

Hon. Mr. Hamilton.

APPRENTICES.

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## A BILL INTITULED

Title.	AN ACT to consolidate and amend certain Acts relating to Apprentices.	
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—	5
Short Title and commencement.	1. This Act may be cited as the Apprentices Act, 1932, and shall come into force on the first day of January, nineteen hundred and <i>thirty-three</i> .	
Interpretation. 1923, No. 41, s. 2 (2) 1925, No. 36, s. 3	2. In this Act, unless the context otherwise requires—	10
	“ Agreement ” means an industrial agreement filed under section twenty-eight of the Industrial Conciliation and Arbitration Act, 1925, or an agreement filed under section eight of the Labour Disputes Investigation Act, 1913 :	15
	“ Apprentice ” means any person of either sex who has contracted to serve an employer and to learn and be taught any industry :	
	“ Apprenticeship order ” or “ order ” means an order made by the Apprenticeship Council under section <i>eight</i> of this Act :	20
	“ Award ” means an award of the Court of Arbitration under the Industrial Conciliation and Arbitration Act, 1925 :	
	“ Committee ” means an Apprenticeship Committee :	25
	“ Committee Order ” means an order made by a Committee under section <i>thirteen</i> of this Act :	
	“ Contract of apprenticeship ” includes every agreement, whether expressed in writing or not, made between an employer and a worker, or between an employer and a worker and the parent or guardian of such worker, whereby the employer agrees to teach and the worker agrees to learn any industry :	30
	“ Council ” means the Apprenticeship Council :	35
	“ Court ” means the Court of Arbitration constituted under the Industrial Conciliation and Arbitration Act, 1925 :	
	“ District Registrar ” means a District Registrar of Apprentices :	40
	“ Employer ” includes persons, firms, companies, and corporations employing one or more workers :	

“Industry” means any business, trade, manufacture, undertaking, calling, or employment in which workers are employed, and includes a branch thereof :

5 “Minister” means the Minister of Labour :

“Registrar” means the Registrar of Apprentices.

3. (1) Save as otherwise expressly provided herein, this Act shall apply—

Application of Act.

1923, No. 41, s. 3.

1925, No. 36, s. 2

1930, No. 25, s. 19

10 (a) To all employers engaged in any industry in which apprentices are employed and who are for the time being bound by an award or agreement relating to such industry ; and also to all other employers (whether engaged in any industry bound by an award or agreement as aforesaid, or not) to whom this Act is applied by the

15 Minister by notice in the *Gazette* :

(b) To all apprentices employed by such employers :

(c) To all contracts of apprenticeship between such employers and apprentices.

20 (2) Notwithstanding anything contained in the *last preceding* subsection, nothing in this Act shall apply—

(a) To the apprenticeship of any female, save in such cases and on such conditions as the Registrar may direct :

25 (b) To any student of a university or other educational institution who is exempted by the Registrar :

(c) To any apprentice serving under articles of apprenticeship of any of the classes referred to in section thirty of the Pharmacy Act, 1908, or to the employer of such apprentice :

30 (d) To any apprentice or apprentices or class or classes of apprentices exempted by the Minister by notice in the *Gazette*, or to the employer of any such apprentice.

35 (3) Any application of or exemption from the operation of this Act under the *last preceding* subsection may at any time be varied or revoked by the Minister or the Registrar, as the case may be.

40 (4) In so far as any provisions of this Act are in conflict with any Act making specific provision for the training of workers in any industry, the provisions of this Act shall be deemed to have no application.

*Administration.*

Registrar,  
Deputy of  
Registrar, and  
District  
Registrars of  
Apprentices.  
1923, No. 41,  
s. 7

4. (1) There shall be an officer of the Public Service to be appointed as the Registrar of Apprentices. Such office shall not be held concurrently with any other office in the Public Service :

5

Provided that until the first appointment of a Registrar is made pursuant to this section the Secretary of Labour (being the Registrar of Apprentices by virtue of subsection one of section seven of the Apprentices Act, 1923) shall continue to hold the office of Registrar of Apprentices under this Act. 10

(2) If at any time the Registrar is for any reason temporarily unable to carry out any of the duties of his office the Minister may by writing under his hand appoint any other officer of the Public Service to act as the deputy of the Registrar while such inability continues, and while so acting such deputy shall for all purposes be deemed to be the Registrar. 15

(3) Any Inspector of Factories may be appointed to be a District Registrar of Apprentices. Every District Registrar shall be subject to the control and direction of the Registrar. 20

Duties of  
Registrar and  
District  
Registrars.  
1923, No. 41,  
s. 9 (1) and (7)

5. (1) In addition to the exercise and performance of the powers and duties specifically conferred and imposed on them by or under this Act, it shall be the duty of the Registrar and the District Registrar to ensure that the provisions of this Act and the regulations thereunder, and of any apprenticeship order, and of any contract of apprenticeship, are duly complied with. 25

(2) For the purpose of enforcing the provisions of this Act and the regulations thereunder the Registrar or the District Registrar may enter, inspect, and examine at all reasonable hours by day or night any premises in or about which he has reasonable cause to believe that an apprentice is employed, and may take with him a constable to assist him in the execution of his duty. 30 35

(3) To the end that this Act shall be administered in the best interests of both employers and apprentices and for the due protection of apprentices, the Registrar shall from time to time make such inquiries as he deems necessary and furnish to the Minister and to the Apprenticeship Council information so obtained by him together with such recommendations as he deems necessary or desirable. 40

6. (1) There is hereby established an Apprenticeship Council for the purposes of this Act.

Apprenticeship  
Council  
established.

(2) The Council shall consist of—

5 (a) The Registrar, who shall be the Chairman of the Council ;

(b) Two persons appointed by the Minister from persons nominated by organizations of employers in industries in which apprentices are employed ; and

10 (c) Two persons appointed by the Minister from persons nominated by organizations of workers in industries in which apprentices are employed.

(3) The Minister's decision as to whether or not any person has been duly nominated for the purposes of the 15 *last preceding* subsection shall be final.

(4) Every appointed member of the Council shall be appointed for a term not exceeding three years, but shall be eligible for reappointment.

20 (5) The Minister may remove any member of the Council from office for inability or misbehaviour.

(6) Any appointed member of the Council may resign his office by writing under his hand addressed to the Minister, and in such case, or in case of his death or removal from office, his office shall become vacant, and 25 the Minister shall appoint another duly nominated person to fill the particular office for the remainder of the term for which the person vacating office was appointed.

(7) The appointed members of the Council shall be paid all travelling-expenses reasonably incurred by them 30 in attending meetings of the Council and in transacting the business thereof.

7. (1) The Council shall hold meetings for the trans- action of its business at such times and places as the Chairman from time to time determines, and no act of 35 the Council shall be done otherwise than by resolution passed at such a meeting and concurred in by a majority (including the Chairman) of the members present at such meeting.

Meetings  
of Council.

(2) At all meetings of the Council three members (of whom one shall be the Chairman) shall constitute a quorum.

(3) A copy of any resolution of the Council certified by the Chairman to be correct shall, until the contrary is proved, be sufficient evidence of such resolution.

(4) No act or proceeding of the Council shall be invalidated in consequence of there being a vacancy in the membership thereof at the time of such act or proceeding or the discovery that any person acting as a member of the Council had then vacated office. 5

(5) Save as may be provided by regulations in that behalf under this Act, the Council may regulate its own procedure.

Council may  
make  
apprenticeship  
orders.

Cf. 1923, No. 14,  
s. 5 (1) to (3)  
and (4) (f)

8. (1) As soon as practicable after the commencement of this Act, and from time to time as may be necessary, the Council shall make apprenticeship orders prescribing— 10

(a) The wages, hours, and other conditions of employment to be incorporated in contracts of apprenticeship: 15

Provided that in no case shall the hours of employment of an apprentice be greater than the maximum (if any) prescribed by statute or by award or agreement for other workers in the industry and locality, nor shall an apprentice be employed at any time when the employment of other workers in the industry and locality would be a breach of any statute or of any award or agreement: 20

(b) The period of apprenticeship in any industry: 25

(c) The period of probation to be served by an apprentice in any industry:

(d) The minimum age at which a person may begin to serve as an apprentice in any industry,—

and the Council may at any time in like manner cancel or amend any such order. 30

(2) Before making an order pursuant to the *last preceding* subsection the Council shall afford the employers and the workers in the industry, and any other persons whom the Council may deem to be concerned, an opportunity of being heard and of adducing evidence in respect of the subject-matter of the proposed order: 35

Provided that where in the opinion of the Council a proposed amendment of an order is of a routine or trivial nature it shall not be necessary to hear formal evidence in respect thereof. 40

(3) Every order shall be published in the manner provided by regulations in that behalf under this Act.

9. (1) Where there exists in any industry or group of industries to which this Act applies an organization of employers and an organization of workers (whether registered under any Act or not), and such organizations  
 5 agree in writing to the appointment of an Apprenticeship Committee for such industry or industries in a specified locality, they may register such agreement in the prescribed manner, and such Committee shall thereupon be deemed an Apprenticeship Committee for the purposes of  
 10 this Act.

(2) The Minister may at any time appoint a Committee in any industry or group of industries in any locality in which no Committee has been agreed upon under the *last preceding* subsection in respect of such industry or group  
 15 of industries.

(3) Every Committee shall consist of an equal number of representatives of employers and of workers, together with such other persons (if any) as the Minister may direct or the parties may agree upon, as the case may be.

20 (4) Save in special cases authorized by the Minister, no fees or allowances shall be payable to members of a Committee.

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

(2) Where in the case of an Apprenticeship Committee appointed before the commencement of this Act and continued in office after such commencement by section *thirty-five* hereof, it becomes necessary at any time  
 35 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  
 40 of employers or of workers, as the case may be, on such Committee would be members of that class.

(3) The validity of the constitution of an Apprenticeship Committee, or the appointment of a member of an Apprenticeship Committee, shall not be questioned on

Appointment of  
 Apprenticeship  
 Committees.  
 1923, No. 41,  
 s. 4

Qualification of  
 representatives  
 on  
 Apprenticeship  
 Committees.  
 1930, No. 25,  
 s. 2

the ground that the foregoing provisions of this section have not been complied with :

Provided that if at any time it appears to the Minister that any member of an Apprenticeship Committee was not, at the time of his appointment, qualified to be so appointed, the Minister shall remove him from office and appoint a qualified person in his stead. 5

Removal of members of Committees and discharge of Committees.

1923, No. 41, s. 4 (4)

Area of jurisdiction of Committee.

1930, No. 25, s. 6

**11.** The Minister may at any time remove or replace any member of a Committee, or may discharge any Committee. 10

**12.** (1) The locality in which any Committee may exercise its powers shall be comprised within a radius of twenty miles from some point specified in the agreement of employers or workers appointing such Committee, or, as the case may be, by the Minister in appointing such Committee : 15

Provided that nothing in this subsection shall authorize any Committee to exercise its powers in any area within such radius which at the time of the appointment of such Committee is part of the locality within which any other Apprenticeship Committee appointed in respect of the same industry or group of industries has authority to exercise its powers : 20

Provided further that any Committee appointed before the first day of January, nineteen hundred and thirty-one, may exercise its powers only within a radius of twenty miles from the principal post-office in the locality in respect of which it was appointed. 25

(2) Notwithstanding anything contained in the foregoing provisions of this Act, the Minister may at any time extend the locality within which any Committee is authorized to exercise its powers so as to include any specified area outside such locality if the Minister is satisfied that it is the general wish of the employers and workers engaged in the same industry or group of industries in such area that such extension be made, and the Minister may at any time reduce the limits of the area within which a Committee is authorized to exercise its powers. 30 35

Apprenticeship Committees may make committee orders.

*Cf.* 1923, No. 41, s. 5 (4)

**13.** (1) Every Committee shall have power, from time to time by resolution, to make committee orders— 40

(a) Cancelling any contract of apprenticeship :



- (b) Prohibiting, on such grounds and on such conditions as the Committee thinks fit, any employer from employing or continuing to employ an apprentice or more than a specified number of apprentices :
- 5 (c) Ordering the transfer of any apprentice from an employer to any other employer who is willing and able to undertake the obligations of the original employer :
- 10 (d) Requiring an employer to give an apprentice further facilities within the scope of his business to enable the apprentice to acquire a proper knowledge of the industry :
- 15 (e) Ordering the attendance of any apprentice or apprentices at a technical school or other place where suitable training is available (whether during the ordinary hours of employment or otherwise) in any case where the Committee is of opinion that sufficient facilities for the complete training of the apprentice are not provided by the employer and where the Minister of Education has certified that suitable accommodation and training are available at such school or place :
- 20 (f) Ordering any apprentice or apprentices to submit to such examination as the Committee may prescribe :
- 25 (g) Ordering that any increase in wages due to an apprentice may be withheld by the employer for such period as the Committee may think fit :
- 30 (h) Ordering that the period during which any increase is withheld under the *last preceding* paragraph shall not be deemed to be included in the period of apprenticeship,—
- 35

and at any time the Committee may in like manner cancel or amend any such order.

- (2) Every order of a Committee under the *last preceding* subsection shall be published in the manner provided
- 40 by regulations and have force and effect unless and until disapproved by the District Registrar. In any case where the District Registrar disapproves of any such order the Committee may require him to submit the matter to the

Council, and thereupon the order of the Committee shall continue in force pending the decision of the Council, which shall be final.

(3) Every Committee shall also have power to enter at all reasonable times upon any premises where an apprentice is employed, and to inquire into the training, progress, and welfare of such apprentice, and to delegate such power to one or more members of the Committee. 5

Minister may authorize District Registrar to exercise powers of Committee in certain cases. 1930, No. 25, s. 5

14. Where no Apprenticeship Committee has been appointed in respect of any industry or group of industries in any locality, or where the Minister has discharged any Committee, the Minister, instead of appointing such a Committee, may confer on a District Registrar, with respect to any such industry or group of industries, such of the powers of a Committee as he 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. 10 15

#### *Contracts of Apprenticeship.*

Contracts to be in writing and to be registered. 1923, No. 41, s. 8 1925, No. 36, s. 5 1930, No. 25, s. 11

15. (1) Every contract of apprenticeship, or alteration thereof, to which this Act applies made after the commencement of this Act shall be in writing signed by the employer and the apprentice, and, if the apprentice is under the age of twenty-one years, by the parent or guardian (if any) of the apprentice, or, if not made in writing shall be forthwith reduced to writing signed as aforesaid. 20 25

(2) It shall be the duty of the parties to any such contract to register the contract or any alteration thereof in the prescribed manner with the District Registrar for the locality concerned within 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. 30 35

(3) No contract or alteration of a contract to which this Act applies shall have any validity unless and until it is duly registered, but when registered shall operate in accordance with the intention of the parties, save that 40

in the case of an original contract it shall when so registered operate as from the commencement of the employment of the apprentice.

5 (4) If the District Registrar is of opinion in any case that a proposed contract of apprenticeship, or any proposed alteration of a contract of apprenticeship, submitted for registration—

10 (a) Is in any respect contrary to the provisions of this Act, or the regulations thereunder, or of any apprenticeship order or any committee order of the appropriate Committee then in force, he may refuse to register such contract or alteration; or

15 (b) For any other reason should not be registered, he may withhold registration until he has submitted the proposed contract or alteration to the appropriate Committee (if any), and shall register or refuse to register such proposed contract or alteration in accordance with the  
20 decision of the Committee.

(5) Any person affected by the refusal of the District Registrar to make any registration pursuant to this section may appeal in the prescribed manner to the Registrar, whose decision shall be final and conclusive.

25 (6) In any case where an appeal has been lodged as aforesaid the District Registrar, if he thinks fit, may, on application by the proposed employer, grant a permit in the prescribed form for the employment of the worker in accordance with the proposed contract or alteration  
30 pending the decision of the Registrar.

(7) Every contract of apprenticeship to which this Act applies, entered into prior to the application of this Act thereto, shall be registered in the prescribed manner within twenty-eight days after the date of the applica-  
35 tion of this Act thereto:

Provided that failure to register such contract shall not affect its validity, but the parties thereto shall in such case be severally liable to a like penalty as if it were a contract to which subsection *two* of this section applied:

40 Provided further that any contract made before the commencement of this Act, and which at the time of its making was a contract to which the Apprentices Act, 1923, applied shall, if not registered under that Act before the commencement of this Act, be subject to subsections

*two and three* of this section in all respects as if this Act had been in force at the time of the making of such contract.

Joint contracts of apprenticeship. 1923, No. 41, s. 10

16. Any two or more employers in any industry in the same locality may enter into a contract of apprenticeship with the same apprentice or apprentices on such terms and conditions as the Committee or (where there is no Committee or no District Registrar duly exercising the powers of a Committee) the Registrar thinks fit, and such contract upon being duly registered shall be binding upon such employers jointly and severally. 5  
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Special contracts of apprenticeship. Ibid., s. 11 1925, No. 36, s. 6

17. (1) Subject to any apprenticeship order under paragraph (*d*) of subsection *one* of section *eight* hereof, any person already possessed of knowledge or skill in the industry, or any adult person, whether possessed of such knowledge or skill or not, may, with the consent of the Committee or (where there is no Committee or no District Registrar duly exercising the powers of a Committee) of the Registrar, enter into a special contract of apprenticeship for such period and upon such terms and conditions as the Committee or the Registrar, as the case may be, shall consider just and equitable. 15  
20

(2) No contract for the apprenticeship of an adult shall be made otherwise than in accordance with this section. 25

Execution of contracts of apprenticeship by body corporate. 1930, No. 25, s. 12

18. 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. 30

Binding effect of contract of apprenticeship. 1923, No. 41, s. 12

19. (1) An apprentice who is a party to a contract of apprenticeship under this Act shall be bound thereby throughout its currency, notwithstanding that the apprentice may have attained the age of twenty-one years. 35

(2) A parent or guardian of an apprentice who is a party to any such contract shall be bound thereby until the apprentice attains the age of twenty-one years, and no longer. 40

Cancellation during term of probation.

(3) During the period of probation prescribed by any contract of apprenticeship the contract may be cancelled at any time by the employer or by the apprentice where

the apprentice has attained the age of twenty-one years, or by the apprentice and his parent or guardian (if any) where the apprentice is under the age of twenty-one years.

- 5     **20.** (1) Where any contract of apprenticeship to which this Act applies is inconsistent with the terms of any apprenticeship or committee order, then, subject to the provisions of this section, such contract shall be read subject to the terms of the order, and shall be deemed to  
10 be modified thereby accordingly :

Apprenticeship orders to govern contracts of apprenticeship. 1925, No. 36, s. 4

Provided that any party to a contract of apprenticeship may at any time appeal to the Registrar for a modification of the order in so far as it affects such contract, and the Registrar may make such modification of the order in relation to such contract as he thinks fit,  
15 or may exclude such contract from the operation of the order.

(2) The provisions of the *last preceding* subsection shall commence to apply with respect to any contract of apprenticeship, as follows :—

- 20     (a) In the case of a contract to which this Act has been applied before the making of the order, as from the date of the coming into force of the order :
- 25     (b) In the case of a contract to which this Act is applied after the making of the order, as from the date on which this Act is so applied.

**21.** (1) On the application of any party to a contract of apprenticeship to which this Act applies, whether entered into before or after the commencement of this  
30 Act, a Stipendiary Magistrate may—

Provision for amendment, suspension, or cancellation of contracts of apprenticeship. 1932, No. 11, s. 56

- (a) Amend any of the terms of such contract, and may modify, suspend, or exclude the operation of any of the provisions of any apprenticeship order in its application to such contract of  
35 apprenticeship ; or
- (b) Suspend such contract for any period ; or
- (c) Cancel such contract.

(2) Notice of every application under this section shall be served by the applicant on every other party  
40 to the contract and on the Registrar through the District Registrar, and no such application shall be disposed

of by the Magistrate unless reasonable opportunity to be heard has been given to those persons and also to the appropriate Committee (if any).

(3) Before cancelling any such contract on the application of the employer the Magistrate shall satisfy himself that, owing to the economic conditions affecting the industry concerned or the particular business of the employer, the employer cannot reasonably be expected to continue to carry out the terms of the contract. 5

(4) In cancelling any such contract the Magistrate may, if he thinks fit, award the apprentice such sum by way of compensation as he deems equitable in all the circumstances of the case, having due regard to the ability of the employer to pay any sum so awarded. Every such sum shall constitute a debt due to the apprentice by the employer. 10 15

(5) Every decision of a Magistrate under this section shall be final and conclusive.

*Employers and Apprentices.*

Notice of engagement of apprentice to be given to District Registrar.  
1930, No. 25,  
s. 10

Employer to keep wages and time book.  
Ibid., s. 17

22. Every employer shall within three days after engaging any person as an apprentice give notice of such engagement to the District Registrar for the locality concerned. 20

23. (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— 25

(a) His name ;

(b) His age ;

(c) The date of commencement of his employment as an apprentice ; 30

(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

(g) Such other particulars as are prescribed. 35

(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.

Copy of apprenticeship and committee orders to be exhibited.  
Ibid., s. 18

24. In every case where an apprentice to whom any apprenticeship or committee order applies is employed in any premises, the employer shall affix and keep affixed in some conspicuous place in such premises, where 40

it may be easily read by such apprentice, a copy of such order. A District Registrar or any Inspector of Factories may require the employer to move such copy of the order to some other place in the premises, or to fix an  
5 additional copy of the order in a place in the premises indicated by the District Registrar or Inspector.

25. (1) Whenever for any reason (including the completion of his contract of apprenticeship) an apprentice ceases to be employed by an employer it shall be the duty  
10 of the employer to supply the apprentice with a statement in the prescribed form setting forth the service of the apprentice.

Employer to give apprentice on discharge certificate of service.

1923, No. 41, s. 16

1930, No. 25, s. 16

(2) The employer shall forward a copy of such statement to the District Registrar, who shall endorse a  
15 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.

26. (1) If an employer at any time before the completion of a contract of apprenticeship desires to be relieved  
20 from the contract by reason of slackness of work or other sufficient cause, and the apprentice and (where the apprentice is under the age of twenty-one years) his parent or guardian (if any) do not agree to the termination of the contract or to the transfer of the apprentice to another  
25 employer, the employer may apply in the prescribed form to the District Registrar for a transfer of the apprentice to another employer in the same industry and locality willing and able to carry out the obligations of the original employer.

Relief of employer by transfer of apprentice in certain cases. 1923, No. 41, ss. 13, 14

30 (2) The District Registrar shall thereupon inquire into the circumstances of such application, and may grant or refuse the transfer accordingly :

35 Provided that where a Committee has been appointed under this Act for the industry and locality the District Registrar shall refer the application to such Committee, and shall grant or refuse the transfer in accordance with the decision of the Committee.

(3) Any party aggrieved by the decision of the District Registrar may within fourteen days thereafter appeal in  
40 the prescribed manner to the Registrar whose decision shall be final and conclusive.

(4) After the expiration of fourteen days from the granting of a transfer by the District Registrar, or immediately after a transfer has been directed by the

Registrar, on appeal under the *last preceding* subsection, the name of the new employer shall be deemed to be substituted in the contract of apprenticeship for that of the former employer, and the contract shall continue in all respects as if the new employer had been an original party to the contract. 5

(5) The original employer shall thereupon be relieved from all obligation under the contract.

Payments to apprentices on bankruptcy of employer. 1930, No. 25, s. 14

27. (1) Where the employer of any apprentice is adjudicated a bankrupt, or, being a company, is wound up or is being wound up by or under the supervision of the Supreme Court or otherwise, and such apprentice is thereby deprived of the employment to which he is entitled by his contract of apprenticeship, the Court of Arbitration, 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 payable to the apprentice by the employer, and such debt shall rank equally for payment with the debts mentioned in paragraph (d) of section one hundred and twenty of the Bankruptcy Act, 1908, or in subsection one of section two hundred and forty-nine of the Companies Act, 1908, as the case may require, notwithstanding anything to the contrary in either of those Acts. 10 15 20 25

(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. 30 35

Suspension and discharge of apprentices for misconduct, &c. Ibid., s. 15.

28. (1) In any case where an apprentice so misconducts himself or proves himself to be so incapable 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 Committee, or where there is no such Committee, to the District Registrar, for leave to discharge him. 40

(2) Every such application to a Committee or to the District Registrar 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 accruing due to the apprentice in respect of the period of suspension.

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

10 (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 have been cancelled on that date.

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

(6) The employer or the apprentice may, within seven days after the Committee or the District Registrar has  
25 granted or refused leave to discharge the apprentice, appeal in the prescribed form to a Magistrate exercising jurisdiction in the Magistrate's Court nearest to the place where the apprentice is employed. A copy of such appeal shall within the said period be served on the apprentice  
30 or the employer, as the case may require.

(7) The appeal shall be heard at such time and place as the Magistrate appoints, and the Magistrate's decision shall be final and conclusive.

(8) If the employer, notwithstanding that leave to  
35 discharge the apprentice has been refused by the Committee or the District Registrar, or, in the case of appeal, by the Magistrate, discharges the apprentice, such discharge shall for all purposes be conclusive proof of a breach by the employer of the contract of apprenticeship.

40 (9) If the Magistrate in determining any appeal as aforesaid decides in favour of the apprentice he may fix an amount that shall be payable to the apprentice as damages for breach of the contract of apprenticeship in the event of the employer discharging him contrary to

the determination of the Magistrate, or the Magistrate may, in lieu of fixing such amount, grant leave to the apprentice to make to him *ex parte* an application for the fixing thereof in the event of the employer discharging the apprentice contrary to the determination of the Magistrate. Such amount shall be in addition to the amount of wages payable in respect of the period of suspension. 5

(10) The amount (if any) so fixed by the Magistrate shall, in the event of the apprentice being unlawfully discharged, constitute a debt due to the apprentice by the employer, and may be recovered in any Court of competent jurisdiction. 10

(11) The Magistrate may hear and determine any appeal under this section, either in open Court or in Chambers, as he may think fit, and may make such order as to costs as he may think fit. 15

(12) Where an employer, without proceeding in accordance with the foregoing provisions of this section, discharges or purports to discharge an apprentice, or having suspended him does not within three days thereafter make application as aforesaid for leave to discharge him, the apprentice, within seven days after such discharge or within ten days after such suspension, as the case may be, may apply to the Committee or the District Registrar, as the case may require, for relief from such discharge or suspension, and thereupon the provisions of this section shall apply in like manner as if the employer had proceeded in accordance with subsection one hereof. 20 25 30

#### General.

29. (1) No provision relating to apprentices shall be made in any award or agreement made after the commencement of this Act, and any provision purporting to relate to apprentices in any such award or agreement shall be void and of no effect. 35

(2) Every provision purporting to relate to apprentices in any award or agreement made before the commencement of this Act shall after such commencement be void and of no effect. 40

30. (1) The head teacher of any school shall, on being requested so to do by the Registrar or the District Registrar, forward as soon as practicable after any child

No provision as to apprenticeship to be made in awards or industrial agreements.  
Cf. 1923, No. 41, s. 17

Reports by school-teachers.  
Ibid., s. 18

leaves school with the intention of entering into employment, a report to the parent or guardian of the child as to—

- 5 (a) The standard of education of the child at the time of leaving school :
- (b) A statement of his attainments and of any subject or subjects in which he has shown aptitude :
- 10 (c) Any other matters that may be deemed relevant to the future employment and training of the child.

(2) To enable the head teacher to prepare such a report it shall be his duty to carefully watch the progress of each child in the upper classes of his school and to take notice of his character, aptitude, and attainments.

15 (3) A copy of every such report furnished to the Registrar shall be forwarded at the same time to the District Registrar, who shall, on the application of the child or of the parent or guardian, give such advice and assistance as may be in his power to enable the child  
20 or parent or guardian to decide on the most suitable employment.

(4) The District Registrar shall keep a register of young persons for apprentices, and the information contained therein shall be available free of charge to  
25 employers and to young persons concerned and to their parents and guardians.

31. The Registrar or the District Registrar may call upon any employer or other person to furnish such information in his possession as may be required for the  
30 proper administration of this Act, and any employer or other person failing to comply with such a request shall be deemed to have committed a breach of this Act.

Registrar and District Registrars may require reports from employers and others. 1923, No. 41, s. 19

32. (1) Any breach of a contract of apprenticeship  
35 or of an apprenticeship order, and generally every failure by any person by any act of commission or omission to comply with any of the requirements of this Act or the regulations thereunder, shall be deemed to be a breach of this Act.

Breaches and penalties. Ibid., s. 9 (2), (5), and (6) 1930, No. 25, s. 13

40 (2) Every employer who commits a breach of this Act shall be liable to a penalty not exceeding *fifty* pounds in respect of each such breach, and every other person who commits a breach of this Act shall be liable to a  
45 penalty not exceeding *five* pounds in respect of each such breach :

Provided that if the breach is a continuing one every employer shall be liable for each day on which the breach is continued after the first day to a further penalty not exceeding *five* pounds, and every other person to a penalty not exceeding *ten* shillings.

(3) Every person who incites or procures any party to a contract of apprenticeship to commit a breach of this Act, or who otherwise incites, instigates, aids, or abets a breach of this Act, shall be liable to a penalty not exceeding *fifty* pounds.

Proceedings in respect of breaches of Act.

1923, No. 41, s. 9 (3) and (4)  
1930, No. 25, s. 13

**33.** (1) Proceedings for a breach of this Act shall be taken in the same manner as proceedings for a breach of award, and all the provisions of the Industrial Conciliation and Arbitration Act, 1925, relating to the enforcement of awards shall, with the necessary modifications, apply accordingly :

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.

(2) All proceedings for a breach of this Act may be taken by a District Registrar :

Provided that any party to a contract of apprenticeship may take proceedings for a breach thereof.

Regulations, 1923, No. 41, s. 22

Repeals and savings.

**34.** The Governor-General may from time to time, by Order in Council, make such regulations as may be necessary for the effectual carrying out of this Act.

**35.** (1) The enactments mentioned in the Schedule hereto are hereby repealed.

(2) Subject to the *next succeeding* subsection, all appointments, Committees, regulations, directions, notices, instruments, contracts, regulations, and generally all acts of authority which originated under the said enactments or any of them and are subsisting or in force on the coming into operation of this Act shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

(3) All apprenticeship orders of the Court made pursuant to subsection one and to paragraph (f) of subsection four of section five of the Apprentices Act, 1923, and all such orders of Committees under the said paragraph (f),

shall hereafter be deemed to be apprenticeship orders made under this Act by the Council, and shall continue in force and operate as such until duly cancelled or amended by the Council.

- 5 (4) All apprenticeship orders of the Court made pursuant to subsection four of the said section five (except orders made pursuant to paragraph (a) of that subsection, which are hereby cancelled, and orders made pursuant to paragraph (f) of that subsection) and all apprenticeship  
10 orders made by apprenticeship committees under that subsection pursuant to delegation by the Court under section six of that Act (except such orders made pursuant to paragraph (f) of that subsection) shall hereafter be deemed to be committee orders made under this Act  
15 by the several committees existing at the commencement of this Act, and shall continue in force and operate as such until duly cancelled or amended under this Act.

- 20 (5) All matters and proceedings commenced under any such enactment and pending or in progress on the coming into operation of this Act may be continued and completed under the corresponding provisions of this Act (if any), and if there are no such corresponding provisions, then under the Act under which they originated in the same manner as if that Act had remained in force.

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### SCHEDULE.

Schedule.

#### ENACTMENTS REPEALED.

- 1923, No. 41.—The Apprentices Act, 1923.  
1925, No. 36.—The Apprentices Amendment Act, 1925.  
1930, No. 25.—The Apprentices Amendment Act, 1930.  
1932, No. 11.—The Finance Act, 1932 : Section 56.

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