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NEW ZEALAND PAINTING AND PAPERHANGING –
AMENDMENT OF APPRENTICESHIP ORDER

Dated 29/9/77

In the Industrial Court of New Zealand in the matter of the Apprentices Act 1948; and in the matter of the New Zealand Painting and Paperhanging Apprenticeship Order dated the 2nd day of October 1972, recorded in 72 Book of Awards 3332.

Whereas by section 13(2) of the Apprentices Act 1948, the Industrial 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 Paperhanging Apprenticeship Order, dated the 2nd day of October 1972: and whereas the Court has considered the recommendations made to it by the said Committee: 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 Clause 11 (Wages) and substituting therefor the following new clause:

“WAGES

11. (a) (i) 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 who have less than three years' Secondary Education:

	Percent
First 1,000-hour period	49
Second 1,000-hour period	53
Third 1,000-hour period	57
Fourth 1,000-hour period	61
Fifth 1,000-hour period	66
Sixth 1,000-hour period	71
Seventh 1,000-hour period	76
Eighth 1,000-hour period	81

For apprentices who commenced their contracts on or after 29th September 1977 and who have three years' or more Secondary Education:

	Percent
First 1,000-hour period	57
Second 1,000-hour period	61
Third 1,000-hour period	66
Fourth 1,000-hour period	71
Fifth 1,000-hour period	76
Sixth 1,000-hour period	81
Seventh 1,000-hour period	85
Eighth 1,000-hour period	90

(ii) An apprentice who has obtained a pass in School Certificate subjects giving admission to Form VI under Education Department criteria shall on and from 29 September 1977 be paid an allowance of \$1 per week in addition to the minimum rate, and other allowances if applicable, provided for in this clause.

(b) (i) Where an apprentice passes the First Qualifying or First Assessment Examination of the New Zealand Trades Certification Board, he shall on and from the date on which he produces to his employer a notification from the Board that he has passed that examination, be paid at the rate prescribed as if he had served an additional 500 hours of his term of apprenticeship.

(ii) Where an apprentice passes the Second Qualifying or Second Assessment Examination of the New Zealand Trades Certification Board, he shall on and from the date on which he produces to his employer a notification from the Board that he has passed that examination, be paid at the rate prescribed as if he had served an additional 500 hours of his term of apprenticeship. Such 500 hours shall be in addition to the 500 hours mentioned in the preceding paragraph (b) (i).

(iii) Where by virtue of the application of the provision of paragraph (i) of this sub-clause, there ceases to be any prescribed minimum weekly wage scale payable to an apprentice who has not completed three years' Secondary Education, he shall for the remainder of his term of apprenticeship be paid not less than 85 per cent of the minimum rate for journeymen and if he has had three years or more Secondary Education he shall for the remainder of his term of apprenticeship be paid not less than 94 per cent of the minimum rate for journeymen.

(iv) Where by virtue of the application of the provision of paragraph (ii) of this sub-clause, there ceases to be any prescribed minimum weekly wage scale payable to an apprentice who has not completed his term of apprenticeship, the apprentice, if he has less than three years Secondary Education, shall for the remainder of his term of apprenticeship be paid not less than 90 per cent of the minimum rate for journeymen, and if he has three years or more Secondary Education, he shall for the remainder of his term of apprenticeship be paid not less than 98 per cent of the minimum rate for journeymen.

(c) Notwithstanding the provisions of sub-clauses (a) and (b) of this clause an apprentice who has passed the Trade Certificate Examination of the New Zealand Trades Certification Board shall from the date of production to his employer of the Board's notification of a pass in that examination be paid not less than 100 per cent of journeymen's wages as defined in sub-clause (a) of this clause."

2. By deleting Clause 14 (Deduction by Employer) and substituting therefor the following new clause:

"DEDUCTIONS BY EMPLOYER

14. (a) An employer shall be entitled to make a rateable deduction from the wages of an apprentice for time lost by the apprentice through sickness, accident or default in accordance with the following provisions:

(i) For any time lost through sickness in excess of five ordinary working days in any 1,000 hour period or in excess of the entitlement accrued under the provisions of sub-clause (b) of this clause. Accidents not arising out of and in the course of the employment shall be deemed to be sickness for the first five ordinary working days only in any 1,000 hour period.

(ii) For any time lost through the apprentices' own default.

(b) During continuous employment with the same employer an apprentice shall be entitled to accumulate up to a maximum of 25 days by carrying forward from one 1,000 hour period to another any unused sick leave of up to 20 days: provided that any time paid for by the Accident Compensation Commission shall not count against an apprentices' sick leave entitlement. This sub-clause shall not be construed to permit an apprentice to receive payment from both the employer and the Accident Compensation Commission for the same period while on sick leave.

(c) The employer may require the production of a Medical Certificate before payment is made for time lost through sickness or accident.

(d) The provisions of this Order relating to payment of and deductions from wages and making up time in the case of sickness, accident or default shall also apply."

3. By deleting Clause 18 (Tools) and substituting therefor the following new clause:

"TOOLS

18. The employer shall provide each apprentice within the first 3,000 hours of the apprenticeship with a set of tools as detailed in the Second Schedule to this Order and as required by the apprentice from time to time in order to learn the branch of the industry to which apprenticed but only once during the term of apprenticeship. Provided that in the case of an apprentice who commences an apprenticeship direct from the Department of Maori Affairs' Painting and Decorating Pre-trade Training Scheme, the employer on the completion of the probationary period shall reimburse such an apprentice, for any tools which are provided by the apprentice and which have been purchased by the apprentice from the Department of Maori Affairs, by an amount equal to that which the apprentice paid the Department of Maori Affairs for the purchase of such tools; and the employer shall not be required to again provide such tools and his obligation to provide further tools shall be limited to only those as detailed in the Second Schedule to this Order and which the apprentice has not previously purchased."

4. By deleting Clause 23 (Special Contracts) and substituting therefor the following new clause:

"SPECIAL CONTRACTS

23. Under Section 25 of the Apprentices Act 1948, any person who has attained the age of 18 years may enter into a special contract of apprenticeship as an apprentice. The proposed contract shall be considered by the appropriate local committee, or, if there is no such committee, by the District Commissioner, and shall be forwarded, together with any recommendations of the committee or District Commissioner thereon, to the Commissioner for transmission to the Court for its consent.

(b) The Court, after considering any recommendations of the committee or the District Commissioner, and after hearing representations of any person or any organisation of employers or of workers interested in the matter which it may think fit to hear, may in its discretion, grant or refuse its consent to the contract of apprenticeship, and the decision of the Court shall be final and conclusive.

(c) Notwithstanding anything to the contrary in the Apprentices Act 1948 a contract of apprenticeship approved by the Court pursuant to this clause may contain such provisions as the Court thinks reasonable and equitable in the particular circumstances, notwithstanding that they are not in accordance with other provisions of this apprenticeship order or any other order made under section 13 of the Act in respect of this industry."

2. That this order shall operate and take effect as from the day of the date hereof.
Dated this 29th day of September 1977.

R. D. Jamieson, Judge.