
**NEW ZEALAND MECHANICAL DENTISTRY 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 Mechanical Dentistry Industry.

WHEREAS application has been made to the Court by the New Zealand Mechanical Dentistry Apprenticeship Committee for a new apprenticeship order governing the conditions of apprenticeship in the mechanical dentistry 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 a new 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 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 mechanical dentistry (hereinafter called “the industry”).

2. *Application of Order*—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 male and female 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) An employer, before employing an apprentice to learn the industry, shall first apply to the appropriate local committee for its approval.

(b) 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 committee.

(c) An employer, before taking an apprentice, shall furnish in writing to the local committee the names and particulars of the technicians employed during the previous six months, and also the names and particulars of apprentices employed and the apprentice intended to be employed, and shall satisfy the local committee that he is a suitable employer, is in a position to continue in business as an employer, and has the workshop facilities for properly teaching the apprentice the industry.

5. *Contracts to be Registered*—The parties to any contract of apprenticeship to which this order applies shall, within 28 days of the commencement of the employment of the apprentice or the making of an alteration, as the case may be, submit the contract or the alteration to the District Commissioner for the locality concerned for registration. If the contract or alteration is not submitted for registration within the prescribed time, the parties thereto shall be severally liable to a penalty not exceeding £20.

6. *Minimum Age*—The minimum age at which a person may commence to serve as an apprentice shall be 15 years.

7. *Prerequisite Education*—It shall be necessary for a person desiring to become an apprentice after this order comes into effect to produce to the local committee satisfactory evidence that he or she has completed two years’ post-primary education or has attained an equivalent standard of education.

8. *Term of Apprenticeship*—(a) Except as otherwise provided in this clause, the term of apprenticeship shall be 10,000 hours, divided into ten 1,000-hour periods.

(b) The term of apprenticeship for an apprentice who has obtained a School Certificate and who commences his or her apprenticeship after this order comes into force shall be 9,000 hours divided into nine 1,000-hour periods.

(c) Except where otherwise provided, only working hours shall be reckoned as time served.

(d) Where an apprentice passes an examination approved of by the New Zealand Committee during the first eight periods of his or her apprenticeship the term of apprenticeship shall be reduced by 2,000 hours but where an apprentice passes such an examination during the ninth or tenth period of the apprenticeship the term of apprenticeship shall be deemed to be completed on the date of his or her so passing.

(e) An apprentice working overtime shall have such time added to the ordinary time in calculating the respective period of the apprenticeship.

(f) An apprentice shall make up any time lost by him or her in any 1,000-hour period through his or her own default or sickness, or through accident or for any cause not directly connected with the business of the employer, before he or she 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.

(g) Except for annual holidays under the Annual Holidays Act 1944 all holidays provided for in the award or agreement for technicians referred to in clause 11 of this order which are taken by an apprentice shall be deemed to be time served under his or her contract, reckoning eight hours for any one day. Time worked on such holidays shall be added to the time deemed to be time served.

(h) 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 the term of apprenticeship.

9. *Proportion*—(a) The proportion of the total number of apprentices employed by any employer shall be one apprentice to each three technicians or fraction of three.

(b) A registered dentist who works for not less than 25 per cent of the weekly hours at the work of a technician and whose mechanical work is done on the premises shall be classed as a technician.

(c) A registered dentist employed for more than 75 per cent of the weekly hours in the surgery shall not be counted as a technician.

(d) The proportion of apprentices to journeymen employed by any employer shall, for the purpose of determining whether 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 the application had been employed by that employer full time for a period of four months preceding that date. A fully qualified journeywoman shall, for the purposes of calculating the number of apprentices that may be employed by an employer, be counted as a journeyman.

(e) For the purpose of this order an employer who has served a full term as an apprentice in the industry and who is himself engaged for not less than 25 per cent of the weekly hours in the work of a technician shall be entitled to count himself as a technician.

(f) For the purpose of determining the proportion of apprentices, an employer shall be counted once only.

(g) 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 proportion of apprentices as determined by this order.

10. *Period of Probation*—(a) The period of probation to be prescribed in any contract to enable the parties to determine whether or not it shall be continued shall not exceed three months.

(b) When an apprentice is transferred from one employer to another, there shall be a period of probation not exceeding three months to enable the parties to the contract to determine whether or not it shall be continued with the employer to whom the apprentice is transferred.

11. *Wages*—The minimum weekly rates of wages payable to apprentices shall be the undermentioned percentages of the minimum weekly rate of wages for journeymen and journeywomen dental technicians as prescribed by the award or agreement relating to the employment of such journeymen or journeywomen for the time being and from time to time in force in the locality or, if there is no such award or agreement, as prescribed by the award or agreement relating to the employment of such journeymen or journeywomen for the time being and from time to time in force in a locality including the City of Wellington.

	For Apprentices Serving a 10,000-hour Term Per Cent	For Apprentices Serving a 9,000-hour Term Per Cent
First 1,000-hour period	44	49
Second 1,000-hour period	49	54
Third 1,000-hour period	54	59
Fourth 1,000-hour period	59	64
Fifth 1,000-hour period	64	69
Sixth 1,000-hour period	69	74
Seventh 1,000-hour period	74	79
Eighth 1,000-hour period	79	84
Ninth 1,000-hour period	84	89
Tenth 1,000-hour period	89

12. *Technical Classes*—(a) The New Zealand Committee may order any apprentice to enrol for and carry on with the Education Department's Technical Correspondence Institute a course approved by the committee.

(b) The New Zealand Committee may order any apprentice to attend at a school or institution approved by it for instruction during normal working hours for periods of not less than a week at a time and totalling not more than six weeks in any one year.

(c) An employer shall not be entitled to make any deduction from the wages of an apprentice ordered to attend a school during normal working hours; but absence without leave from such school shall be treated as absence through the apprentice's default and the employer shall be entitled to make a rateable deduction from the wages as provided in clause 14 of this order. For the purposes of the term of apprenticeship, time spent at a school during normal working hours shall be reckoned as time served.

13. *Apprentices from Overseas*—A person who has served part of his or her apprenticeship to the industry outside of New Zealand may complete the term of apprenticeship herein provided for with an employer in New Zealand on furnishing to the District Commissioner a certificate from his or her 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 14 days, appeal to the Court, whose decision shall be final and conclusive.

14. *Deductions by Employer*—An employer shall be entitled to make a rateable deduction from the wages of an apprentice for any time lost by him or her through sickness in excess of five working days in any 1,000-hour period or through his or her 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 the case of sickness shall apply also.

15. *Hours*—The hours worked by an apprentice shall, subject to the provisions of any statute, be those normally worked by technicians as prescribed by the award or agreement referred to in clause 11 of this order.

16. *Overtime*—(a) Apprentices under 17 years of age shall not be required or permitted to work overtime.

(b) No apprentice shall be required or permitted to work overtime more than five hours in any one week.

(c) No apprentice shall be required or permitted to work overtime after 10 p.m.

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

(e) Payment for overtime shall be calculated in the manner prescribed for technicians in the award or agreement referred to in clause 11 of this order and at the wage rate paid to the apprentice.

17. *Conditions of Award to Apply*—The conditions of the award or agreement referred to in clause 11 hereof, in so far as they relate to the method and time of payment of wages, holidays, meal money, and other matters (other than membership of union) relating generally to the employment and not in conflict with this order, shall apply to apprentices.

18. *Contracts to Accord with Act*—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, youths, or girls. 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.

19. *Obligations of Apprentice*—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 or she will not absent himself or herself from the employer's service during working hours without the leave of the employer (subject to appeal to the local committee) or except as permitted by this order, and that he or she 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 or her, but will do everything in his or her power to prevent the same.

20. *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 or her to be trained and instructed, as a competent technician in the mechanical dentistry industry, 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 operations and skills to be taught the apprentice, in accordance with the Schedule to this order, but subject to the discretion of the local committee to meet any special circumstances.

(c) Where, in the opinion of the local committee, any employer is not able to train fully an apprentice, 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.

21. *Premiums 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.

22. *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.

23. *Revocation of Order*—The New Zealand Mechanical Dentistry Industry Apprenticeship Order, dated the 22nd day of December 1948, and recorded in 48 Book of Awards 2720 and any amendments thereto are hereby revoked as from the date of coming into operation of this order, but all resolutions and orders of the New Zealand Committee, or of local committees, made by them pursuant to the said order and its amendments shall continue in force as fully and effectually as if they had been made pursuant to this order, and accordingly shall where necessary be deemed to have so been made.

24. *Date of Operation*—This order shall operate and take effect as from the day of the date hereof.

SCHEDULE

The list of operations and skills to be taught an apprentice shall be:

First 2,000 hours—Elementary survey of work of entire laboratory procedure. Casting of impression in stone and plaster, care of different types of impressions, simple flasking and investing, polishing metal restorations, acrylics and vulcanite, repair of vulcanite and acrylic dentures and flasking and packing same, and mounting of models on plain-line articulators.

Second 2,000 hours—Construction of base plates and bite blocks, mounting of models on anatomical articulators. Waxing up and packing of acrylic and vulcanite dentures. Preliminary work on the construction of bridges, crowns, inlays. Advanced repair technique. Modelling of teeth and surrounding tissues.

Third 2,000 hours—Mounting and waxing up of teeth on models. Construction of bars and clasps with wires and soldering. Continuation of work on crowns, bridges and inlays.

Fourth 2,000 hours—Final work on crowns, bridges, fixed and removable. Construction and casting of bars and clasps and partial denture.

Fifth 2,000 hours—General work on the operations and skills laid down for the first 8,000 hours.

NOTE—Where an apprentice is serving a 9,000-hour term of apprenticeship the 2,000-hour periods mentioned above shall be proportionately reduced.

Dated this 29th day of March 1965.

A. TYNDALL, Judge.