

NEW ZEALAND TIMBER 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 Timber Industry.

WHEREAS application has been made to the Court by the New Zealand Timber Industry Apprenticeship Committee for an apprenticeship order governing the conditions of apprenticeship in the timber industry for the whole of New Zealand: 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 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, and prescribing such other matters and things as the Court is required and authorised by the said section or elsewhere to prescribe: Now, therefore, the Court doth hereby order and prescribe as follows:—

1. *Industry to Which Order Applies.*—The industry to which this order shall apply is the timber industry as defined in the New Zealand (except Marlborough, Nelson, and Westland) Timber Workers' award, in the following branch: machining, hereinafter referred to as "the industry".

2. *Application of Order.*—The provisions of this order shall apply to all employers of apprentices in the timber 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 such 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 103 of the Industrial Conciliation and Arbitration Act 1954, or an agreement filed under section 8 of the Labour Disputes Investigation Act 1913.)

3. *Interpretation.*—Where no local apprenticeship committee has been appointed in any locality, or where the Court has discharged any local apprenticeship committee, the words "local apprenticeship committee" wherever used in subsequent clauses of this order shall be deemed to mean "District Commissioner of Apprenticeship", hereinafter referred to as the "local committee" and "District Commissioner" respectively.

4. *Prior Consent of Committee.*—(a) No employer shall engage any person on probation as an apprentice or enter into any contract of apprenticeship without the prior consent in writing of the appropriate local committee.

(b) An employer before engaging an apprentice shall furnish in writing to the local committee the numbers of the workers employed, and also the names and particulars of apprentices employed and the apprentice intended to be employed.

(c) The employer if not a member of the New Zealand Timber Merchants' Federation shall satisfy the local committee that he is a suitable employer, that he has been in business for the two years immediately preceding the date of his application, or that he is in a position to continue in business as an employer, and that he has the facilities for properly teaching the apprentice the branch or branches of the industry to which he is to be apprenticed.

5. *Contracts to be Registered.*—Every contract of apprenticeship, and every alteration thereof, shall be in writing and 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 of 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.

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

7. *Term of Apprenticeship.*—(a) The term of apprenticeship shall be 6,000 hours, divided into six 1,000-hour periods.

(b) 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 4,000 hours.

(c) 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 1,000-hour 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.

(d) An apprentice working overtime shall have such time added to the ordinary time in calculating the respective 1,000-hour period of the apprenticeship. Each hour worked as overtime shall be deemed to be one hour for the purpose of computing each 1,000-hour period of apprenticeship.

(e) All statutory and other holidays, except the annual holiday period, shall be counted as time served, computed at eight hours a day. Time worked on such holidays shall be added to time deemed to be time served.

(f) Subject to the provisions of subclauses (d) and (e) of this clause only working-hours shall be reckoned as time served.

8. *Period of Probation.*—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 an apprentice serving his first apprenticeship to the industry and shall not exceed one month in any other case.

9. *Proportion.*—The New Zealand Committee may determine at its discretion the number of apprentices, or the proportion of apprentices to workers, that may be employed by an employer.

10. *Wages.*—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 a millwright as prescribed by the New Zealand (except Marlborough, Nelson, and Westland) Timber Workers' award in force for the time being and from time to time:

	Per cent.
First 1,000 hour period	40
Second 1,000 hour period	48
Third 1,000 hour period	56
Fourth 1,000 hour period	64
Fifth 1,000 hour period	72
Sixth 1,000 hour period	80

11. *Apprentices from Overseas.*—A person who has served part of his apprenticeship to a branch or branches of the industry outside of New Zealand may complete the term of apprenticeship herein provided for with any employer on furnishing to the appropriate 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.

12. *Deductions by Employer.*—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 forty hours in any 1,000-hour period, but not less than eight hours at any one time, or 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 the 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.

13. *Hours.*—The hours worked by an apprentice shall, subject to the provisions of any statute, be those normally worked by workers as prescribed by the award or agreement referred to in clause 10 of this order.

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

(b) Apprentices over sixteen years of age and under eighteen years of age shall not be required or permitted to work more than twenty hours' overtime in any fortnight.

(c) No apprentice shall be permitted to work overtime unless he is under the constant supervision of a competent worker.

(d) Payment for overtime shall be calculated in the manner prescribed for workers in the award referred to in clause 10 of this order, and at the wage-rate received by the apprentice: Provided that the minimum payment shall be 3s. an hour in any case.

15. *Conditions of Award to Apply.*—The conditions of the award referred to in clause 10 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.

16. *Contracts to Accord with Act.*—Every contract of apprenticeship shall accord with the provisions of the Apprentices Act 1948 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 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.

17. *Obligations of Apprentice.*—(a) 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 leave of the employer 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.

(b) Without the consent of the local committee and of the employer to whom he is apprenticed, an apprentice shall not work for another employer in the industry.

18. *Obligations of Employer.*—(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, to be a competent worker in the branch or branches of the industry in which he is apprenticed, in accordance with the provisions of the Apprentices Act 1948 and of this order and any amendments thereof.

(b) 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.

(c) The employer shall give the apprentice opportunities for experience on machines commonly used in the industry, including the foursider, and he shall instruct him or cause him to be instructed in the grinding and shaping of moulding irons and other cutters.

19. *Premium Forbidden.*—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.

20. *Special Contracts.*—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.

21. *Date of Operation.*—This order shall operate and take effect as from the 27th day of August 1956.

Dated this 26th day of July 1956.

[L.S.]

W. F. STILWELL, Judge.