

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

Legislative Council,
30th September, 1875.

(Hon. Dr. Pollen.)

Government Apprentices.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Colonial Secretary may notify to what arts and trades this Act shall extend.</p> <p>4. Who may take apprentices.</p> <p>5. Conditions on which apprentices may be bound. Indenture of apprenticeship. Wages &c. to be paid out of moneys appropriated by the Assembly. Indentures not liable to stamp duty.</p> <p>6. Apprentices may be removed from one workshop or from one part of colony to another.</p> <p>7. Provision in case of death or removal of master.</p> <p>8. Power to make regulations for conduct of apprentices.</p>	<p>9. Master not to discharge apprentice without consent of Minister.</p> <p>10. Minister may direct causes of complaint between master and apprentice to be investigated, or may refer case to Resident Magistrate.</p> <p>11. Resident Magistrate may investigate cause of complaint against apprentice.</p> <p>12. Provision in case apprentice absents himself.</p> <p>13. No <i>certiorari</i>.</p> <p>14. Offences &c. to be heard in a summary way.</p> <p>15. Repeal of sections 5 and 6 of "The Master and Apprentice Act, 1865."</p> <p>16. Apprentices not to be subject to "The Civil Service Act, 1866," or any Act amending the same.</p> <p>Schedules.</p>
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A BILL INTITLED

AN ACT to provide that Apprentices may be Bound, Taught, and Instructed in certain Arts and Trades connected with the Service of the Government of the Colony. Title.

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

1. The Short Title of this Act shall be "The Government Apprentices Act, 1875." Short Title.

2. In this Act the following terms and expressions shall have the meanings hereinafter respectively assigned to the same, unless it shall appear from the context that such meaning would be repugnant thereto:— Interpretation.

10 "Minister" shall mean the member of the Executive Council to whose department any officer shall be attached to whom persons may be apprenticed under the provisions of this Act.

15 "Master" shall mean any officer of the Government to whom any person shall be bound as apprentice under the provisions of this Act, and shall include the successor and successors of such officer in such office.

20 "Apprentice" shall mean any male person who shall be apprenticed to learn or be taught or instructed in any art trade or mystery under the provisions of this Act.

3. It shall be lawful for the Colonial Secretary from time to time, by notice published in the *New Zealand Gazette*, to declare to what Colonial Secretary may notify to what

arts and trades
this Act shall extend.

arts or trades the provisions of this Act shall extend and be applicable and what officer in charge of or employed in any department in which any such art trade or mystery shall be used or exercised shall be the master to whom any such person or persons may be apprenticed: Provided that the trades mentioned in the First Schedule hereto shall be deemed to be trades within the meaning of this Act, and the officers named therein shall be deemed to be masters for the purposes of this Act without any further notification whatsoever.

Who may take
apprentices.

4. Any master having the special control or direction of any department of the Government, which shall have been declared to be a department in which apprentices may be taken as aforesaid, may, with the consent of the Minister, take and receive such and so many apprentices as he may be authorized or required to take for the purpose of being taught and instructed in the art trade or mystery used or exercised in such department or any branch thereof.

Conditions on which
apprentices may
be bound.

5. Every such apprentice shall be bound to the art or trade for which he may be apprenticed for a term of not less than three nor more than seven years.

Indenture of appren-
ticeship.

Before an apprentice shall be so bound an indenture of apprenticeship, in the form or to the effect set forth in the Second Schedule hereto, shall be duly executed by the parent or guardian of such apprentice, and by the apprentice of the one part and by the master of the other part. If such apprentice shall have no parent or guardian living or residing in the colony, a Resident Magistrate or two Justices of the Peace residing in the place where it is proposed such apprentice shall be bound shall join with such apprentice in the indenture.

Every indenture so entered into shall be binding on the apprentice and the master and his successors in office; but no master shall incur any personal liability or responsibility in respect of any such indenture of apprenticeship, or any covenant therein contained.

Wages &c. to be
paid out of moneys
appropriated by the
Assembly.

All moneys agreed to be paid as wages or gratuities to any apprentice shall be paid out of moneys appropriated from time to time by the General Assembly.

Indentures not liable
to stamp duty.

No indenture or instrument of apprenticeship shall be liable to any duty for the time being payable under any Act in force imposing stamp duties upon deeds or instruments.

Apprentices may be
removed from one
workshop or from
one part of colony
to another.

6. The Minister may from time to time cause any apprentice to be removed from any workshop or place within the colony to any other workshop or place within the colony in which a like art or trade shall be used or exercised as that which such apprentice may have contracted to learn or be instructed in: Provided that no apprentice shall be moved or transferred from the place in which he was originally bound to serve as an apprentice except with his own consent, and with the consent of the parent or guardian named in the indenture of apprenticeship, or if such parent or guardian shall not be living or residing in such place, then without such consent. Every such consent shall be signified in writing, and attested before a Justice of the Peace, in the form prescribed in the Third Schedule hereto, or to the effect thereof.

Upon any such removal being made as herein provided, the apprentice shall without entering into a new indenture of apprenticeship, become and be deemed to be the apprentice of the master of the workshop at the place to which he shall be so removed, in the like manner and with the like effect as is mentioned in the next succeeding section in the cases therein provided for.

Provision in case of
death or removal of
master.

7. In case of the death of any master to whom any person shall have been apprenticed under this Act, or in case such master shall from any cause cease to be in the service of the Government of the colony, or shall be removed from the place in which such indenture shall be executed, it shall not be necessary to assign such apprentice

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to the successor in office of any such master, but the person who shall succeed to the office of such deceased master shall for all purposes be deemed to be the master of such apprentice as effectually as if the indentures of apprenticeship and the services of such apprentice had been duly assigned and transferred to such last-mentioned master, and the apprentice shall serve him or his successors in office for the residue of the term mentioned in the indentures of apprenticeship.

8. It shall be lawful for the Governor in Council from time to time to make alter and revoke regulations for the conduct of persons apprenticed under this Act during the time of their employment; for prescribing the hours and times of employment, the rate of pay or gratuity to be allowed to such apprentices; providing for their classification; for prescribing the terms on which leave of absence may be granted, and in cases of sickness or accident.

Power to make regulations for conduct of apprentices.

And in like manner may provide for the mode of holding inquiries into charges of misconduct or breach of duty of any kind, in respect of the employment of any such apprentice; and may prescribe penalties to be imposed upon any apprentice in respect of any proved breach of such regulations. Such penalties shall in no case exceed five pounds, and the same or any less sum may be deducted from any wages or gratuity payable to the apprentice.

9. No master shall put away discharge transfer or dismiss any apprentice without the written consent of the Minister. Any person offending against this provision shall be liable to a penalty not exceeding twenty pounds.

Master not to discharge apprentice without consent of Minister.

10. In case any difference shall arise between any master and any apprentice the party aggrieved shall make a complaint to the Minister, who shall order such inquiry into the matter of such complaint as shall be prescribed by any regulations to be made as aforesaid: Provided that, if he thinks fit, he may require such party to make complaint before any Resident Magistrate, who shall have power and authority to inquire into such complaint, and to make such order therein as the justice of the case shall require; and a copy of such order shall be transmitted to the Minister, who shall take such steps to give effect thereto as may be necessary.

Minister may direct causes of complaint between master and apprentice to be investigated, or may refer case to Resident Magistrate.

In any such case, or upon proof of ill-usage or neglect of duty by the master, such Resident Magistrate may, with the consent of the Minister, cancel the indenture of apprenticeship, and discharge such apprentice from all obligation to serve thereunder by certificate under his hand, which certificate shall be a bar to any action which may be brought on such indenture.

11. Any Resident Magistrate, upon complaint made on oath by any master against any apprentice concerning any breach of duty disobedience or ill-behaviour in his service, shall hear and determine the same in a summary way, and may, if he thinks fit, punish the offender by ordering him to be imprisoned in solitary confinement in any public prison for any period not exceeding seven days; but no such punishment shall be inflicted on any apprentice under the age of sixteen years.

Resident Magistrate may investigate cause of complaint against apprentice.

If any apprentice shall be convicted of an offence against this section, or shall in the opinion of the Minister be guilty of any gross or habitual breach of this Act or any regulations to be made hereunder, it shall be lawful for the Minister to dismiss such apprentice from the service of the Government, and thereupon the indentures of apprenticeship shall be wholly null and void.

12. If any apprentice shall absent himself from his service before the term of apprenticeship shall have expired, he shall at any time thereafter, whenever he shall be found, be compelled to serve for so long as he shall have so absented himself from such service; and in

Provision in case apprentice absents himself.

case any such apprentice shall refuse to serve as hereby required, the master may complain to any Resident Magistrate, who may issue a warrant for the apprehension of such apprentice, to be brought before him or any two Justices of the Peace, who shall hear and determine the complaint in a summary way; and in case such apprentice shall not give security, to the satisfaction of such Resident Magistrate or Justices, that he will serve the master for so long as he shall have so absented himself, he may be committed to any public prison for any time not exceeding three months, besides serving the period of time for which such apprentice was absent, over and above that mentioned in the indenture of apprenticeship.

No certiorari.

13. No conviction order warrant or other matter, made or purporting to be made by virtue of this Act, shall be removed by *certiorari* or otherwise into the Supreme Court.

Offences &c. to be heard in a summary way.

14. All offences under this Act made punishable in a summary way and all penalties imposed hereunder may be heard determined and recovered under the provisions of "The Justices of the Peace Act, 1866," and any Act amending the same.

Repeal of sections 5 and 6 of "The Master and Apprentice Act, 1865."

15. The fifth and sixth sections of "The Master and Apprentice Act, 1865," shall be and the same are hereby repealed; but such repeal shall not in any manner affect or prejudice any indenture or agreement made or entered into under the said sections or either of them, or any other act matter or thing made or done thereunder. "The Master and Apprentice Act, 1865," shall not extend or apply to persons apprenticed under this Act.

Apprentices not to be subject to "The Civil Service Act, 1866," or any Act amending the same.

16. No person to be apprenticed under this Act shall, during the time and so long as he shall be so apprenticed, be deemed to be in the permanent employment of the Government of the colony within the meaning of "The Civil Service Act, 1866," or any Acts amending the same.

SCHEDULES.

FIRST SCHEDULE.

Name of Department in which Art or Trade used or exercised.	Name of Officer to whom Persons shall be Apprenticed.
The Government Printing Office Railway Workshops in which works are carried on in connection with any Railway constructed under "The Immigration and Public Works Act, 1870," or any Act amending the same, or under any Railways Act.	The Government Printer. The Manager of the Railway at the Terminus where the workshop is situated.

SECOND SCHEDULE.

FORM OF INDENTURE OF APPRENTICESHIP.

¹ Guardian, Resident Magistrate, or two Justices of the Peace, as the case may be.

² Here describe the officer to whom apprentice is apprenticed.

THIS Indenture made in pursuance of "The Government Apprentices Act, 1875," (hereinafter called "the said Act"), this day of 18 , Between A.B.¹ (Parent) of , of the one part; C.D. (Apprentice), of the second part; and [], who with his successors in office is hereinafter included in the expression "the master," of the third part; WITNESSETH, that in consideration of the covenants hereinafter mentioned on the part of the said C.D., to be observed and performed he, the said master, doth covenant promise and agree with and to the said A.B. to accept the said C.D. as his apprentice, during the term of years, in manner as follows: That the master shall and will, according to the best of his power skill and knowledge, and so long as the said C.D. shall well behave himself and perform the covenants on his part herein contained, teach the said C.D. in the trade or business of , and

Schedules.

219

all and everything relating thereto: And that he will out of moneys appropriated for that purpose by the General Assembly, and so long as the said C.D. shall perform and observe the covenants on his part herein contained, pay to the said C.D. [³] Provided that the covenants on the master's part shall bind the master so long only as he shall remain in the service of the Government of the colony in the department in which the said C.D. is hereby apprenticed, and not further or otherwise. And the said A.B.,⁴ and the said C.D., for themselves severally, and for their several executors and administrators, do and each of them doth promise and agree with and to the master, that the said C.D., from the date hereof, during the term aforesaid, shall and will faithfully serve the master as his apprentice, and diligently attend to the said business, and at all times his secrets and the secrets of the Government of the colony keep, and the lawful commands of the master willingly obey. And shall not nor will absent himself from his master's service without the leave of the master, or of the head of the department in which he may be apprenticed, nor do nor knowingly suffer any damage to be done to any goods moneys or other things which shall be delivered or put into his custody or care, or under his control, but shall in all things demean himself as a good and faithful apprentice ought, and shall at all times obey and conform to the said Act and all or any regulations made thereunder, and which may from time to time be in force thereunder. And for the performance of the covenants on the part of the said C.D. herein contained, the said A.B.⁵, as surety, doth hereby bind himself, his heirs executors and administrators, in the penal sum of £

³ Here state mode of remuneration, and the date when to commence, and how to be paid.

⁴ Omit in the case of a Resident Magistrate or Justices of the Peace.

⁵ Parent or guardian, but not to be inserted in the case of a Resident Magistrate or Justice of the Peace.

⁶ Parent, guardian, Resident Magistrate, or two Justices of the Peace.

⁷ Master.

In witness whereof the said parties have hereunto set their hands and seals, the day and year above written.

Signed, sealed, and delivered } A.B.⁶ (L.S.)
 in the presence of } C.D. (L.S.)
 } E.F.⁷ (L.S.)

THIRD SCHEDULE.

I, C.D., of _____; hereby consent to my removal from the workshop situate at _____ [or place] where I am at present serving under an indenture of apprenticeship dated the _____ day of _____ 18 _____ [to the workshop situate at _____] [or to _____ (place)], and agree to complete my service at such last-mentioned workshop [or place], with such master in the service of the Government as I may be required to serve under.

C.D. [Apprentice].

¹ I, E.F., the parent [or guardian] of the above-named C.D., hereby consent to his removal as above stated.

¹ Where Parent or Guardian joins, add consent.

E.F., [Parent or Guardian].

APPEARED before me, C.D. and E.F., and signed the above in my presence, this _____ day of _____ 18 _____

A.B.,
 A Justice of the Peace.