

Hon. Mr. Veitch

APPRENTICES AMENDMENT.

ANALYSIS.

Title.	
1. Short Title and commencement.	9. Registrar or Apprenticeship Committee may state case for Court.
2. Qualification of representatives of employers and workers on Apprenticeship Committees.	10. Section 8 of principal Act amended.
3. Section 4 of principal Act amended.	11. Contract of apprenticeship need not be under seal of body corporate.
4. Where Apprenticeship Committee unable to come to decision matter to be referred to Court.	12. Section 9 of principal Act amended.
5. Court may authorize District Registrar to exercise powers of committees in certain cases.	13. On bankruptcy of employer Court may order payment out of assets to be made to apprentices in certain cases.
6. Limiting area within which Apprenticeship Committee may exercise its functions.	14. Suspension and discharge of apprentices for misconduct or grave incapacity. Repeal.
7. Section 5 of principal Act amended.	15. Section 16 of principal Act amended.
8. Section 7 of principal Act amended.	16. Employer of apprentices to keep wages and time book.
	17. Copy of apprenticeship order to be exhibited in place where apprentice employed.

A BILL INTITULED

AN ACT to amend the Apprentices Act, 1923.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the Apprentices Amendment Act, 1929, and shall be read together with and deemed part of the Apprentices Act, 1923 (hereinafter referred to as the principal Act).

Short Title and commencement.

(2) This Act shall come into operation on the first day of 10 January, nineteen hundred and thirty.

2. (1) In the case of every Apprenticeship Committee appointed after the commencement of this Act a majority of the members who are appointed as representatives of employers and of workers respectively shall consist of persons who are, or have at some time been, actually 15 engaged either as employers or as workers in the industry or in any one of the group of industries in respect of which the Committee is appointed.

Qualification of representatives of employers and workers on Apprenticeship Committees.

(2) Where in the case of any Apprenticeship Committee appointed before the commencement of this Act it becomes necessary at any time 20 hereafter to appoint a member or members thereof to represent employers or workers, no person other than a person of the class mentioned in the *last preceding* subsection shall be eligible for such appointment unless after the making thereof a majority of the representatives of employers or of workers, as the case may be, on such Committee would be persons 25 of that class.

Section 4 of principal Act amended.

3. Section four of the principal Act is hereby amended by inserting, after subsection three, the following new subsection :—

“(3A) If any member of a Committee is absent from three consecutive meetings of the Committee without the leave of the Committee, the Committee, or the Chairman, may call upon him to show cause why his seat should not be declared vacant ; and if such member does not at the next meeting satisfy the Committee that he had reasonable cause for being so absent, the Committee may by resolution declare his seat to be vacant, and request the organization which appointed him, or the Court, as the case may require, to appoint some other suitable person in his stead. Where any such organization fails to make such appointment within a period of thirty-one days after being requested so to do the District Registrar may appoint a suitable person to fill such vacancy.”

Where Apprenticeship Committee unable to come to decision matter to be referred to Court.

4. (1) Where in any case an Apprenticeship Committee is unable to come to a decision on any matter, such matter may be referred by it to the Court for decision. In every such case any person or persons who would have been affected had the Committee come to a decision shall be entitled, before the Court decides the matter, either to appear before and be heard by it, or to submit to it a statement in writing.

(2) Where in any such case the Committee does not within a reasonable time refer the matter to the Court, any person or persons affected may apply to the Court for such matter to be decided by it, and the Court, if it thinks fit, may order such matter to be referred to it for decision, and in such case the Court shall, before deciding the matter, give to the Committee and the applicant and all other persons affected an opportunity either to appear before and be heard by the Court, or to submit to it a statement in writing.

Court may authorize District Registrar to exercise powers of committees in certain cases.

5. (1) Where no Apprenticeship Committee has been appointed in respect of any industry or group of industries in any locality, or where the Court has discharged any Apprenticeship Committee, the Court, instead of appointing such a Committee, may, by order, confer on a District Registrar, with respect to any such industry or group of industries, such of the powers that may be conferred by it on an Apprenticeship Committee as it thinks fit, and the District Registrar in respect of the exercise of the powers so conferred shall for all purposes be deemed to be an Apprenticeship Committee.

(2) The Court may at any time cancel or amend any such order.

Limiting area within which Apprenticeship Committee may exercise its functions.

6. (1) The locality in respect of which any Apprenticeship Committee hereafter appointed under the principal Act may exercise its powers shall be comprised within a radius of twenty miles from some point specified in the agreement of employers or workers, or the order of the Court, as the case may be, appointing such Committee :

Provided that nothing in this subsection shall authorize any Apprenticeship Committee to exercise its functions in any area within such radius which at the time of the appointment of such Committee is part of the locality in respect of which any other Apprenticeship Committee is then exercising its powers.

(2) An Apprenticeship Committee appointed before the commencement of this Act shall not hereafter exercise its powers beyond a radius of twenty miles from the principal post-office in the locality in respect of which it was appointed.

(3) Notwithstanding anything contained in the foregoing provisions of this section, the Court at any time, on the application of any employers, or workers, in the same industry or group of industries in any specified area outside the locality in which any Apprenticeship Committee duly exercises its powers, may, if satisfied that the employers and workers generally in such industry or group of industries in such area so desire, extend such locality to include such area.

7. Subsection four of section five of the principal Act is hereby amended as follows :—

Section 5 of principal Act amended.

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Struck out.

(a) By inserting, after paragraph (j), the following new paragraph :—
 “(jj) On the complaint of his employer, to investigate any alleged misconduct by an apprentice in the course of his employment, and, if the complaint is proved to its satisfaction, order to be endorsed with a statement of such misconduct the registered contract of apprenticeship and all copies thereof, which shall be delivered to the District Registrar for that purpose” :

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(b) By omitting from the proviso to paragraph (k) all words after the words “such powers,” and substituting the words “to one or more members of the Committee.”

8. Subsection two of section seven of the principal Act is hereby amended by omitting the words “shall be appointed for a specified district, and.”

Section 7 of principal Act amended.

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9. The Registrar or any Apprenticeship Committee may at any time, in any matter arising out of his or its duties, state a case for the advice and opinion of the Court.

Registrar or Apprenticeship Committee may state case for Court.

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10. (1) Subsection one of section eight of the principal Act as amended by paragraph (a) of section five of the Apprentices Amendment Act, 1925, is hereby further amended by omitting all words after the words “locality concerned within,” and substituting the words “fourteen days after the commencement of the employment of the apprentice, or the expiration of any period of probation served by him pursuant to this Act (in the case of an original contract), or within fourteen days after the making of the alteration (in the case of an altered contract), and if the contract or alteration is not presented for registration within such time the parties thereto shall be severally liable to a fine of ten pounds.”

Section 8 of principal Act amended.

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(2) Subsection eight of the said section eight is hereby amended by adding the words “within fourteen days of such termination, discharge, or transfer.”

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11. Where a body corporate is a party to any contract of apprenticeship, such contract need not be under seal, but may be signed on behalf of the corporation by such person or persons as by law are authorized to sign contracts in writing of the corporation, not being contracts under seal.

Contract of apprenticeship need not be under seal of body corporate.

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12. Subsection three of section nine of the principal Act is hereby amended by adding the following proviso :—

Section 9 of principal Act amended.

“Provided that proceedings in respect of failure to duly register a contract of apprenticeship may be taken at any time during the employment of the apprentice pursuant to such contract, or within six months after the termination of such employment.”

On bankruptcy of employer, Court may order payment out of assets to be made to apprentices in certain cases.

13. (1) Where the employer of any apprentice is adjudicated a bankrupt, or, being a company, is wound up, and such apprentice is thereby deprived of the employment to which he is entitled by his contract of apprenticeship, the Court, on application by the apprentice, may, in its discretion, order payment to the apprentice of an amount not exceeding three months' wages in respect of any period intervening between the time when such apprentice is so deprived of employment and the time when he receives other employment as an apprentice in the same industry. Such amount shall constitute a debt to the apprentice by the employer, and such debt shall, notwithstanding anything contained in the Bankruptcy Act, 1908, or the Companies Act, 1908, rank equally for payment with the debts mentioned in paragraph (d) of section one hundred and twenty of the said Bankruptcy Act, 1908, or in subsection one of section two hundred and forty-nine of the said Companies Act, 1908, as the case may require.

(2) Nothing in the *last preceding* subsection shall so operate as to prevent the Supreme Court ordering payment to or for the use of any apprentice of any sum pursuant to subsection two of section eighty-three of the Bankruptcy Act, 1908, in addition to the amount payable under this section.

Suspension and discharge of apprentices for misconduct or grave incapacity.

14. (1) In any case where an apprentice so misconducts himself or proves himself to be so incapable or inefficient that if he were an employee other than an apprentice it would be reasonable for his employer to discharge him, the employer may suspend him, and apply to the appropriate Apprenticeship Committee, or, where there is no such Committee, to the Court, for leave to discharge him.

(2) Every such application to an Apprenticeship Committee or to the Court shall be made within *three* days after the apprentice is so suspended, and when such application is duly made the employer may withhold any wages falling due to the apprentice during the period of suspension.

(3) The Apprenticeship Committee or the Court, as the case may be, shall consider such application after giving both the employer and the apprentice an opportunity to be heard by it, and may grant or refuse leave to discharge the apprentice.

(4) Where such leave is granted the employer shall be entitled to discharge the apprentice as from the date on which he was suspended, and in such case the contract of apprenticeship shall be deemed to be cancelled.

(5) Where such leave as aforesaid is refused the Committee or the Court, as the case may be, may make such order as it thinks fit with respect to payment of wages to the apprentice during the period of his suspension. If no such order is made, the employer shall pay to the apprentice all wages that would have been payable to him during such period had he not been suspended.

Repeal.

(6) This section is in substitution for section fifteen of the principal Act, and that section is hereby accordingly repealed

Section 16 of principal Act amended.

15. Section sixteen of the principal Act is hereby amended by adding the following as subsection two thereof :—

(2) The employer shall forward a copy of such statement to the District Registrar, who shall endorse a note thereof on the registered contract of apprenticeship and on every copy thereof submitted to him for that purpose by any of the parties to the contract.

16. (1) Every employer of an apprentice or apprentices shall at all times keep in the prescribed form a record (called the "wages and time book") showing in the case of each apprentice—

Employer of apprentices to keep wages and time book.

- 5 (a) His name ;
- (b) His age ;
- (c) The date of commencement of his employment as an apprentice ;
- (d) The kind of work on which he is usually employed ;
- (e) The hours of his employment during each week ;
- (f) The wages paid each week ; and
- 10 (g) Such other particulars as are prescribed.

(2) The wages and time book in use for the time being and any such book used within the preceding two years shall at all times be open to inspection by the District Registrar or any Inspector of Factories.

15 17. In every case where an apprentice to whom an apprenticeship order under the principal Act applies is employed in any premises, the employer shall affix and keep affixed in some conspicuous place in such premises, where it may be easily read by such apprentice, a copy of such order. A District Registrar or any Inspector of Factories may
20 require the employer to move such copy of the order to some other place in the premises, or to affix an additional copy of the order in a place in the premises indicated by the District Registrar or Inspector.

Copy of apprenticeship order to be exhibited in place where apprentice employed.

