

**NORTHERN INDUSTRIAL DISTRICT COACH AND MOTOR-BODY BUILDERS.—APPRENTICESHIP ORDER.**

In the Court of Arbitration of New Zealand, Northern Industrial District.—In the matter of the Apprentices Act, 1923, and its amendments; and in the matter of the conditions of apprenticeship in the coach and motor-body building industry within the Northern Industrial District.

Monday, the 24th day of July, 1939.

WHEREAS, pursuant to section 4 (1) of the Apprentices Act, 1923, an Apprenticeship Committee has been set up for that portion of the Northern Industrial District lying within a radius of twenty miles from the Chief Post-office in the City of Auckland in connection with the coach and motor-body building industry: And whereas the duly appointed delegate of the Court has heard the employers, workers, and other persons concerned, and has considered the recommendations made to it by the said Committee: And whereas the duly appointed delegate of the Court has deemed it expedient to make an order under section 5 of the said Act prescribing the wages, hours, and other conditions of employment to be incorporated in contracts of apprenticeship in the said industry in the Northern Industrial District, and prescribing such other matters and things as the Court is required and authorized by the said section to prescribe: Now, therefore, the duly appointed delegate of the Court doth hereby order and prescribe as follows:—

1. The locality in which this order shall have effect is the Northern Industrial District.

2. The trade or industry to which this order shall apply is the coach and motor-body building industry and all its branches. The provisions of this order shall apply to all employers of apprentices in the industry in the district (whether bound by an award or industrial agreement relating to the said industry or not) and to all apprentices employed by such employers in such industry, and to all contracts of apprenticeship between such employers and apprentices.

3. Every employer shall, within three days after engaging any person as an apprentice, give notice of such engagement to the District Registrar of Apprentices for the locality concerned.

4. Contracts of apprenticeship, and every alteration or amendment thereof, shall be registered with the District Registrar for the district within a period of fourteen days after the commencement of the employment of the apprentice, or the expiration of any period of probation served by him, pursuant

to the Apprentices Act (in the case of an original contract), or within fourteen days after the making of the alteration. If the contract or alteration is not presented for registration as aforesaid, the parties thereto are severally liable to a fine of £10 under the Apprentices Act, 1923.

5. The minimum age at which a person may commence to serve as an apprentice shall be fourteen years if he holds a Standard VI certificate, and fifteen years in other cases.

6. The term of apprenticeship shall be five years.

7. (a) The proportion of the total number of apprentices to the total number of journeymen employed by any employer shall be not more than one to two or fraction of two in the branch of the trade to which any apprentice is apprenticed. Each apprentice in a smith-shop after serving three years shall be entitled to a fire, and another apprentice may be taken on when an apprentice goes to a fire. An apprentice may be taken on in other departments every fourth year of the previous apprentice's time. Apprentices transferred from other employers are not to be computed in the calculation for the additional apprentice in the third year of the smith and the fourth year in other departments: Provided that for a period of two years from the 1st day of July, 1939, the proportion of apprentices in the panel-beating department shall be one apprentice to each panel-beater employed.

(b) An employer who is substantially engaged at the trade shall be entitled to count himself as a journeyman in one department.

(c) The proportion of apprentices to journeymen employed by any employer shall, for the purpose of determining whether such employer is entitled to enter into a contract of apprenticeship with an apprentice, be based upon the number of journeymen who at the date of the making of the contract of apprenticeship had been employed by that employer for not less than two-thirds full time for a period of six months preceding that date.

(d) Notwithstanding the foregoing, an employer shall not be entitled to employ an apprentice until he has been in the business for twelve months, but the Apprenticeship Committee may vary this provision in special cases.

8. The powers and discretions provided for in section 13 of the Apprentices Act, 1923, may be exercised by the District Registrar and the Apprenticeship Committee notwithstanding that the employer to whom it is proposed to transfer an apprentice is already employing the full quota of apprentices as determined by the apprenticeship order.

9. (a) The minimum rate of wages payable to apprentices who commence employment as such when under eighteen years of age shall be—

		Per Week.		
		£	s.	d.
For the first six months	.. ..	0	15	0
For the second six months	.. ..	0	19	0
For the third six months	.. ..	1	3	0
For the fourth six months	.. ..	1	7	0
For the fifth six months	.. ..	1	12	0
For the sixth six months	.. ..	1	17	0
For the seventh six months	.. ..	2	2	6
For the eighth six months	.. ..	2	7	6
For the ninth six months	.. ..	2	15	6
For the tenth six months	.. ..	3	5	0

(b) The minimum rate of wages payable to apprentices who commence employment as such when eighteen years of age or over shall be—

		Per Week.		
		£	s.	d.
For the first six months	.. ..	1	10	0
For the second six months	.. ..	1	15	0
For the third six months	.. ..	2	0	0
For the fourth six months	.. ..	2	5	0
For the fifth six months	.. ..	2	10	0
For the sixth six months	.. ..	2	15	0
For the seventh six months	.. ..	3	0	0
For the eighth six months	.. ..	3	5	0
For the ninth six months	.. ..	3	10	0
For the tenth six months	.. ..	3	15	0

10. Whether ordered to do so by the Court or a Committee or not, if any apprentice attends a technical college or other approved institution during the first three years of his apprenticeship or until he shall have obtained the certificate hereinafter mentioned, the employer shall refund the apprentice the amount of his fees for each term in which his attendance is not less than 70 per cent. of the maximum possible.

11. Every apprentice who, whether he has been ordered to attend such classes or not, shall have obtained from the Principal of the college, school, or institution in which he has attended classes as before mentioned a certificate that he has passed an examination of a standard to be arranged between the management of the college, school, or institution and Committee, but at least equivalent to that required to be passed in order to obtain a certificate in the branch of the trade to which he is apprenticed in Grade 2 of the City and Guilds of London Institution, shall, upon production of such certificate to his employer, be paid during the fourth year of his apprenticeship at the rate of not less than 5s. per week in excess of the minimum

rate provided in clause 9 hereof and during the fifth year of his apprenticeship at the rate of not less than 7s. 6d. in excess of the minimum.

12. The period of probation to be prescribed in any contract of apprenticeship to enable the employer of any apprentice to determine his fitness shall not exceed three months in the case of a first apprenticeship to the trade and shall not exceed one month in any other case.

13. A person under twenty-one years of age who has served part of his apprenticeship to the trade outside of New Zealand may complete the term of apprenticeship herein provided for with an employer in the district on furnishing to the District Registrar a certificate from his former employer and/or such other evidence (if any) as the District Registrar may require in order to show the time served by such person as an apprentice outside of New Zealand. The District Registrar may refuse to register any contract of apprenticeship entered into under the provisions of this clause until such evidence has been furnished to him. Any party aggrieved by the decision of the District Registrar may, within fourteen days, appeal to the Court, whose decision shall be final and conclusive. The period of probation in cases coming within the scope of this clause shall not exceed three months, and shall not count in the proportion.

14. An apprentice shall make up any time lost by him in any year through his own default, or sickness, or through accident (unless arising out of and in the course of his employment), or for any cause not directly connected with the business of the employer, before he shall be considered to have entered on the next succeeding year of his apprenticeship or, if in the final year, to have completed his apprenticeship. An apprentice working overtime shall have such time added to his ordinary time in calculating the respective years of his apprenticeship.

15. An employer shall be entitled to make a rateable deduction from the wages of an apprentice for any time lost by him through sickness in excess of two weeks in any year, or accident not arising out of or in the course of the employment, or through his own default: Provided that if an apprentice is absent through sickness the employer may require the apprentice to furnish a medical certificate to the effect that sickness prevented him from attending at work, and if the apprentice fails to furnish such medical certificate the employer shall be entitled to make a rateable deduction from the wages of the apprentice for the time lost.

16. The hours worked by an apprentice shall, subject to the provisions of any statute, be those normally worked by journeymen in accordance with the provisions of the award or industrial agreement relating to the employment of journeymen for the time being in force in the district.

17. An employer shall not require or permit an apprentice under seventeen years of age to work more than six hours' overtime in any one week.

18. No apprentice under eighteen years of age shall be permitted to work after 9 p.m., and no other apprentice shall be permitted to work after 10 p.m.

19. The minimum rates of overtime payment for apprentices shall be as follows: Time and a half for the first four hours and double time thereafter, with a minimum rate of 1s. 6d. per hour.

20. The conditions of the award or industrial agreement referred to in clause 16 hereof, in so far as they relate to the method and time of payment of wages, holidays (except in regard to deductions for holidays), meal-money, and other matters (other than membership of union), relating generally to the employment and not in conflict with this order, shall be applicable to apprentices.

21. Every contract of apprenticeship shall accord with the provisions of the Apprentices Act, 1923, and this order, and shall make provision, either expressly or by reference to the said Act or this order, for the several matters provided for therein, and shall not contravene the provisions of any Act relating to the employment of boys and youths. In default of such provision being made in any such contract of apprenticeship, or in so far as such provision is defective or ambiguous, the contract shall be deemed to provide that the conditions of apprenticeship shall be not less favourable to the apprentice than the minimum requirements of this order.

22. It shall be an implied term in every contract of apprenticeship that the apprentice will diligently and faithfully obey and serve the employer as his apprentice for the prescribed term, and will not absent himself from the employer's service during the hours of work without the leave of the employer or except as permitted by this order, and, further, will not commit or permit or be accessory to any hurt or damage to the employer or his property, nor conceal any such hurt or damage if known to him, but will do everything in his power to prevent the same.

23. It shall be an implied term in every contract of apprenticeship that the employer will during the prescribed term, to the best of his power, skill, and knowledge, train and instruct the apprentice, or cause him to be trained and instructed, as a competent journeyman in the trade of a coach and motor-body builder, or specified branch thereof, in accordance with the provisions of the Apprentices Act, 1923, and of this order, and any amendments thereof: Provided, however, that

if the business carried on by the employer does not comprise all the operations usually included in the training of a journeyman in the trade of a coach and motor-body builder, or specified branch thereof, the operations to be taught the apprentice shall be specifically set out in the contract of apprenticeship, and in default thereof the employer shall be deemed to have contracted to train and instruct the apprentice in all the operations usually included in the training of a journeyman in the trade of a coach and motor-body builder or the specified branch of the trade to which the apprentice is apprenticed.

24. No premium in respect of the employment of any person as an apprentice shall be paid to or received by an employer, whether such premium is paid by the person employed or by any other person.

25. The provisions of this order shall not necessarily apply in the case of a special contract of apprenticeship entered into under the provisions of section 7 of the Statutes Amendment Act, 1936.

26. It shall be an implied term in every contract of apprenticeship that the provisions of the Master and Apprentice Act, 1908, shall not apply thereto.

27. The powers conferred on the Court by paragraphs (b) to (l), inclusive, of section 5 (4) of the said Act are hereby delegated by the Court to the said Committee in so far as those powers relate to the said industry within the Northern Industrial District, but reserving, nevertheless, power to the Court at any time and from time to time to withdraw all or any of such powers.

28. The order dated the 18th day of December, 1925, and recorded in Book of Awards, Vol. XXVA, p. 1199, and any amendments thereof, are hereby revoked.

29. This order shall operate and take effect as from the day of the date hereof.

[L.S.] J. A. GILMOUR, Stipendiary Magistrate,  
Acting as a duly appointed delegate  
of the Court of Arbitration.

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MEMORANDUM.

This order embodies the recommendations of the Apprenticeship Committee.

J. A. GILMOUR, Stipendiary Magistrate.

[For suggested form of apprenticeship contract see page 94.]