

TECHNICIANS TRAINING BILL

EXPLANATORY NOTE

THIS Bill is intended to put into legislative form some of the proposals of the Royal Commission of Inquiry into Vocational Training set out in chapter four of its report. New Zealand industry has reached the stage where there is a class of persons in between professional staff (such as graduate engineers) and tradesmen commonly referred to as technicians, who are expected to have sufficient theoretical knowledge to relieve professional staff of much supervisory work and enough practical experience to be able to oversee the work of skilled tradesmen, to be able to demonstrate techniques to them, and sometimes to translate the concepts of the professional men into language comprehensible to tradesmen. The Royal Commission considered that special legislation should be enacted to make provision for the training of persons who wish to become technicians. The Bill accordingly provides for the establishment by Order in Council of a technician training council in respect of such industry or industries as may be specified in the order. Before any such council is established in respect of any industry, interested employer organisations are to agree on the formulation of a training scheme for technician trainees and cadets engaged in the industry, and employer organisations and unions are to agree on a principal determination on the conditions of employment of those trainees and cadets.

The main functions of a technician training council are to be to administer the training scheme for any class of technician trainees or cadets employed in the industry in respect of which the council was established and to determine from time to time the conditions of employment of any such trainees or cadets. It is proposed that the operation of a technician training council may be financed out of levies imposed on employers engaged in the industry for which it was established, if the employer organisations so decide.

Clause 1 relates to the Short Title of the Bill.

Clause 2 defines the terms used in the Bill.

Orders in Council Establishing Technician Training Councils

Clause 3 provides for the establishment by Order in Council of a technician training council in respect of such industry or industries as may be specified in the order.

A copy of the principal training scheme formulated in accordance with *clause 4* of the Bill is to be annexed to the order. The clause also specifies the matters for which a training scheme is to make provision.

Clause 4: Before any Order in Council under *clause 3* of the Bill can be made, the employer organisation or organisations whose members are engaged in the industry are to have agreed on the formulation of a training scheme for the training of technician trainees and cadets engaged in the industry, and employer organisations and unions are to have agreed on a principal determination on the conditions of employment of those trainees or cadets. If employer organisations and unions are unable to agree on any such determination, the matter on which agreement cannot be reached is to be referred to the Court of Arbitration for settlement.

Clause 5 provides for the amendment or revocation of any Order in Council made under *clause 3* of the Bill.

Clause 6 provides that every Order in Council made under the Bill is to have effect according to its tenor. The clause also provides for dates of commencement of any such orders.

Clause 7 provides that awards and industrial agreements under the Industrial Conciliation and Arbitration Act 1954 or agreement under the Labour Disputes Investigation Act 1913 and apprenticeship orders under the Apprenticeship Act 1948 are not to apply in respect of technician trainees and cadets from the date of commencement of any Order in Council establishing a technician training council for the industry in which those trainees or cadets are engaged.

Constitution of Technician Training Councils

Clause 8 prescribes the constitution of a technician training council. Provision is made for the Secretary of Labour or his nominee to be chairman and for the representation on any such council of employer organisations, trade unions, a nominee of the Director of Education, and any interested institute of technicians.

Clause 9 provides for the appointment, term of office, and resignation and removal from office of a member of a technician training council. Members are to be appointed by the Minister of Labour for a term of three years.

Clause 10 provides for the appointment of deputies of members of any technician training council.

Clause 11 sets out the procedure for the holding of meetings of a technician training council and the procedure to be adopted at meetings.

Clause 12 enables temporary members of technician training councils to be appointed.

Clause 13 enables any technician training council to establish local technician training committees in respect of any part of New Zealand, and to delegate any of its powers, duties, or functions to any such committee.

Clause 14: The Department of Labour is to provide administrative services for a technician training council.

Clause 15 provides for the payment of fees and travelling allowances to members of any technician training council and of any local technician training committee established by it.

Training Schemes and Conditions of Employment of Trainees

Clause 16 directs a technician training council to administer the training scheme within its jurisdiction. The clause also gives any such council several other functions such as prescribing the standards of training of trainees and cadets engaged in the industry with which it is connected.

Clause 17 empowers a technician training council from time to time to amend or consolidate a principal determination on the conditions of employment of trainees made under *clause 4* of the Bill, and provides for the procedure to be followed in so doing. If a council cannot reach agreement on any matter relating to conditions of employment of trainees, the chairman of the council is to refer it to the Court of Arbitration for decision. Any such determination is to be filed with the Clerk of Awards for the Wellington Industrial District in like manner as an industrial agreement under Part V of the Industrial Conciliation and Arbitration Act 1954.

Clause 18 specifies certain powers of a technician training council relating to the employment of technician trainees and cadets and their contracts of service, including the power to cancel contracts, prohibit an employer from employing or continuing to employ a trainee, and order a trainee to be transferred from one employer to another. Provision is made for the inspection of the place of work of any technician trainee or cadet.

Clause 19 provides that any contract of service between a technician trainee or cadet and his employer is to be read subject to the provisions of any Order in Council establishing a technician training council for the industry in which they are engaged and of any determination relating to conditions of employment filed under *clause 4* or *clause 17* of the Bill.

Clause 20 provides for the enforcement of provisions of determinations fixing the conditions of employment of technician trainees and cadets.

Levies

Clause 21: An Order in Council establishing a technician training council in respect of any industry may, subject to the agreement of interested employer organisations, provide for the payment of levies by employers in the industry for the purpose of meeting the expenses of the council and operating the training scheme under its jurisdiction. Provision is made for any employer who claims he should not have been assessed or considers he has been wrongly assessed to appeal to the Court of Arbitration. The amount of levy assessed is, subject to provisions of the clause, recoverable as a debt by the council from the employer assessed.

Clause 22 empowers a technician training council to require an employer in the industry to furnish to it such returns and other information and to keep such records as may be necessary to enable the council to assess the amount of levy payable by him and to perform its other functions under the Bill.

Accounts

Clause 23 provides for the keeping of accounts by a technician training council.

Clause 24 enables a technician training council to establish special funds and reserves. The clause also provides for the investment of money belonging to a council.

Clause 25 provides for the accounts of a technician training council to be audited by the Audit Office. The council is to furnish the Minister of Labour with a copy of its accounts as soon as practicable after the end of each financial year together with a report on its operations.

Miscellaneous Matters

Clause 26 authorises two or more employers to employ a technician trainee or cadet jointly.

Clause 27 provides for the legislation to be administered by the Department of Labour, and accordingly amends the Labour Department Act 1954.

Hon. Mr Shand

TECHNICIANS TRAINING

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A BILL INTITULED

An Act to provide for the formulation of schemes for the training of technicians and technical cadets and to provide for the conditions of their employment

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows: 5

1. Short Title—This Act may be cited as the Technicians Training Act 1967.

2. Interpretation—In this Act, unless the context otherwise requires,— 10

“Agreement”, in relation to any meeting of employer organisations or any meeting of employer organisations and unions or any technician training council, means unanimous agreement or agreement with no one dissenting: 15

“Conditions of employment”, in relation to any class of trainees, means—

(a) The scales and rates of salaries, wages, allowances, and other emoluments, and the conditions under which they are to be paid: 20

(b) Conditions in respect of hours of work, overtime, and work on public holidays and on Saturdays and Sundays:

(c) Conditions in respect of the granting of public and annual holidays and other leave of absence, and the terms and conditions subject to which they may be granted: 25

(d) Any other conditions of employment of any description: 30

“Contract” means a contract of service entered into between an employer and a trainee:

“Court of Arbitration”, or “Court”, means the Court of Arbitration constituted under the Industrial Conciliation and Arbitration Act 1954: 35

“Employer” means a person employing persons in any industry in respect of which a technician training council has been established or is proposed to be established:

5 “Employer organisation” means any organisation or association of organisations representative of employers engaged in any industry in respect of which a technician training council has been established or is proposed to be established:

10 “Industry” means any business, trade, manufacturing or commercial undertaking, or calling of employers, and any calling, service, employment, handicraft, or occupation of workers; and includes any group of industries, and “industrial” has a corresponding meaning; and “the industry”, in relation to any technician training council, means the activities in relation to which it exercises its functions:

15 “Institute of technicians”, or “institute”, means any institute, association, or society of any description representing the interests of technicians engaged in any industry in respect of which a technician training council is for the time being established or is proposed to be established:

20 “Minister” means the Minister of Labour:

“Technician training council”, or “council”, means a technician training council established by an Order in Council made under section 3 of this Act:

25 “Trainee” means any trainee technician or cadet who has entered into a contract (whether before or after the commencement of this Act) for the purpose of undergoing training in a field of industrial or managerial skills and practices, or both, and acquiring such technical knowledge and working experience, and undertaking such course or courses of educational instruction, as may be appropriate to his training; but does not include any person who is an apprentice within the meaning of the Apprentices Act 1948:

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35 “Union” means any industrial union or unions of workers registered under the Industrial Conciliation and Arbitration Act 1954 whose members are employed in any industry in respect of which a technician training council has been established or is proposed to be established.

Orders in Council Establishing Technician Training Councils

3. Orders in Council establishing technician training councils—(1) The Governor-General may from time to time, by Order in Council, on the recommendation of the Minister, establish a technician training council in respect of such industry or industries as may be specified in the order. 5

(2) There shall be annexed as a Schedule to the Order in Council a copy of every principal training scheme formulated in respect of any class of trainees engaged in the industry to which the order relates. Provision shall be made in every training scheme for— 10

- (a) The form of contracts of service to be entered into between an employer and a trainee, and for the execution of any such contracts:
- (b) The conditions (other than conditions of employment within the meaning of section 2 of this Act) under which a trainee shall be bound to an employer during the currency of a contract: 15
- (c) The period of training to be undertaken by any trainee: 20
- (d) The variation, termination, and discharge of contracts:
- (e) The transfer of trainees to other employers, being employers within the industry or in other industries, for the purpose of supplementing the training of any such trainee: 25
- (f) Certificates of service to be awarded to trainees on completion of the period of training and on the passing of such examinations or qualifications as may be specified in the scheme or by the council administering it: 30

(g) Such other matters as may be specified by the Minister. 30

(3) Any such Order in Council may prescribe a penalty not exceeding five hundred dollars for breach of any provision of a training scheme and, in the case of a continuing breach, a further penalty not exceeding ten dollars for each day during which the breach has continued. Any penalty so prescribed may be recovered in like manner as a penalty may be recovered under section 200 of the Industrial Conciliation and Arbitration Act 1954, and all the provisions of that Act shall, so far as they are applicable and with the necessary modifications, apply accordingly. 35 40

(4) Any such Order in Council may provide for any incidental or supplementary matter for which it is necessary or expedient to provide.

4. Prerequisites to making of Order in Council—(1) Before any Order in Council under section 3 of this Act is made, the following conditions shall be satisfied:

5 (a) The employer organisation or organisations whose members are engaged in the industry in respect of which it is proposed to establish the technician training council shall, after consulting any interested union or institute of technicians, agree upon a proposed training scheme for the training of trainees in the industry. The organisation or organisations may also agree to make provision for the levying of employers engaged in the industry for the purpose of raising money towards the expenses of the council and towards the cost of operating the training scheme:

10 (b) The Minister shall approve the proposed training scheme:

15 Provided that before approving the scheme the Minister shall refer it to such authority as may for the time being be established to exercise general supervision over vocational training, or such other authority as he considers appropriate, for its opinion and refer any recommendations of the authority in respect of the proposed scheme, together with such further recommendations of his own as he thinks fit, to the employer organisation or organisations for consideration:

20 (c) Every such organisation and every union connected with the industry shall agree on a principal determination fixing the conditions of employment of trainees employed in the industry:

25 Provided that, where agreement on any such conditions cannot be reached on any matter relating to conditions of employment, any such organisation or union may require the Secretary of Labour to refer it to the Court for decision, whereupon the provisions of subsection (3) of this section shall apply.

30 (2) For the purpose of facilitating the reaching of agreements under subsection (1) of this section, the Secretary of Labour may arrange meetings of any interested employer organisation or organisations or, as the case may require, meetings of any such employer organisation and any interested union, or of any such employer organisation and union and 35 any interested institute of technicians; and he may act as

chairman of any such meeting or appoint a suitable officer of the Department of Labour to act as chairman. He may also provide such other offices, services, and facilities as may facilitate the reaching of agreement as aforesaid.

(3) Subject to the provisions of this Act, on any matter relating to conditions of employment of trainees being referred by the Secretary of Labour in accordance with paragraph (c) of subsection (1) of this section to the Court of Arbitration, all the provisions of the Industrial Conciliation and Arbitration Act 1954 relating to the procedure to be followed in respect of arbitration proceedings shall, so far as they are applicable and with the necessary modifications, apply accordingly. Any interested employer organisation or union shall be entitled to make oral or written representations to the Court. When the Court has decided the matter, the Court shall cause its decision (which shall be in writing), together with the reasons for it, to be notified to the Secretary of Labour who shall thereupon notify it to every interested employer organisation and union.

(4) Every decision of the Court under subsection (3) of this section shall form the principal determination or, as the case may be, part of the principal determination on conditions of employment of trainees referred to in paragraph (c) of subsection (1) of this section.

(5) Every such determination shall be reduced to writing and shall then be filed by the Secretary of Labour with the Clerk of Awards for the Wellington Industrial District in like manner as an industrial agreement entered into in accordance with Part V of the Industrial Conciliation and Arbitration Act 1954.

(6) Subject to subsection (7) of this section, every such determination shall, when filed as aforesaid, be binding on—

(a) Every employer organisation and union whose members are engaged in the industry, and every employer so engaged; and

(b) Every trainee whom it purports to affect.

(7) No principal training scheme or principal determination on conditions of employment of trainees in respect of any industry shall have any effect until the date of the commencement of the Order in Council establishing the technician training council for that industry.

5. Amendment and revocation of Orders in Council establishing technician training councils—(1) The Governor-General may, from time to time, by Order in Council,—

5 (a) Amend any Order in Council made under section 3 of this Act; or

(b) Revoke any such order.

10 (2) Before an order under subsection (1) of this section is made, the Minister shall consult the technician training council and such employer organisations, unions, and institutes of technicians as would, by virtue of section 4 of this Act, be required to be consulted before the establishment of a technician training council for the industry.

15 (3) An order under paragraph (b) of subsection (1) of this section shall provide for the winding up of the technician training council and may provide for the imposition of a levy on employers in the industry, other than such (if any) as may be exempted by the order, for the purpose of raising any amount by which the assets of the council may be insufficient to meet its liabilities and the expenses of the

20 winding up, and for the application for specific purposes of any amount by which those assets may exceed those liabilities and expenses.

(4) An order under subsection (1) of this section may provide for any incidental, transitional, or consequential

25 matter for which it is necessary or expedient to provide.

6. Effect of Orders in Council—Every Order in Council made under this Act shall have effect according to its tenor. Any such order or provision of an order may be made so as to come into force on a day to be specified in that behalf in

30 the order, being the date of the order or any other date whether before or after the date of the order.

7. Awards, industrial agreements, and apprenticeship orders not to apply to trainees after establishment of technician training council—As from the commencement of any Order

35 in Council made under section 3 of this Act, or on and after a date specified in the order, no award or industrial agreement under the Industrial Conciliation and Arbitration Act 1954 or agreement under the Labour Disputes Investigation Act 1913, and no apprenticeship order under the

40 Apprentices Act 1948, shall apply to the employment of any trainee who is affected by the order or to any contract of service entered into between any such trainee and his employer.

*Constitution of Technician Training Councils***8. Membership, etc., of technician training councils—**

(1) Every technician training council established by Order in Council under this Act shall be a body corporate with perpetual succession and a common seal, and shall have such name as may be specified in the order. It shall be capable of executing documents, of suing and being sued, and of doing and suffering all such acts and things as bodies corporate may do or suffer. 5

(2) Every such council shall consist of— 10

(a) The Secretary of Labour, or some other officer of the Department of Labour nominated by him, who shall be chairman of the council:

(b) An equal number of persons representative of employers and workers appointed after consultation with such employer organisations and unions associated with the industry as appear to the Minister to be appropriate: 15

(c) One person to be appointed on the nomination of the Director-General of Education: 20

(d) One or more persons to be appointed on the nomination of any institute of technicians connected with the industry.

(3) Except in the case of the chairman, the members of a technician training council shall be appointed by the Minister. 25

9. Terms of office of members of technician training councils—(1) Except in the case of the chairman and subject to the provisions of this Act, every member of a technician training council shall hold office for a term of three years, but may from time to time be reappointed. 30

(2) The following persons shall be incapable of being appointed as a member of a council or acting as the deputy of a member:

(a) A bankrupt who has not obtained his final order of discharge or whose order of discharge has been suspended for a term not yet expired or is subject to a condition not yet fulfilled: 35

(b) A person convicted of any offence punishable by imprisonment, unless he has received a free pardon or has served his sentence or otherwise suffered the penalty imposed on him: 40

(c) A mentally defective person within the meaning of the Mental Health Act 1911:

(d) An alien.

5 (3) A member or deputy member of a council shall cease to be a member or deputy member if he—

(a) Is absent without leave of the chairman from four consecutive meetings of the council; or

(b) Is adjudged bankrupt; or

10 (c) Is convicted of any offence punishable by imprisonment; or

(d) Becomes a mentally defective person within the meaning of the Mental Health Act 1911.

15 (4) The Minister may remove from office any member or any person acting as the deputy of a member of a council who is proved to the satisfaction of the Minister to be guilty of neglect of duty or misconduct.

(5) Any member of a council may at any time resign his office by notice in writing addressed to the Minister.

20 (6) If any member of a council dies, or is removed from office, or resigns, the vacancy so created shall be filled by the appointment, in the manner prescribed by section 8 of this Act, of some person qualified for that office. Every person so appointed shall be appointed for the residue of the term for which his predecessor was appointed.

25 (7) Unless he sooner vacates his office as provided by subsection (6) of this section, every member of a council shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

30 (8) The powers of a council shall not be invalidated by any vacancy in its membership or any defect in the appointment of any member or deputy of a member.

35 **10. Deputies of members—**(1) In any case where the Minister is satisfied that any member of any technician training council (other than the chairman) is incapacitated from performing the duties of his office by illness or absence from New Zealand or some other sufficient cause, the Minister may appoint a deputy to act for the member during his incapacity.

40 (2) Any deputy appointed under subsection (1) of this section shall be nominated by the person or body who nominated the incapacitated member.

(3) Any deputy appointed under subsection (1) of this section shall, while acting in that capacity, be deemed to be a member of the council.

(4) No appointment of a deputy and no acts done by him as such, and no acts done by the council while any deputy is acting as such, shall be questioned in any proceedings on the ground that the occasion for his appointment had not arisen or had ceased. 5

11. Meetings of technician training councils—(1) Meetings of a technician training council shall be held at such times and places as the chairman or the council may from time to time determine. 10

(2) The chairman, or any two members, may at any time call a special meeting of the council:

Provided that not less than seven clear days' notice of every special meeting and of the business to be transacted shall be given to each member for the time being in New Zealand, and no business other than that specified in the notice shall be transacted at any such special meeting. 15

(3) At any meeting of a council a majority of the members shall form a quorum. 20

(4) The chairman shall preside at all meetings of a council.

(5) Meetings of a council shall be held in private.

(6) The chairman may, in his discretion, adjourn any meeting of a council if he is of the opinion that its deliberations will be furthered by such a course of action. 25

(7) Except as provided in section 17 of this Act, every decision of any such council shall be arrived at by a resolution of a majority of the members present at a meeting and voting thereon, and shall, if the matter decided is within its jurisdiction, be binding on every employer organisation, union, person, and institute of technicians represented on the council, and on any employers and trainees within its jurisdiction whom the decision purports to affect. 30

(8) Voting at any meeting of a council shall be by show of hands; but any two members of the council may demand a poll. 35

(9) If any member of the council is not able to attend any of its meetings, he may, by instrument in writing, appoint any other member as his proxy. Every such appointment shall be notified to the chairman before the commencement of the meeting. 40

(10) Subject to the provisions of this Act and of the Order in Council establishing the council, the council may regulate its procedure in such manner as it thinks fit.

12. Temporary members of technician training councils—

5 (1) Any technician training council may from time to time appoint temporary members, to hold office during such period as may be specified in each case, for the purpose of assisting it in the exercise of its functions under this Act.

10 (2) Any appointment under this section may at any time be revoked by the council.

(3) During the period of their appointment temporary members shall be deemed to be members of the council, but no temporary member shall be entitled to vote on any question before the council.

15 13. Delegation to local technician training committees—

(1) Any technician training council may, with the prior consent of the Minister, from time to time appoint in respect of any part of New Zealand a local technician training committee to advise the council on such matters as may be referred
20 to it by the council, and may from time to time delegate to any such committee any of its powers, duties, and functions (except this power of delegation).

(2) Every such committee may, in addition, furnish to the council reports on any matter in respect of which the mem-
25 bers of the committee have special knowledge or experience.

(3) Any person may be appointed to be a member of any such committee, notwithstanding that he is not a member of the council.

(4) Every such committee shall in all matters be subject
30 to the control of the council, and shall carry out all directions, general or special, of the council in relation to the committee or its affairs.

(5) Subject to the provisions of this section, any such committee may exercise or perform any function or power so
35 delegated to it in the same manner and with the same effect as if it had been conferred on the committee by the Order in Council establishing the council making the delegation and not by delegation.

(6) Any delegation under this section may at any time
40 be revoked by the council.

(7) Every committee purporting to act pursuant to any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(8) No delegation under this section shall prevent the exercise of any functions or powers by the council.

(9) Subject to the provisions of this Act and of any Order in Council made thereunder, every committee appointed under this section may regulate its procedure in such manner as it thinks fit. 5

14. Department of Labour to provide services for technician training councils—Subject to any provision to the contrary in the Order in Council establishing a technician training council or in any subsequent order amending that order, the Department of Labour shall provide such secretarial, administrative, recording, and clerical services as may be necessary to enable the council to discharge its functions and duties under this Act. 10

15. Fees and travelling allowances—(1) Every technician training council, and every local technician training committee, established under this Act is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951. 15

(2) There may be paid to the members (including temporary members) of any such council or committee remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly. 20

Training Schemes and Conditions of Employment of Trainees 25

16. Technician training councils to administer training schemes, etc.—Every technician training council—

- (a) Shall administer the operation of every training scheme within its jurisdiction, and may from time to time make recommendations to the Minister for the purpose of enabling any such scheme to be amended under section 5 of this Act: 30
- (b) Shall prescribe the standards of training (other than educational training) of trainees engaged in the industry: 35
- (c) May provide or secure the provision of such courses and other facilities (which may include residential accommodation) for the training of trainees or intending trainees in the industry as may be required, having regard to any courses or facilities otherwise available to those trainees or intending trainees: 40

- (d) May approve such courses and facilities as may be provided by the Technicians' Certification Authority of New Zealand or any other person:
- 5 (e) May make arrangements with the Technicians' Certification Authority of New Zealand for the application of selection tests and of tests or other methods for ascertaining the attainment of any standards recommended by the council and arrange for the Authority to award certificates in respect of the
- 10 attainment of those standards:
- (f) May assist persons in finding facilities for being trained as a technician in the industry.

17. Functions of technician training councils in respect of conditions of employment of trainees—(1) Every technician

15 training council shall have jurisdiction from time to time to make determinations amending or consolidating any principal determination fixing the conditions of employment of any class of trainees in the industry.

(2) Any member of a technician training council, or any

20 employer organisation, union, or institute represented on the council, may from time to time, on giving the other members or the members (as the case may be) fourteen days' notice in writing in that behalf, require the council at any of its meetings to consider and discuss proposals to amend or con-

25 solidate any principal determination:

Provided that, if all the members present at any meeting of the council agree, the council may consider and discuss any such proposals without requiring the aforesaid notice to be given.

30 (3) Where at any such meeting it appears to the chairman that agreement on any matter contained in any proposals relating to conditions of employment cannot be reached or that only partial agreement can be reached, he shall forthwith refer the matter in dispute to the Court of Arbitration for

35 settlement.

(4) Subject to the provisions of this section, on any such matter being so referred, all the provisions of the Industrial Conciliation and Arbitration Act 1954 relating to the procedure to be followed in respect of arbitration proceedings

40 shall, so far as they are applicable and with the necessary modifications, apply accordingly. Any employer organisation, union, or institute of technicians represented on the council from which any such question was referred shall be entitled to make oral or written representations to the Court.

(5) When the Court has decided the matter, it shall cause its decision (which shall be in writing), together with the reasons for it, to be notified to the council.

(6) Every decision of the Court under this section shall be deemed to form the determination or, as the case may be, part of the determination of the council. 5

(7) On any determination being made under this section, it shall be reduced to writing and the chairman of the council shall cause it to be filed with the Clerk of Awards for the Wellington Industrial District in like manner as an industrial agreement entered into in accordance with Part V of the Industrial Conciliation and Arbitration Act 1954. 10

(8) Every determination under this section shall, when filed as aforesaid, be binding on—

- (a) Every employer organisation and union represented on the council and every employer engaged in the industry for which the council is established; and 15
- (b) Every trainee whom it purports to affect.

18. Powers of technician training councils—Every technician training council shall have power— 20

- (a) To cancel any contract entered into between an employer and a trainee:
- (b) To prohibit, on such grounds and on such conditions as it thinks fit, any employer from employing or continuing to employ a trainee: 25
- (c) To order the transfer of any trainee from one employer to another employer who is willing and able to undertake the obligations of the original employer:
- (d) To require an employer to give a trainee further facilities within the scope of his business to enable the trainee to acquire a proper knowledge of the industry: 30
- (e) To fix the period of probation (if any) to be served by a trainee in the industry:
- (f) To require the attendance of any trainee or trainees at a technical college or other place where suitable training is available (whether during ordinary hours of employment or otherwise): 35
- (g) Subject to any general direction given by the Minister of Education, to require any trainee or trainees to enrol for, continue, and complete a course of instruction with the New Zealand Technical Correspondence Institute. 40
- (h) To require any trainee to submit to such examination as it may specify: 45

(i) To require that any increase in wages due to a trainee may be withheld by his employer for such period as it may direct:

35 (j) To require that the period during which any increase is withheld under paragraph (i) of this section shall not be deemed to be included in the period of training:

10 (k) To enter at all reasonable times on any premises where any trainee is employed, and to inquire into the training, progress, and welfare of the trainee, and to delegate any such powers to any person or persons appointed in writing in that behalf.

19. Contracts to be read subject to training schemes and determinations on conditions of employment—

15 Every contract shall be read subject to the provisions of any Order in Council made under this Act and of any determination filed with the Clerk of Awards for the Wellington Industrial District pursuant to section 4 or section 17 of this Act.

20. Enforcement of training schemes and determinations—

20 Where any determination fixing the conditions of employment of any trainees or class of trainees has been filed with the Clerk of Awards for the Wellington Industrial District in accordance with section 4 or section 17 of this Act, it shall be enforceable in like manner as an award made under the
25 Industrial Conciliation and Arbitration Act 1954; and all the provisions of Part XI of that Act shall, so far as they are applicable and with the necessary modifications, apply to the determination as if it were an award and as if trainees were workers within the meaning of that Act.

30 *Levies*

21. **Levies—**(1) For the purpose of raising money towards the expenses of a technician training council and towards the cost of operating the training scheme under its administration, the Order in Council establishing the council, or any subsequent Order in Council amending that order, may, subject to the provisions of section 4 of this Act, provide for the
35 imposition of levies on employers engaged in the industry and for the method of assessment and collection of those levies. Any such order may specify the rates or amounts
40 of any such levy or may provide for them to be determined by the council.

(2) Where the council has assessed any employer as to the amount of levy payable by him, it shall notify him in writing of the assessment.

(3) Within twenty-eight days after the service on him of the notice, the employer may object in writing to the council against the assessment; and the notice shall thereupon be deemed to be suspended pending the determination of the objection, or, where application is made to the Court of Arbitration under this section, pending the decision of the Court. 5 10

(4) Where any such objection is received by the council, the council shall as soon as practicable inquire into and dispose of the objection:

Provided that no objection shall be dealt with unless reasonable notice of the date and time when and the place where it is to be considered has been given to the objector; and if either he or his counsel, or both, are present at the appointed time and place, they shall be entitled to be heard in support of the objection. 15

(5) Where on inquiry into the objection the council reaffirms its assessment, the employer may apply to the Court of Arbitration for an order quashing or modifying the assessment or extending the time within which the amount of the assessment has to be paid. 20

(6) On hearing the application, the Court of Arbitration shall make an order— 25

- (a) Confirming the assessment if it appears that the employer was correctly assessed; or
- (b) Modifying the assessment if it appears that the employer was incorrectly assessed; or 30
- (c) Quashing the assessment if it appears that the employer should not have been assessed.

(7) Without limiting the provisions of subsection (6) of this section, the Court of Arbitration may, on application being made to it in that behalf, extend the time specified in the notice for payment of the assessment or modified assessment. 35

(8) Subject to the provisions of this section, all money payable by way of levy shall be recoverable either in the Magistrate's Court or in the Court of Arbitration as a debt due to the council which assessed the amount of levy. In the case of recovery in the Court of Arbitration, the provisions of section 206 of the Industrial Conciliation Act 1954 shall, so far as they are applicable and with the necessary modifications, apply as if the amount of levy were a penalty under that section. 40 45

22. Power to obtain information from employers in order to facilitate determination of levy—

(1) A technician training council and any person assessing and collecting a levy on behalf of any such council may require employers in the industry to furnish such returns and other information of a kind approved by the Minister, and to keep and produce for examination on behalf of the council such records of a kind approved by him, as are necessary to enable the council to assess the amount of levy payable by any employer and to perform its other functions under this Act.

(2) Subject to subsection (3) of this section, returns and other information furnished pursuant to subsection (1) of this section and any information obtained on an examination made under that subsection shall not, without the consent of the employer to whose business the returns or information relate, be disclosed otherwise than to the Minister or to an officer of the Department of Labour, or to a technician training council or a committee appointed by it, or an officer of any such council or committee.

(3) Subsection (2) of this section shall not apply—

(a) To the disclosure of returns or information in the form of a summary of similar returns or information furnished by or obtained from a number of employers, if the summary is so framed as not to enable particulars relating to any particular business to be ascertained from it; or

(b) To any disclosure of information made for the purposes of any legal proceedings pursuant to this Act or any criminal proceedings, whether pursuant to this Act or not, or for the purposes of any report of any such proceedings.

(4) A certificate purporting to be issued by or on behalf of the Minister and stating that he has approved any kind of information, return, or record for the purposes of subsection (2) of this section shall in any legal proceedings be sufficient evidence of the fact stated in the certificate.

(5) If any person fails to comply with any requirement made under subsection (1) of this section, he commits an offence and is liable on summary conviction to a fine not exceeding two hundred dollars, or on a second or subsequent conviction four hundred dollars.

(6) If any person—

- (a) Knowingly or recklessly furnishes, pursuant to any requirement made under subsection (1) of this section, any return or other information which is false in a material particular; or 5
- (b) Wilfully makes a false entry in any record required to be produced under the said subsection (1) or, with intent to deceive, makes use of any such entry which he knows to be false; or
- (c) Discloses any information in contravention of sub- 10
section (2) of this section—

he commits an offence and is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred dollars or to both.

(7) Where an offence under this section committed by 15
a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary, or other similar officer of the body corporate, or any person 20
who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

Accounts

23. Accounts of technician training councils—(1) Every technician training council that receives any income from 25
levies or any other source shall at all times keep full and correct records of all its financial transactions, assets, liabilities, and funds.

(2) As soon as practicable after the end of each financial year ending with the thirtieth day of September, every such 30
council shall prepare an income and expenditure account showing its financial transactions for that year, together with a balance sheet as at that date.

(3) For the purposes of this Act, every such council shall establish an account in its name at such bank as it may direct. 35

(4) There shall from time to time be paid into the account all levies and other money payable or belonging to any such council.

(5) There shall from time to time be paid out of the account all money payable by the council, and all costs, 40
charges, and expenses whatsoever incurred by it in the performance of its functions and the exercise of its powers and authorities.

(6) The account shall be operated on by cheque signed by one person and countersigned by another on behalf of the council. For the purposes of this subsection the council may from time to time authorise any of its members, officers, 5 or agents to sign and countersign cheques on its behalf.

24. Special funds etc. and investments—(1) A technician training council may from time to time establish such special funds or reserves as it deems expedient for any purpose contemplated by this Act.

10 (2) Any money of a technician training council which is available for investment may be invested in any manner in which trustees are for the time being authorised to invest trust money or in any other manner that may from time to time be authorised by the Minister of Finance.

15 **25. Audit of accounts and report—**(1) The accounts of every technician training council shall be audited by the Audit Office, which for that purpose shall have all such powers as it has under the Public Revenues Act 1953 in respect of public money and public stores and persons dealing 20 therewith.

(2) As soon as may be reasonably practicable after the end of each financial year, the council shall furnish to the Minister a report of its operations for that financial year, together with a copy of its accounts and balance sheet for 25 that year certified by the Audit Office.

Miscellaneous Matters

26. Employers may employ trainee jointly—Any two or more employers in any industry in the same locality may enter into a contract with the same trainee or trainees on 30 such terms and conditions as the technician training council for that industry may approve.

27. Act to be administered by the Department of Labour—(1) This Act shall be administered by the Department of Labour.

35 (2) The First Schedule to the Labour Department Act 1954 is hereby amended by adding the words “The Technicians Training Act 1967”.