



ANALYSIS

Title
1. Short Title

- | | |
|---|---------------------------------|
| 2. New sections inserted relating to apprentices | 178A. Engagement of apprentices |
| 178B. Indentures of apprenticeship | 178C. Transfer of apprentices |
| 3. Agreements for working coal mining rights on tribute or on a royalty basis | |

1968, No. 72

An Act to amend the Coal Mines Act 1925

[13 December 1968

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Coal Mines Amendment Act 1968, and shall be read together with and deemed part of the Coal Mines Act 1925 (hereinafter referred to as the principal Act).

2. New sections inserted relating to apprentices—(1) The principal Act is hereby amended by inserting, after section 178, the following sections:

“178A. **Engagement of apprentices**—Subject to the provisions of this Act and of any regulations for the time being in force under this Act, the Minister may from time to time appoint suitable persons as probationary apprentices for the purpose of training them to become tradesmen.

“178B. **Indentures of apprenticeship**—(1) On completion of such probationary period as may be prescribed, an indenture of apprenticeship in the prescribed form may be entered

into between the probationary apprentice and his parent or guardian on the one hand and an employee authorised by the Minister to act as master for the purposes of this section on the other.

“(2) Every parent or guardian who is a party to an indenture shall be bound by its terms until the apprentice reaches the age of twenty-one years; and on the apprentice reaching that age the indenture shall cease to apply to the parent or guardian.

“(3) Subject to any agreement between the parties to any indenture and to the provisions of this Act and of any regulations for the time being in force under this Act, every apprentice shall, whether or not he has reached the age of twenty-one years, be bound by the terms of the indenture during the period it is in force, being such period as may be prescribed.

“(4) If at any time the Minister directs that any apprentice be dismissed, the apprentice’s indenture shall thereupon be deemed to be discharged.

“(5) The Minister and any apprentice may at any time agree to vary or discharge the apprentice’s indenture; but if the apprentice is under the age of twenty-one years the consent in writing of the parent or guardian who joined in the execution of the indenture to the variation or discharge shall first be obtained.

“(6) If any parent or guardian who is a party to the indenture of an apprentice dies before the apprentice reaches the age of twenty-one years, any consent required to be given by that parent or guardian under this section may be given by his legal personal representatives.

“(7) The Apprentices Act 1948 shall not apply to any apprentice while he is employed in the State coal mines or to any indenture of apprenticeship entered into and in force under this section.

“178c. **Transfer of apprentices**—(1) If the Minister considers that the course of any apprentice’s training so requires, the apprentice may be transferred for such period and on such terms and conditions as the Minister may determine or approve—

“(a) To an employer within the meaning of the Apprentices Act 1948, in which case the apprentice shall, during the period of the transfer, be subject to the provisions of that Act; or

“(b) To any part of the Public Service, in which case the apprentice shall, during the period of the transfer, be subject to the provisions of the State Services Act 1962.

“(2) No apprentice shall be transferred under this section without his consent and, if he is under the age of twenty-one years, the consent of the parent or guardian who joined the apprentice in the execution of the apprentice’s indenture.

“(3) During any period of temporary transfer under subsection (1) of this section, the contract or indenture of apprenticeship under which the apprentice is serving shall, notwithstanding anything to the contrary in this section or in section 178B of this Act, remain in full force, but if the transfer is permanent a new contract or indenture shall be executed.”

(2) Section 192 of the principal Act is hereby amended by inserting in subsection (1), after paragraph (j), the following paragraph:

“(jj) Prescribing the trades which may be taught in the State coal mines and the period of apprenticeship in respect of any such trade, the terms and conditions of employment of apprentices, the probationary period to be completed before an indenture of apprenticeship may be entered into, forms of indenture, and certificates of completion of apprenticeship:”.

(3) Every indenture of apprenticeship entered into by an apprentice employed in the State coal mines and in force at the passing of this Act shall continue in force as if it were an indenture of apprenticeship entered into and in force under section 178B of the principal Act.

3. Agreements for working coal mining rights on tribute or on a royalty basis—Section 7 of the Coal Mines Amendment Act 1941 is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) The agreement shall be in writing signed by or on behalf of the parties and shall not come into force until the Minister, on the recommendation of the Warden, has consented to it in writing; and the Minister may decline to consent or give his consent unconditionally or subject to such terms and conditions (including variation or deletion of any of the terms of the agreement) as he thinks fit to impose:”.