

[AS REPORTED FROM THE LABOUR BILLS COMMITTEE, 9TH SEPTEMBER, 1896.]

Hon. Mr. Seddon.

MASTER AND APPRENTICE.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Law relating to Masters and Apprentices. Title.

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

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1. The Short Title of this Act is "The Master and Apprentice Act, 1896," and it shall come into operation on the first day of January, one thousand eight hundred and ninety-seven. Short Title. Commencement.

Interpretation.

2. In this Act, if not inconsistent with the context,—
- “Apprentice” means an apprentice in a *skilled* handicraft or ~~unskilled calling~~ under this Act :
- “Apprenticed” means apprenticed in a *skilled* handicraft or ~~unskilled calling~~ under this Act : 5
- “Guardian” includes an Inspector in the case of the apprenticing of young persons who—
- (a.) Are inmates of any industrial school, orphan school, or charitable institution ; or
- (b.) Not being such inmates, have no known or available parents or other guardians : 10
- “Handicraft” means and includes any trade, manufacture, mechanical art, or other skilled manual occupation or calling (with all the skilled branches thereof *respectively*), *and which is mentioned in the Third Schedule to this Act*, *and which involves systematic training and technical knowledge, and is carried on in a registered factory*; but it does not mean nor include any trade, occupation, or calling that wholly or almost wholly involves unskilled labour, or does not require systematic training and technical knowledge, even though it is carried on in a registered factory : 15
- “Inspector” means an Inspector appointed under “The Factories Act, 1894” : 20
- “Master” means any person to whom any young person is bound apprentice by deed of apprenticeship under this Act or by memorandum of assignment thereof : 25
- ~~“Unskilled calling” means and includes any trade or manual occupation or calling which is not a handicraft :~~
- “Young person” means a boy or girl under ~~eighteen~~ *twenty* and not under ~~twelve~~ *fourteen* years of age. 30

Exemption.

But nothing herein contained shall be taken to extend to apprentices, assistants, or students of any person engaged in the teaching of any professional or scientific pursuit, nor to shop-assistants, nor to any kind of clerk, *nor to any person carrying on an unskilled calling.* 35

APPRENTICES.

3. From and after the commencement of this Act,—
- (1.) No young person shall be apprenticed except by deed of apprenticeship under this Act ; 40
- (2.) No young person shall be apprenticed under this Act unless he satisfies the Inspector that he has passed the ~~Third~~ *Fourth* Standard of education as prescribed under “The Education Act, 1877,” or an equivalent examination, ~~or has attended school for the number of school days equal (in all) to a regular attendance for two years.~~ 45

No young person to be apprenticed unless passed Fourth Standard public-school or equivalent.

Who may take apprentices.

4. Subject to the provisions of this Act, and the Orders in Council to be made hereunder, any person exercising any *skilled* handicraft or ~~unskilled calling~~ may take by deed any young person as apprentice in such handicraft or calling.

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5. The term of apprenticeship shall not exceed—
- (1.) *Three* years, in the case of girls to be taught tailoring, millinery, or dressmaking; and
- (2.) *Five* years in the case of all other young persons.
- 5 6. Wherever an apprentice, ~~whether~~ in a *skilled* handicraft or ~~an unskilled calling~~ is employed in a factory registered under "The Factories Act, 1894," the deed of apprenticeship shall be read and construed subject to the provisions of that Act.
7. From and after the commencement of this Act, no young person shall be employed at any handicraft unless he is apprenticed therein by deed under this Act:
- 10 Provided that this section shall not apply in the case of any young person who,—
- (1.) Is so employed under an instrument of apprenticeship which was executed before the commencement of this Act; or
- (2.) With a view to being apprenticed by deed, is so employed on probation for such period (not exceeding three months) as may be agreed on between the guardian and the employer.
- 20 8. (1.) Where a young person who has been previously employed at a handicraft is to be apprenticed therein, the time of previous service and the skill already acquired may be taken into account for the purpose of equitably adjusting the rate of wages and the period of future service.
- (2.) Such adjustment may be effected by a declaration in the deed that, of the term prescribed by law, such portion as may be agreed on shall be deemed to have expired, and for that purpose the nominal commencement of the term may be antedated.
- 30 9. Every young person employed at or apprenticed in any handicraft shall, on ceasing to be so employed or apprenticed, be entitled to receive from his employer a certificate under his hand setting forth the period of such young person's service at such handicraft.

Term of apprenticeship.

Deed to be subject to the provisions of "The Factories Act, 1894."

No young persons to be employed at handicraft unless duly apprenticed.

Previous service and skill may be taken into account.

Apprentice entitled to certificate of service.

35 FORMS AND INCIDENTS OF DEEDS.

10. Every deed of apprenticeship under this Act—
- (1.) Shall be executed in duplicate by the guardian of the first part, the apprentice of the second part, and the master of the third part:
- 40 (2.) Shall, when the apprentice is bound to reside with the master, be in the Form A in the *First* Schedule hereto, or to the effect thereof:
- (3.) Shall, when the apprentice is not bound to reside with the master, be in the Form B in the *First* Schedule hereto, or to the effect thereof:
- 45 (4.) May contain such additional covenants and provisions (not inconsistent with this Act) as may be agreed on between the parties:

Form of deed.

First Schedule.

(5.) Shall bind the parties thereto as fully for all purposes as if the apprentice executing it were of full age: Provided nevertheless that an Inspector executing as guardian shall incur no personal liability.

Deed to be certified
by Inspector.

11. It shall be the duty of the master to procure on the deed, at or prior to the execution thereof, a certificate by the Inspector that the apprentice has received the amount of schooling prescribed by this Act. 5

Assignment of deed.

12. A deed of apprenticeship may be assigned by the master by memorandum of assignment under this Act, but not otherwise. 10

Form.

13. Every such memorandum of assignment,—

Second Schedule.

(1.) Shall be in the form in the *Second Schedule* hereto;

(2.) Shall be executed in duplicate by the assignor and the assignee; and

(3.) Shall bear the written consent of the guardian and of the apprentice: Provided that where the guardian (not being an Inspector) cannot be found, an Inspector may consent in his stead. 15

New clause.

13A. A deed of apprenticeship under this Act may at any time be cancelled by a Stipendiary Magistrate on the summary application of any of the parties thereto, if the Magistrate is satisfied that the employer has relinquished business, or that all parties to the deed consent. 20

MISCELLANEOUS.

Wages of
apprentices.

14. (1.) Every apprentice shall be paid wages in each week or fortnight (as the case may be) at such rate, and with such increase in each year of the term, as are specified in the deed: 25

Provided that ~~in no case shall the wages for the first year be at a lower rate than five shillings a week, or the increase for each year be at a lower rate than two shillings and sixpence per week.~~

New proviso.

the rate of wages shall be regulated by the standard rate payable for the time being to journeymen or skilled operatives in the district, and shall in no case be less than the respective proportions of such standard rate during the respective periods next hereinafter specified, that is to say,— 30

Ten per centum during the first, twenty per centum during the second, thirty-five per centum during the third, and fifty per centum during the fourth quarter of the whole term of the apprenticeship. 35

(2.) The rate of wages payable to the apprentice during each of the aforesaid periods shall be fixed and indorsed on both copies of the deed at the commencement of each such period, and if any question or dispute arise as to what rate should be so fixed and indorsed, a Stipendiary Magistrate, on summary application in that behalf, shall decide, and his decision shall be final. 40

Jurisdiction of
Magistrate in cases
of dispute, &c.

15. If any matter of difference or complaint arises between any master and his apprentice, or the parent or guardian of such apprentice, concerning,— 45

- (1.) The nature of the employment ; or
- (2.) The breach or non-performance by master or apprentice of any of the provisions of this Act or of the deed ; or
- (3.) The behaviour of the apprentice ; or
- 5 (4.) The treatment of the apprentice by the master ; or
- (5.) Any other cause of dispute begotten of the apprenticeship, —

then and in any such case any Stipendiary Magistrate shall have jurisdiction to hear and determine the same in a summary way, under
 10 "The Justices of the Peace Act, 1882," and to impose any penalty not exceeding *five* pounds.

16. The Governor may from time to time, by Order in Council,—

- 15 (1.) Prescribe the term of apprenticeship in each or any handicraft or unskilled calling under this Act :
- (2.) Declare as to any specified trade, manufacture, art, occupation, or calling, or any branch thereof, whether it is or is not a *skilled* handicraft or an ~~unskilled calling~~ within the meaning of this Act :
- 20 (3.) Prescribe the working-hours of apprentices and the holidays to be allowed to them :

17. It shall not be lawful for any master exercising any of the handicrafts specified in the *Third* Schedule hereto to take or employ a greater number of apprentices in proportion to journeymen or adults
 25 in his permanent employment than is set out in that Schedule :

Struck out.

30 Provided that the Governor may from time to time, by Order in Council, gazetted, extend or otherwise alter that Schedule in such manner as he thinks fit ; and every such alteration shall have effect as if made in and by this Act.

35 18. Every person who commits any breach of any of the provisions of this Act, or of any Order in Council made hereunder, for which no penalty is hereinbefore provided, is liable to a penalty not exceeding *ten* pounds, to be recovered in a summary way before a Stipendiary Magistrate alone.

19. Nothing in this Act contained shall interfere with proceedings under "The Factories Act, 1894," for the recovery of any penalty thereby imposed: Provided that no person shall be punished twice for the same offence.

40 20. Section eleven of "The Government Apprentices Act, 1875," is hereby amended by the omission of the words "in solitary confinement" in the first paragraph thereof.

45 21. Nothing in this Act shall be construed to annul or repeal any provisions of "The Industrial Schools Act, 1882," or (excepting as last aforesaid) of "The Government Apprentices Act, 1875."

22. "The Master and Apprentice Act, 1865," is hereby repealed.

Governor may—

Prescribe the term of apprenticeship ;

Declare whether any specified trade, &c., is a handicraft ;

Prescribe working hours.

Number of apprentices that may be employed in proportion to journeymen or adults.

Third Schedule.

Penalty for breach of Act.

Proceedings under Factories Act not affected.

"The Government Apprentices Act, 1875," amended.

Saving of Acts.

Repeal.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

Form A.

When Apprentice is bound to dwell with his Master.

DEED OF APPRENTICESHIP.

THIS DEED, made in pursuance of "The Master and Apprentice Act, 1896" (herein referred to as "the said Act"), the _____ day of _____, one thousand eight hundred and ninety-_____, between [name in full of parent, guardian, or Inspector, as the case may be], of _____ (hereinafter termed "the guardian"), of the first part [name of apprentice] (hereinafter termed "the apprentice"), of the second part, and [name, residence, and calling of master], of _____ (hereinafter termed "the master"), of the third part. Whereas the Inspector is satisfied that the apprentice has received the amount of schooling prescribed by the said Act: Now this Deed witnesseth that, in pursuance and exercise of the powers conferred by the said Act, and in consideration of the premises, the guardian doth hereby place and bind the apprentice as an apprentice to the master, with him to dwell and serve, as from the day of the date hereof, for and during the term of _____ years, to be fully complete and ended unless these presents shall be previously cancelled pursuant to the said Act, during which term the apprentice shall well and faithfully serve the master in all lawful things, according to _____ skill, power, and ability; and shall do no damage to the master, nor suffer any to be done by others; and shall not waste the goods of the master, or those of any other person or persons in _____ custody, or lend them unlawfully to any person; and shall not absent self from the said service without the leave of the master first obtained, but shall in all things honestly, orderly, and obediently demean and behave self towards the master and all others during the said term as a faithful apprentice ought to do. And in consideration of the premises the master doth hereby, for himself, his executors and administrators, covenant with the guardian and apprentice jointly, and with each of them severally, that he, the master, will by the best means in his power teach and train, or cause to be taught and trained, the apprentice in the handicraft [or, if not a handicraft, unskilled calling, as the case may be] of a _____ during the said term; and shall and will, during the continuance of the said term, find, provide, and allow unto the apprentice proper and sufficient meat, drink, medicine, apparel, lodging, washing, and all other things necessary and fit for such an apprentice: And during the whole of the said term will pay to the apprentice weekly and every week [or fortnightly and every fortnight] wages at the rates following, that is to say: _____ per week during the first year of the term, and _____ per week during the second year of the term [and so on, setting out the weekly rate for each year].

New.

as indorsed hereon, being rates bearing the following respective proportions to the standard rate for the time being payable in the district to journeymen or skilled operatives during the following respective periods, that is to say,—

_____	per centum during the first,	_____	per centum during the second,
_____	per centum during the third, and	_____	per centum during the fourth
_____	quarter of the whole of the said term;		

and will make the first such weekly [or fortnightly] payment on the _____ day of _____, 189 _____. And it is hereby declared that these presents are intended to operate as a deed of apprenticeship made under the said Act. In witness whereof the parties hereto have hereunto set their hands the day and year first above written.

Signed by the said _____ in the
presence of _____

A.B.,
(Occupation.)
(Address.)

[Signature of guardian.]

Signed by the said _____ in the
presence of _____

C.D.,
(Occupation.)
(Address.)

[Signature of apprentice.]

Signed by the said _____ in the
presence of _____

E.F.,
(Occupation.)
(Address.)

[Signature of master.]

INSPECTOR'S CERTIFICATE.

THIS is to certify that I am satisfied that the above-named apprentice has received the prescribed amount of schooling.

G.H., Inspector

Master and Apprentice.

Form B.

When Apprentice is not bound to dwell with his Master.

DEED OF APPRENTICESHIP.

THIS DEED, made in pursuance of "The Master and Apprentice Act, 1896" (herein referred to as "the said Act"), the day of , one thousand eight hundred and ninety- , between [name in full of parent, guardian, or Inspector, as the case may be], of (hereinafter termed "the guardian"), of the first part, the said [name of apprentice] (hereinafter termed "the apprentice"), of the second part, and [name, residence, and calling of master], of (hereinafter termed "the master"), of the third part. Whereas the Inspector is satisfied that the apprentice has received the amount of schooling prescribed by the said Act: Now this Deed witnesseth that, in pursuance and exercise of the powers conferred by the said Act, and in consideration of the premises, the guardian doth hereby place and bind the apprentice as an apprentice to the master, with him to serve, as from the day of the date hereof, for and during the term of years, to be fully complete and ended unless these presents shall be previously cancelled pursuant to the said Act, during which term the apprentice shall well and faithfully serve the master in all lawful things, according to skill, power, and ability; and shall do no damage to the master, nor suffer any to be done by others; and shall not waste the goods of the master, or those of any other person or persons in custody, or lend them unlawfully to any person; and shall not absent self from the said service without the leave of the master first obtained, but shall in all things honestly, orderly, and obediently demean and behave self towards the master and all others during the said term as a faithful apprentice ought to do. And in consideration of the premises the master doth hereby, for himself, his executors and administrators, covenant with the guardian and apprentice jointly, and with each of them severally, that he, the master, will by the best means in his power teach and train, or cause to be taught and trained, the apprentice in the handicraft [or, if not a handicraft, unskilled calling, as the case may be] of a during the said term; and during the whole of the said term will pay to the apprentice weekly and every week [or fortnightly and every fortnight], wages at the following rates, that is to say: per week during the first year of the term, and per week during the second year of the term [and so on, setting out the weekly rate of wages for each year];

New.

as indorsed hereon, being rates bearing the following respective proportions to the standard rate for the time being payable in the district to journeymen or skilled operatives during the following respective periods, that is to say,—

per centum during the first, per centum during the second, per centum during the third, and per centum during the fourth

quarter of the whole of the said term; and will make the first such weekly [or fortnightly] payment on the day of , 18 . And it is hereby declared by the parties hereto that these presents are intended to operate as a deed of apprenticeship made under the said Act. In witness whereof the parties hereto have hereunto set their hands the day and year first above written.

Signed by the said in the presence of A.B., (Occupation.) (Address.) [Signature of guardian.] Signed by the said in the presence of C.D., (Occupation.) (Address.) [Signature of apprentice.] Signed by the said in the presence of E.F., (Occupation.) (Address.) [Signature of master.]

INSPECTOR'S CERTIFICATE.

THIS is to certify that I am satisfied that the above-named apprentice has received the prescribed amount of schooling.

G.H., Inspector.

SECOND SCHEDULE.

MEMORANDUM OF ASSIGNMENT.

THE Deed of Apprenticeship under "The Master and Apprentice Act, 1896," dated the day of , 18 , made between , of the first part,

of _____, of the second part, and _____, of the third part, is hereby assigned to _____, of _____

Dated this _____ day of _____, 18 ____ . A.B. (Assignor).
C.D. (Assignee).

Consented to—E.F. (Apprentice).

G.H. (Guardian, &c., or Inspector)

Witness to signatures of A.B., C.D., E.F., and G.H.,—

I.J.,

(Occupation and address.)

THIRD SCHEDULE.

[Words in this Schedule underlined denote erasures.]

Handicraft.	Proportion of Apprentices to Journeymen or Adults permanently employed. ("A" means Apprentice; "M" means Journeymen or Adults permanently employed.)
Bakers and pastry-cooks	
Blacksmiths	
Boilermakers	
Bookbinders, vellum-binders, and paper-rulers	
Bootmakers—	
Clicking department	
Benching department	
Finishing department	
Bricklayers	
Brickmakers	
Butchers	
Cabinetmakers, upholsterers, and French-polishers	
Carpenters and joiners and wood-workers	
Coachmakers (body-makers, carriage-makers, painters, wheelers, smiths, trimmers, and vice-men or fitters)	
Compositors and machinists	
Confectioners	
Coopers	
Dressmakers and mantlemakers	
Engineers (smiths, fitters, turners, pattern-makers, millwrights, machinists, brass-finishers, mechanical draughtsmen, and copper-smiths)	One apprentice to four journeymen.
Hairdressers	
Hatters	
Iron Founders	
Lithographic printers	
Millers	
Painters, paperhangers, grainers, writers, glaziers, and house-decorators	
Plasterers	
Plumbers, gasfitters, and tin-smiths	
Saddlers (collar-makers, harness-makers, bridle-cutters, and brown-saddlers)	
Shipwrights	
Stonemasons	
Tailoresses—	
Coat-making	
Coat-machining	
Vest-making, vest-machining, trousers-making, trousers-machining	
Moles, and mole-machining	
Tailors	
Tanners and curriers	
Tinworkers	
Watchmakers	