

NEW ZEALAND SHIP, YACHT, AND BOAT BUILDING
INDUSTRY—APPRENTICESHIP ORDER

In the Court of Arbitration of New Zealand.—In the matter of the Apprentices Act, 1948; and in the matter of the conditions of apprenticeship in the Ship, Yacht, and Boat Building Industry.

WHEREAS application has been made to the Court by the New Zealand Coopering and Ship, Yacht, and Boat Building Apprenticeship Committee for an apprenticeship order governing the conditions of apprenticeship in the ship, yacht, and boat building industry for the whole of New Zealand: And whereas the Court of Arbitration has delegated its powers in respect of the said application to Douglas James Dalglish, a Deputy Judge of the Court: And whereas the said Deputy Judge has heard the employers, workers, and other persons concerned, and has considered the recommendations made by the said Committee: And whereas the said Deputy Judge has deemed it expedient to make an order under section 13 of the Apprentices Act, 1948, prescribing wages, hours, and other conditions of employment to be incorporated in contracts of apprenticeship in the said industry for the whole of New Zealand, and prescribing such other matters and things as the Court of Arbitration is required and authorized by the said section or elsewhere to prescribe: Now therefore, the said Deputy Judge doth hereby order and prescribe as follows:—

Industry to Which Order Applies

1. The industry to which this order shall apply is that included in the following branches: ship building and repairing (including shipwrighting and ship joinery); yacht and boat building and repairing; ship joinery (all hereinafter referred to as, and included in the term "the industry").

Application of Order

2. The provisions of this order shall apply to all employers of apprentices in the industry throughout New Zealand (whether bound by an award or agreement relating to the industry or not), and to all apprentices employed by such employers in the industry, and to

all contracts of apprenticeship (including those in force at the time of coming into force of this order) between such employers and apprentices, whether or not such contracts have been reduced to writing. (An "agreement" is an industrial agreement filed under section 28 of the Industrial Conciliation and Arbitration Act, 1925, or an agreement filed under section 8 of the Labour Disputes Investigation Act, 1913.)

Prior Consent of Committee

3. (a) No employer shall engage any person as an apprentice on probation or enter into any contract of apprenticeship without the prior consent in writing of the appropriate local Apprenticeship Committee (hereinafter called "the local Committee") or, where there is no such Committee, of the District Commissioner of Apprenticeship (hereinafter called "the District Commissioner").

(b) An employer, before taking an apprentice to learn a branch or branches of the industry, shall first satisfy the local Committee or the District Commissioner, as the case may be, that he is a suitable employer, is in a position to continue in business as an employer, and has the facilities for properly teaching the apprentice the branch or branches of the industry to which he is apprenticed.

Contracts to be Registered

4. Every contract of apprenticeship, and every alteration thereof, shall be registered with the appropriate District Commissioner within a period of twenty-eight days after the commencement of the employment of the apprentice (in the case of an original contract), or within fourteen days after the making of the alteration (in the case of an altered contract). If the contract or alteration is not presented for registration as aforesaid, the parties thereto shall be severally liable to a fine not exceeding £10 under the Apprentices Act, 1948.

Minimum Age

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

Term of Apprenticeship

6. (a) The term of apprenticeship shall be 10,000 hours, divided into ten 1,000-hour periods.

(b) Except as provided in subclauses (c) and (e) of this clause, only working-hours shall be reckoned as time served.

(c) An apprentice working overtime shall have such time added to the ordinary time in calculating the respective 1,000-hour period of apprenticeship.

(d) An apprentice shall make up any time lost by him in any 1,000-hour period through his own default or sickness, or through accident 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 the apprenticeship or, if in the final period, to have completed the apprenticeship. Any time lost through accident arising out of and in the course of the employment shall be made up by the extension of the final period, with wages at the rate prescribed for that period.

(e) Except for annual holidays, all holidays provided for in the award or agreement referred to in clause 9 of this order which are taken by an apprentice shall be deemed to be time served under his contract, reckoning eight hours for any one day. Time worked on such holidays shall be added to the time deemed to be time served.

(f) Where the New Zealand Apprenticeship Committee is of the opinion that time served in a related occupation prior to the date of application for engagement of an apprentice should be credited to the apprentice, it may, on application by or through a local Committee, fix a term of not less than 6,000 hours.

Period of Probation

7. The period of probation to be prescribed in any contract of apprenticeship to enable the employer of an 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.

Proportion

8. (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 every two or fraction of two journeymen employed.

(b) The proportion of apprentices to journeymen employed by any employer shall, for the purpose of determining whether or not 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 application to the local Committee had been employed in the establishment full time for a period of not less than six months preceding that date.

(c) For the purposes of this order an employer who himself works substantially at a branch of the industry shall be entitled to count himself as a journeyman.

(d) The powers and discretions provided for in section 29 of the Apprentices Act, 1948, may be exercised by the District Commissioner and the local 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.

Wages

9. (a) The minimum weekly rates of wages payable to apprentices shall be the undermentioned percentages of an amount equal to forty times the minimum hourly wage-rate for journeymen in the branch of the industry to which the apprentice is apprenticed, as prescribed by the award or agreement relating to the employment of such journeymen for the time being and from time to time in force in the establishment in which the apprentice is employed or, if there is no such award or agreement, as prescribed by the award or agreement relating to the employment of such journeymen for the time being and from time to time in force in a locality including the City of Wellington:—

For apprentices beginning their apprenticeship when under eighteen years of age—

	Per Cent.
First 1,000-hour period	23
Second 1,000-hour period	29
Third 1,000-hour period	35
Fourth 1,000-hour period	41
Fifth 1,000-hour period	47
Sixth 1,000-hour period	53
Seventh 1,000-hour period	59
Eighth 1,000-hour period	65
Ninth 1,000-hour period	71
Tenth 1,000-hour period	77

For apprentices beginning their apprenticeship when eighteen years of age or over—

	Per Cent.
First 1,000-hour period	35
Second 1,000-hour period	41
Third 1,000-hour period	47
Fourth 1,000-hour period	53
Fifth 1,000-hour period	59
Sixth 1,000-hour period	65
Seventh 1,000-hour period	71
Eighth 1,000-hour period	77
Ninth 1,000-hour period	83
Tenth 1,000-hour period	89

(b) Every apprentice who, whether he has been ordered to attend classes or not, shall have obtained from the principal of a school or institution in which he has attended classes a certificate that he has passed an examination approved by the New Zealand Committee shall, upon production of such certificate to his employer, be paid during the seventh and eighth periods of his apprenticeship at a rate of not

less than 5s. a week in excess of the minimum rate provided in sub-clause (a) hereof, and in the ninth and tenth periods of his apprenticeship at a rate of not less than 7s. 6d. a week in excess of that minimum, payment to be made from the date of passing the examination.

Technical Classes

10. (a) If ordered to do so by the New Zealand Committee, apprentices shall be required to attend classes at a school working on a syllabus approved by that Committee: Provided that apprentices residing or working beyond a distance from the school determined by the New Zealand Committee shall not be required to attend.

(b) Where an apprentice is required so to attend, the employer shall refund to him the amount paid in fees in each year in which his attendance is not less than 75 per cent. of the maximum possible.

(c) If an apprentice produces to the local Committee or, where there is no such Committee, to the District Commissioner evidence that he has for two years made 75 per cent. of the possible number of attendances at evening classes in mathematics and trade drawing, working on syllabuses approved by the New Zealand Committee, the New Zealand Committee may order that he attend during normal working-hours courses approved by it in ship and boat building for periods totalling not more than two weeks in a year.

(d) If an apprentice is so ordered to attend, wages for time spent in attending such courses shall be paid by the employer at the appropriate weekly rate, subject to the apprentice producing to the employer and to the local Committee or the District Commissioner, as the case may be, evidence of satisfactory attendance and conduct at the courses, and, for the purposes of the term of apprenticeship, time spent in attending such courses during normal working-hours shall be reckoned as time served.

Apprentices from Overseas

11. A person who has served part of his apprenticeship to the industry outside of New Zealand may complete the term of apprenticeship herein provided for with any employer on furnishing to the District Commissioner a certificate from his former employer and such other evidence (if any) as the District Commissioner and the local Committee may require in order to show the time served by such person as an apprentice outside of New Zealand. The District Commissioner shall refuse to register any contract of apprenticeship entered into under the provisions of this clause until such evidence has been furnished to the satisfaction of himself and the Committee. Any party affected by the decision of the District Commissioner may, within fourteen days, appeal to the Court, whose decision shall be final and conclusive.

Deductions by Employer

12. An employer shall be entitled to make a rateable deduction from the wages of an apprentice for any time lost through sickness in excess of five working-days in any 1,000-hour period or for any time lost through his own default. Accidents not arising out of and in the course of the employment shall be deemed to be sickness and the provisions of this order relating to payment of and deductions from wages and making up time in case of sickness shall apply also. The employer may require the production of a medical certificate before payment is made for time lost through sickness or accident.

Hours

13. The hours worked by an apprentice shall, subject to the provisions of any statute, be those normally worked by journeymen as prescribed by the award or agreement referred to in clause 9 of this order.

Overtime

14. (a) Apprentices under sixteen years of age shall not be required or permitted to work overtime.

(b) Apprentices over sixteen years but under eighteen years of age shall not be required or permitted to work overtime more than eight hours in any one week, and then only if under the supervision of a journeyman: Provided that not more than sixty-four hours overtime may be worked in any 1,000-hour period.

(c) Apprentices over eighteen years of age shall not be required or permitted to work overtime more than twelve hours in any one week, and then only if under the supervision of a journeyman.

(d) An employer shall not require or permit an apprentice to work overtime on any night on which he has to attend classes at a school.

(e) No apprentice shall be required or permitted to work overtime after 10 p.m. on any night.

(f) Payment for overtime shall be calculated in the manner prescribed for journeymen in the award or agreement referred to in clause 9 of this order and at the wage-rate paid to the apprentice: Provided that the minimum payment shall be 2s. 6d. an hour in any case.

Conditions of Award to Apply

15. The conditions of the award or agreement referred to in clause 9 hereof, in so far as they relate to the method and time of payment of wages, holidays, meal-money, tool and overall allowance, suburban work, outpost work, dirty work, 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.

Tool-money

16. An apprentice and an employer may enter into an agreement by virtue of which the employer may advance to an apprentice, by way of orders on suitable suppliers, sums sufficient to allow the purchase of tools suitable to the class of work on which the apprentice will be engaged, such advances to be repaid by deductions from the tool-money payable by virtue of clause 15 of this order.

Contracts to Accord with Act

17. Every contract of apprenticeship shall accord with the provisions of the Apprentices Act, 1948, and with 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 or youths. In default of such provisions 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.

Obligations of Apprentice

18. 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, that he will not absent himself from the employer's service during working-hours without the leave of the employer (subject to appeal to the local Committee or, where there is no Committee, to the District Commissioner) or except as permitted by this order, and that he 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.

Obligations of Employer

19. (a) 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 branch of the industry to which he is apprenticed, in accordance with the provisions of the Apprentices Act, 1948, and of this order and any amendments thereof.

(b) Every contract shall contain a list of the operations and skills to be taught the apprentice, based on the schedule to this order and approved by the local Committee or, where there is no Committee, the District Commissioner.

(c) Where in the opinion of the local Committee any employer is not able to train fully an apprentice in a recognized branch of the industry, the Committee shall grant the apprenticeship only if an interchange of apprentices is arranged with one or more other employers in a similar position, to the satisfaction of the Committee, and the conditions written into the contract.

(d) In every contract made after the coming into force of this order there shall be included the title of the person who is to undertake or supervise the actual training of the apprentice. The responsibility of the person so included by his title shall be limited to actual training or supervision thereof, and shall not be held to relieve the employer as contracting party of his contractual responsibilities.

Premiums Forbidden

20. 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.

Special Contracts

21. 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 25 of the Apprentices Act, 1948.

Revocation of Orders

22. The following apprenticeship orders and any amendments thereto are hereby revoked :—

Northern Industrial District Shipwrights and Boatbuilders' apprenticeship order dated the 28th day of July, 1943, and recorded in 43 Book of Awards 364.

Wellington Industrial District Shipwrights and Boatbuilders' apprenticeship order dated the 19th day of August, 1946, and recorded in 46 Book of Awards 875.

Otago Provincial District Shipwrights and Boatbuilders' apprenticeship order dated the 19th day of December, 1946, and recorded in 46 Book of Awards 2102.

Date of Operation

23. This order shall operate and take effect from the 1st day of April, 1949.

SCHEDULE

Operations and Skills

(NOTE.—This list is set down as a guide for local Committees in approving contracts—see clause 19 (b).)

Care and maintenance of tools, use of tools, shop-work (including machining), general knowledge of ship's joinery.

Setting down of boat, laying of keel, setting up frames, laying down in mould loft, making templates for all deck fittings and ironwork.

Boatbuilding, carvel and clinker, and knowledge of ship and boat construction from keel to truck.

Making of masts and spars, hatches, internal fittings, deck entrances, and deck-houses.

Fitting engine beds and auxiliary beds, lining up of beds and lining up of rudders and steering-gear, fitting windlasses and anchor gear, capstans, hawsers, and spurling pipes.

Caulking, cotton and oakum, setting up of ways for launching, insulating-work on cold chambers, crew and passenger accommodation fittings.

Slipping and unslipping.

NOTE.—Nothing in this list shall be taken to prevent an employer from teaching relevant operations and skills not mentioned in it.

Dated this 18th day of February, 1949.

[L.S.] D. J. DALGLISH, Deputy Judge,
acting in pursuance of an order of delegation of the
Court of Arbitration.

**NEW ZEALAND SHIP, YACHT, AND BOAT BUILDING INDUSTRY
AND NEW ZEALAND COOPERING INDUSTRY—DELEGATION
OF POWERS TO APPRENTICESHIP COMMITTEE**

In the Court of Arbitration of New Zealand.—In the matter of the Apprentices Act, 1948.

**DELEGATION OF POWERS TO NEW ZEALAND SHIP, YACHT, AND BOAT
BUILDING AND COOPERING APPRENTICESHIP COMMITTEE**

PURSUANT to section 14 (1) of the Apprentices Act, 1948, the Court doth hereby delegate to the New Zealand Ship, Yacht, and Boat Building Apprenticeship Committee, registered on the 31st day of August, 1948, all the powers conferred on it by paragraphs (a), (f), (g), (h), (k), and (l) of subsection (4) of section 13 and by section 33 of the said Act, in so far as those powers relate to the industries in respect of which the Committee has been appointed—namely, the shipwrighting, boatbuilding, and coopering industries—but reserving, nevertheless, power to the Court at any time to revoke or vary such delegation.

Dated this 18th day of February, 1949.

[L.S.]

A. TYNDALL, Judge.