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Mr. Jordan.

PAINTERS AND DECORATORS REGISTRATION.

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A BILL INTITULED

AN ACT to provide for the Registration of Painters and Decorators. Title.

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

1. This Act may be cited as the Painters and Decorators Registration Act, 1931, and shall come into force on the *first* day of January, nineteen hundred and thirty-two. Short Title and commencement.

2. In this Act, unless the context otherwise requires,—

10 “Board” means the Painters and Decorators Registration Board constituted under this Act: Interpretation.

“Minister” means the Minister of Labour:

15 “Painter and decorator” means any person who is or has been for at least four years engaged in the trade of painting and decorating, and who is either a journeyman or a master painter:

“Painting and decorating” means mixing and spreading paint, shellac, varnish; signwriting; fixing scrim or calico; hanging paper; or any work of a decorative (or sanitary) nature, in any building or ship:

20 “Registered” means registered under this Act:

“Registrar” means the Registrar appointed under this Act.

Board established.

3. (1) For the purposes of this Act there is hereby established a Board, to be called the Painters and Decorators Registration Board.

(2) The Board shall consist of five persons, of whom one shall be appointed by the Minister, and two shall be elected by the New Zealand Federation of Master Painters, Decorators, and Signwriters, and two shall be elected by the New Zealand Painters and Decorators' Industrial Association of Workers. 5

(3) The powers of the Board shall not be affected by any vacancy in the membership thereof.

Appointment of Board.

4. (1) Every member of the Board shall hold office for a term of two years from the date of his appointment or election, save that he may be reappointed or re-elected, or may at any time be removed from office by the Minister on the recommendation of the Board. 10

(2) On the death, resignation, or removal from office of any member of the Board the Minister shall appoint some fit person to be a member of the Board for the residue of the term for which such first-mentioned person was appointed or elected : 15

Provided that where the vacancy is a vacancy in the office of an elected member the Minister shall make such appointment on the recommendation of the Board. 20

(3) Every member of the Board shall be paid out of the funds of the Board such allowances as the Board with the approval of the Minister from time to time appoints, and all travelling-expenses reasonably incurred by him in respect of his attendance at meetings of the Board and in transacting the business thereof. 25

Board to be a body corporate.

5. The Board shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding real and personal property, and of doing and suffering all that bodies corporate may do and suffer.

Contracts.

6. (1) Any contract which if made between private persons must be by deed shall, if made by the Board, be in writing under the seal of the Board. 30

(2) Any contract which if made between private persons must be in writing signed by the parties to be charged therewith shall, if made by the Board, be either under the seal of the Board or signed by two members of the Board on behalf of and by direction of the Board. 35

(3) Any contract which if made between private persons may be made verbally without writing may be similarly made by or on behalf of the Board by any two members acting by direction of the Board, but no verbal contract shall be made for any sum exceeding twenty pounds. 40

First meeting of Board and election of Chairman.

7. (1) The first meeting of the Board shall be held on a day and at a time and place to be appointed in that behalf by the Minister.

(2) At its first meeting in each year the Board shall elect one of its members to be Chairman, who shall hold office for that year, and thereafter shall be eligible for re-election.

Subsequent meetings.

8. (1) Other meetings of the Board shall be held at such times and places as the Board shall from time to time appoint.

(2) The Chairman of the Board or any two members thereof may at any time direct the Registrar to call a special meeting of the Board. 50

(3) At all meetings of the Board three members shall form a quorum (provided at least one is a member elected by the New Zealand

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Federation of Master Painters, Decorators, and Signwriters, and one is a member elected by the New Zealand Painters and Decorators' Industrial Association of Workers) and no business shall be transacted unless a quorum is present.

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

(5) In the absence of the Chairman from any meeting of the Board the members present thereat shall choose one of their number to be Chairman of that meeting.

10 (6) At any meeting of the Board the Chairman shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote ; and a decision of a majority of the members present shall be the decision of the Board.

15 9. The functions of the Board shall be to receive applications for registration under this Act, to authorize registration in cases where the conditions of registration have been complied with, and generally, within the scope of its authority, to do whatever may in its opinion be necessary for the effective administration of this Act. Functions of Board.

20 10. The Board shall appoint a Registrar of Painters and Decorators, and may appoint such other officers or servants as it deems necessary for the efficient carrying-out of its functions under this Act. Registrar of Painters and Decorators.

25 11. (1) The Registrar shall keep in his office a Register of Painters and Decorators, in which shall be entered the names of all persons registered under this Act, the qualifications by virtue of which they are so registered, and such other particulars in relation thereto as the Board from time to time directs. Register of Painters and Decorators.

(2) The register shall be open for inspection by any person without fee during such hours as the Board from time to time determines.

30 12. (1) Save as otherwise expressly provided in this Act, every person of good character shall, on payment to the Board of a fee of five shillings, be entitled to be registered under this Act as a painter and decorator who satisfies the Board that— Qualifications of applicants for registration as painters and decorators.

35 (a) He has at any time served not less than four years' apprenticeship to the painting trade or has been continually employed at any branch of the painting trade for four years at the time of coming into operation of this Act ; or

(b) He has, as an apprentice, obtained a proficiency certificate under the Apprenticeship Act, 1923, and has passed the examination prescribed by this Act ; or

40 (c) He, coming to this country for the first time, can show by his indentures that he has served an apprenticeship of four years, and shall pass the examination prescribed : Provided that the Board may register any such person without such person being required to pass the prescribed examination if
 45 in the opinion of the Board such examination is unnecessary or inequitable.

(2) No registration shall be granted under this Act after the expiration of one year from its coming into operation without the applicant first passes the examination prescribed hereby.

50 13. (1) Every application for registration under this Act shall be in writing addressed to the Board, and shall state an address at which any notice or demand may be served by the Board. Application for registration.

(2) No entry in the register of the name of any person shall be made by the Registrar save pursuant to a resolution of the Board in that behalf.

Penalty for wrongfully procuring registration.

14. Every person who makes any false or fraudulent representation, or produces to the Board or the Registrar any false certificate or testimonial, for the purpose of securing registration under this Act commits an offence, and is liable to a fine of *fifty* pounds. 5

Limitations as to age and character.

15. (1) No person shall be registered under this Act who is less than eighteen years of age.

(2) The Board shall not direct the registration under this Act of any applicant who is not in the opinion of the Board of good character and reputation. 10

Certificates of registration.

16. Every person registered under this Act shall be entitled to receive a certificate of registration under the hand of the Registrar. Every such certificate shall remain the property of the Board, and shall be surrendered on demand. 15

Annual fee.

17. Every person registered under this Act shall pay to the Board in each year during any part of which he continues to be so registered a fee of *five* shillings, which shall become payable on the first day of January in each year after the year in which he is registered. 20

Cancellation of registration.

18. (1) The Board may cause to be removed from the register the name of any person who—

- (a) Is proved to the satisfaction of the Board to have died ; or
- (b) Has been registered in error ; or
- (c) Is punished by imprisonment for any offence which in the opinion of the Board renders him unfit to be registered under this Act ; or
- (d) Has been guilty of such improper conduct as renders him in the opinion of the Board unfit to be registered under this Act. 30

(2) In addition to the powers conferred on it by the *last preceding* subsection, the Board may cause to be removed from the register the name of every person who—

- (a) By writing under his hand, requests the Board to remove his name from the register ; or 35
- (b) Being in arrear for more than three months in respect of the payment of any annual fee, does not make such payment within one month after service upon him of a demand therefor by the Board :

Provided that any person whose name is so removed from the register may, at any time within twelve months thereafter, pay to the Board all fees which are in arrear or which would be in arrear if his name had continued on the register, and he shall thereupon be entitled to have his name restored to the register. 45

(3) It shall be sufficient service of any such demand on any person to post the same to him at the address stated by him in his application for registration as a painter and decorator pursuant to subsection *one* of section *thirteen* hereof, or at an address furnished by him to the Board in substitution for that address. 50

(4) The Board may at that time re-register by virtue of his original qualification any person whose name has been removed from the register.

Appeals from
decision of Board.

19. (1) Every person who is aggrieved by any decision of the Board under this Act in relation to registration or an application for registration, other than a decision of the Board pursuant to paragraph (b) of subsection *two* of the *last preceding* section, may, within three months
5 after notice of such decision has been communicated to him by the Registrar, appeal in the prescribed manner to a Board of Appeal, consisting of a Magistrate and two assessors, of whom one shall be appointed by the Board and one by the appellant.

(2) The Board of Appeal shall thereupon hear the appeal, and may
10 either confirm the decision of the Board or order the registration of the appellant or the restoration of his name to the register, and the determination of the Board of Appeal shall be final and conclusive.

20. (1) Any person who, not being a registered person under this Act, takes or uses or exhibits the name or title or description of a
15 registered painter and decorator, or any name, title, or sign calculated to induce the belief that he is so registered, shall be liable to a fine not exceeding *twenty* pounds.

Improper use of
words, &c., implying
registration.

(2) Every person whose name has been removed from the register under the foregoing provisions of this Act commits an offence, and is
20 liable on summary conviction to a fine of *five* pounds, who fails or refuses to surrender to the Board on demand in writing his certificate of registration under this Act.

21. Every person who knowingly employs or permits any person who is not a registered person under this Act to do any work covered
25 by this Act, after the period of one month of the coming into operation of this Act, shall be liable to a fine not exceeding the sum of *ten* pounds.

Penalty for
employing
unregistered person.

22. Any person who, not being a registered person under this Act, engages in the trade of painting and decorating contrary to the regulations under this Act shall be liable to a fine not exceeding *twenty*
30 pounds.

Penalty for
unregistered person
engaging in painting
and decorating.

23. (1) All moneys received by the Board shall be paid into an account in the Board's name at such bank as the Board directs, and shall be applied by the Board as follows:—

Application of funds
and expenses of
administration.

(a) In payment of the expenses of administration of the Board's
35 affairs (including the conduct of appeals under section *nineteen* hereof) and of the salaries of the Registrar and other officers (if any) of the Board:

(b) In payment of allowances to and travelling-expenses of members
40 of the Board, fees to assessors on appeals, and appellants' costs of appeal, if the Board of Appeal so directs, the amount of such costs to be fixed by such Board:

(c) Generally, for the purpose of carrying out the objects of this Act:

(d) For any purpose which, in the opinion of the Board, will raise
45 the standard of painting and decorating in New Zealand:

(e) For the establishment of a provident fund for the assistance of persons registered under this Act who are in necessitous circumstances.

(2) Any moneys not immediately required for the purposes of the Board may from time to time be invested by the Board in any manner
50 in which trustees are authorized by law to invest trust moneys.

(3) The accounts of the Board shall be audited by an auditor appointed by the Board.

Regulations.

24. The Governor-General may from time to time, by Order in Council, make regulations—
- (a) Prescribing forms of application for and certificates of registration under this Act :
 - (b) Prescribing the form of the register to be kept and the particulars to be entered therein : 5
 - (c) Specifying examinations which shall be recognized by the Board for the purpose of conferring a qualification to be registered under this Act :
 - (d) Prescribing the manner of holding elections of persons to be appointed as members of the Board on election as provided in section *three* hereof : 10
 - (e) Providing for the conduct of appeals under section *nineteen* hereof, and prescribing the fees that may be paid to assessors :
 - (f) Generally, for the purpose of giving effect to the provisions of this Act. 15

By Authority: W. A. G. SKINNER, Government Printer, Wellington.—1931.