



**CANTERBURY PLUMBERS AND GASFITTERS.—INTERPRETA-  
TION OF APPRENTICESHIP ORDER**

In the Court of Arbitration of New Zealand, Canterbury  
Industrial District.—In the matter of the Apprentices Act,

1923, and its amendments; and in the matter of an application by the District Registrar of Apprentices for interpretation of the Canterbury Plumbers and Gasfitters' apprenticeship order, dated the 22nd day of December, 1924, and recorded in 25 Book of Awards 1481.

*Apprentices—Overtime, Payment for—Current Awards prescribing Rate for Journeymen—Plumbers and Gasfitters' Apprentices—Overtime Rate for Apprentices prescribed only by Apprenticeship Order*

The apprenticeship order provided in clause 15 that apprentices' hours should be the same as those prescribed by the award for journeymen, in clause 17 that their minimum overtime rate should be 1s. per hour for the first two years and thereafter in the same ratio as for journeymen, and in clause 18 that the conditions of the award, in so far as they related to (*inter alia*) country work and other matters relating generally to the employment not in conflict with the order, should be applicable to apprentices. The award prescribed that a general overtime rate and also the overtime rate on country work should be 1d. per hour in addition to the ordinary award rate where the special provisions of the country work clause were fulfilled. An apprentice, in his fifth year, was employed on overtime on country work. The question was what overtime rate should be paid to this apprentice. *Held*, That the only provision in existence fixing the overtime rate for apprentices was that prescribed by clause 17 of the apprenticeship order.

WHEREAS by the Canterbury Plumbers and Gasfitters' apprenticeship order, dated the 22nd day of December, 1924, and recorded in 25 Book of Awards 1481, it was directed in clause 15 that—

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 for the time being in force in the district relating to the employment of journeymen and in clause 17 that—

The minimum rates of overtime payment for apprentices shall be as follows: 1s. per hour for the first two years, and thereafter in the same ratio as for journeymen and in clause 18 that—

The conditions of the award or industrial agreement referred to in clause 15 hereof in so far as they relate to the method and time of payment of wages, holidays (except in regard to deductions for holidays), travelling-time, suburban work, country work, meal-money, and other matters (other than preference to unionists) relating generally to the employment and not in conflict with this order shall be applicable to apprentices.

And whereas by the New Zealand (except Westland) Plumbers and Gasfitters' award, dated the 14th day of October, 1941, and recorded in 41 Book of Awards 1377, it was directed, *inter alia*, in clause 2 that—

(a) Except as hereinafter provided, the hours of work shall be forty per week, to be worked between 8 a.m. and 5 p.m. each day from Monday to Friday, both days inclusive

and in clause 9 that—

(g) Notwithstanding anything contained herein, and subject to the provisions of clause 6 hereof, an employer may agree with any worker that in respect of any specified country work the hours of work shall be other than those hereinbefore prescribed: Provided, however, that all time worked outside or in excess of such prescribed hours shall be considered overtime and shall be paid for at the rate of 1d. per hour in addition to the ordinary rates.

And whereas a fifth year apprentice to the plumbing trade named Charles Alfred Jameson, whose usual place of residence is Christchurch, employed by Athol James Jamieson, Ltd., master plumber, Durham Street, Christchurch, was sent from Christchurch to work for his employer in Wellington. For this country work he has been paid his ordinary weekly wage of £2 8s. 9d. per week for a forty-hour week, plus 1d. per hour for all time worked in excess of forty hours per week in addition to his ordinary rate. The said apprentice has been paid board and lodging allowance. And whereas a question has arisen as to the interpretation of the said apprenticeship order to the following purport:—

“Is an apprentice employed on country work outside or in excess of the hours prescribed in clause 2 of the New Zealand (except Westland) Plumbers and Gasfitters’ award, dated 14th October, 1941 (41 Book of Awards 1377), entitled to be paid the overtime rates set out in clause 17 of the Canterbury Plumbers and Gasfitters’ apprenticeship order, dated 22nd December, 1924 (25 Book of Awards 1481), or 1d. per hour in addition to the ordinary rate, as provided in clause 9 (g) of the aforementioned award?”

And whereas the District Registrar of Apprentices has made application to the Court for the interpretation of the said question.

OPINION OF THE COURT, DELIVERED BY TYNDALL, J.

We are of the opinion that there is only one provision in existence fixing the rates to be paid in respect of overtime worked by plumbers’ apprentices whose conditions of employment are governed by the Canterbury Plumbers and Gasfitters’ apprenticeship order. That provision is clause 17 of the said order.

The answer to the question submitted to us is therefore that the apprentice is entitled to be paid the overtime rates set out in clause 17 of the order.

Dated this 6th day of December, 1943.

[L.S.]

A. TYNDALL, Judge.