
**NORTHERN INDUSTRIAL DISTRICT SHIPBUILDING AND
BOATBUILDING.—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 shipbuilding and boatbuilding industry within the Northern Industrial District.

Wednesday, the 28th day of July, 1943

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, Auckland, in connection with the shipbuilding and boatbuilding industry: And whereas 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 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 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 that of shipbuilding and/or boatbuilding.

3. 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.

4. 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.

5. 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.

6. The minimum age at which a person may commence to serve as an apprentice shall be fifteen years.

7. The term of the apprenticeship shall be five years.

8. The proportion of the total number of apprentices to the total number of journeymen shipwrights employed by any employer shall not exceed one apprentice to each three journeymen.

The proportion of the total number of apprentices to the total number of boatbuilders employed by each employer shall be determined by the Apprenticeship Committee.

Before any apprentice is employed, the employer shall notify the Apprenticeship Committee of the name, address, age, and educational status of the apprentice and also the names of the respective journeymen shipwrights and boatbuilders employed.

9. 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 making 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.

10. Every employer desiring to employ an apprentice in any branch or branches of the trade shall, before engaging the proposed apprentice, make application in writing to the Apprenticeship Committee, and the Committee shall either grant or refuse the application, after inquiring into the facilities within the scope of the proposed employer's business for teaching the proposed apprentice.

11. 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 this order.

12. The minimum rate of wages payable to apprentices shall be:—

For the commencing age of less than eighteen years:—

	Per Week.		
	£	s.	d.
For the first six months	1	0	0
For the second six months	1	4	0
For the third six months	1	9	0
For the fourth six months	1	14	0
For the fifth six months	2	0	0
For the sixth six months	2	6	0
For the seventh six months	2	12	6
For the eighth six months	2	17	6
For the ninth six months	3	2	6
For the tenth six months	3	7	6

For the commencing age of eighteen years and over:—

	Per Week.		
	£	s.	d.
For the first six months	1	12	6
For the second six months	1	17	6
For the third six months	2	2	6
For the fourth six months	2	7	6
For the fifth six months	2	12	6
For the sixth six months	3	2	6
For the seventh six months	3	10	0
For the eighth six months	4	0	0
For the ninth six months	4	10	0
For the tenth six months	5	0	0

13. The two general orders made under the Rates of Wages Emergency Regulations 1940, and dated the 9th August, 1940, and the 31st March, 1942, respectively, shall be deemed to be incorporated in this order and shall have effect according to their tenor.

14. 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.

15. Every apprentice who, whether he has been ordered to attend such classes or not, shall have obtained from the principal of the technical college or other approved 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 technical college or other approved institution and the Committee 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 12 hereof, and during the fifth year of his apprenticeship at the rate of not less than 7s. 6d. per week in excess of the said minimum.

16. 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.

17. 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 term 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 one month.

18. An apprentice shall make up any time lost by him in any six-monthly period 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 period of his apprenticeship or, if in the final period, to have completed his apprenticeship.

19. 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.

20. 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.

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

An employer shall not permit or request an apprentice to work overtime on any night he has to attend classes at a technical or other college, and no other apprentice shall be permitted to work more than ten hours' overtime in any one week, attendance at a technical or other college inclusive.

22. The minimum rate of overtime for apprentices shall be time and a half for the first three hours and double time thereafter, or 2s. 6d. per hour, whichever is the greater.

23. The conditions of the Ship, Yacht, and Boatbuilders' award, in so far as it relates to the method of time of payment of wages, holidays, travelling-time, suburban work, country work, meal-money, and other matter (other than membership of union) relating generally to the employment and not in conflict with this order, shall be applicable to apprentices.

24. 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.

25. 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 damage if known to him, but will do everything in his power to prevent same: Provided that if an apprentice becomes aware of a defect or fault in any electrical, mechanical, or other equipment which he uses in the ordinary course of his employment, it shall be the duty of such apprentice to report such defect or fault to his employer or foreman without delay.

26. 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 or instructed, as a competent journeyman in the branch or branches of the trade agreed upon in accordance with the provisions of the Apprentices Act, 1923, and of this order, and any amendment 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 specified branch or branches of the trade, 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 such branch or branches of the trade.

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

28. 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.

29. 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.

30. 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 these powers relate to the said industry in that portion of the Northern Industrial District lying within a radius of twenty miles from the Chief Post-office, Auckland, but reserving, nevertheless, power to the Court at any time and from time to time to withdraw all or any such powers.

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

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The question of making an apprenticeship order for the shipbuilding and boatbuilding industry in the Northern Industrial District was before the appropriate Apprenticeship Committee prior to the 15th day of December, 1942; consequently the present application falls within the scope of subclause (2) (c) of Regulation 43A of the Economic Stabilization Emergency Regulations 1942, Amendment No. 1 (Serial number 1943/38). In making the apprenticeship order the Court is required to have regard to the general purpose of the regulations (subclause (7) of Regulation 43A, Amendment No. 2, Serial number 1943/49).

Pursuant to this requirement, the Court has modified the wage scale proposed by the Apprenticeship Committee.

The advocates who appeared before the Court expressed doubt as to the practicability of certain other clauses drafted by the Apprenticeship Committee, and the Court has therefore made several alterations to bring the order more into line with the usual clauses incorporated in such orders.

A. TYNDALL, Judge.

[For suggested form of apprenticeship contract see page 430.]

SUGGESTED FORM OF APPRENTICESHIP CONTRACT

THIS DEED, made the _____ day of _____, 19____, between [Full name of employer], of [Address and occupation], (hereinafter called "the master") of the first part [Full name of apprentice's parent or guardian], of [Address and occupation], (hereinafter called "the guardian") of the second part, and [Full name and address of apprentice], a minor born on the day of _____, 19____ (hereinafter called "the apprentice"), of the third part, witnesseth as follows:—

1. The master hereby covenants with the apprentice, and also as a separate covenant with the guardian, that he will take the apprentice as his apprentice in the trade of a _____ (or that branch of the _____ trade known as _____), and the apprentice and the guardian hereby jointly and severally covenant with the master that the apprentice will serve the master as such apprentice for the term and upon and subject to the conditions hereinafter set forth.

2. The term of the apprenticeship shall be _____ years, commencing on the _____ day of _____, 19____, and shall be served at [State place].

3. The master shall pay to the apprentice during the said term wages at the rates hereinafter specified, to wit: during the first year, _____ per week [and so on for each period].

4. The provisions of the Apprentices Act, 1923, and the regulations made thereunder, and the general order of the Court of Arbitration, dated the _____ day of _____, 19____, governing the conditions of apprenticeship in the _____ trade, are, save as hereinafter expressly provided, deemed to be incorporated in these presents.

5. The period of probation referred to in section 12 of the said Act shall be _____ months.

6. The apprenticeship shall be subject to the minimum conditions provided in and by the said general order, except as follows: [Here state conditions agreed to in so far as they differ from those of the general order].

7. [If the employer does not carry on a business that comprises all the operations usually included in the training of an apprentice as a journeyman in the trade, state specifically the operations to be taught the apprentice.]

In witness whereof these presents have been executed by the parties hereto the day and year first before written.

[Employer's signature.]

Signed by the said _____ in the }
presence of—

[Witness's signature, occupation, and address.]

[Continue similarly for guardian and apprentice.]