

61.

MASTER AND APPRENTICE AMENDMENT BILL.

EXPLANATORY MEMORANDUM.

THE first Part of this Bill relates only to farm apprentices whose passages from England to New Zealand are assisted by the Government. The Master and Apprentice Act, 1908, requires that the indenture of apprenticeship should be executed by the parent or guardian of the boy, and by the employer. Compliance with this provision is impossible in cases where arrangement is made for immigration of boys to be subsequently employed. The boys being under age, their own contract does not bind them. The Government undertakes the control and care of such boys, and therefore enters into a more or less definite arrangement with the parents, guardians, and relatives of such boys in the United Kingdom for due provision being made in New Zealand for the employment of the boy and for the provision of proper food, clothing, and comfort. Unless the boy is bound to remain in his employment, and be subject to such control by his employer as is provided in the Master and Apprentice Act, it is impossible for the Government to perform its engagements. Further, it is necessary that the boys should be under some control from the time of their departure until their engagement in New Zealand. For these objects provision is made for an indenture signed by the High Commissioner and the boy becoming binding in England, and afterwards to the extent defined in clause 3.

Special provision is made in subclause (6) of clause 2 enabling the Minister to alter the indenture signed in England in a manner advantageous to the boy but not otherwise. Provision is made by which the apprenticeship extends to the age of twenty years. This is necessary because it is not intended to engage boys of an age of less than sixteen, and it is desired to engage them up to an age of somewhat over eighteen years, but under nineteen.

It is provided that after the first year the apprentice shall receive full wages according to his age and capacity; such wages to be not less than the wages ruling in the district for lads of a like age and capacity.

The second Part relates to farm apprenticeship of boys already resident in New Zealand. The benefits of Part I are extended to such apprentices also.

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,
28th September, 1920.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Nosworthy.

MASTER AND APPRENTICE AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;">PART I.</p> <p style="text-align: center;">IMMIGRANT FARM APPRENTICES.</p> <p>2. Indentures of apprenticeship to be served in New Zealand may be executed in the United Kingdom. Minister may nominate employer of apprentice. Acceptance of nomination by employer to be endorsed on indenture.</p> <p>3. Operation of indenture of apprenticeship under this Part of this Act.</p> <p>4. Provisions as to evidence of indentures.</p>	<p style="text-align: center;">PART II.</p> <p style="text-align: center;">FARM APPRENTICESHIP OF NEW ZEALAND BOYS.</p> <p>5. Apprenticeship of boys resident in New Zealand to occupation of farming.</p> <p style="text-align: center;">PART III.</p> <p style="text-align: center;">GENERAL.</p> <p>6. Interpretation.</p> <p>7. Application of Part I of principal Act to indentures under this Act.</p> <p>8. Provisions applicable in event of breach of duty by apprentice.</p> <p>9. Regulations.</p>
--	---

A BILL INTITULED

AN ACT to amend the Master and Apprentice Act, 1908.

Title.

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

1. This Act may be cited as the Master and Apprentice Amendment Act, 1920, and shall be read together with and deemed part of the Master and Apprentice Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

10

PART I.

IMMIGRANT FARM APPRENTICES.

2. (1.) An indenture of apprenticeship of any boy between the ages of fifteen and nineteen years to the occupation of farming and farm-work in New Zealand may be made in the United Kingdom if it is made in accordance with this section.

Indentures of apprenticeship to be served in New Zealand may be executed in the United Kingdom.

(2.) The indenture shall be in a form prescribed by regulations, and shall be executed by the boy and by the High Commissioner or by an officer appointed by the High Commissioner for the purpose.

(3.) The indenture may provide for the payment out of the wages of the apprentice of the whole or any part of the passage-money and other expenses incurred for the apprentice, and may also provide for the payment of any part of the balance of such wages during the term of the apprenticeship, or any part of such term, into an account to accumulate for the benefit of the apprentice.

(4.) The indenture shall state the minimum amount of wages to be paid by the employer to the apprentice during the first year of his employment in New Zealand, and shall contain a provision that the wages to be paid by the employer to, or on account of, or for the benefit of the apprentice after the expiration of twelve months from the commencement of the employment in New Zealand shall from time to time be such as are usually paid on farms to boys of the age and capacity of the apprentice, and a provision that, if any difference of opinion arises as to the rate of such wages, such rate shall be determined in each case by arbitration in the manner prescribed by regulations to be made in that behalf by the Governor-General in Council. 5 10

(5.) It shall not be necessary to name in the indenture any person to be the employer of the apprentice.

(6.) The terms and conditions of the indenture may be varied by the Minister of Immigration at any time before the employer of the apprentice nominated by that Minister signifies acceptance of such nomination, but no such variation shall be made unless it is in the opinion of the Minister directly or indirectly for the advantage of the apprentice. 15 20

Minister may
nominate employer
of apprentice.

(7.) On the arrival of the apprentice in New Zealand the Minister of Immigration shall, after consultation with the apprentice, nominate some person or company engaged in farming pursuits in New Zealand to be the employer of the apprentice.

Acceptance of
nomination by
employer to be
endorsed on
indenture.

(8.) The employer nominated shall signify acceptance by an endorsement in the prescribed form on the indenture, signed by such employer. 25

(9.) An endorsement so signed shall render the indenture binding on the employer in the same manner as if he had been a party to the indenture. 30

(10.) Every apprenticeship so made shall continue until the apprentice attains the age of twenty years.

(11.) An indenture of apprenticeship made under this section shall not be assigned to any person except with the consent in writing of the Minister of Immigration. 35

(12.) It shall not in any case be necessary that the parents or guardians of any apprentice under this Part of this Act should be parties to, or sign, or assent to any indenture.

Operation of
indenture of
apprenticeship
under this Part of
this Act.

3. The indenture shall have operation and be binding as follows:— 40

- (a.) From the time of the execution by or on behalf of the High Commissioner until the acceptance by an employer nominated by the Minister of Immigration it shall have effect as an indenture of master and apprentice under the principal Act as between the boy or apprentice and any person or persons appointed by the High Commissioner as master to control the boy during the passage to and on and after arrival in New Zealand to the extent that sections four and twelve of the principal Act shall apply. 45
- (b.) From the time of the endorsement thereon of acceptance by an employer nominated by the Minister of Immigration and until the boy attains the age of twenty years, or until 50

the indenture is sooner cancelled with the consent in writing of the Minister, it shall have full effect either in its original form or as varied by the Minister, as hereinbefore provided, as an indenture of apprenticeship under the principal Act between the boy as apprentice and such employer as master, and shall also have such full effect as between the boy as apprentice and any employer to whom, with the consent of the Minister of Immigration, the apprentice may be assigned.

4. In respect of every indenture under this Part of this Act the following provisions shall apply:—

Provisions as to evidence of indentures.

(a.) Where such indenture purports to have been signed by the boy it shall be deemed without proof of the fact to have been duly executed by the boy named in the indenture, and it shall be presumed that the boy whose passage to New Zealand was provided in accordance with such indenture is the boy who signed such indenture.

(b.) Where such indenture purports to have been executed by the High Commissioner it shall be deemed without further proof to have been duly so executed.

(c.) Where such indenture purports to have been executed by a person employed by the High Commissioner, or in the office of the High Commissioner, it shall be deemed without further proof that such indenture was duly executed by such person, and that such person was an officer duly appointed by the High Commissioner for the purpose of the execution of such indenture.

(d.) Where an endorsement of acceptance purports to be signed by an employer it shall be presumed, unless the contrary is proved, that such endorsement was duly signed by the employer named, and that such employer was duly nominated by the Minister of Immigration.

(e.) A copy of such indenture and of any endorsement of acceptance certified by the Minister of Immigration shall be admitted as evidence without production of the original indenture.

PART II.

FARM APPRENTICESHIP OF NEW ZEALAND BOYS.

5. (1.) An indenture of apprenticeship of any boy between the ages of fifteen and nineteen years resident in New Zealand to the occupation of farming and farm-work may be made in accordance with this Part of this Act, and not otherwise.

Apprenticeship of boys resident in New Zealand to occupation of farming.

(2.) The indenture shall be in a form prescribed by regulations, and shall be executed by the boy of the first part, and by the parent or guardian of the boy or (if he has no parent or guardian) by the Minister of Lands of the second part, and by the employer to whom the apprentice is bound of the third part.

(3.) The indenture shall state the minimum amount of wages to be paid to the apprentice during the first year and shall contain a provision that the wages to be paid by the employer to the apprentice

after the expiration of twelve months from the commencement of the employment shall from time to time be such as are usually paid on farms to boys of the age and capacity of the apprentice, and a provision that, if any difference of opinion arises as to the rate of such wages, such rate shall be determined in each case by arbitration in the manner prescribed by regulations to be made in that behalf by the Governor-General in Council. 5

(4.) Every apprenticeship so made may continue until the apprentice attains the age of twenty years.

(5.) An indenture of apprenticeship made under this section shall not be assigned to any person except with the consent of the Minister of Lands. 10

PART III.

GENERAL.

Interpretation.

6. In this Part of this Act "Minister" in respect of an apprenticeship under Part I of this Act means the Minister of Immigration, and in respect of an apprenticeship under Part II of this Act means the Minister of Lands. 15

Application of Part I of principal Act to indentures under this Act.

7. The provisions of Part I of the principal Act shall apply in respect of an apprenticeship under Part I of this Act from the time of endorsement of acceptance by an employer nominated by the Minister, and in respect of an apprenticeship under Part II of this Act from the time of the complete execution of the indenture by the required parties, except as follows:— 20

(a.) Sections five to eight inclusive shall not apply. 25

(b.) In section nine, in lieu of the words "two Justices under their hands," the words "the Minister" shall be read.

(c.) Section eleven shall not apply, and in lieu thereof it is hereby enacted that an apprentice by indenture under this Act may make complaint to the Minister of any ill-usage or neglect of duty by his employer, and the Minister may, on proof to his satisfaction of such ill-usage or neglect of duty, discharge the apprentice from all obligation to such employer under the indenture, and may nominate a new employer to whom the apprentice shall become bound under the provisions of this Act forthwith upon such new employer signing an endorsement of acceptance upon the indenture, as if the indenture had originally been endorsed or executed by such new employer. 30 35 40

(d.) Sections thirteen and fourteen shall not apply. 40

New.

Section 12 of principal Act (relating to ill usage of apprentice) amended.

Provisions applicable in event of breach of duty by apprentice.

7A. Section twelve of the principal Act is hereby amended by omitting the words "ten pounds," and substituting the words "fifty pounds."

8. (1.) Any two Justices, on application or complaint by an employer or by the Minister against an apprentice concerning any breach of duty, disobedience, or ill behaviour, shall hear, examine, and determine the same in a summary way, and may, in their discretion, determine that the wages of the apprentice shall be subject to reduction by an amount not exceeding *one-half* thereof for a period not exceeding *two* months. 45 50

(2.) If the complaint or part of the complaint against an apprentice under Part I of this Act is that the apprentice has absented himself from and remains absent from the service of the employer, the Justices may issue a warrant for apprehending such apprentice, and directing him to be brought before them or before any two Justices, who shall hear and determine such complaint. In any such case the Justices, in addition to any direction for reduction of wages of the apprentice as provided by the *last preceding* subsection, may direct that the apprentice be returned in custody to the residence of the employer.

(3.) Any two Justices, upon the application or complaint of the Minister or of some officer of the Department of Immigration appointed in that behalf by the Minister alleging or complaining that an apprentice under Part I of this Act refuses or neglects to submit to due control, shall hear, examine, and determine the same in a summary way. If the Justices, having regard to the duty undertaken by the Government to the apprentice and to the parents or guardians (if any) of the apprentice, and having regard to the conduct of the apprentice, determine that it is in the best interests of the apprentice that the indenture should be cancelled and the apprentice be sent back to the United Kingdom, they may make an order under their hands to that effect. An apprentice in respect of whom such order has been made may be apprehended without further warrant, and be detained in such custody as the Minister appoints, and be conveyed on board such ship as the Minister directs. The cost of the passage of the apprentice to the United Kingdom, and of his conveyance from the port of arrival in the United Kingdom to the place where he resided at the time of execution of the first indenture, shall be paid out of the Consolidated Fund.

9. (1.) The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary for the purpose of giving effect to the provisions of this Act. Regulations.

(2.) All such regulations shall be published in the *Gazette*, and shall be laid before both Houses of Parliament within fourteen days after their publication in the *Gazette* if Parliament is then in session, and if not, then within fourteen days after the commencement of the next ensuing session.