



Tradesmen's Rights Regulation Act 1946

Act No. 41 of 1946 as amended

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No. 50

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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An Act to make provisions 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

Preamble

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:

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

1 Short title *[see Note 1]*

This Act may be cited as the *Tradesmen's Rights Regulation Act 1946*.

2 Commencement *[see Note 1]*

This Act shall come into operation on the day on which it receives the Royal Assent.

6 Interpretation

In this Act, unless the contrary intention appears:

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Australian Pay and Classification Scale has the meaning given by the *Workplace Relations Act 1996*.

award includes:

- (a) a transitional award under the *Workplace Relations Act 1996*; and
- (b) an award made under a State industrial law (to the extent to which that State industrial law is not excluded by the *Workplace Relations Act 1996*).

industrial agreement includes:

- (a) a workplace agreement, pre-reform certified agreement, pre-reform AWA, notional agreement preserving State awards or preserved State agreement within the meaning of the *Workplace Relations Act 1996*; and
- (b) an agreement made under a State industrial law to the extent to which that State industrial law is not excluded by the *Workplace Relations Act 1996*.

employment means remunerative employment, and ***employed*** has a corresponding meaning.

member of the Forces has the meaning given by section 4 or 139 of the *Re-establishment and Employment Act 1945* immediately before the repeal of that Act.

the war has the meaning given by section 4 or 139 of the *Re-establishment and Employment Act 1945* immediately before the repeal of that Act.

7 Territories

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.

7A Act not to apply to certain persons

- (1) This Act does not apply to or in relation to a member of the Forces as defined in section one hundred and thirty-nine of the *Re-establishment and Employment Act 1945-1952* (immediately before its repeal) who enlisted or enlists for a period exceeding

three years and was not or is not discharged within a period of two years after he ceased or ceases to be engaged on war service.

- (2) For the purposes of the last preceding subsection, a member of the Forces who, on the expiration of his original enlistment or subsequent re-engagement, re-engages to serve for a further period, shall, if the aggregate of the period of his original enlistment and the period or periods of his re-engagement exceeds three years, be deemed to have enlisted for a period exceeding three years.

8 Act to bind Crown

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.

9 Operation of Part VII

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, VI and VIA of this Act, and shall not have any other force or effect.

Part II—Engineering trades

10 Interpretation

In this Part, unless the contrary intention appears:

certificate of recognition as a recognized tradesman means a certificate of recognition as a recognized tradesman granted in accordance with this Part before the commencement of the *Tradesmen's Rights Regulation Act 1958*, 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;
- (ca) has been employed in Australia for not less than seven years after the eighth day of May, One thousand nine hundred and forty, on work ordinarily performed by a tradesman and was so employed at any time within one month before the

commencement of the *Tradesmen's Rights Regulation Act 1952*; or

- (d) has been granted a tradesman's certificate or 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.

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

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.

11 Trades to which Part applies

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

12 Central Committee

- (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.

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13 Local Committees

- (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.

14 Certain classes of recognised tradesmen

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

15 Interpretation

In this Part, unless the contrary intention appears:

certificate of recognition as a recognized tradesman means a certificate of recognition as a recognized tradesman granted in accordance with this Part before the commencement of the *Tradesmen's Rights Regulation Act 1958*, 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;
- (ca) has been employed in Australia for not less than seven years after the twenty-ninth day of November, One thousand nine hundred and forty, on work ordinarily performed by a tradesman and was so employed at any time within one

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month before the commencement of the *Tradesmen's Rights Regulation Act 1952*; or

- (d) has been granted a tradesman's certificate or 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.

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

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 Trades to which Part applies

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

17 Central Committee

- (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.

18 Local Committees

- (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.

18A Grant of tradesmen's certificates

- (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.
- (2) A Local Committee may, in the exercise of its discretion under the last preceding subsection, 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.

Part IV—Blacksmithing trades

20 Interpretation

In this Part, unless the contrary intention appears:

certificate of recognition as a recognized tradesman means a certificate of recognition as a recognized tradesman granted in accordance with this Part before the commencement of the *Tradesmen's Rights Regulation Act 1958*, 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;
- (ca) has been employed in Australia for not less than seven years after the twenty-ninth day of November, One thousand nine hundred and forty, on work ordinarily performed by a tradesman and was so employed at any time within one

month before the commencement of the *Tradesmen's Rights Regulation Act 1952*; or

- (d) has been granted a tradesman's certificate or 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.

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

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.

21 Trades to which Part applies

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

22 Central Committee

- (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.

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23 Local Committees

- (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.

24 Quorum of Committees

- (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

25 Interpretation

In this Part, unless the contrary intention appears:

certificate of recognition as a recognized tradesman means a certificate of recognition as a recognized tradesman granted in accordance with this Part before the commencement of the *Tradesmen's Rights Regulation Act 1958*, 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 tradesman's certificate or a certificate of recognition as a recognized tradesman.

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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.

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

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 Trades to which Part applies

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

27 Central Committee

- (1) There shall be a Central (Electrical 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.

28 Local Committees

- (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;

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- (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.

28A Grant of tradesmen's certificates

If a Local Committee is satisfied, upon application by any person, that that person:

- (a) has been employed in Australia for not less than seven years after the thirtieth day of October, One thousand nine hundred and forty-one, on work ordinarily performed by a tradesman;
- (b) was so employed at any time within one month before the commencement of the *Tradesmen's Rights Regulation Act 1952* or, but for special circumstances which prevented him, would have been so employed; and
- (c) has passed an examination approved by the Committee, at a standard approved by the Committee;

the Committee may, if it thinks fit, grant to that person a tradesman's certificate.

29 Licences and certificates under other laws

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 unless he holds such a licence or certificate, and any certificate issued under this Part shall be endorsed accordingly.

Part VI—Sheet metal trades

30 Interpretation

In this Part, unless the contrary intention appears:

certificate of recognition as a recognized tradesman means a certificate of recognition as a recognized tradesman granted in accordance with this Part before the commencement of the *Tradesmen's Rights Regulation Act 1958*, 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 for employment as a tradesman;
- (c) has completed his course of training as a trainee tradesman to the satisfaction of a Local Committee;
- (ca) has been employed in Australia for not less than seven years after the thirtieth day of October, One thousand nine hundred and forty-one, on work ordinarily performed by a tradesman and was so employed at any time within one month before

the commencement of the *Tradesmen's Rights Regulation Act 1952*; or

- (d) has been granted a tradesman's certificate or 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 (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.

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

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 Trades to which Part applies

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

32 Central Committee

- (1) There shall be a Central (Sheet Metal 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.

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33 Local Committees

- (1) There shall be a Local (Sheet Metal 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.

Part VIA—Boot trades

33A Interpretation

In this Part, unless the contrary intention appears:

certificate of recognition as a recognized tradesman means a certificate of recognition as a recognized tradesman granted in accordance with this Part before the commencement of the *Tradesmen's Rights Regulation Act 1958*.

Committee means a committee established under this Part.

employer means any person employing persons in the boot, shoe, sandal and slipper manufacturing industry, and includes an intending employer of persons in that industry.

Local Committee means a Local (Boot Trades) Committee established under this Part.

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 thirty-first day of October, One thousand nine hundred and thirty-nine, as a tradesman;
- (b) has qualified or qualifies by service as an apprentice for employment as a tradesman;
- (ba) has been employed in Australia for not less than seven years after the thirty-first day of October, One thousand nine hundred and thirty-nine, on work ordinarily performed by a tradesman and was so employed at any time within one month before the commencement of the *Tradesmen's Rights Regulation Act 1952*; or
- (c) has been granted a tradesman's certificate or a certificate of recognition as a recognized tradesman.

Register means a Register established and maintained in pursuance of this Part.

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the Central Committee means the Central (Boot Trades) Committee established under this Part.

tradesman means a person employed in any of the classifications specified in the Sixth Schedule to this Act.

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

33B Trades to which Part applies

This Part shall apply to the boot trades specified in the Sixth Schedule to this Act.

33C Central Committee

- (1) There shall be a Central (Boot 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.

33D Local Committees

- (1) There shall be a Local (Boot 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.

33E Recognition of tradesmen and probationary tradesmen

- (1) The provisions of sections forty-one and forty-two, and paragraph (b) of subsections (2) and (4) of section forty-three, of this Act shall not apply in relation to trades to which this Part applies.

Section 33E

- (2) If a Local Committee is satisfied, upon application by any person, that:
- (a) that person is a recognized tradesman within the meaning of paragraph (a), (b) or (ba) of the definition of ***recognized tradesman***;
 - (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 subsection (1) of section thirty-four of this Act;
 - (b) that person is a probationary tradesman who has satisfactorily completed a period of probationary employment, training or training in employment required by the Committee; or
 - (c) that person has qualified or qualifies in a country other than Australia, by training and employment, in accordance with the laws and customs of that country, for employment in that country as a tradesman in a trade, or in a trade substantially corresponding with a trade, to which this Part applies and his training and employment are such as to provide the skill necessary for the performance in Australia of work ordinarily performed by a recognized tradesman;
- the Committee may, if it thinks fit, grant to that person a tradesman's certificate.
- (2A) If a Local Committee is satisfied, upon application by any person, that that person would be a recognized tradesman within the meaning of paragraph (ba) of the definition of ***recognized tradesman*** but for the fact that he was not employed as a tradesman within the period of one month before the commencement of the *Tradesmen's Rights Regulation Act 1952* and that, but for special circumstances which prevented him, he would have been so employed, the Committee may, if it thinks fit, grant to that person a tradesman's certificate.
- (3) If a Local Committee is satisfied that an adult member of the Forces could, within a period required by the Committee, acquire the skill necessary for the performance of work ordinarily performed by a recognized tradesman, and that the employment of recognized tradesmen would not thereby be prejudiced, the Committee may, on the application of that member, authorize the training and employment, subject to the applicable provisions of section forty-three of this Act, of that member as a probationary tradesman in a trade to which this Part applies.

Section 33E

- (4) An application under subsection (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.
- (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 or for 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 Australian Pay and Classification Scale, the appropriate award, order, determination or industrial agreement for adult males employed in the trade in which he is authorized to be employed.
- (7) Probationary 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.

Part VII—Incorporated provisions

34 Powers of Central Committee etc.

- (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.
- (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.

Section 35

- (3) Any decision of the Committee on any matter within its powers and functions shall be final.
- (4) For the purpose of the exercise by the Central Committee of its powers and the performance of its functions under subsection (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.
- (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.

35 Powers of Local Committees etc.

- (1) Subject to compliance with any directions given by the Central Committee in pursuance of its powers under this Act, 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; and
 - (c) to issue tradesmen's certificates.
- (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 Quorum

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

37 Decision of questions before Committee

- (1) Subject to the next succeeding subsection, 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.
- (2) The Central Committee shall not make a determination for the purposes of paragraph (b) of subsection (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.

38 Investigation and report

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

39 Deputies

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.

40 Deputy Chairman

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.

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41 Recognition of tradesmen, probationary tradesmen and trainee tradesmen

- (1) If a Local Committee is satisfied, upon application by any person, that:
- (a) that person is a recognized tradesman within the meaning of paragraph (a), (b), (c) or (ca) of the definition of recognized tradesman;
 - (b) that person is 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;
 - (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 subsection (1) of section thirty-four of this Act;
 - (c) that person is a probationary tradesman or trainee tradesman who has satisfactorily completed any period of probationary employment, training or training in employment required by the Committee; or
 - (d) that person has qualified or qualifies in a country other than Australia, by training and employment, in accordance with the laws and customs of that country, for employment in that country as a tradesman in a trade, or in a trade substantially corresponding with a trade, to which this Part applies and his training and employment are such as to provide the skill necessary for the performance in Australia of work ordinarily performed by a recognized tradesman;
- the Committee may, if it thinks fit, grant to that person a tradesman's certificate.

- (1A) If a Local Committee is satisfied, upon application by any person, that that person would be a recognized tradesman within the meaning of paragraph (ca) of the definition of recognized tradesman but for the fact that he was not employed as a tradesman within the period of one month before the commencement of the *Tradesmen's Rights Regulation Act 1952* and that, but for special

circumstances which prevented him, he would have been so employed, the Committee may, if it thinks fit, grant to that person a tradesman's certificate.

- (1B) Subsection (1) of this section, when incorporated and read as one with Part V of this Act, shall be read as if the reference to paragraph (ca) of the definition of recognized tradesman were omitted, and the last preceding subsection shall not be incorporated with that Part.
- (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) was 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.
- (3A) If a Local Committee is satisfied that a member of the Forces as defined in section one hundred and thirty-nine of the *Re-establishment and Employment Act 1945-1952* (immediately before its repeal) who has had experience in a trade to which this Part applies and is eligible for vocational training benefits under regulations made under the *Repatriation Act 1920-1951* could, within a reasonable period, acquire the skill necessary for the performance of work ordinarily performed by a recognized

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tradesman, the Committee may, upon the application of that member, authorize the training and, subject to the provisions of section forty-three of this Act, the employment of that member as a trainee tradesman for the purpose of undergoing training in an industrial establishment in a trade to which this Part applies.

- (4) An application under subsection (2), (3) or (3A) 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.
- (5) Before granting 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 Australian Pay and Classification Scale, 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 Australian Pay and Classification Scale, 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 or under a scheme of vocational training established under regulations made under the *Repatriation Act 1920-1951*.
- (8) 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 Australian Pay and Classification Scale, the appropriate law or award, order, determination or industrial agreement.

42 Local Committee to be Industrial Committee

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 a scheme of vocational training established under regulations made under the *Repatriation Act 1920-1951*, 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 law.

46 Register

- (1) The Department shall establish and maintain a Register in each State and shall record therein:
 - (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) 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 address 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.
- (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.

47 Changes of address or employment to be notified

- (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

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Committee in the State in which he resided or was employed immediately before the change.

48 Persons removed from Register

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.

49 Investigations

- (1) The Secretary 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.

Part VIII—Miscellaneous**51A Regulations**

- (1) 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.
- (2) The Governor-General may make regulations (the ***cost recovery regulations***) in accordance with subsection (3) for the purpose of reimbursing the Department for costs and expenses incurred in, or in connection with:
 - (a) the doing by officers of, or persons employed in, the Department of anything to help committees perform their functions; or
 - (b) the provision by officers of, or persons employed in, the Department of services for employers in connection with the recruitment of tradesmen outside Australia to work in Australia.
- (3) The cost recovery regulations may prescribe fees to be paid to the Department:
 - (a) by applicants for trade certificates in respect of the making of the applications or for the carrying out of trade tests in connection with the applications, or both; or
 - (b) by employers for the provision of services as mentioned in paragraph (2)(b).
- (4) The cost recovery regulations may prescribe different fees in respect of different matters or classes or kinds of matters.
- (5) The cost recovery regulations may provide for the Secretary to the Department (the ***Secretary***) to waive, or defer payment of, fees in particular cases or classes of cases.

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- (6) The Secretary may, by signed writing, delegate to an officer of, or person employed in, the Department all or any of the powers conferred by subsection (5).
- (7) Subject to the *Administrative Appeals Tribunal Act 1975*, an application may be made to the Administrative Appeals Tribunal for review of a decision of the Secretary under a regulation made as mentioned in subsection (5).
- (8) The Secretary must give written notice of such a decision to any person whose interests are affected by the decision.
- (9) The notice must include a statement to the effect that:
 - (a) subject to the *Administrative Appeals Tribunal Act 1975*, application may be made, by or on behalf of the person to whom the notice is given, to the Administrative Appeals Tribunal for review of the decision to which the notice relates; and
 - (b) unless subsection 28(4) of that Act applies, application may be made in accordance with section 28 of that Act by or on behalf of that person for a statement in writing setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision.
- (10) A failure to comply with subsection (9) does not affect the validity of the decision.

The Schedules

First Schedule—Engineering trades

Section 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—Boilermaking trades

Section 16

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—Blacksmithing trades

Section 21

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—Electrical trades

Section 26

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

Tradesman.

Tradesman (radio).

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—Sheet Metal trades

Section 31

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

Sheet metal worker, first class.

First class welder.

Sixth Schedule—Boot trades

Section 33B

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

Pattern cutter.

Designer.

Clicker.

Stuff cutter.

Maker.

Finisher.

Table of Acts**Notes to the *Tradesmen's Rights Regulation Act 1946*****Note 1**

The *Tradesmen's Rights Regulation Act 1946* as shown in this compilation comprises Act No. 41, 1946 amended as indicated in the Tables below.

The *Tradesmen's Rights Regulation Act 1946* was amended by the *Workplace Relations Amendment (Work Choices) (Consequential Amendments) Regulations 2006 (No. 1)* (SLI 2006 No. 50). The amendments are incorporated in this compilation.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Tradesmen's Rights Regulation Act 1946</i>	41, 1946	15 Aug 1946	15 Aug 1946	
<i>Tradesmen's Rights Regulation Act 1947</i>	72, 1947	4 Dec 1947	4 Dec 1947	S. 6(2)
<i>Tradesmen's Rights Regulation Act 1952</i>	88, 1952	18 Nov 1952	3 Sept 1952	—
<i>Tradesmen's Rights Regulation Act 1955</i>	52, 1955	3 Nov 1955	2 Sept 1955	S. 3(2)
<i>Tradesmen's Rights Regulation Act 1958</i>	53, 1958	1 Oct 1958	2 Sept 1958	S. 2(2)
<i>Statute Law Revision (Decimal Currency) Act 1966</i>	93, 1966	29 Oct 1966	1 Dec 1966	—
<i>Statute Law Revision Act 1973</i>	216, 1973	19 Dec 1973	31 Dec 1973	Ss. 9(1) and 10
<i>Administrative Changes (Consequential Provisions) Act 1976</i>	91, 1976	20 Sept 1976	S. 3: 22 Dec 1976 (a)	S. 4
<i>Statute Law Revision Act 1981</i>	61, 1981	12 June 1981	S. 115: Royal Assent (b)	—
<i>Statute Law (Miscellaneous Amendments) Act (No. 2) 1982</i>	80, 1982	22 Sept 1982	Part LXXVII (s. 280): Royal Assent (c)	S. 280(2) and (3)
<i>Public Service Reform Act 1984</i>	63, 1984	25 June 1984	S. 151(1): 1 July 1984 (see <i>Gazette</i> 1984, No. S245) (d)	S. 151(9)

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Industrial Relations and other Legislation Amendment Act 1993</i>	109, 1993	22 Dec 1993	Ss. 1, 2 and 58: Royal Assent S. 32: 5 Jan 1994 S. 34: 6 Sept 1991 S. 47: 24 Dec 1992 Remainder: 19 Jan 1994	—
<i>Statute Stocktake Act 1999</i>	118, 1999	22 Sept 1999	Schedule 2 (items 53–59): Royal Assent	—

Act Notes

- (a) The *Tradesmen's Rights Regulation Act 1946* was amended by section 3 only of the *Administrative Changes (Consequential Provisions) Act 1976*, subsection 2(7) of which provides as follows:
 - (7) The amendments of each other Act specified in the Schedule made by this Act shall be deemed to have come into operation on 22 December 1975.
- (b) The *Tradesmen's Rights Regulation Act 1946* was amended by section 115 only of the *Statute Law Revision Act 1981*, subsection 2(1) of which provides as follows:
 - (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (c) The *Tradesmen's Rights Regulation Act 1946* was amended by Part LXXVII (section 280) only of the *Statute Law (Miscellaneous Amendments) Act (No. 2) 1982*, subsection 2(1) of which provides as follows:
 - (1) Sections 1, 2, 166 and 195 and Parts III, VI, VII, XVI, XXXVI, XLIV, LI, LIII, LIV, LXI and LXXVII shall come into operation on the day on which this Act receives the Royal Assent.
- (d) The *Tradesmen's Rights Regulation Act 1946* was amended by subsection 151(1) only of the *Public Service Reform Act 1984*, subsection 2(4) of which provides as follows:
 - (4) The remaining provisions of this Act shall come into operation on such day as is, or such respective days as are, fixed by Proclamation.

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part I	
Ss. 3, 4	rep. No. 216, 1973
S. 5	am. No. 72, 1947 rep. No. 216, 1973
S. 6	am. No. 88, 1952; No. 216, 1973; No. 91, 1976; No. 61, 1981; No. 80, 1982; No. 118, 1999; SLI 2006 No. 50
S. 7A	ad. No. 88, 1952 am. No. 118, 1999
S. 8	am. No. 216, 1973
S. 9	am. No. 72, 1947
Part II	
S. 10	am. No. 88, 1952; No. 53, 1958
Part III	
S. 15	am. No. 88, 1952; No. 53, 1958
S. 18A	ad. No. 53, 1958
S. 19	am. No. 88, 1952; No. 53, 1958 rep. No. 216, 1973
Part IV	
S. 20	am. No. 88, 1952; No. 53, 1958
Part V	
S. 25	am. No. 53, 1958
S. 28A	ad. No. 88, 1952 am. No. 53, 1958
S. 29	am. No. 216, 1973
Part VI	
S. 30	am. No. 88, 1952; No. 53, 1958
Part VIA	
Part VIA	ad. No. 72, 1947
S. 33A	ad. No. 72, 1947 am. No. 88, 1952; No. 53, 1958
Ss. 33B–33D	ad. No. 72, 1947
S. 33E	ad. No. 72, 1947 am. No. 88, 1952; No. 53, 1958; SLI 2006 No. 50
Part VII	
S. 34	am. No. 53, 1958
S. 35	am. No. 53, 1958; No. 216, 1973
S. 37	am. No. 53, 1958
S. 41	am. No. 88, 1952; No. 53, 1958; No. 118, 1999; SLI 2006 No. 50
S. 42	am. No. 88, 1952; No. 118, 1999

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
S. 43	am. No. 88, 1952; No. 53, 1958 rep. No. 216, 1973
S. 44	rep. No. 216, 1973
S. 45	am. No. 72, 1947 rep. No. 216, 1973
Ss. 46, 47	am. No. 53, 1958
S. 49	am. No. 63, 1984
S. 50	rep. No. 53, 1958
S. 51	am. No. 93, 1966 rep. No. 216, 1973
Part VIII	
S. 51A.....	ad. No. 53, 1958 am. No. 109, 1993
S. 52	rs. No. 88, 1952; No. 52, 1955; No. 53, 1958 rep. No. 216, 1973
Schedules	
Fourth Schedule	
Fourth	am. No. 88, 1952
Fifth Schedule	
Fifth Schedule	am. No. 88, 1952
Sixth Schedule	
Sixth Schedule	ad. No. 72, 1947