
**NEW ZEALAND PAINTING AND DECORATING INDUSTRY—AMENDMENT OF
APPRENTICESHIP ORDER**

In the Court of Arbitration of New Zealand—In the matter of the Apprentices Act 1948; and in the matter of the New Zealand Painting and Decorating Industry Apprenticeship Order, dated the 8th day of March 1961, and recorded in 61 Book of Awards 179.

WHEREAS by section 13 (2) of the Apprentices Act 1948, the Court is empowered to amend any apprenticeship order: And whereas application has been made to the Court by the New Zealand Painting and Decorating Apprenticeship Committee for amendment of the New Zealand Painting and Decorating Industry Apprenticeship Order, dated the 8th day of March 1961, and recorded in 61 Book of Awards

179: And whereas the Court has considered the recommendations made to it by the said committee and has heard the employers, workers, and other persons concerned: Now, therefore, the Court, in pursuance and exercise of the powers vested in it by the said Act, doth hereby order as follows:

1. That the said apprenticeship order shall be amended in the manner following—

(1) By deleting subclause (j) of clause 8 (Term of Apprenticeship).

(2) By deleting subclause (a) of clause 11 (Wages) and substituting the following subclause—

“11. *Wages* (a) The minimum weekly rates of wages payable to apprentices shall be the undermentioned percentages of an amount equal to 40 times the minimum hourly wage rate for journeymen painters and decorators, as prescribed by the award or agreement relating to the employment of such journeymen in the establishment in which the apprentice is employed and in force for the time being and from time to time.

For apprentices other than glaziers commencing their apprenticeship under 18 years of age with 10,000-hour term:

	Per Cent
For the first 1,000-hour period	40
For the second 1,000-hour period	45
For the third 1,000-hour period	49
For the fourth 1,000-hour period	53
For the fifth 1,000-hour period	57
For the sixth 1,000-hour period	61
For the seventh 1,000-hour period	65
For the eighth 1,000-hour period	69
For the ninth 1,000-hour period	73
For the tenth 1,000-hour period	77

For apprentices other than glaziers commencing their apprenticeship under 18 years of age with 9,000-hour term as provided in subclause (b) of clause 8:

	Per Cent
For the first 1,000-hour period	45
For the second 1,000-hour period	49
For the third 1,000-hour period	53
For the fourth 1,000-hour period	57
For the fifth 1,000-hour period	61
For the sixth 1,000-hour period	65
For the seventh 1,000-hour period	69
For the eighth 1,000-hour period	73
For the ninth 1,000-hour period	77

For apprentices other than glaziers commencing their apprenticeship when 18 years of age or over:

	Per Cent
For the first 1,000-hour period	49
For the second 1,000-hour period	53
For the third 1,000-hour period	57
For the fourth 1,000-hour period	61
For the fifth 1,000-hour period	65
For the sixth 1,000-hour period	69
For the seventh 1,000-hour period	73
For the eighth 1,000-hour period	77

For apprentices to glazing only commencing their apprenticeship when under 18 years of age:

	Per Cent
For the first 1,000-hour period	40
For the second 1,000-hour period	45
For the third 1,000-hour period	50
For the fourth 1,000-hour period	55
For the fifth 1,000-hour period	60
For the sixth 1,000-hour period	65
For the seventh 1,000-hour period	71
For the eighth 1,000-hour period	77

For apprentices to glazing only commencing their apprenticeship when 18 years of age or over:

	Per Cent
For the first 1,000-hour period	50
For the second 1,000-hour period	55
For the third 1,000-hour period	60
For the fourth 1,000-hour period	65
For the fifth 1,000-hour period	71
For the sixth 1,000-hour period	77"

(3) By adding to clause 11 (Wages) the following new subclause—

“(c) Notwithstanding the provisions of subclause (a) of this clause an apprentice who has 1,000 hours or less of his apprenticeship to serve and who has passed the Trade Certificate Examination of the New Zealand Trades Certification Board shall from the date of production to his employer of a notification of a pass in that examination be paid not less than 100 per cent of journeymen’s wages as defined in subclause (a) of this clause.”

2. That this order shall operate and take effect as from the day of the date hereof.

Dated this 6th day of November 1962.

[L.S.]

K. G. ARCHER, Judge.

MEMORANDUM

By application dated 13 August 1962 the New Zealand Painting and Decorating Apprenticeship Committee applied for an amendment of the New Zealand Painting and Decorating Industry Apprenticeship Order dated 8 March 1961 (61 Book of Awards 179). The application comprised three proposals: (1) For the revocation of subclause (j) of clause 8 of the order; (2) For the amendment of subclause (a) of clause 11 of the order to provide higher weekly minimum rates of wages for apprentices in the earlier years of their apprenticeship; (3) For the addition of a new subclause (c) to clause 11 of the order. The application was said to have the unanimous support of the members of the apprenticeship committee and was supported before the Court by representatives of the New Zealand Federated Master Painters, Decorators, and Signwriters Industrial Association of Employers and the Auckland Painters and Decorators Industrial Union of Employers and by the organisations of workers concerned. The application was opposed by Mr Luxford who stated that he was not appearing for any employers specifically interested in the painting industry but was appearing for others who might be affected as employers of apprentices in other industries. Mr Luxford offered no opposition to proposals (1) and (3).

In substance therefore the application had the unanimous support of the New Zealand Apprenticeship Committee and of the employers and workers in the painting and decorating industry. The only opposition tendered was that of employers of apprentices in other industries who claimed that an increase in the minimum rate payable to apprentice painters might be followed by similar increases in respect of other apprenticeship orders.

The reason for the application as indicated by the applicant and in particular by the employers' representatives was to encourage a more satisfactory intake of new apprentices into the painting and decorating industry. Figures were presented which indicated that in recent years the intake of apprentices into the trade had been comparatively small and had been entirely disproportionate to the numbers admitted to other trades associated with building construction. We were told that the trade had been unable to maintain an adequate supply of skilled journeymen and that in consequence the employment of unskilled or semi-skilled men had been found necessary, to the detriment of the standard of skill to be desired. In an attempt to remedy this situation the employers with the support of the union proposed that the commencing minimum rate for a 10,000 hour apprenticeship be increased from 32 per cent to 40 per cent of the minimum wage prescribed for a journeyman, with appropriate increases in the wage rates for subsequent periods, but so that the rate for the final period should remain at 77 per cent as heretofore. The proposal provided for proportionate increases in the rates specified for shorter terms.

Proposals (1) and (3) of the application were intended to effect a change in the special provision made for an apprentice passing the Trade Certificate Examination, the effect of the proposals being that instead, as under the present order, of having his apprenticeship reduced by 1,000 hours, the apprentice should as from notification to the employer of his pass in the examination, be paid not less than 100 per cent of journeymen's wages.

Mr Luxford submitted that in previous decisions of the Court and in particular in the decisions recorded at 45 Book of Awards 769, and 57 Book of Awards 786, recognition had been given to the desirability of having the wage rates for apprentices in all industries assessed in a similar manner and in a fixed relationship to journeymen's rates in the industry concerned. He claimed that the grant of the present application would disturb the existing basis of assessment of apprentices' wages and that if increased rates were granted to apprentice painters similar increases could in due course be expected to follow in other industries.

The Court fully appreciates the desirability of maintaining a proper relationship between the wage rates of apprentices in one industry and in another and between the wages rates of apprentices and journeymen in the same industry. At the same time, the Court's power to make and to amend apprenticeship orders, as set out in s. 13 of the Apprentices Act 1948, is a power to be exercised individually in respect of each industry or branch thereof and the Court is required in our opinion to have regard to the particular circumstances of any particular industry and to give due weight to the opinions and recommendations of the employers and workers in that industry.

In many of the earlier cases in which the Court has had to consider applications for an increase in the wage rates of apprentices, the application has been made by the appropriate union of workers and opposed by the employers in the industry. In the present case there is agreement between the workers and employers concerned. The rates fixed by an apprenticeship order are intended to be minimum rates only and where both employer and worker are in agreement these rates may be increased. If both employers' and workers' organisations desire an increase in minimum rates should their wishes be disregarded without some compelling reason?

Whether the changes in rates and conditions proposed will have the desired effect of attracting more apprentices to the painting and decorating industry is a matter of opinion but the Court cannot, we think, disregard the opinions of those engaged in the industry and is always conscious of the desirability of assisting an industry to attract a reasonable and proper proportion of those available to take up apprenticeships. Having regard to the particular circumstances and problems stressed by the representatives of this industry we have decided that a variation in the terms and conditions usually prescribed in apprenticeship orders may be warranted. We have accordingly granted the application.

K. G. ARCHER, Judge.
