

1963/80



THE APPRENTICES REGULATIONS 1963

BERNARD FERGUSSON, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 29th day of May 1963

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Apprentices Act 1948, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Apprentices Regulations 1963.

(2) These regulations shall come into force on the fourteenth day after the date of their notification in the *Gazette*.

2. In these regulations, unless the context otherwise requires,—

“The Act” means the Apprentices Act 1948:

“Clerk of Awards”, in relation to any industrial district, means the Clerk of Awards appointed for that industrial district under the Industrial Conciliation and Arbitration Act 1954:

“Committee” means a New Zealand Apprenticeship Committee or a local Apprenticeship Committee:

“Industrial district” means an industrial district constituted under the Industrial Conciliation and Arbitration Act 1954.

Terms defined in the Act shall, when used in these regulations, have the meanings so defined.

Formation of Committees

3. An agreement for the appointment of a Committee registrable under subsection (1) of section 5 or under subsection (1) of section 7 of the Act may be made in form No. 1 in the Schedule hereto.

4. For the purposes of registration the agreement or a copy thereof shall be delivered to the Commissioner, in the case of a New Zealand Committee, or to the District Commissioner, in the case of a local Committee.

5. Before registering any such agreement the Commissioner or District Commissioner, as the case may require, may require the production of evidence of:

- (a) The existence of the organisations by which the agreement is made:
- (b) The proper execution of the agreement:
- (c) The qualifications of the persons proposed as members of the Committee:
- (d) In any case where a copy is delivered, the authenticity of the agreement, whether by production of the original thereof or otherwise.

6. Upon being satisfied as to the matters referred to in regulation 5 hereof, the Commissioner or District Commissioner, as the case may require, shall—

- (a) Register the agreement by filing the document delivered to him:
- (b) Assign a name to the Committee:
- (c) Certify the above registration and name by a certificate in form No. 2 in the Schedule hereto appended to the document delivered to him.

7. (1) Application for the appointment of a Committee by the Court shall be made in form No. 3 in the Schedule hereto to the Clerk of Awards at Wellington in the case of a New Zealand Committee, and, in any other case, to the Clerk of Awards in the industrial district in which the Committee will be located.

(2) If the Court does not do so, the Commissioner or District Commissioner shall assign a name to any Committee appointed by the Court.

Nomination, Appointment, and Removal of Members and Discharge of Committees

8. Not more than four months nor less than two months before the date of expiry of the term of office of any member of a Committee the Commissioner, in the case of a New Zealand Committee, or the District Commissioner, in the case of a local Committee, shall by notice in writing require each authority or organisation concerned in the appointment to make a nomination of a qualified person for appointment in place of the retiring member, specifying a day being at least one month before the said date of expiry by noon on which nominations must be received by him. Any such notice may be in form No. 7 in the Schedule hereto, and any such nomination may be made in form No. 8 in the Schedule hereto.

9. If by reason of default in the making of nominations a necessary appointment to membership is not made in manner hereinbefore provided, the Commissioner or the District Commissioner, as the case may be, shall appoint a qualified person to fill the vacancy. The appointment shall be made in form No. 4 in the Schedule hereto.

10. (1) The member of the Committee conversant with technical education shall, in the case of a New Zealand Committee, be nominated by the Director of Education after consultation with the Commissioner,

and, in the case of a local Committee, by the authority or authorities controlling apprentice day classes or block courses in the locality or, if there are no day classes, apprentice evening classes in the locality.

(2) Where there is more than one such authority and those authorities cannot agree upon a nomination, the member conversant with technical education shall be nominated by the Director of Education after consultation with the Commissioner.

(3) The term of office of a member appointed under this regulation shall commence on the day on which the nomination is received by the Commissioner or District Commissioner, who shall forthwith cause the member to be informed of his appointment.

11. (1) In the case of the remaining members, the Commissioner or District Commissioner, as the case may be, shall send to each organisation of employers and to each organisation of workers concerned a notice in writing requiring each such organisation to nominate a person or persons for appointment as representatives on the Committee of the employers or of the workers, as the case may be, and stating the number of both representatives required, and appointing a day for the closing of nominations.

(2) No such nomination shall be valid unless—

(a) It is approved by the resolution of a meeting of the organisation called in accordance with its rules:

(b) The notice calling the meeting at which the nomination was approved gave notice of the intention to consider nominations thereat:

(c) The number of persons nominated does not exceed the number of representatives of the organisation that may be appointed.

(3) Nominations shall be made in writing signed by the president and secretary of the organisation by which the nomination is made, and shall include a statement that the provisions of subclause (2) of this regulation have been complied with. Nominations shall be delivered to the Commissioner or District Commissioner by hand or by letter addressed to him at his office, but in every case so as to be received by him before noon on the day appointed for the closing of nominations.

(4) Any nomination may be made in form No. 8 in the Schedule hereto.

12. (1) In any case in which the nomination of representatives of the employers or of the workers is the responsibility of a single organisation, or if, in any other case, no more candidates are nominated for any class of representatives than there are vacancies to be filled, the Commissioner or District Commissioner shall, in such manner as he thinks fit, declare the persons so nominated to be appointed as members of the Committee.

(2) In any case in which the nomination of representatives of employers or of workers is the responsibility of more organisations than one and if more candidates are nominated for either class of representative members than there are vacancies to be filled, the Commissioner or District Commissioner shall conduct an election by preparing a form of voting paper and sending the proper number of copies thereof calculated in accordance with subclause (4) of this regulation to each organisation concerned. The date of its dispatch and the time for its return, fixed in accordance with subclause (3) of this regulation, shall be shown on each voting paper.

(3) Voting papers shall be marked by the person authorised so to act by the organisation, and shall be returned to the Commissioner or District Commissioner so as to reach him not later than noon on the twenty-first day after the date of dispatch from the Commissioner or District Commissioner.

(4) The following provisions shall apply with respect to voting by organisations to which this regulation applies:

- (a) Every organisation having on the said date of dispatch not more than 50 members engaged or employed in the industry to which the Committee relates shall have one vote:
- (b) Every organisation having on the said date of dispatch more than 50 members engaged or employed in the industry to which the Committee relates shall have one vote for every complete 50 of its members and an additional vote for any remainder more than 25 and less than 50, but in no case shall an organisation have more than 20 votes:
- (c) Any question as to the number of members of any organisation or as to which members are to be counted for the purposes of this subclause shall be decided by the Commissioner or District Commissioner on such evidence as he thinks fit and his decision shall be final.

(5) Forthwith after noon on the prescribed day the Commissioner or District Commissioner shall, in the presence of any persons whom he may in his discretion invite to be present, open the voting papers received by him before noon, count the number of valid votes, and announce in such manner as he thinks fit the result of the election, and declare the persons elected to be appointed as members of the Committee.

(6) Upon declaring any person to be a member of a Committee the Commissioner or District Commissioner shall record the appointment and the date thereof in his office, and shall cause each person appointed to be informed of his appointment. The term of office of each such member shall commence on the day on which he is declared to be appointed. In the case of a member appointed to succeed a retiring member, his term of office shall commence on the day following the day on which the retiring member vacates his office or on the day of appointment, whichever is the later.

13. Every appointment or nomination by the Commissioner or a District Commissioner pursuant to subsection (6) or subsection (10) of section 8 of the Act may be made in form No. 4 in the Schedule hereto.

14. Application under subsection (11) of section 8 of the Act by a person interested for the removal or replacement of a member of a Committee shall be made in form No. 5 in the Schedule hereto and application for the discharge of a Committee shall be made in the form No. 6 in the Schedule hereto. Every such form of application shall be forwarded, together with six copies thereof, to the Commissioner or District Commissioner, who shall thereupon transmit it to the Clerk of Awards at Wellington or to the Clerk of Awards for the industrial district in which the local Committee is located, as the case may require, for bringing before the Court.

Exercise of Powers by Committees

15. A Committee shall exercise its powers (including powers delegated to it by the Court) only by resolution reduced to writing and certified under the hand of the Chairman of the Committee. A notification of any such resolution shall be served on each person affected.

16. Any reference, application, consent, notification, or other document to be given or executed by a Committee shall be sufficient if in writing signed by the Chairman on behalf of the Committee.

17. Any notice, legal process, or other document to be given to or served upon a Committee shall be sufficient if in writing delivered to the Chairman at his usual place of business during ordinary office hours, and if so delivered shall be deemed to have been given to or served upon every member of the Committee at the time of delivery to the Chairman.

Apprenticeship Contracts

18. Application by an employer for consent under subsection (1) of section 19 of the Act to enter into a contract of apprenticeship shall be made in the form No. 9 in the Schedule hereto.

19. Every contract of apprenticeship and every alteration thereof shall be executed in triplicate and lodged with the District Commissioner for registration under subsection (3) of section 20 of the Act. One copy shall be thereupon returned to the employer, one to the apprentice or, as the case may require, his parent or guardian, and one retained by the District Commissioner.

20. A permit under subsection (6) of section 20 of the Act for the employment of an apprentice pending the decision of the Court on an appeal against a refusal to register shall be given in form No. 10 in the Schedule hereto.

21. (1) Notification of the termination of any contract of apprenticeship before the expiry of the period of probation or the termination thereof by agreement of the parties or by discharge of the apprentice for good cause, shall be given by the employer to the District Commissioner in form No. 11 in the Schedule hereto, and, if the termination is by agreement of the parties, the consent of all parties, including the parent or guardian (if any) of the apprentice, shall be endorsed on the notice.

(2) After twenty-eight days from receipt of the notification, the District Commissioner shall cancel registration of the contract by endorsing a note of the termination thereof on his copy, and shall notify the apprentice, the employer, the parent or guardian (if any), and the appropriate local Committee of the cancellation.

(3) If the District Commissioner is satisfied that a contract of apprenticeship has come to an end by the death of one of the parties, he may endorse on his copy a note of the fact, and if he is satisfied of the date of death, may state that date in the endorsement.

Transfer of Apprentices

22. (1) Application under subsection (1) of section 27 or under subsection (1) of section 29 of the Act by an employer to the appropriate local Committee or, where there is no Committee, to the District Commissioner, for the transfer of an apprentice shall be made in form No. 12 in the Schedule hereto.

(2) The local Committee or the District Commissioner shall endorse the decision on the application, and shall inform the employer and the apprentice of the decision.

23. (1) Application under subsection (2) of section 27 or under subsection (1) of section 28 of the Act by the apprentice and his parent or guardian (if the apprentice is under the age of 21 years) to the appropriate local Committee or, if there is no such Committee, to the District Commissioner for transfer to another employer shall be made in form No. 13 in the Schedule hereto.

(2) The local Committee or District Commissioner shall endorse the decision on the application, and shall inform the employer and the apprentice of the decision.

Appeals

24. (1) Any appeal under the Act to the Court against any decision of a Committee or a District Commissioner shall be made in form No. 14 in the Schedule hereto within such time as to reach the Chairman of the Committee or the District Commissioner, as the case may be, within 14 days after the appellant has been notified of the decision.

(2) Within the time limited by subclause (1) of this regulation the appellant shall file with the District Commissioner one copy of the notice of appeal for each of the other parties concerned in the appeal and four copies for the Clerk of Awards, and the District Commissioner shall forthwith forward the copies to the said parties and to the Clerk of Awards.

(3) In any case in which the appeal is against a refusal to register a contract of apprenticeship, the appellant shall forward with the copies of the notice of appeal required under subclause (2) of this regulation a copy of the contract concerned which shall forthwith be forwarded by the District Commissioner to the Clerk of Awards.

(4) Immediately after the expiry of the time limited by subclause (1) of this regulation the Clerk of Awards shall forward the notice of appeal to the Registrar of the Court in order that the Court may consider and determine the appeal in such manner as it thinks fit.

(5) When the appeal has been considered and determined by the Court the Registrar shall forthwith send a copy of the Court's determination to the District Commissioner who shall advise the appellant and other persons and organisations concerned of the decision.

25. (1) Subject to the provisions of subclause (2) of this regulation, the provisions of regulation 24 of this regulation shall, with the necessary modification, apply to appeals under subsection (6) of section 38 of the Act.

(2) For the purposes of this regulation, references in regulation 24 of these regulations to the Court shall be construed as references to a Magistrate exercising his civil jurisdiction, and references to the Clerk of Awards in any industrial district as references to the Registrar of the Magistrate's Court nearest to the place where the apprentice is employed. The reference in subclause (5) of regulation 24 of these regulations to the Registrar of the Court shall be construed as a reference to the Registrar of the appropriate Magistrate's Court.

Discharge of Suspended Apprentices

26. Application under section 38 of the Act to an Apprenticeship Committee or to a District Commissioner by an employer for leave to discharge an apprentice shall be made in form No. 15 in the Schedule hereto to the District Commissioner who shall forthwith place the application before the appropriate local Committee, if any.

Employer's Certificate of Service on Discharge of Apprentice

27. The statement of service to be supplied to the District Commissioner under section 34 of the Act by an employer when an apprentice ceases to be employed by him shall be in form No. 11 in the Schedule hereto.

Committee's Certificate of Completion of Apprenticeship

28. The certificate to be supplied under section 35 of the Act by the appropriate local Committee to an apprentice who has duly completed his apprenticeship shall be in form No. 16 in the Schedule hereto.

Apprentices' Lodging Allowances and Travelling Allowances

29. (1) Where the Commissioner is satisfied that any apprentice is obliged to live away from home in order to learn his trade he may authorise the payment to the apprentice of a lodging allowance at such rate as the Minister, with the concurrence of the Minister of Finance, from time to time approves in that behalf.

(2) The lodging allowance, when so authorised, shall be payable through an officer of the Department of Labour to the apprentice on the certificate of the appropriate District Commissioner.

(3) Where an apprentice is required by an order of the Court or otherwise to live away from home in order to attend a course of instruction relating to his trade, the Commissioner may authorise the payment to him of a lodging allowance in accordance with this regulation.

(4) Application for a lodging allowance shall be made in form No. 17 in the Schedule hereto.

(5) Every lodging allowance shall be apportionable and shall be paid to the apprentice as the Commissioner, in his discretion, from time to time directs.

(6) A lodging allowance shall not be payable to an apprentice under suspension, and payment may be withheld by direction of the Commissioner if he has reason to doubt whether it continues to be properly payable.

(7) If the Commissioner is satisfied that by reason of any change of circumstances an apprentice is no longer entitled to receive a lodging allowance, he may direct that the lodging allowance be no longer payable.

30. Where in the opinion of the Commissioner an apprentice might reasonably receive a lodging allowance under regulation 29 of these regulations but it is practicable and desirable for him to live at home, the Commissioner may in his discretion, having regard to the availability of money appropriated by Parliament for the purpose, authorise payment of a lodging allowance at a rate not exceeding the appropriate

rate for the time being approved for lodging allowances under regulation 29 of these regulations and the provisions of that regulation shall, as far as they are applicable and with the necessary modifications, apply to any lodging allowance under this regulation.

Interpretation by the Court

31. (1) Application to the Court for an interpretation of an Apprenticeship Order or of any determination or direction of the Court shall be made in form No. 18 in the Schedule hereto.

(2) Four copies of the application shall be filed with the Clerk of Awards at Wellington. Subject to subclause (5) of this regulation, there shall be attached to each such copy a typewritten statement of the views and contentions of the applicant.

(3) The applicant shall also forward a copy of the application and of the aforesaid statement to the Commissioner and to any organisations of employers or of workers likely to be affected.

(4) Any organisation so served or affected shall be entitled to place its views and contentions before the Court. Subject to subclause (5) of this regulation, a typewritten statement of any such views and contentions shall be filed with the said Clerk of Awards, together with three copies thereof and copies shall be supplied to the applicant, and to the Commissioner.

(5) Any of the parties to an application or any person or organisation affected thereby may request by notice in writing to the Clerk of Awards that the Court shall conduct a hearing of the application and the Clerk of Awards shall then set the matter down for hearing at the next sitting of the Court. If any such notice is given to the Clerk of Awards, the typewritten statement of views and contentions of the applicant or persons or organisations affected need not be attached to the application, or filed or served.

(6) In the absence of any notice under subclause (5) of this regulation, the Clerk of Awards shall immediately forward three copies of the application and typewritten statements to the Court.

(7) Should the Court, upon perusal of an application and in the absence of any notice under subclause (5) of this regulation, decide that it desires to hear evidence or argument on the application, it shall return the application to the Clerk of Awards and direct him to set the matter down for hearing at the next sitting of the Court.

(8) The Clerk of Awards shall thereupon notify the applicant, the Commissioner, and such organisations as file a statement of their views with him of the direction and of the time and place fixed for hearing.

Applications for Apprenticeship Orders or Amendments to Orders

32. (1) An application to the Court for an apprenticeship order, or for an amendment to an apprenticeship order, shall be made in form No. 19 in the Schedule hereto.

(2) The application, together with five copies thereof, shall be lodged with the Commissioner, who shall forthwith file the application, together with four copies thereof, with the Clerk of Awards at Wellington.

(3) If the application is supported by the recommendations of a Committee, the recommendations shall be incorporated in the application, and if the applicant desires to be heard, the application shall so state.

(4) If a hearing is desired or directed by the Court, the Clerk of Awards shall place the application on the list of business for the next sitting of the Court in Wellington or at any other convenient place, and shall give notice in writing of the place and date of the sitting of the Court to the Commissioner and to the organisations (if any) of employers and workers concerned.

(5) In any case where the recommendations of an Apprenticeship Committee are complete and a hearing is not desired the Clerk of Awards shall forward the file relating to the application to the Court so that the Court may, if it thinks fit, deal with the application without the formality of a hearing.

33. The Apprentices Regulations 1949* and the Apprentices Regulations 1949, Amendment No. 1 †, are hereby revoked.

SCHEDULE

Form No. 1
(Reg. 3)

The Apprentices Act 1948, Sections 5 and 7

AGREEMENT FOR APPOINTMENT OF APPRENTICESHIP COMMITTEE

MEMORANDUM of agreement between the [Name or names of organisation or organisations of employers], of the one part, and the [Name or names of organisation or organisations of workers], of the other part whereby it is agreed as follows:

(1) That an Apprenticeship Committee shall be formed for the..... industry (or the group of industries following - namely:.....) for [Specify the locality, stating the boundaries within which it is proposed that the Committee shall exercise its functions, or "the whole of New Zealand," as the case may be].

(2) That the Committee (apart from the Chairman) shall comprise the following persons, namely:

Full Name	Occupation	Address

Or (alternatives permitted by section 8 (6) of the Act). That the members of the Committee (apart from the Chairman) shall be nominated in (the manner prescribed by the Apprentices Regulations 1963) (a manner approved by the Court).

Application is hereby made by the parties to this agreement to the Commissioner of Apprenticeship (in the case of a New Zealand Committee) (or the District Commissioner of Apprenticeship at.....) for registration of this agreement.

Signatures:.....

Signed at.....this.....day of.....19.... on behalf of the [Name of organisation of employers], in the presence of.....

Signed at.....this.....day of.....19.... on behalf of the [Name of organisation of workers], in the presence of.....

*S.R. 1949/180
†S.R. 1952/99

SCHEDULE—continued

Form No. 2
(Reg. 6)

CERTIFICATE OF REGISTRATION OF APPRENTICESHIP COMMITTEE

I HEREBY certify that I have this day registered the above-written agreement, and that I have assigned to the Committee so constituted the name following:

Dated at.....this.....day of.....19.....

(District) Commissioner of Apprenticeship.

Form No. 3
(Reg. 7)*The Apprentices Act 1948, Sections 5 (2) and 7 (2)*APPLICATION FOR THE APPOINTMENT OF AN APPRENTICESHIP COMMITTEE
BY THE COURT

To the Clerk of Awards at.....

I/WE [State full name, address, and occupation in each case], hereby apply to the Court of Arbitration for the appointment of (a New Zealand) (a local) Apprenticeship Committee for the.....industry (or the group of industries following, namely:), (In the case of a local Committee, add: [for the following locality—Specify the locality, stating the boundaries within which it is proposed that the Committee shall exercise its functions]).

It is proposed that the Committee (apart from the Chairman) should comprise the following persons, namely:

Full Name	Occupation	Address

Or (alternatives permitted by section 8 (6) of the Act). It is proposed that the members of the Committee (apart from the Chairman) should be nominated in (the manner prescribed by the Apprentices Regulations 1963) [a manner approved by the Court and the Court is respectively asked to approve the following manner of nomination—namely (Set it out)].

This application is made on behalf of [Name of any organisation of employers or of workers promoting the application].

The reasons for the application are [Set out reasons].

Dated at.....this.....day of.....19.....

Signature(s) of Applicant(s).

Form No. 4
(Reg. 13)*The Apprentices Act 1948, Sections 8 (6) and 8 (10)*APPOINTMENT OR NOMINATION BY COMMISSIONER OR DISTRICT COMMISSIONER
IN DEFAULT IN THE MAKING OF APPROPRIATE NOMINATION OF A QUALIFIED
PERSON TO BE MEMBER OF A COMMITTEE

DEFAULT having been made for a space of 31 days in the making of appropriate nominations for membership of the.....Apprenticeship Committee in respect of.....representatives of the employers and in respect of.....representatives of the workers, I do hereby appoint as representatives of the employers on the said Committee the following persons:

SCHEDULE—continued

Full Name	Occupation	Address

and as representatives of the workers the following persons:

Full Name	Occupation	Address

Dated at.....this.....day of.....19.....

(District) Commissioner of Apprenticeship.

Form No. 5

(Reg. 14)

The Apprentices Act 1948, Section 8 (11)

APPLICATION FOR REMOVAL OR REPLACEMENT OF A MEMBER OF A COMMITTEE

To the Clerk of Awards at.....

I [Full name, address, and occupation], being a person interested in the membership of the.....Apprenticeship Committee, registered on.....19....., in my capacity as [State capacity—e.g., Secretary of the.....Industrial Union of.....], hereby apply to the Court of Arbitration to remove the following member of the said committee: [State member's full name, address, and occupation].

My grounds for making this application are: [State grounds].

(Where desired, add): I also apply to have the said member replaced by [State proposed member's full name, address, and occupation].

Dated at.....this.....day of.....19.....

Signature of Applicant.

NOTE—This form is to be transmitted through the Commissioner of Apprenticeship (in the case of a New Zealand Committee) or through the District Commissioner of Apprenticeship (in the case of a local Committee), together with four copies thereof.

Form No. 6

(Reg. 14)

The Apprentices Act 1948, Section 8 (11)

APPLICATION FOR DISCHARGE OF COMMITTEE

To the Clerk of Awards at.....

I [Full name, address, and occupation], being a person interested in the.....Apprenticeship Committee, registered on.....19....., in my capacity as [State capacity—e.g., Secretary of the.....Union], hereby apply to the Court of Arbitration to discharge the said Committee on the grounds: [State grounds].

Dated at.....this.....day of.....19.....

Signature of Applicant.

NOTE—This form is to be transmitted through the Commissioner of Apprenticeship (in the case of a New Zealand Committee) or through the District Commissioner of Apprenticeship (in the case of a local Committee), in either case together with four copies thereof.

SCHEDULE—continued

Form No. 7
(Reg. 8)

The Apprentices Act 1948, Section 8 (4)

NOTICE REQUIRING THE MAKING OF NOMINATIONS FOR MEMBERSHIP OF AN APPRENTICESHIP COMMITTEE

To [Name of authority or organisation concerned]

PURSUANT to the Apprentices Regulations 1963, I hereby notify you that the term of office of Mr.....on the.....Apprenticeship Committee expires on the.....day of.....19....., and I hereby require you to make a nomination of a qualified person for appointment in his stead.

Nominations must comply with subclauses (2) and (3) of regulation 11 of the said regulations and must be delivered to me by hand or by posting to me at my office, but in every case so as to be received by me before noon on the.....day of.....19.....

A retiring member of the Committee is eligible for reappointment.

Dated at.....this.....day of.....19.....

(District) Commissioner of Apprenticeship.

Form No. 8
(Regs. 8 and 11)

The Apprentices Act 1948, Section 8 (4)

FORM OF NOMINATION FOR MEMBERSHIP OF AN APPRENTICESHIP COMMITTEE
MR [Full name], of [Address], is hereby nominated for membership of the.....Apprenticeship Committee, as a representative of the [Give title of organisation].

The nomination has been made pursuant to a resolution duly passed at a meeting duly called in terms of the rules and held on.....19..... The notice calling that meeting included notice of the intention to consider nominations for membership of the said Committee.

Date:.....

Signature:....., President } of the.....
Signature:....., Secretary }

Form No. 9
(Reg. 18)

The Apprentices Act 1948, Section 19 (1)

APPLICATION BY EMPLOYER FOR CONSENT TO ENTER INTO A CONTRACT OF APPRENTICESHIP

To the District Commissioner of Apprenticeship,

I HEREBY make application for consent to enter into a contract of apprenticeship, and supply the following information:

DETAILS

1. Full name of employer [If not a corporation or limited company, give Christian names and surname]:.....
2. Full address of employer:.....
3. Occupation of employer:.....
4. Full name of parent or guardian:.....
5. Full address of parent or guardian:.....
6. Occupation of parent or guardian:.....
7. Full name of proposed apprentice:.....
8. Full address of proposed apprentice:.....
- 9A. Present age of proposed apprentice:.....

SCHEDULE—continued

- 9B. Date and year of birth of proposed apprentice:..... (A birth certificate should be produced if possible).
- 10. The industry or branch of the industry which the employer undertakes to teach the apprentice:.....
- 11. Period of proposed contract:.....
- 12. Intended date of beginning of apprenticeship:.....
(Please note that an apprentice may not be engaged, even on probation, without the prior consent in writing of the Apprenticeship Committee.)
- 13. Proposed scale of wages:.....
- 14. Title of the person, e.g., "Foreman", who is to undertake or supervise the actual training of the apprentice:.....
- 15. Operations and skills to be taught the apprentice:.....
- 16. Educational qualifications of proposed apprentice. (NOTE—Must be supported by certificate of school reports showing highest standard reached):.....
- 17. Has the proposed apprentice had any previous employment? If so, turn this sheet over to fill in the details:.....
- 18. Whether employer's premises are a registered factory or not:.....
- 19. Names of employers and journeymen engaged in the said (branch of the) industry. (Turn this sheet over to fill in these particulars).
- 20. Names of apprentices at present engaged in the said (branch of the) industry. (Turn this sheet over to fill in these particulars).

I certify that the particulars given on this form are correct.

Dated at.....this.....day of.....19.....

.....
Signature of Employer.

[Particulars to be shown on back of form]

Employers and journeymen employed in the (branch of the) industry to which apprentice is to be apprenticed:

Name	Give Length of Service if Less than 12 Months

Apprentices at present employed in the (branch of the) industry in which apprentice is to be apprenticed:

Name	Period Already Served

Previous employment of proposed apprentice:

Name of Previous Employer	Address	Nature of Employment	Period of Employment

SCHEDULE—continued

Form No. 10
(Reg. 20)

The Apprentices Act 1948, Section 20 (6)

PERMIT FOR TEMPORARY EMPLOYMENT OF WORKER AS APPRENTICE

I HEREBY authorise the employment of.....as an apprentice by [*Name of employer, occupation, and address*], in the.....industry (or.....branch of the.....industry) in accordance with the proposed (alteration of) contract of apprenticeship between the said parties forwarded to me for registration, pending the decision of the Court of Arbitration upon the appeal from a refusal to register the said proposed (alteration of) contract.

Dated at.....this.....day of.....19.....

(District) Commissioner of Apprenticeship.

Form No. 11
(Regs. 21 and 27)

The Apprentices Act 1948, Sections 20 (8) and 34

STATEMENT OF SERVICE AND OF TERMINATION OF CONTRACT

To the District Commissioner of Apprenticeship at.....

WE HEREBY notify you that the contract of apprenticeship described below has been completed or terminated for the reason marked below:

Completion of contract	<input type="checkbox"/>
Agreement of parties*	<input type="checkbox"/>
During probationary period	<input type="checkbox"/>
Decision of committee	<input type="checkbox"/>
Transfer	<input type="checkbox"/>

Full name of apprentice:.....

Address of apprentice:.....

Full name of employer:.....

Address of employer:.....

Industry:..... Branch:.....

Term of contract:...../	hours	years
Date of starting:...../	/	/
Date of finishing:...../	/	/

Assessment of Hours—

Ordinary hours, based on an 8-hour day

(Include statutory holidays, daytime attendance at technical classes, and military training.)

Exclude time lost through sickness or default.

NOTE: Annual holidays are not counted as time served if the contract is in hours.)

Plus overtime worked

Sub-total

Less time lost through sickness or default

Number of hours actually served

Signature of Employer:..... Date:.....

*When contract is terminated by agreement of the parties, add:

Signature of Apprentice:..... Date:.....

Signature of Guardian:..... Date:.....

SCHEDULE—*continued*

Form No. 12

(Reg. 22 (1))

The Apprentices Act 1948, Sections 27 (1) and 29 (1)

APPLICATION BY EMPLOYER FOR TRANSFER OF APPRENTICE

To the [Name of local Apprenticeship Committee]

or (where there is no local Committee),—

To the District Commissioner of Apprenticeship at.....

I [Full name, address, and occupation], as the employer of [Name of apprentice], under a contract of apprenticeship in the.....industry at....., do hereby make application for the transfer of the said apprentice to....., of [Address], another employer in the same industry and locality, who is willing and able to carry out the obligations of the employer under the said contract.

The grounds for the application for the transfer are: [Set out in detail].

Dated this.....day of.....19... at.....

Signature of Employer.

I,....., of....., the proposed employer above mentioned, do hereby agree to accept the above-named apprentice in accordance with his contract of apprenticeship with.....

Dated at.....this.....day of.....19....

Signature of Proposed Employer.

I,....., of....., as apprentice, do (not) hereby consent to the above-proposed transfer.

Signature of Apprentice.

I,....., of....., the parent (or guardian) of the above-named apprentice, do (not) hereby consent to the above-proposed transfer.

Dated at.....this.....day of.....19....

Signature of Parent (or Guardian).

Decision of the local Committee or the District Commissioner:.....

Form No. 13

(Reg. 23)

The Apprentices Act 1948, Sections 27 (2) and 28 (1)

APPLICATION BY APPRENTICE FOR TRANSFER TO ANOTHER EMPLOYER

To the [Name of local apprenticeship Committee]

or (where there is no local Committee),—

To the District Commissioner of Apprenticeship at.....

I [Full name and address], an apprentice under a contract of apprenticeship with.....in the.....industry at....., do hereby make application for my transfer from my present employer to....., of....., another employer in the same industry and locality, who is willing and able to undertake the obligations of my present employer under the said contract, upon the grounds that: [Set out in detail].

Dated at.....this.....day of.....19....

Signature of Apprentice.

I [Full name and address], the parent (or guardian) of the above-named apprentice, join in the above-written application for transfer.

Signature of parent (or guardian) of apprentice.

NOTE—If the apprentice is under 21 years of age his parent (or guardian) must join in the application.

SCHEDULE—*continued*

I [Full name and address], the proposed employer above mentioned, do hereby agree to accept the above-named apprentice in accordance with his contract of apprenticeship with.....

Dated at..... this..... day of..... 19.....

Signature of Employer.

Form No. 14

(Reg. 24)

The Apprentices Act 1948, Sections 14 (4), 19 (2), 20 (5), 30, and 38 (6)

NOTICE OF APPEAL AGAINST DECISION OF APPRENTICESHIP COMMITTEE OR
DISTRICT COMMISSIONER OF APPRENTICESHIP

To the.....Apprenticeship Committee,

Or,—

To the District Commissioner of Apprenticeship at.....

And,—

To the Clerk of Awards at.....

Or (where the appeal lies to a Magistrate),—

To the Clerk of the Magistrates' Court at.....

TAKE notice that I intend to appeal to the Court of Arbitration (or to a Magistrate) from the decision of the.....Apprenticeship Committee (or the District Commissioner of Apprenticeship) dated....., wherein it was decided that.....

(In the case of appeal against refusal of District Commissioner to register a contract of apprenticeship, add)—

I attach hereto copy of contract of apprenticeship between..... and.....

The grounds of this appeal are that.....

Dated at..... this..... day of..... 19.....

[Signature, occupation, and address.]

(Also state whether employer or apprentice.)

NOTE—(a) This notice of appeal must be in the hands of the Chairman of the Apprenticeship Committee whose decision is appealed from, or, in the case of an appeal from a decision of a District Commissioner, in his hands, within 14 days of the notification to the appellant of the decision appealed from.

(b) Within the same period five copies of the notice must be lodged with the District Commissioner, who will forward four of them to the Clerk of Awards, or Clerk of Court, for the purposes of the Court or Magistrate.

Form No. 15

(Reg. 26)

The Apprentices Act 1948, Section 38

APPLICATION BY EMPLOYER FOR LEAVE TO DISCHARGE APPRENTICE

To the Local Apprenticeship Committee for.....

Or (where there is no local Committee),—

To the District Commissioner of Apprenticeship at.....

I [Full name, address, and occupation], hereby apply for leave to discharge....., an apprentice in the.....industry, on the grounds that he has so misconducted himself (or proved himself to be so incapable) that if he were an employee other than an apprentice it would be reasonable for his employer to discharge him, in that [State details].

Dated at..... this..... day of..... 19.....

Signature of Employer.

Decision of local Committee or District Commissioner:.....

NOTE—This application when completed is to be lodged with the District Commissioner for placing before the Committee.

SCHEDULE—continued

Form No. 16
(Reg. 25)

The Apprentices Act 1948, Section 35

CERTIFICATE OF DUE COMPLETION OF APPRENTICESHIP

THIS is to certify that on the.....day of.....19..... [Full name and address], duly completed his apprenticeship in the.....branch of the.....industry under a contract of apprenticeship with [Full name and address], as employer.

[During the said term the apprentice was transferred to the employer(s) named below on the (respective) date(s) shown opposite his (their) name(s).]

Dated at.....this.....day of.....19.....

Chairman,.....Apprenticeship Committee.
(or District Commissioner of Apprenticeship.)

Form No. 17
(Regs. 29 and 30)

The Apprentices Act 1948, Section 41

APPLICATION BY APPRENTICE FOR LODGING ALLOWANCE

To the District Commissioner of Apprenticeship at.....

I [Full name of apprentice], an apprentice serving on and since the.....day of.....19....., under a contract of apprenticeship to.....as employer, do hereby apply for a lodging allowance on the ground that I am at present obliged to live away from home in order to learn my trade.

My home address is.....

My present place of employment is.....

I am at present residing at.....

I began boarding on.....

I would like payment made at the Money Order Office at.....

My present wages under the contract of apprenticeship are.....

Dated at.....this.....day of.....19.....

Signature of Apprentice.

The facts as set out above are correct.

Signature of Parent (or Guardian).

The rate of wages set out in this application is correct.

Signature of Employer.

Form No. 18
(Reg. 31)

The Apprentices Act 1948, Section 18

APPLICATION FOR INTERPRETATION OF APPRENTICESHIP ORDER (OR OF DETERMINATION OR DIRECTION OF THE COURT)

APPLICATION is hereby made to the Court of Arbitration for the opinion of the Court upon the question stated in paragraph (d) hereof connected with the construction of the apprenticeship order (or determination of the Court) (or direction of the Court) described in paragraph (c) hereof:

(a) The full name, address, and occupation of the applicant (or the full description of the Committee or organisation making this application) is.....

(b) The capacity in which this application is made is:..... (e.g., Commissioner of Apprenticeship, District Commissioner of Apprenticeship at....., employer, apprentice).

SCHEDULE—*continued*

- (c) The full description of the apprenticeship order (or determination of the Court) (or direction of the Court) in respect of which the question arises is:.....(e.g., an apprenticeship order dated....., and published in.....Book of Awards, page....., A decision under section.....of the Apprentices Act 1948, published in the.....to the effect that.....).
- (d) The question upon which the opinion of the Court is sought is:.....
- (e) This application is accompanied by the following papers, books, and documents (as the case may be) relating to the subject-matter of this application:.....
- Dated at.....this.....day of.....19.....

Signature of Applicant.

To the Clerk of Awards at.....

NOTE—(a) This application is to be filed in quadruplicate, and must be accompanied by a typewritten statement of the views and contentions of the applicant.

(b) The applicant must forward a copy of this application to the Commissioner of Apprenticeship and a copy to any organisations of employers or of workers likely to be affected.

Form No. 19
(Reg. 31)*The Apprentices Act 1948, Section 6 (c)*

APPLICATION FOR AN APPRENTICESHIP ORDER, OR FOR AN AMENDMENT OF AN ORDER

APPLICATION is hereby made by [*Name of Applicant*] to the Court of Arbitration for an apprenticeship order in the [*Name of the industry*] in New Zealand.

[Or—
for an amendment of the.....apprenticeship order dated the.....day of.....19....., and recorded in Book of Awards....., in page.....].

The recommendations submitted by [*Name of Applicant*] are the following:

1. That the order (or amending order) should take the following form (delete if no form of order is recommended):.....
2. [*Here insert any further recommendations.*]

A hearing is (or is not) desired.

Dated at.....this.....day of.....19.....

Signature of Applicant:.....

Capacity in which the Applicant applies to the Court:.....

Address of Applicant:.....

NOTE—Where application is made on behalf of a Committee or organisation the name of the Committee or organisation should be stated. This application, together with five copies thereof, is to be lodged with the Commissioner of Apprenticeship.

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations are a consolidation of the Apprentices Regulations 1949. The regulations prescribe the procedure—

- (a) For formation of Apprenticeship Committees (3-7), membership thereof (8-14), and operation (15-17):
- (b) For various matters relating to contracts of apprenticeship (18-23, 26-28), and for payment of lodging allowance to apprentices (29-30):
- (c) In appeals (24-25), application for interpretation (31), and applications for Orders (32).

The Schedule prescribes the various forms required in these matters.

The former regulations have been amended to take account of changes made by the Apprentices Amendment Act 1961 in the definition of "employer" (now omitted), the membership of Committees, and different time limited for appeal against the suspension or discharge of an apprentice.

Regulations dealing with the terms of office of members of committees and with the nomination of members have been rearranged, and a change made in the method of nomination to local committees of persons conversant with technical education to restrict nominating authorities to those concerned with education of apprentices.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 30 May 1963.

These regulations are administered in the Department of Labour.