

**WESTLAND INDUSTRIAL DISTRICT PAINTERS AND
DECORATORS.—APPRENTICESHIP ORDER**

In the Court of Arbitration of New Zealand, Westland Industrial District.—In the matter of the Apprentices Act, 1923, and its amendments; and in the matter of the conditions of apprenticeship in the painting and decorating trade in the Westland Industrial District.

Thursday, the 19th day of December, 1946

WHEREAS, pursuant to section 4 (1) of the Apprentices Act, 1923, an Apprenticeship Committee has been set up within the Westland Industrial District in connection with the painting and decorating trade: 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 trade in the said 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 Westland Industrial District.

2. The branches of the trade or industry of painting and decorating to which this order shall apply are painting, paper-hanging, graining, glazing, signwriting, poster and display artistry, ticket-writing, and silk-screen processes.

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.

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 of 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, and its amendments.

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

7. The term of apprenticeship in the case of persons commencing to serve as apprentices between the ages of fifteen and seventeen years shall be five years, and in the case of persons commencing to serve as apprentices after having attained the age of seventeen years the term of apprenticeship shall be four years.

8. (a) The Apprenticeship Committee for the locality may determine the proportion of apprentices to journeymen that may be employed by an employer.

(b) Each employer, before employing an apprentice to learn the trade or branch of the trade, shall first apply to the Apprenticeship Committee for its approval, and when required he shall furnish in writing to the Committee or, in the absence of any such Apprenticeship Committee, the District Registrar of Apprentices particulars of the journeymen employed for the previous six months, and also particulars of the apprentices employed and the apprentices intending to be employed, and shall satisfy the Committee or, in the absence of any such Apprenticeship Committee, the District Registrar of Apprentices that he is a suitable employer, is in a position to continue in business as an employer, and has the facilities for properly training the apprentice in the trade or branch of the trade.

9. For the purpose of determining from time to time the total number of journeymen employed by any employer, each employer shall, when requested to do so by the District Registrar or Committee, furnish a statement of the number of journeymen employed by him for at least two-thirds full time during the six months preceding. For the purpose of this order an employer who himself works at the trade shall be entitled to count himself as a journeyman.

10. The minimum weekly rates of wages payable to apprentices shall be the undermentioned percentages of an amount equal to forty times the nominal hourly rate of wages for journeymen painters and decorators as prescribed by the award or agreement relating to the employment of such journeymen in force from time to time in the locality.

For apprentices commencing their apprenticeship when under
seventeen years of age:—

	Per Cent.
For the first six months	23
For the second six months	29
For the third six months	35
For the fourth six months	41
For the fifth six months	47
For the sixth six months	53
For the seventh six months	59
For the eighth six months	65
For the ninth six months	71
For the tenth six months	77

For apprentices commencing their apprenticeship when
seventeen years of age or over:—

	Per Cent.
For the first six months	35
For the second six months	41
For the third six months	47
For the fourth six months	53
For the fifth six months	59
For the sixth six months	65
For the seventh six months	71
For the eighth six months	77

11. All rates of remuneration, including wages and over-time and any other special payments, provided for in this order shall be increased to the extent and in the manner prescribed by the two general orders of the Court made under the Rates of Wages Emergency Regulations 1940, and dated the 9th August, 1940, and the 31st March, 1942, respectively.

12. If ordered to do so by the Court or Committee, any apprentice residing within a radius of twenty miles from a technical college or school or other approved institution shall, during the first four years of his apprenticeship or until he shall have obtained the certificate hereinafter mentioned, attend the classes in such college, school, or institution in painting and decorating, and in such case the employer shall pay the fees for each term, and if the apprentice fails through his own default to attend not less than 70 per cent. of the maximum possible, then and in such case it shall be competent for the employer to deduct the amount of the fees paid from the wages of the apprentice by weekly deductions not exceeding 5s. per week.

13. Every apprentice who, whether he had 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 which in the opinion of the Committee is equivalent to that required to be passed in order to obtain a certificate in painters' and decorators' work in Grade 2 of the City and Guilds of London Institute 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 10 hereof, and during the fifth year of his apprenticeship at the rate of not less than 7s. 6d. per week in excess of such minimum rate.

14. 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.

15. A person under twenty-one years of age who has served part of his apprenticeship to the trade outside of New Zealand may complete his 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 one month.

16. An apprentice shall make up all time lost by him in any six months through his own default or sickness, 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 six months of his apprenticeship or, if in the final six months, to have completed his apprenticeship. Any overtime worked by an apprentice shall similarly be credited to the apprentice as part of any six months of his apprenticeship.

17. 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 through his own default.

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

19. An employer shall not require or permit an apprentice under eighteen years of age to work overtime in excess of ten hours in any one week.

20. 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, or 1s. 6d. per hour, whichever is the greater.

21. The conditions of the award or industrial agreement referred to in clause 18 hereof, in so far as they relate to the method and time of payment of wages, holidays, travelling-time, suburban work, country work, 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.

22. The employer shall provide each apprentice with a full kit of tools required by him to learn the trade, but once during his term of apprenticeship.

23. 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 herein, and shall not contravene the provisions of any Act relating to the employment of boys or 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 not be less favourable to the apprentice than the minimum requirements of this order.

24. 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 or hurt if known to him, but will do everything in his power to prevent the same.

25. 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 painter and decorator 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 painter and decorator, 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 painter and decorator.

26. 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.

27. 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.

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

29. The powers conferred on the Court by paragraphs (b) to (l) of subsection (4) of section 5 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 the Westland 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.

30. This order, in so far as it relates to wages, shall be deemed to have come into force on the 1st day of January, 1946, and so far as all the other conditions of this order are concerned it shall come into force on the day of the date hereof.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The order embodies the provisions which have been agreed upon by the organizations of employers and workers for the trade in the locality concerned.

A. TYNDALL, Judge.