoint–

- (a) a Controller of Apprenticeship and Trade Testing; and
- (b) one or more Assistant Controllers of Apprenticeship and Trade Testing as the Minister considers necessary for the purposes of this Act.

(2) Subject to the directions of the Controller, an Assistant Controller has and may exercise the powers and functions of the Controller under this Act.

(3) The Controller and Assistant Controller have all the powers of an Inspector under this Act.

**46. APPOINTMENT OF INSPECTORS OF TRAINING AND TRADE TESTING OFFICERS.**

The Minister may appoint an officer to be–

- (a) an Inspector of Training; or
- (b) a Trade Testing Officer,

for the purposes of this Act.

**47. POWERS OF INSPECTORS.**

(1) An Inspector may–

- (a) enter at all reasonable times on any premises in or on which he has reasonable cause to believe that an apprentice is, or, within the previous six months, has been employed; and
- (b) in relation to Paragraph (a), interview any person employed on the premises on any requirement under this Act; and
- (c) require an apprentice to appear before him, at such time and place fixed by the Inspector and interview the apprentice on any requirement under this Act; and
- (d) require an apprentice or his employer, or both the apprentice and his employer, to produce records that may be required to be kept in accordance with this Act; and
- (e) examine any work done by an apprentice and inspect any machinery, equipment, training aids and facilities the Inspector considers necessary in order to ascertain whether the provisions of this Act have been complied with.

(2) For the purposes of an inspection under Subsection (1), the Inspector shall notify the employer or his representative of his presence and, if requested by the



employer, the Inspector shall be accompanied during the inspection by the employer or his representative, as the case may be.

(3) An Inspector exercising or intending to exercise any of the powers under this section shall, when requested, produce written evidence of his appointment as an Inspector.

(4) Nothing under this section authorizes an Inspector to enter or inspect any private dwelling house without the consent of the occupier of the dwelling house.

**PART IX. – MISCELLANEOUS.**

**48. COMMITTEES, PANELS OF TRADES, ETC.**

(1) There may be established for the purposes of this Act such committees, panels of trade and occupation specialists as are prescribed.

(2) The Regulations may prescribe—

(a) the qualifications and the manner of appointment of an occupation specialist; and

(b) the constitution and procedure of a committee or panel of trade.

(3) A committee, panel of trade or occupation specialist may exercise such powers and perform such functions under this Act as the Minister on the advice of the Board may determine or as are prescribed.

**49. DISCLOSURE OF INFORMATION.**

(1) Subject to Subsection (2), a member of the Board or an officer who, except for purpose of the performance of his functions and duties under this Act, discloses to any person, business group, company, corporation or any other business association, any information in relation to the financial affairs, plant or equipment or development plans, of a person, acquired in the performance of the functions and duties of the member or officer, as the case may be, under this Act, is guilty of an offence.

Penalty: A fine not exceeding K1,000.00 or imprisonment for a term not exceeding six months.

(2) Subsection (1) does not apply to a disclosure made in criminal proceedings in accordance with this Act.

**50. RECORDS TO BE KEPT BY EMPLOYERS.**

(1) An employer shall, in respect of each apprentice employed by him, keep such records as are determined by the Board.

(2) All records shall be kept in such manner as determined by the Controller.

**51. CONTROLLER'S REPORT.**

The Controller shall, at each meeting of the Board, submit a report to the Board on—

(a) such statistics, as required by the Board in relation to apprenticeship or trade testing, covering the period from the previous meeting to the present meeting of the Board; and

(b) any other matter that requires consideration by the Board.

**52. ALLOWANCES FOR CERTAIN MEMBERS OF THE BOARD.**

A member of the Board, other than a member who is an officer of the Public Service, may be paid such fees and allowances as determined under the *Boards (Fees and Allowances) Act 1955*.

**53. EXEMPTIONS.**

(1) The Minister may exempt—

- (a) a person or class of persons to whom Part IV applies; or
- (b) an apprentice or class of apprentices; or
- (c) an employer or class of employers,

from all or any provisions of this Act.

(2) Notification of an exemption granted under Subsection (1) shall be published in the National Gazette.

**54. REPEAL.**

The *Apprenticeship Act* (Chapter 161) is repealed.

**55. REGULATIONS.**

The Head of State, acting with, and in accordance with, the advice of the National Executive Council, may make regulations not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary to be prescribed for carrying out or giving effect to this Act and in particular for prescribing—

- (a) the qualifications, including age and educational entry levels for apprenticeship or trade testing in any trade or occupation; and
- (b) the period of apprenticeship or trade testing in any trade or occupation; and
- (c) the practical training to be provided by employers for apprentices or persons under trade testing; and
- (d) the practical and theoretical training to be provided other than by employers; and
- (e) the imposition of penalties of fines not exceeding K1,000.00 or imprisonment for terms not exceeding six months for offences against or contraventions of the Regulations.

**PART X. – SAVING AND TRANSITIONAL.**

**56. INTERPRETATION.**

In this Part, unless the contrary intention appears–

“**indenture**” means an Indenture of Apprenticeship entered into under the repealed Act;

“**Registrar**” means the Registrar of Apprentices appointed under the repealed Act;

“**repealed Act**” means the Act repealed by Section 54.

**57. REGISTER MAINTAINED UNDER REPEALED ACT.**

The apprenticeship register maintained by the Registrar under the repealed Act immediately before the commencement of this Act shall on that commencement, be deemed to be the National Apprenticeship Register established under this Act.

**58. SAVING OF INDENTURES.**

An indenture entered into in accordance with the repealed Act and existing immediately before the commencement of this Act, shall, on that commencement, be deemed to have been entered into and registered under this Act and this Act applies accordingly.

**59. ACTIONS, ETC., NOT TO ABATE.**

Where, immediately before the coming into operation of this Act, any arbitration, action or proceeding was pending or existing under the repealed Act, the arbitration, action or proceeding, as the case may be, does not, on the coming into operation of this Act, abate, discontinue but it may be prosecuted, continued or enforced under the repealed Act as if this Act had not come into operation.

Office of Legislative Counsel, PNG