

## APPRENTICES BILL

### EXPLANATORY MEMORANDUM

THE purpose of this Bill is to re-enact the Apprentices Act, 1923, and its amendments.

In rewriting the legislation, more modern forms of words have been used where any change is considered appropriate and the clauses have been arranged in more logical sequence.

Alterations in existing law are referred to below, but the principles of the existing legislation have not been altered. A table is annexed enabling a comparison with existing legislation to be made.

#### NEW MATTER IN THE BILL

*Clause 2 (1):* The term "industry" has been redefined so as to correspond with the definition in the Industrial Conciliation and Arbitration Act, 1925.

*Clause 8 (2):* The proviso to this subclause provides that a New Zealand Apprenticeship Committee shall consist of four representatives of employers and four representatives of workers if the Committee is appointed in respect of a group of industries.

*Clause 8 (4):* This subclause limits the term of office of members of Committees to three years.

*Clause 8 (5):* This subclause provides for a quorum for Committees. At present a similar provision is contained in regulations.

*Clause 8 (8):* This subclause provides for the replacement of members of Committees who die or resign. At present application has to be made to the Court to fill vacancies.

*Clause 13 (4) (k):* This paragraph authorizes a Committee to delegate its powers of inspection to two non-members of the Committee where it would be inconvenient for members of the Committee to exercise those powers.

*Clause 20 (3):* This subclause provides that contracts of apprenticeship shall not have any validity until consented to in accordance with the Act.

*Clauses 27 (1) (2) (3) (6):* These subclauses define the procedure when an apprentice is transferred.

*Clause 37 (1):* Minor additions have been made to the law applicable when an apprentice loses his employment through the insolvency of his employer.

*Clause 38 (3):* This subclause gives a parent or guardian (if any) an opportunity of being heard when application is made to discharge an apprentice.

*Clause 39 (6):* This subclause provides for notice of an appeal under the clause being given to the appropriate Committee.

*Clause 42 (4):* This subclause provides that moneys due under a contract of apprenticeship may be recovered in the same manner as is provided by the Industrial Conciliation and Arbitration Act, 1925, in respect of the recovery of wages.

*Clause 42 (5):* This subclause provides that proceedings for a breach of the Act may be taken by an Inspector of Factories.

**TABLE OF CORRESPONDING SECTIONS OF ENACTMENTS  
REPEALED**

**THE APPRENTICES ACT, 1923, No. 41 (REPRINT, VOL. V, P. 576)**

Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.
1 .. ..	1	12 .. ..	26
2 .. ..	2	13 .. ..	29
3 .. ..	3	14 .. ..	27
4 .. ..	7	15 .. ..	Repealed
5 .. ..	13	16 .. ..	34
6 .. ..	Repealed	17 .. ..	17
7 .. ..	Repealed	18 .. ..	Repealed
8 .. ..	20	19 .. ..	43
9 .. ..	42	20 .. ..	Repealed
10 .. ..	21	21 .. ..	..
11 .. ..	Repealed	22 .. ..	44

**THE APPRENTICES AMENDMENT ACT, 1925, No. 36 (REPRINT, VOL. V, P. 588)**

Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.
1 .. ..	Short Title	4 .. ..	Repealed
2 .. ..	..	5 .. ..	..
3 .. ..	20	6 .. ..	Repealed

**THE APPRENTICES AMENDMENT ACT, 1927, No. 28 (REPRINT, VOL. V, P. 590)**

Section of Act.	Clause of Bill.
1 .. ..	Short Title
2 .. ..	..

**THE APPRENTICES AMENDMENT ACT, 1930, No. 25 (REPRINT, VOL. V, P. 590)**

Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.
1 .. ..	Short Title	10 .. ..	Repealed
2 (1) .. ..	8 (7)	11 .. ..	..
2 (2) (3) .. ..	..	12 .. ..	22
3 .. ..	Repealed	13 .. ..	..
4 .. ..	9	14 .. ..	37
5 .. ..	10	15 .. ..	38
6 .. ..	..	16 .. ..	..
7 .. ..	..	17 .. ..	39
8 .. ..	Repealed	18 .. ..	40
9 .. ..	11	19 .. ..	3 (2) (c)

**THE APPRENTICES AMENDMENT ACT, 1946, No. 4**

Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.
1 .. ..	Short Title	13 .. ..	23
2 .. ..	2	14 .. ..	24
3 .. ..	4	15 .. ..	18
4 .. ..	5	16 .. ..	36
5 .. ..	6	17 .. ..	3 (2) (a)
6 .. ..	8	18 .. ..	19
7 .. ..	12	19 .. ..	25
8 .. ..	14	20 .. ..	28
9 .. ..	15	21 .. ..	35
10 .. ..	16	22 .. ..	41
11 .. ..	32	23 .. ..	..
12 .. ..	33		

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,  
20th October, 1948*

*Hon. Mr. McLagan*

## APPRENTICES

### ANALYSIS

<p>Title.</p> <p>1. Short Title.</p> <p style="padding-left: 40px;"><i>Preliminary</i></p> <p>2. Interpretation.</p> <p>3. Application.</p> <p style="padding-left: 40px;"><i>Commissioner and District Commissioners</i></p> <p>4. Commissioner and District Commissioners of Apprenticeship.</p> <p style="padding-left: 40px;"><i>Apprenticeship Committees</i></p> <p>5. New Zealand Apprenticeship Committees.</p> <p>6. Functions of New Zealand Committees.</p> <p>7. Local Apprenticeship Committees.</p> <p>8. Membership of Apprenticeship Committees.</p> <p>9. Where Apprenticeship Committee unable to come to decision, matter to be referred to Court.</p> <p>10. When Court may authorize District Commissioner to exercise powers of Committees.</p> <p>11. Commissioner or Apprenticeship Committee may state case for Court.</p> <p>12. Allowances and travelling-expenses.</p>	<p style="text-align: center;"><i>Apprenticeship Orders</i></p> <p>13. Court may make orders governing apprenticeships.</p> <p>14. Delegation of powers by Court to Committees.</p> <p>15. New Zealand apprenticeship orders.</p> <p>16. Apprenticeship orders may be related to awards.</p> <p>17. No provision as to apprenticeships to be made in awards or agreements.</p> <p>18. Interpretation of apprenticeship orders, &amp;c.</p> <p style="text-align: center;"><i>Contracts of Apprenticeship</i></p> <p>19. Consent required before apprenticeship contract entered into.</p> <p>20. Conditions relating to apprenticeship contracts.</p> <p>21. Joint contracts of apprenticeship.</p> <p>22. Execution of contracts of apprenticeship by body corporate.</p> <p>23. Form of apprenticeship contracts.</p> <p>24. Apprenticeship contracts to be subject to apprenticeship orders.</p> <p>25. Adult apprentices.</p> <p>26. Binding effect of contract of apprenticeship: Cancellation.</p>
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<i>Transfers of Apprentices</i>	
27. Transfers of apprentices.	36. Restriction of hours of young apprentices.
28. Transfer of apprentice to supplement training.	37. Protection of apprentices in certain cases.
29. Relief of employers in certain cases.	38. Suspension and discharge of apprentices for misconduct, &c.
30. Appeals.	39. Employer of apprentices to keep wages and time book.
31. Organizations of employers or of workers may be heard in appeals to the Court.	40. Copy of apprenticeship order to be exhibited.
<i>General</i>	
32. Payment of wages in respect of daylight training.	41. Provision for lodging-allowances for apprentices.
33. Apprenticeship term may be shortened where special qualification obtained.	42. Commissioner and District Commissioners to ensure compliance with this Act.
34. Certificate of service on discharge of apprentice.	43. Court or Commissioner may require reports.
35. Certificate of completion of apprenticeship.	44. Regulations.
	45. Repeals and savings.
	46. Act to be administered by Labour Department. Repeal Schedule.

### A BILL INTITULED

Title. AN ACT to consolidate and amend the Law 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:—

Short Title. 1. This Act may be cited as the Apprentices Act, 1948.

#### *Preliminary*

Interpretation. 2. (1) In this Act, unless the context otherwise requires,—

*Cf.* 1923, No. 41, s. 2  
1946, No. 4, s. 2  
See Reprint of Statutes, Vol. III, p. 954  
*Ibid.*, p. 1021

“ 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:

“ Apprentice ” means any person of either sex who has contracted to serve an employer and to learn and be taught any industry:

“ Apprenticeship Order ” means an order made pursuant to subsection *one* of section *thirteen* of this Act, and includes any amendment thereof and any matters included therein pursuant to this Act or any other enactment:

“ Award ” means an award of the Court of Arbitration under the Industrial Conciliation and Arbitration Act, 1925:

See Reprint of Statutes, Vol. III, p. 939

5 “ Commissioner ” means the Commissioner of Apprenticeship:

“ Court ” means the Court of Arbitration constituted under the Industrial Conciliation and Arbitration Act, 1925:

10 “ District Commissioner ” means a District Commissioner of Apprenticeship:

“ Employer ” includes persons, firms, companies, and corporations employing one or more workers:

15 “ Industry ” means—

(a) Any business, trade, manufacture, undertaking, or calling of employers; and

(b) Any calling, service, employment, handicraft, or occupation of workers.

20 “ Local Committee ” means an Apprenticeship Committee appointed in respect of a particular locality:

“ Minister ” means the Minister of Labour:

“ New Zealand Committee ” means a New Zealand Apprenticeship Committee.

25 (2) In the exercise of the powers conferred upon it by this Act the Court shall be deemed to act as a controlling authority rather than in its ordinary judicial capacity, save that nothing herein shall be construed to limit the powers of the Court in the  
30 exercise of its functions for the purposes of this Act.

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

Application.  
Cf. 1923, No. 41,  
s. 3  
1930, No. 25,  
s. 19  
1946, No. 4,  
s. 17

35 (a) To all employers engaged in an industry in which apprentices are employed and who are for the time being bound by an award or agreement relating to that industry; and also to all other employers engaged in any such industry to whom this Act is applied by order of the Court:

40 (b) To all apprentices employed by any such employers in any such industry:

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

(2) Notwithstanding anything contained in subsection *one* hereof, nothing in this Act shall apply—

(a) To the apprenticeship of any female, except in such cases and on such conditions as the Court may by order direct, or except in any industry in respect of which the Court has by apprenticeship order prescribed the conditions of employment of female apprentices in that industry. 5

(b) To any student of a university college or other educational institution who is exempted by order of the Court: 10

(c) To any apprentice serving under articles of apprenticeship of any of the classes referred to in section eleven of the Pharmacy Act, 1939. 15

1939, No. 33

(3) 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. 20

#### *Commissioner and District Commissioners*

Commissioner  
and District  
Commissioners  
of  
Apprenticeship.  
*Cf.* 1946, No. 4,  
s. 3

4. (1) There shall from time to time be appointed an officer of the Public Service to be called the Commissioner of Apprenticeship.

(2) There shall also from time to time be appointed such number of officers of the Public Service as may be found necessary for the purposes of the administration of this Act, to be called District Commissioners of Apprenticeship. 25

(3) Every District Commissioner shall be subject to the direction and control of the Commissioner. 30

#### *Apprenticeship Committees*

New Zealand  
Apprenticeship  
Committees.  
*Cf.* *ibid.*, s. 4

5. (1) Where there exists in any industry or group of industries an organization of employers and an organization of workers or organizations of employers and organizations of workers (whether registered under any Act or not) and those organizations agree in writing to the appointment of an Apprenticeship Committee in respect of the industry or group of industries for the whole of New Zealand, they may register the agreement in the prescribed manner, and the Committee shall thereupon become a New Zealand Apprenticeship Committee. 35 40

(2) The Court may at any time, of its own motion or on the application of the Commissioner or of any person interested, appoint a New Zealand Committee in respect of any industry or group of industries in respect of which no New Zealand Committee has been agreed upon under the *last preceding* subsection.

6. Each New Zealand Committee shall have the following functions:—

Functions of  
New Zealand  
Committees.  
*Cf.* 1946, No. 4,  
s. 5

- 10 (a) To estimate the requirements of the industry or group of industries in respect of which it has been appointed as to the number of apprentices required from time to time to ensure that the requisite number of skilled tradesmen are being trained:
- 15 (b) To recommend to the appropriate authorities and organizations the taking of such steps as seem desirable to ensure that the aforesaid requirements are satisfied:
- 20 (c) To apply to the Court for an order governing apprenticeships in any industry, or any branch of any industry, in respect of which it has been appointed:
- 25 (d) To give consideration to what prerequisite education, if any, should be laid down for apprentices wishing to enter the industry:
- (e) To co-operate with the Department of Education for the purpose of ensuring that the apprentices obtain the maximum amount of educational training:
- 30 (f) To give consideration to the question of the introduction of educational training during normal working-hours and whether it is desirable and practicable:
- 35 (g) To give consideration to the question of the introduction of a practical test for each apprentice before the completion of his apprenticeship:
- 40 (h) To make recommendations to the Court respecting the making of any order relating to the aforesaid matters or any other matters referred to in section *thirteen* of this Act:

(i) To exercise such powers in relation to apprenticeships as are delegated to it by the Court:

(j) Such other functions as are conferred on it by this Act or otherwise howsoever. 5

Local  
Apprenticeship  
Committees.  
Cf. 1923, No. 41,  
s. 4

7. (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 those organizations agree in writing to the appointment of an Apprenticeship Committee for a specified locality, they may register the agreement in the prescribed manner, and the Committee shall thereupon become a local Committee. 10

(2) The Court may at any time, on its own motion or on the application of the Commissioner of Apprenticeship or of any person interested, appoint a local Committee in any industry or group of industries in any locality in which no Committee has been agreed upon under the *last preceding* subsection. 15 20

Membership of  
Apprenticeship  
Committees.  
Cf. 1946, No. 4,  
s. 6

8. (1) The Commissioner of Apprenticeship shall be the Chairman of each New Zealand Apprenticeship Committee, and the appropriate District Commissioner of Apprenticeship shall be the Chairman of each local Committee: 25

Provided that the Commissioner and any District Commissioner may, either in respect of any particular meeting or in respect of any particular Committee, appoint any officer of the Department of Labour to act as the Chairman of the Committee in his place: 30

Provided also that the Chairman of any meeting shall have a deliberative vote, but shall not have a casting vote.

(2) Every Committee, whether a New Zealand Committee or a local Committee, shall consist of the Chairman and seven other members, of whom three shall be representatives of the employers, three shall be representatives of the workers, and one shall be a person conversant with technical education: 35

Provided that, where a New Zealand Committee has been established in respect of a group of industries, there may be four representatives of employers and four of workers. 40

(3) The powers of a Committee shall not be affected by any vacancy in the membership thereof.

(4) All members of a Committee, except the Chairman, shall be appointed for a period of three years, 5 but shall be eligible for reappointment.

(5) At any meeting of a Committee five members shall form a quorum.

(6) It shall not be necessary in the agreement or order of the Court appointing a Committee to name 10 the members of the Committee if provision is made in the agreement or order for the members to be nominated in a manner prescribed by regulations or approved by the Court:

Provided that if default is made at any time for 15 a space of thirty-one days in the making of appropriate nominations the Commissioner in the case of a New Zealand Committee, or a District Commissioner in the case of a local Committee, may appoint a qualified person to be a member of the Committee.

(7) In every Committee a majority of the members 20 who are appointed as representatives of employers or of workers, as the case may be, shall consist of persons who are, or have at some time been, actually engaged either as employers or as workers in the industry or 25 in any one of the group of industries in respect of which the Committee is appointed. *Cf. 1930, No. 25, s. 2 (1)*

(8) If any member of a Committee dies, or resigns his office in writing addressed to the Commissioner or the District Commissioner, as the case may be, the 30 Committee shall request the person or body of persons who appointed or nominated him, or the Court, as the case may require, to appoint or nominate some other qualified person in his stead.

(9) If any member of a Committee is absent from 35 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 that member does not at the next meeting satisfy the Committee 40 that he had reasonable cause for being so absent, the Committee may by resolution declare his seat to be vacant, and request the person or body of persons who appointed or nominated him, or the Court, as the case may require, to appoint or nominate some other 45 qualified person in his stead.

(10) Where any person or body of persons as aforesaid fails to make an appointment or nomination as provided for in subsections *eight* and *nine* of this section within a period of thirty-one days after being requested so to do, the Commissioner in the case of a New Zealand Committee, or a District Commissioner in the case of a local Committee, may appoint or nominate a qualified person to fill the vacancy. 5

(11) The Court may at any time, of its own motion or on the application of the Commissioner or of any person interested, remove or replace any member of a Committee, or may discharge a Committee, or may extend or reduce the limits of the locality in which a local Committee may exercise its powers and functions. 10

Where  
Apprenticeship  
Committee  
unable to come  
to decision,  
matter to be  
referred to  
Court.  
Cf. 1930, No. 25,  
s. 4

9. (1) Where in any case any Apprenticeship Committee is unable to come to a decision on any matter the matter may be referred by it to the Court for decision. In every such case any person or any organization of employers or of workers 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. 15 20

(2) Where in any such case the Committee does not within a reasonable time refer the matter to the Court, any person or any organization of employers or of workers 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 or organizations affected an opportunity either to appear before and be heard by the Court or to submit to it a statement in writing. 25 30

When Court  
may authorize  
District  
Commissioner  
to exercise  
powers of  
Committees.  
Cf. *ibid.*, s. 5

10. (1) Where no local Committee has been appointed in respect of any industry or group of industries in any locality, or where the Court has discharged any local Committee, the Court, instead of appointing such a Committee, may, by order, confer on a District Commissioner with respect to any such industry or group of industries such of the powers that may be conferred by it on a local Committee as it thinks fit, and the District Commissioner in respect of the exercise of the powers so conferred shall for all purposes be deemed to be a local Committee: 35 40 45

Provided that nothing in this subsection or in any order of the Court thereunder shall confer power on a District Commissioner to make any recommendation with respect to the making or amendment by the Court  
5 of an order under section *thirteen* of this Act.

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

11. The Commissioner or any New Zealand Committee may at any time, in any matter arising out of  
10 his or its duties, state a case for the advice and opinion of the Court.

Commissioner or Apprenticeship Committee may state case for Court.  
Cf. 1930, No. 25, s. 9

12. (1) There shall be paid out of moneys appropriated by Parliament for the purpose to the members of New Zealand Committees who are not officers  
15 employed in the service of the Crown such remuneration by way of fees and allowances and such travelling expenses and allowances as may from time to time be prescribed by regulations under this Act.

Allowances and travelling-expenses.  
Cf. 1946, No. 4, s. 7

(2) There shall be paid out of moneys appropriated  
20 by Parliament for the purpose to the members of local Committees who are not officers employed in the service of the Crown all amounts actually and reasonably expended by them, and compensation for loss of earnings, in attending meetings of the Committee of  
25 which they are members or in travelling on the business of the Committee with the authority of the Committee.

*Apprenticeship Orders*

13. (1) From time to time, as may be necessary, the Court shall make such order or orders as it may  
30 think fit in respect of each industry or branch thereof to which this Act applies prescribing—

Court may make orders governing apprenticeships.  
Cf. 1923, No. 41, s. 5

(a) The wages, hours, and other conditions of employment to be incorporated in contracts of apprenticeship in any specified industry:  
35 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, nor shall an apprentice  
40 be employed at any time when the

employment of other workers in the industry and in the same locality would be a breach of any statute or of any award or agreement:

- (b) The period of apprenticeship in any industry:
- (c) The minimum age at which a person may 5  
commence to serve as an apprentice in any industry.

(2) The Court may at any time cancel or amend any order made pursuant to this section.

(3) Before making any such order, amendment, or 10  
cancellation the Court shall afford the employers and the workers in the industry, and any other persons whom the Court may deem to be concerned, an opportunity of being heard and of calling evidence in respect thereof: 15

Provided that where, in the opinion of the Court, 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.

(4) Without in any way limiting the general powers 20  
conferred on it by the foregoing provisions of this section, the Court shall also have power in any apprenticeship order or otherwise:—

- (a) To require any employer or group of employers 25  
jointly and severally to employ and to continue to employ such number of apprentices as the Court may consider necessary to ensure an adequate supply of journeymen in the interests of the industry:
- (b) To cancel any contract of apprenticeship: 30
- (c) To prohibit, on such grounds and on such conditions as the Court may think fit, any employer from employing or continuing to employ an apprentice:
- (d) To order the transfer of any apprentice from 35  
an employer to any other employer who is willing and able to undertake the obligations of the original employer:
- (e) To require an employer to give to an apprentice further facilities within the scope of his 40  
business to enable the apprentice to acquire a proper knowledge of the industry:

- (f) To fix the period of probation to be served by an apprentice in any industry:
- 5 (g) To order 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 Minister of Education has certified that suitable accommodation and training are available at the school or place:
- 10 (h) To order any apprentice or apprentices to submit to such examination as the Court may prescribe:
- 15 (i) To order that any increase in wages due to an apprentice may be withheld by the employer for such period as the Court may think fit:
- 20 (j) To order 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:
- 25 (k) To enter at all reasonable times upon any premises where an apprentice is employed, and to inquire into the training, progress, and welfare of the apprentice, and to delegate any such powers to any person or persons appointed in writing in that behalf:
- 30 Provided that if the powers referred to in this paragraph are delegated by the Court to any Committee the Committee may delegate those powers to one or more members of the Committee, or to two persons, one representing employers and one workers, in any place within the jurisdiction of the Committee which its members cannot conveniently visit:
- 35 (l) To determine the number of apprentices, or the proportion of apprentices to journeymen, that may be employed by any employer.
- 40 (5) Where a New Zealand Committee has been set up in connection with the industry concerned, the Court shall, in making any order under this section, take into account any recommendation that may be

made by the Committee, and the Committee shall, where it can conveniently do so, ascertain the views of local Committees set up in connection with the industry before making any recommendation to the Court.

Delegation of powers by Court to Committees.  
*Cf.* 1946, No. 4, s. 8

**14.** (1) Where a New Zealand Committee has been appointed the Court may delegate to that Committee any or all of the powers conferred on it by paragraphs (a), (f), (g), (h), (k), and (l) of subsection *four* of section *thirteen* or by section *thirty-three* of this Act in so far as those powers relate to the industry in respect of which the Committee has been appointed.

(2) Where a local Committee has been appointed the Court may delegate to that Committee any or all of the powers conferred on it by paragraphs (b) to (e), and (i) to (k) of subsection *four* of section *thirteen* of this Act in so far as those powers relate to the industry and locality in respect of which the Committee has been appointed.

(3) The Court may at any time revoke or vary any delegation made by it under this section, and no such delegation shall prevent the exercise of any power by the Court.

(4) Any person affected by a decision of a Committee in respect of any matter delegated to it as aforesaid may, in the prescribed manner, appeal to the Court, whose decision shall be final and conclusive.

New Zealand apprenticeship orders.  
*Cf.* *ibid.*, s. 9

**15.** The Court shall not make any apprenticeship order in respect only of a specified locality, but shall make apprenticeship orders in respect of each industry or branch thereof for the whole of New Zealand:

Provided that nothing in this section shall be deemed to prohibit the Court from making in any apprenticeship order special provisions which do not relate to the whole of New Zealand, or from amending any apprenticeship order in force on the commencement of this Act.

Apprenticeship orders may be related to awards.  
*Cf.* *ibid.*, s. 10

**16.** (1) Notwithstanding anything in section *seventeen* hereof, the Court may in any apprenticeship order provide that—

(a) Any conditions contained in an award or agreement relating to any industry shall apply in whole or in part, and either with or without variation, in respect of the employment of apprentices in the industry:

(b) The wages of apprentices shall be determined by reference to wages for the time being payable pursuant to any award or agreement relating to the industry.

5 (2) In any case where provision is made as aforesaid it may relate to one or more awards or agreements in force at the time of the coming into force of the apprenticeship order, whether or not the awards or agreements are in force in every locality in which  
10 apprentices may be employed, and may provide that in the event of any award or agreement to which it relates being amended, or in the event of a new award or agreement being substituted therefor, the apprenticeship order shall be interpreted from time to time by  
15 reference to the amended or substituted award or agreement in force for the time being.

17. (1) Subject to the provisions of the *last preceding* section, no provision relating to apprentices shall be made in any award or agreement, and any provision  
20 purporting to relate to apprentices in any such award or agreement shall be void and of no effect.

No provision as to apprenticeships to be made in awards or agreements.

*Cf.* 1923, No. 41, s. 17

(2) On the taking effect of an order of the Court made under subsection *one* of section *thirteen* hereof any provision relating to apprentices in an award or  
25 agreement in force at the commencement of this Act shall, so far as it relates to the industry and locality or to the parties concerned, be deemed to be void and of no effect:

30 Provided that nothing in this subsection shall be deemed to invalidate any contract of apprenticeship made prior to the date of any such order.

18. (1) The Commissioner, or any District Commissioner, or any Committee, or any organization of employers or of workers, or any employer or apprentice  
35 who is affected thereby, may apply in the prescribed manner to the Court for the opinion of the Court upon any question connected with the construction of any order under this Act or with any determination or direction of the Court under this Act.

Interpretation of apprenticeship orders, &c.

*Cf.* 1946, No. 4, s. 15

40 (2) The Court may decline to give its opinion where, in the opinion of the Court, it is inadvisable so to do.

(3) The Court may refuse to consider itself bound by any opinion so given, whether in respect of the same matter or any other matter, if the Court is satisfied that it has not been fully informed, or that the matter affects parties other than those immediately interested, or where the asking for and obtaining of the opinion has a tendency to defeat or avoid penalties which ought not to be avoided, or to protect parties from the consequences of wilful breaches. 5

*Contracts of Apprenticeship* 10

Consent  
required before  
apprenticeship  
contract  
entered into.  
*Cf. ibid., s. 18*

**19.** (1) No employer shall enter into any contract of apprenticeship to which this Act applies without the prior consent in writing of the appropriate local Committee or, where there is no such Committee, of the District Commissioner. 15

(2) Any person affected by the refusal of the Committee or of the District Commissioner to consent to a proposed contract of apprenticeship may appeal in the prescribed manner to the Court, whose decision shall be final and conclusive. 20

(3) No contract of apprenticeship to which this Act applies and which is entered into after the commencement of this Act shall have any validity unless it has been consented to as required by the foregoing provisions of this section: 25

Provided that if a contract of apprenticeship has been entered into in contravention of those provisions the Court may, on the application of any person interested and having regard to the interests of the apprentice, by order consent to the contract of apprenticeship and declare that it shall have full validity as from the date of the order or as from such earlier or later date as may be specified in the order, but nothing in the order shall be deemed to relieve the employer from liability for breach of the provisions of subsection *one* of this section. 30 35

Conditions  
relating to  
apprenticeship  
contracts.  
*Cf. 1923, No. 41,  
s. 8  
1925, No. 36, s. 3*

**20.** (1) For the purposes of this Act every agreement, whether originally 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 the worker, whereby the employer agrees to teach and the worker agrees to learn any industry shall be deemed to be a contract of apprenticeship.

5 (2) Every contract of apprenticeship, or alteration thereof, to which this Act applies 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  
10 if not made in writing, shall be forthwith reduced to writing signed as aforesaid. 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 Commissioner for the locality concerned  
15 within twenty-eight days after the commencement of the employment of the apprentice (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  
20 registration within the prescribed time the parties thereto shall be severally liable to a fine not exceeding *ten* pounds.

(3) No contract to which this Act applies and which was entered into after the thirty-first day of December,  
25 nineteen hundred and forty-six, shall have any validity unless it has been consented to as provided for by section *nineteen* of this Act and until it has been duly registered, and no such contract entered into before the first day of January, nineteen hundred and  
30 forty-seven, nor any alteration of any contract of apprenticeship, shall have any validity until duly registered, but, subject to the foregoing provisions of this section, when any such contract or alteration has been registered it shall operate in accordance with  
35 the intention of the parties, save that in the case of an original contract it shall, when so registered, operate as from the commencement of the employment of the apprentice, or, if that commencement is earlier than the giving of the consent required by section *nineteen*  
40 of this Act, from the date of validation specified by the Court.

(4) If the District Commissioner is of opinion in any case that a proposed contract of apprenticeship, or any alteration thereof, submitted for registration is in any respect contrary to the provisions of this Act, or the regulations thereunder, or of any order of the Court or of a Committee, he may refuse to register the proposed contract or alteration. 5

(5) Any person affected by the refusal of the District Commissioner to register a proposed contract of apprenticeship, or any alteration thereof, may appeal in the prescribed manner to the Court, whose decision shall be final and conclusive. 10

(6) In any case where an appeal has been lodged against a refusal to register a proposed contract of apprenticeship, or alteration thereof, the District Commissioner, if he thinks fit, may, on application, grant a permit in the prescribed form for the employment of the worker in accordance with the proposed contract or alteration pending the decision of the Court. 15

(7) Every contract of apprenticeship to which this Act applies that was entered into before the application of this Act thereto shall be registered in the prescribed manner within twenty-eight days from the application of this Act thereto: 20

Provided that failure to register any such contract shall not affect its validity but the parties thereto shall be severally liable to a fine not exceeding *ten* pounds for any such failure. 25

(8) The termination of a contract of apprenticeship prior to the expiry of the period of probation prescribed by the contract or the termination thereof by agreement of the parties or by discharge of the apprentice for good cause, and every transfer of an apprentice, shall be notified to the District Commissioner by the employer in the prescribed form within fourteen days of such termination, discharge, or transfer. 30 35

**21.** 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 appropriate local Committee or, where there is no such Committee, the District Commissioner may think fit, and such contracts upon being duly registered shall be binding on the employers jointly and severally. 40

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

22. Where a body corporate is a party to any contract of apprenticeship the 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.

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

23. (1) The Court may in any apprenticeship order prescribe, in respect of contracts of apprenticeship to which the order relates, matters which are to be included in the contracts in addition to the matters referred to in subsection *one* of section *thirteen* of this Act, and may prescribe the form of the contracts.

Form of apprenticeship contracts.  
Cf. 1946, No. 4, s. 13

(2) Without prejudice to the generality of the *last preceding* subsection, the Court may require that the following particulars be included in the contracts:—

- (a) A list of the operations and skills to be taught to the apprentice:
- (b) The title of the person who is to undertake or supervise the actual training of the apprentice, and a definition of the scope of his responsibility.

24. (1) Where the Court makes any apprenticeship order in any industry, whether in substitution for or amendment of a previous order or not, then, subject to the provisions of this section, all contracts of apprenticeship to which this Act applies in respect of that industry and which are in force at the time of the coming into force of the order shall be read subject to the terms of the order and be deemed to be modified thereby accordingly.

Apprenticeship contracts to be subject to apprenticeship orders.  
Cf. *ibid.*, s. 14

(2) Where the Court has, before the commencement of this Act, made any such apprenticeship order as aforesaid in any industry, then, subject to the provisions of this section, all contracts of apprenticeship to which this Act applies in respect of that industry and which were in force at the time of coming into force of the order shall, as from the commencement of this Act, be read subject to the terms of the order and be deemed to be modified thereby accordingly.

(3) In any case where this Act is applied to a contract of apprenticeship in any industry by an apprenticeship order or while an apprenticeship order is in force in respect of that industry, then, subject to the provisions of this section, the contract of apprenticeship to which this Act is applied shall, as from the date on which this Act is so applied, be read subject to the terms of the apprenticeship order and be deemed to be modified thereby accordingly: 5

Provided that any party to any such contract of apprenticeship as aforesaid may at any time apply to the Court for a modification of the apprenticeship order in so far as it affects the contract of apprenticeship, and the Court may make such modification of the order in relation to that contract as it thinks fit, or may exclude that contract from the operation of the order. 10 15

(4) In any case where an apprenticeship order has been amended by any order or amendment made pursuant to the Rates of Wages Emergency Regulations 1940 or the Economic Stabilization Emergency Regulations 1942 the apprenticeship order shall, while the aforesaid order or amendment remains in force, be read for the purposes of the foregoing provisions of this section subject to that order or amendment. 20

Serial numbers  
1940/86  
1942/335

Adult  
apprentices.  
Cf. 1946, No. 4,  
s. 19

**25.** (1) If any person who has attained the age of eighteen years desires to enter into a special contract of apprenticeship as an apprentice, the proposed contract of apprenticeship shall be considered by the appropriate local Committee or, where there is no such Committee, by the District Commissioner, and, before the Committee or District Commissioner consents to the contract as provided in section *nineteen* of this Act, the Committee or District Commissioner shall obtain the approval of the Court thereto. 25 30

(2) Application for the approval of the Court shall be made by the Commissioner, who shall submit to the Court the proposed contract, together with the recommendations of the Committee or District Commissioner thereon. If the Court thinks fit, it may, before making its decision, hear any person or any organization of employers or of workers interested in the matter. 35 40

(3) Notwithstanding anything to the contrary in this Act a contract of apprenticeship in any industry approved by the Court pursuant to this section may contain such provisions as the Court thinks reasonable 45

and equitable in the particular circumstances, notwithstanding that they are not in accordance with any apprenticeship order or any other order made under section *thirteen* of this Act in respect of the industry.

- 5     **26.** (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.
- 10    (2) A parent or guardian of an apprentice who is a party to a contract of apprenticeship under this Act shall be bound thereby until the apprentice attains the age of twenty-one years, and no longer.
- 15    (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
- 20    age of twenty-one years.

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

#### *Transfers of Apprentices*

- 25    **27.** (1) Any employer may make application to a local Committee or, where there is no Committee, to a District Commissioner for the transfer of an apprentice from himself to another employer in the same industry who is willing and able to undertake the obligations of the first-mentioned employer.
- 30    (2) Any apprentice, or the guardian of any apprentice under the age of twenty-one years, may make application to a local Committee or, where there is no Committee, to a District Commissioner for his transfer from his employer to another employer in the same industry who is willing and able to undertake the obligations of the original employer.
- 35    (3) The local Committee or the District Commissioner, as the case may be, shall grant or refuse permission for a transfer applied for under subsection *one* or subsection *two* of this section.
- 40    (4) After the expiration of fourteen days from the granting of a transfer by the District Commissioner, or immediately after an order directing a transfer has been made by the Court, the name of the new employer

Transfers of apprentices. Cf. *ibid.*, s. 14

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

(6) The District Commissioner shall endorse a note of the transfer on the contract.

Transfer of  
apprentice to  
supplement  
training.

*Cf.* 1946, No. 4,  
s. 20

**28.** (1) In any case where the appropriate local Committee or, if there is no such Committee, the District Commissioner considers that an employer is not 10 able to give adequate training in the industry to an apprentice, the Committee or the District Commissioner, as the case may be, on the application of the apprentice and (where the apprentice is under the age of twenty- 15 one years) of his parent or guardian (if any) may transfer the apprentice to another employer in the same industry and locality willing and able to undertake the obligations of the original employer.

(2) In any case where an apprentice is transferred 20 to another employer pursuant to the *last preceding* subsection it shall be lawful for the employer to employ the apprentice so transferred, notwithstanding that the number of apprentices, or the proportion of apprentices to journeymen, employed by the employer exceeds the 25 number or proportion fixed pursuant to section *thirteen* of this Act.

(3) Where the appropriate local Committee or, if there is no such Committee, the District Commissioner is of opinion that an employer is not able to give an 30 apprentice adequate training in the industry and that it is impossible to find another employer in the same industry and locality willing and able to undertake the obligations of the original employer, the Court, with the consent of the appropriate Minister, may, on the 35 application of the Commissioner made with the approval of the appropriate local Committee (if any), make an order transferring the apprentice to a master within the meaning of Part II of the Master and Apprentice Act, 1908. Any transfer as aforesaid may 40 be made on such terms and conditions as to rates of wages, hours, and otherwise howsoever as the Court thinks fit, whether or not the terms and conditions are in accordance with any apprenticeship order. Any apprentice so transferred shall, subject as aforesaid, 45

See Reprint  
of Statutes,  
Vol. V, p. 546

continue to be subject to this Act, and, for the purposes of this Act, the master for the time being shall be deemed to be the employer.

(4) Where an apprentice is transferred pursuant to the *last preceding* subsection and extra costs are incurred by reason thereof by the Government Department to which the master is attached the amount of those extra costs shall be paid out of moneys appropriated by Parliament for the purpose.

(5) The provisions of this section are in addition to and not in derogation of the provisions of section fifty-two of the Statutes Amendment Act, 1941.

29. (1) If an employer at any time before the completion of a contract of apprenticeship desires to be relieved 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 employer, the employer may apply in the prescribed form to the District Commissioner 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.

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

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

30. Any person affected by a decision of a local Committee or a District Commissioner in respect of an application for a transfer of an apprentice may, within fourteen days, appeal in the prescribed manner to the Court, whose decision shall be final and conclusive.

31. In any case where provision is made in this Act for an appeal to the Court against any decision, the Court may, if it thinks fit, hear any organization of employers or of workers before making its decision.

1941, No. 26

Relief of employers in certain cases. Cf. 1923, No. 41, s. 13

Appeals.

Organizations of employers or of workers may be heard in appeals to the Court.

## General

Payment of wages in respect of daylight training.

*Cf.* 1946, No. 4, s. 11

Apprenticeship term may be shortened where special qualification obtained.

*Cf.* *ibid.*, s. 12

Certificate of service on discharge of apprentice.

*Cf.* 1923, No. 41, s. 16

**32.** Where pursuant to section *thirteen* of this Act any apprentices have been required to attend at a technical school or other place during ordinary hours of employment to undergo training, the Court may, in an apprenticeship order or otherwise, order the employer to pay wages to any apprentice in respect of any time while he is undergoing training as aforesaid. 5

**33.** (1) The Court, by apprenticeship order or otherwise, may provide that the period of apprenticeship shall be shorter in the case of any apprentice who has at the commencement of his apprenticeship, or who obtains during his apprenticeship, any special qualification, either educational or otherwise, specified by the Court, and may make such consequential provisions as it thinks fit for the adjustment of wages or otherwise howsoever. 10 15

(2) Where by any enactment it is provided that, before a person desirous of being engaged or employed in any industry may sit for any examination or obtain any certificate or be registered, that person must have served as an apprentice for a specified period, it shall, notwithstanding anything to the contrary in that enactment, be a sufficient compliance with that requirement by any person if he has obtained the special qualification referred to in the *last preceding* subsection and has served as an apprentice for such period as may be prescribed by the Court, being shorter than the period specified in the aforesaid enactment by not more than one year. 20 25 30

**34.** (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 of the employer to supply the District Commissioner with a statement in the prescribed form setting forth the service of the apprentice. 35

(2) The District Commissioner shall forthwith endorse a note of the termination 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. 40

35. On being satisfied that an apprentice has duly completed his apprenticeship the appropriate local Committee or, if there is no such Committee, the District Commissioner shall supply to the apprentice  
 5 a certificate in the prescribed form that the apprentice has duly completed his apprenticeship.

Certificate of completion of apprenticeship.  
*Cf.* 1946, No. 4, s. 21

36. (1) Subject to the provisions of this section, no employer shall employ any apprentice who is under the age of eighteen years:—

Restriction of hours of young apprentices.

- 10 (a) For more than forty hours (excluding meal-times) in any week; or  
 (b) For more than eight hours (excluding meal-times) in any one day; or  
 15 (c) On shift-work at any time before the hour of seven o'clock in the morning of any day or after the hour of six o'clock in the evening of any day.

*Cf.* *ibid.*, s. 16

(2) If provision is made in the apprenticeship order for the employment of apprentices under the age of  
 20 eighteen years on overtime, it shall be lawful for the employer in accordance with that provision to employ an apprentice who is under the age of eighteen years beyond the working-hours and times prescribed in the *last preceding* subsection, but not beyond the limits  
 25 prescribed in the apprenticeship order.

(3) If an apprentice is employed in a factory within the meaning of the Factories Act, 1946, or if his employment is subject to the provisions of any other Act, the provisions of the Factories Act, 1946, or of  
 30 that other Act relating to working hours and times and overtime shall be duly complied with.

1946, No. 43

37. (1) Where the employer of any apprentice is adjudicated a bankrupt, or, being a company, is wound up, or is being wound up, or where a receiver has been  
 35 appointed, and the 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  
 40 months' wages in respect of any period intervening between the time when the apprentice is so deprived of employment and the time when he receives other employment as an apprentice in the same industry.

Protection of apprentices in certain cases.  
*Cf.* 1930, No. 25, s. 14

See Reprint  
of Statutes,  
Vol. I, p. 540  
1933, No. 29

Any such amount shall constitute a debt payable to the apprentice by the employer, and the 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 fifty-eight of the Companies Act, 1933, as the case may require, notwithstanding anything to the contrary in either of those acts. 5

(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. 10

Suspension and  
discharge of  
apprentices for  
misconduct, &c.  
Cf. 1930, No. 25,  
s. 15

**38.** (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 local Committee or, where there is no such Committee, to the District Commissioner for leave to discharge him. 15 20

(2) Every such application to a Committee or to the District Commissioner 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. 25

(3) The Committee or the District Commissioner, as the case may be, shall consider the application after giving the employer, the apprentice, and his parent or guardian (if any) an opportunity to be heard, and may grant or refuse leave to discharge the apprentice. 30

(4) Where any such leave is granted the employer shall be entitled to discharge the apprentice as from the date on which he was suspended, and in any such case the contract of apprenticeship shall be deemed to be cancelled. 35

(5) Where leave as aforesaid is refused the Committee or the District Commissioner, as the case may be, may make such order as it thinks fit with respect to payment of wages to the apprentice in respect of the 40

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 in respect of the period of suspension had he not been suspended.

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

15 (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 discharge the apprentice has been refused by the  
20 Apprenticeship Committee or the District Commissioner, or, in 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.

25 (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  
30 to the determination of the Magistrate, or the Magistrate may, in lieu of fixing any 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  
35 determination of the Magistrate. Any such amount shall be in addition to the amount of wages payable in respect of the period of suspension.

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

(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.

(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 the discharge or within ten days after the suspension, as the case may be, may apply to the local Committee, or the District Commissioner, as the case may require, for relief from the 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.

Employer of apprentices to keep wages and time book. Cf. 1930, No. 25, s. 17

**39.** (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—

- (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
- (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 Commissioner or any Inspector of Factories.

Copy of apprenticeship order to be exhibited. Cf. 1930, No. 25, s. 18

**40.** In every case where an apprentice to whom an apprenticeship order under this Act applies is employed in any premises, the employer shall affix and keep affixed in some conspicuous place in the premises, where it may be easily read by the apprentice, a copy of the order, together with a copy of any amendments thereof. A District Commissioner or any Inspector of Factories may require the employer to move the copy of the order and amendments to some other place in the premises, or to affix an additional copy of the order and amendments in a place in the premises indicated by the District Commissioner or Inspector.

41. Without prejudice to the generality of the provisions of section *forty-four* of this Act, it is hereby declared that regulations may be made under that section providing for the payment to any apprentice
- 5 who is obliged to live away from home in order to learn his trade of such amount by way of lodging-allowance as may be prescribed by the regulations. Lodging-allowances payable pursuant to the regulations shall be paid out of moneys appropriated by Parliament
- 10 for the purpose.
42. (1) It shall be the duty of the Commissioner and the District Commissioners to ensure that the provisions of this Act and the regulations thereunder, and of any order of the Court or of a Committee, and of
- 15 any contract of apprenticeship, are duly complied with.
- (2) Any breach of a contract of apprenticeship, or of an order of the Court or of a Committee, shall be deemed to be a breach of this Act.
- (3) Proceedings for a breach of this Act shall be
- 20 taken in the same manner as proceedings for a breach of an 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:—
- 25 Provided that proceedings in respect of failure to obtain, pursuant to section *nineteen* of this Act, the consent of a local Committee, or where there is no Committee, a District Commissioner, to a contract of apprenticeship, or failure to register a contract of
- 30 apprenticeship may be taken at any time during the employment of the apprentice pursuant to the contract, or within six months after the termination of the employment.
- (4) Without affecting any other remedies for the
- 35 recovery of moneys payable under a contract of apprenticeship to which this Act applies, proceedings for the recovery of any such moneys may be taken in the same manner as proceedings under the Industrial Conciliation and Arbitration Act, 1925, for the recovery
- 40 of moneys due to a worker under an award or agreement, and all the provisions of that Act relating to the recovery of moneys due to workers under awards or agreements shall, with the necessary modifications, apply accordingly:

Provision for lodging-allowances for apprentices.

*Cf.* 1946, No. 4, s. 22

Commissioner and District Commissioners to ensure compliance with this Act.

*Cf.* 1923, No. 41, s. 9

See Reprint of Statutes, Vol. III, p. 939

Provided that nothing in section one hundred and forty-one of that Act shall apply in respect of proceedings taken under this section.

(5) All proceedings for a breach of this Act may be taken by a District Commissioner or an Inspector of Factories: 5

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

(6) Every employer who commits a breach of this Act shall be liable to a fine not exceeding *fifty* pounds 10 in respect of each breach, and every other person who commits a breach of this Act shall be liable to a fine not exceeding *five* pounds in respect of each breach:

Provided that if the breach is a continuing one every employer shall be liable to a further fine not exceeding 15 *five* pounds, and every other person to a further fine not exceeding *ten* shillings, for each day on which the breach is continued after the first day.

(7) Every person who induces or procures any party to a contract of apprenticeship to commit a breach of 20 this Act, or who otherwise incites, instigates, aids, or abets a breach of this Act, shall be liable to a fine not exceeding *fifty* pounds.

(8) For the purpose of ascertaining if the provisions of this Act are being complied with the 25 Commissioner, any District Commissioner, or any Inspector of Factories may—

- (a) Enter, inspect, and examine at all reasonable hours by day or night any premises in or about which he has reasonable cause to believe 30 that an apprentice is employed:
- (b) Inquire into the training, progress, and welfare of any apprentice:
- (c) Take with him a constable to assist him in the execution of the powers prescribed in this 35 section.

**43.** The Court, or the Commissioner, or a District Commissioner may call upon any employer or other person to furnish such information in his possession as 40 may be required for the proper administration of this Act, and any employer or other person failing to comply with any such request shall be deemed to have committed a breach of this Act.

Court or  
Commissioner  
may require  
reports.

*Cf.* 1923, No. 41,  
s. 19

44. (1) The Governor-General from time to time, by Order in Council, may make regulations for any purpose for which regulations are contemplated or required by this Act, and may make all such other regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.
- (2) Any breach of any such regulations shall be deemed to be a breach of this Act.
- 10 45. (1) The enactments specified in the Schedule hereto are hereby repealed.
- (2) All offices, appointments, regulations, registers, records, certificates, apprenticeship orders, permits, instruments, and generally all acts of authority which originated under any of the enactments hereby repealed and are subsisting or in force on the commencement 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 matters and proceedings commenced under any such enactment or in progress on the commencement of this Act may be continued, completed, and enforced under this Act.
- 25 46. (1) This Act shall be administered by the Department of Labour established under the Labour Department Act, 1908.
- (2) Section two of the Labour Department Amendment Act, 1936, shall apply in all respects as if this Act were one of the Acts specified in the First Schedule to that Act.
- 30 (3) So much of the First Schedule to the Labour Department Amendment Act, 1936, as relates to the
- 35 Apprentices Act, 1923, is hereby repealed.

Regulations.  
Cf. 1923, No. 41,  
s. 22

Repeals and  
savings.

Act to be  
administered  
by Labour  
Department.

See Reprint  
of Statutes,  
Vol. VIII,  
p. 1175  
1936, No. 4

Repeal.

Schedule.

**SCHEDULE****ENACTMENTS REPEALED**

- 1908, No. 36—  
 Master and Apprentice Act, 1908, Part I.  
 (Reprint of Statutes, Vol. V, p. 559.)
- 1920, No. 36—  
 Master and Apprentice Amendment Act, 1920.  
 (Reprint of Statutes, Vol. V, p. 570.)
- 1924, No. 53—  
 Master and Apprentice Amendment Act, 1924.  
 (Reprint of Statutes, Vol. V, p. 576.)
- 1923, No. 41—  
 Apprentices Act, 1923.  
 (Reprint of Statutes, Vol. V, p. 576.)
- 1925, No. 36—  
 Apprentices Amendment Act, 1925.  
 (Reprint of Statutes, Vol. V, p. 588.)
- 1927, No. 28—  
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 (Reprint of Statutes, Vol. V, p. 590.)
- 1930, No. 25—  
 Apprentices Amendment Act, 1930.  
 (Reprint of Statutes, Vol. V, p. 590.)
- 1946, No. 4—  
 Apprentices Amendment Act, 1946.