

Rt. Hon. R. J. Seddon.

MASTER AND APPRENTICE.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title. Commencement.</p> <p>2. Interpretation. Exemption.</p> <p style="text-align: center;">APPRENTICES.</p> <p>3. Young persons to be apprenticed by deed. Must have passed Fourth Standard or equivalent. Proviso.</p> <p>4. Who may take apprentices.</p> <p>5. Term of apprenticeship.</p> <p>6. Deed to be subject to "The Factories Act, 1894."</p> <p>7. No young persons to be employed at skilled handicraft unless duly apprenticed.</p> <p>8. Previous service and skill may be taken into account.</p> <p style="text-align: center;">FORMS AND INCIDENTS OF DEEDS.</p> <p>9. Form and execution of deed.</p> <p>10. Deed to be certified by Inspector.</p> <p>11. Assignment of deed.</p> | <p>12. Form of memorandum of assignment.</p> <p>13. Cancellation of deed.</p> <p style="text-align: center;">MISCELLANEOUS.</p> <p>14. Wages of apprentices.</p> <p>15. Apprentice entitled to certificate of service.</p> <p>16. Jurisdiction of Magistrate in cases of dispute, &c.</p> <p>17. Court of Arbitration may declare—(1.) Whether any specified trade, &c., is a skilled handicraft. (2.) Proportion of apprentices to journeymen. Proviso. (3.) Working-hours. Proviso. (4.) Term of apprenticeship.</p> <p>18. Provisions applicable to award.</p> <p>19. Penalty for breach of Act.</p> <p>20. Proceedings under Factories Act not affected.</p> <p>21. "The Government Apprentices Act, 1875," amended.</p> <p>22. Saving of Acts.</p> <p>23. Repeal. Schedule.</p> |
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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:—

- 5 1. The Short Title of this Act is "The Master and Apprentice Act, 1898," and it shall come into operation on the *first* day of *January*, one thousand eight hundred and ninety-nine. Short Title. Commencement.
- 10 2. In this Act, if not inconsistent with the context,— Interpretation.
- "Apprentice" means an apprentice in a skilled handicraft under this Act:
- "Court of Arbitration" means the Court of Arbitration constituted under the Industrial Arbitration Act.
- 15 "Factory" means a factory or workroom registered under "The Factories Act, 1894":

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| | “Guardian” includes an Inspector in the case of the apprenticeship 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: | 5 |
| | “Industrial Arbitration Act” means “The Industrial Conciliation and Arbitration Act, 1894:” | |
| | “Inspector” means an Inspector appointed under “The Factories Act, 1894”: | 10 |
| | “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: | |
| | “Skilled handicraft” means and includes any skilled section of any trade, manufacture, mechanical art, or other skilled manual occupation or calling (with all or any of the skilled branches thereof) which involves systematic training and technical knowledge, and is carried on in a factory; but it does not mean or include any trade, occupation, or calling which wholly or almost wholly involves unskilled labour, or does not require systematic training and technical knowledge, even though it is carried on in a factory: | 15 |
| | “Young person” means a boy or girl under twenty and not under fourteen years of age. | 20 |
| Exemption. | Nothing herein contained shall apply to apprentices, 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 young persons apprenticed or employed in any unskilled calling. | 25 |
| | APPRENTICES. | 30 |
| Young persons to be apprenticed by deed. | 3. From and after the commencement of this Act,— | |
| | (1.) No young person shall be apprenticed in any skilled handicraft except by deed of apprenticeship under this Act; | |
| Must have passed Fourth Standard or equivalent. | (2.) No young person shall be apprenticed under this Act unless the Inspector is satisfied that such person has passed the Fourth Standard of education as prescribed under “The Education Act, 1877,” or an equivalent examination: | 35 |
| Proviso. | Provided that this subsection shall not apply to young persons who have lived more than three miles from a school, and by reason thereof have, in the opinion of the Inspector, had no adequate opportunity of complying with the provisions of this subsection. | 40 |
| Who may take apprentices. | 4. Subject to the provisions of this Act, any person exercising any skilled handicraft may take by deed any young person as apprentice in such handicraft. | 45 |
| Term of apprenticeship. | 5. The term of apprenticeship shall not exceed— | |
| | (1.) <i>Three</i> years, in the case of girls; and | |
| | (2.) <i>Five</i> years in the case of boys. | |
| Deed to be subject to “The Factories Act, 1894.” | 6. The deed of apprenticeship shall be read and construed subject to the provisions of “The Factories Act, 1894.” | 50 |

7. From and after the commencement of this Act, no young person shall be employed in any skilled handicraft unless he is apprenticed therein by deed under this Act:

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

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
- 10 (2.) With a view to being apprenticed by deed under this Act, is so employed on probation for such period (not exceeding in the case of girls three months, and in the case of boys six months) as may be agreed on between the guardian and the employer; or
- 15 (3.) Has duly completed an apprenticeship in such skilled handicraft, whether pursuant to deed under this Act or instrument of apprenticeship executed before the commencement of this Act.

8. (1.) Where a young person who has been previously employed in a skilled 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.

Previous service and skill may be taken into account.

(2.) Such adjustment may be effected by a declaration in the deed that such portion of the term of the apprenticeship as may be agreed on shall be deemed to have expired, and for that purpose the nominal commencement of the term may be antedated.

FORMS AND INCIDENTS OF DEEDS.

9. Every deed of apprenticeship under this Act—

Form and execution of deed.

- 30 (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:
- (2.) Shall, when the apprentice is bound to dwell with the master, be in the Form A in the Schedule hereto, or to the effect thereof:
- 35 (3.) Shall, when the apprentice is not bound to dwell with the master, be in the Form B in the Schedule hereto, or to the effect thereof:
- (4.) May contain such additional covenants and provisions (not inconsistent with this Act) as may be agreed on between the parties:
- 40 (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.

10. 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 in the Form C in the Schedule hereto that the apprentice has passed the educational examination prescribed by section *three* of this Act, or is exempt therefrom as in that section provided.

Deed to be certified by Inspector.

11. The deed of apprenticeship may be assigned by the master by memorandum of assignment under this Act, but not otherwise.

Assignment of deed.

Form of memorandum of assignment.

12. Every such memorandum of assignment,—
- (1.) Shall be in the Form D in the 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. 5

Cancellation of deed.

13. A deed of apprenticeship under this Act may at any time be cancelled by a Stipendiary Magistrate, on such terms as he deems equitable, on the summary application of any of the parties thereto, if the Magistrate is satisfied that the master has relinquished business, or that all parties to the deed consent, or that for any other sufficient reason the deed should be cancelled. 10

MISCELLANEOUS.

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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:

Provided that the rate of wages shall be regulated by the standard rate payable for the time being to journeymen in the same skilled handicraft in the locality where the apprentice is for the time being employed, 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,— 20

Ten per centum during the first, twenty per centum during the second, thirty per centum during the third, and forty per centum during the fourth quarter of the whole term of the apprenticeship. 25

(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 or as soon as practicable after 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. 30

Apprentice entitled to certificate of service.

15. Every young person lawfully employed or apprenticed in any skilled handicraft shall, on ceasing to be so employed or apprenticed, receive from his employer or master a certificate under his hand in the Form E in the Schedule hereto setting forth the period of such young person's service at such handicraft. 35

Jurisdiction of Magistrate in cases of dispute, &c.

16. If any matter of difference or complaint arises between any master and his apprentice, or the parent or guardian of such apprentice, concerning,— 40

- (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 45
- (3.) The behaviour of the apprentice; or
- (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 "The Justices of the Peace Act, 1882," and to impose any penalty not exceeding five pounds. 50

17. The Court of Arbitration shall have jurisdiction to determine and declare by award :—

Court of arbitration may declare—

5 (1.) As to any specified trade, manufacture, art, occupation, or calling, or any branch thereof, whether the same is or is not a skilled handicraft.

Whether any specified trade, &c., is a skilled handicraft.

10 (2.) As to any specified skilled handicraft, the maximum number of apprentices that a master may at any time lawfully take or employ therein, in proportion to the weekly average number of journeymen employed by him therein during the then last-preceding year, such weekly average being ascertained by adding together the maximum number so employed in each week of the year and dividing the total by fifty-two :

Proportion of apprentices to journeymen.

15 Provided that where the master employs no journeymen he shall be entitled to employ one apprentice.

Proviso.

(3.) As to apprentices in any skilled handicraft, their working-hours, and the holidays to be allowed to them :

Working-hours.

20 Provided that in no case shall the award increase the working-hours or reduce the holidays prescribed by any Act for the time being in force.

Proviso.

(4.) As to the term of apprenticeship in any specified skilled handicraft, the length thereof not exceeding the limit prescribed by section *five* of this Act :

Term of apprenticeship.

25 Provided that in no case shall the award affect the term specified in any deed or instrument of apprenticeship lawfully executed and in force at the time when the award is made.

18. With respect to every such award the following provisions shall apply :—

Provisions applicable to award.

30 (1.) The application for the award shall be made in such manner and form as are prescribed by regulations under the Industrial Arbitration Act.

35 (2.) The application shall be deemed to be a reference to the Court of Arbitration to settle an industrial dispute under the Industrial Arbitration Act, and, subject to this Act, all the provisions of that Act relating to industrial disputes, the parties thereto, and the procedure thereon, shall apply, save that the reference shall be to the Court direct, and the Board of Conciliation shall have no jurisdiction.

40 (3.) The award, in so far as it relates to any specified skilled handicraft, shall, by force of this Act, and without specifying any master by name, extend and apply to that handicraft throughout the colony, and to every master exercising the same.

45 (4.) The award shall be expressed to continue in operation for three years from the date named therein, being in no case sooner than *two* nor later than *three* months after the date of the award, and it shall continue accordingly.

50 (5.) If any master to whom, by force of this Act, the award applies makes default in faithfully complying therewith, then, in lieu of being subject to the provisions of the Industrial Arbitration Act relating to the enforcement of awards, he shall be deemed to have committed a breach of this Act.

- (6.) The Governor may from time to time make regulations under the Industrial Arbitration Act for the purpose of giving full effect to the provisions of this Act relating to the Court of Arbitration and its awards.
- Penalty for breach of Act. 19. Every person who commits any breach of any of the provisions of this Act, for which no penalty is provided elsewhere than in this section, is liable to a penalty not exceeding *ten* pounds, to be recovered in a summary way before a Stipendiary Magistrate alone, whose decision shall be final. 5
- Proceedings under Factories Act not affected. 20. Nothing in this Act contained shall interfere with proceedings under "The Factories Act, 1894," for the recovery of any penalty thereby imposed: 10
Provided that no person shall be punished twice for the same offence.
- "The Government Apprentices Act, 1875," amended. 21. 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. 15
- Saving of Acts. 22. Nothing in this Act shall be construed to annul or repeal any of the provisions of "The Industrial Schools Act, 1882," or (excepting as last aforesaid) of "The Government Apprentices Act, 1875." 20
- Repeal. 23. "The Master and Apprentice Act, 1865," is hereby repealed.

Schedule.

SCHEDULE.

Section 9.

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, 1898" (herein referred to as "the said Act"), the day of , one thousand , 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: Witnesseth that, in 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 are 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 the apprentice's 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 persons which are in the apprentice's custody, nor 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 skilled handicraft of a during the said term; and will, during the continuance of the said term, 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 as indorsed hereon, being rates bearing not less than the following respective proportions to the standard rate for the time being payable in the locality where the apprentice is for the time being employed to journeymen in the same skilled handicraft, 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 , 1 . And it is hereby declared that these presents are intended to operate as a deed of apprenticeship under the said Act. In witness whereof the parties hereto have hereunto set their hands the day and year first above written.

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

Form B.

Section 9.

When Apprentice is not bound to dwell with his Master.

DEED OF APPRENTICESHIP.

THIS DEED, made in pursuance of "The Master and Apprentice Act, 1898" (herein referred to as "the said Act"), the day of , one thousand , 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: Witnesseth that, in 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 are 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 the apprentice's 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 which are in the apprentice's custody, nor 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 skilled handicraft 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 rates as indorsed hereon, being rates bearing not less than the following respective proportions to the standard rate for the time being payable in the locality where the apprentice is for the time being employed to journeymen in the same skilled handicraft, 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 _____, 1____. And it is hereby declared that these presents are intended to operate as a deed of apprenticeship under the said Act. In witness whereof the parties hereto have hereunto set their hands the day and year first above written.

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

Section 1

Form C.

INSPECTOR'S CERTIFICATE.

[To be subscribed on the deed at or prior to the execution thereof.]

THIS is to certify that I am satisfied that the above-named apprentice has passed the educational examination prescribed by the said Act [or has lived more than three miles from a school and has had no adequate opportunity of passing the educational examination prescribed by the said Act, and is consequently exempt therefrom].

G.H., Inspector.

Section 12.

Form D.

MEMORANDUM OF ASSIGNMENT.

THE Deed of Apprenticeship under "The Master and Apprentice Act, 1898," dated the _____ day of _____, 1____, 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 _____, 1____. 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.)

Section 15.

Form E.

EMPLOYER'S CERTIFICATE.

I, _____, hereby certify that _____ has duly served and completed an apprenticeship of _____ years in the skilled handicraft of [Name of handicraft], being the whole [or portion] of the term of _____ years under deed of apprenticeship dated the _____ day of _____, 18____ [or, has been in my employment (not apprenticed) in the skilled handicraft of (Name of handicraft) for the period of _____ years commencing (Date) and ending (Date)].

I.J., Employer.