

1968/105



**THE GOVERNMENT RAILWAYS (STAFF) REGULATIONS
1953, AMENDMENT NO 28**

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 24th day of June 1968

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Government Railways Act 1949, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Government Railways (Staff) Regulations 1953, Amendment No. 28, and shall be read together with and deemed part of the Government Railways (Staff) Regulations 1953* (hereinafter referred to as the principal regulations).

(2) Regulations 2, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of these regulations shall be deemed to have come into force on the 1st day of August 1967:

Provided that subclause (1) of the said regulation 5 shall be deemed not to have come into force until the 24th day of November 1967.

(3) Regulation 13 of these regulations shall be deemed to have come into force on the 24th day of November 1967.

2. Interpretation—Regulation 2 of the principal regulations is hereby amended by omitting from subclause (1) the definition of “Apprenticeship year”.

3. Membership of service organisations—Regulation 16 of the principal regulations is hereby amended by revoking subclauses (2), (3), and (4), and substituting the following subclause:

“(2) Every person who is required by this regulation to become a member of a service organisation shall be deemed to have complied with that requirement if, after being employed for a continuous period of not less than two weeks, he makes application for membership of an organisation in accordance with its rules within two weeks after the expiration of the first-mentioned period of two weeks.”

*S.R. 1953/34 (*Reprinted with amendments* Nos. 1 to 22: S.R. 1964/197)

Amendment No. 23: S.R. 1965/132

Amendment No. 24: S.R. 1966/8

Amendment No. 25: S.R. 1966/150

Amendment No. 26: S.R. 1967/101

Amendment No. 27: S.R. 1967/245

4. Probationers—Regulation 18 of the principal regulations is hereby amended by omitting from subclause (2) the words “6 months”, and substituting the words “1,000 hours on duty.”

5. Apprentices permanently appointed—(1) Regulation 19 of the principal regulations is hereby amended—

(a) By inserting in subclause (4), after the words “indenture of apprenticeship”, the words “shall be in the form set out in the Third Schedule to these regulations and when”:

(b) By omitting from subclause (5) the words “The first apprenticeship year”, and substituting the words “The period of apprenticeship”.

(2) The said regulation 19 is hereby further amended by revoking subclause (6), and substituting the following subclause:

“(6) The period of apprenticeship to be served by an apprentice shall be 9,000 hours on duty; but the General Manager may from time to time, on such conditions as he may determine, reduce the period in respect of any apprentice or class of apprentice to not less than 8,000 hours.”

(3) The said regulation 19 is hereby further amended—

(a) By omitting from paragraph (b) of subclause (7) the word “five”, and substituting the word “eight”:

(b) By omitting from paragraph (c) of subclause (7) the words “regulation 174 or”.

(4) The said regulation 19 is hereby further amended by revoking paragraph (a) of subclause (7).

(5) The said regulation 19 is hereby further amended by revoking subclause (8).

(6) Regulation 2 of the Government Railways (Staff) Regulations 1953, Amendment No. 3*, is hereby consequentially amended by revoking paragraph (a).

(7) Regulation 2 of the Government Railways (Staff) Regulations 1953, Amendment No. 23†, is hereby consequentially amended by revoking paragraph (a) of subclause (1).

6. Departmental day classes for apprentices—The principal regulations are hereby further amended by revoking regulation 20, and substituting the following regulation:

“20. Unless otherwise directed by the General Manager, every apprentice shall attend during working hours such departmental day classes as may be provided by the Department. The classes shall provide the apprentice with instruction in the theory and practice of his trade and in mathematics and drawing.”

7. Apprentices attending classes at educational institutions—The principal regulations are hereby further amended by revoking regulation 23, and substituting the following regulation:

“23. The General Manager may direct an apprentice, instead of attending departmental day classes pursuant to regulation 20 of these regulations, to take and persevere in such course of study and training as the General Manager may determine and, if so required, to attend

such day or night classes, or both, at such educational institutions as the General Manager may specify for instruction in mathematics, drawing, and such other subjects as the General Manager may direct.”

8. Apprentices attending night classes—The principal regulations are hereby further amended by revoking regulation 24, and substituting the following regulation:

“24. An apprentice who is required to undertake a course of study for the purpose of attaining any certificate awarded by the New Zealand Trades Certification Board shall attend such night classes as may be required by the institution providing the course.”

9. Special leave for apprentices to attend day classes at educational institutions—The principal regulations are hereby further amended by revoking regulation 26, and substituting the following regulation:

“26. During his apprenticeship an apprentice may be granted special leave of absence to enable him to attend at an educational institution such day classes as are generally or in any particular case approved by the General Manager.”

10. Prerequisites for permanent appointment of apprentices as tradesmen—(1) Regulation 31 of the principal regulations is hereby amended by omitting from the proviso to paragraph (a) the words “the first and second years of”, and substituting the words “each of the first two years in which he is allotted shop marks during”.

(2) The said regulation 31 is hereby further amended by revoking paragraph (b), and substituting the following paragraph:

“(b) Obtains at least 65 percent of the maximum possible marks allotted at each of his three annual departmental apprentice examinations, or, in the case of an apprentice exempted from attending departmental day classes under regulation 23 of these regulations, passes the appropriate trade certificate examination held by the New Zealand Trades Certification Board. Notwithstanding anything to the contrary in this paragraph, the General Manager may permit any apprentice who fails to obtain 65 percent of the said maximum allotted marks, but who satisfies the requirements of paragraph (a) of this regulation, to continue in the Department’s employment as a tradesman in a temporary capacity. On an employee’s completing three months’ service calculated from the day on which he completed his apprenticeship, the General Manager may, if the employee is suitable and otherwise eligible for employment as a member, consider him for appointment to the permanent staff as a tradesman in turn with other employees eligible for appointment as tradesmen.”

(3) Regulation 5 of the Government Railways (Staff) Regulations 1953, Amendment No. 26*, is hereby consequentially revoked.

11. Diploma allowances for apprentices—(1) The principal regulations are hereby further amended by revoking regulations 145 to 153 and the heading to those regulations.

(2) The Government Railways (Staff) Regulations 1953, Amendment No. 24*, are hereby consequentially amended by revoking Regulations 4, 5, and 6.

12. Departmental scholarships for tradesmen—Regulation 174 of the principal regulations is hereby amended by revoking subclauses (1) and (2), and substituting the following subclauses:

“(1) The General Manager may, in accordance with the provisions of this regulation, award in each year one or more departmental scholarships to tradesmen.

“(2) The scholarships may be awarded only to tradesmen who have completed an apprenticeship not more than three years before the holding of the departmental scholarship examination.”

13. New Third Schedule added to principal regulations—The principal regulations are hereby further amended by adding the Third Schedule set out in the Schedule to these regulations.

Reg. 13

SCHEDULE

NEW THIRD SCHEDULE TO PRINCIPAL REGULATIONS ADDED

“THIRD SCHEDULE

Reg. 19

“INDENTURE OF APPRENTICESHIP

H. 57A

THIS indenture of apprenticeship is made pursuant to section 83B of the Government Railways Act 1949 (referred to in this indenture as ‘the Act’), this day of 19....., between [*full name, designation, and location of employee authorised by the General Manager to act as a master for the purposes of the said section 83B*] and his successors in office (in this indenture referred to as the ‘master’) of the first part, [*full name, address, and occupation of the apprentice’s parent or guardian*] (in this indenture referred to as the ‘guardian’) of the second part, and [*full name, address, and occupation of the apprentice*], a minor born on the day of 19....., (in this indenture referred to as the ‘apprentice’) of the third part and WITNESSES as follows:

1. IN CONSIDERATION OF the covenants hereinafter made by the said [*name of apprentice*], the master hereby covenants on behalf of the General Manager of the New Zealand Government Railways Department (in this indenture referred to as the ‘Department’) with the apprentice and also (as a separate covenant) with the guardian—

- (a) That the apprentice will be employed in the Department as an apprentice in the trade of (in this indenture referred to as the ‘trade’):
- (b) That the term of the apprenticeship shall be neither less than 8,000 hours nor more than 9,000 hours and shall commence on the day of 19.....:
- (c) That, subject to sections 83B and 83C of the Act, the apprentice will be employed in the Department throughout the prescribed term, during which the master will to the best of his power, skill, and knowledge train and instruct the apprentice in the skills of the trade:

SCHEDULE—*continued*

(d) That the apprentice, during the term of his apprenticeship, shall be paid at such rates as may be prescribed from time to time by the Government Railways Industrial Tribunal constituted under the Act.

2. IN CONSIDERATION OF the foregoing covenants, the apprentice and the guardian hereby jointly and severally covenant with the master and the General Manager of the Department that the apprentice will—

- (a) Faithfully and diligently serve the Department as an apprentice in terms of the Act for the prescribed term and subject to the conditions set out in this indenture:
- (b) Not divulge or communicate any confidential information acquired in the course of his duties or as a railway employee:
- (c) Willingly obey the lawful commands of the master:
- (d) Not absent himself from his duties without leave:
- (e) Not damage or permit damage to any property of the Government or of any person employed in the Department or to any other property in his custody or care or under his control in the course of his employment:
- (f) In all things conduct himself in the manner of a good and diligent apprentice of the Department:
- (g) At all times conform to the provisions of the Act and of any regulations made under the Act:
- (h) Undertake such courses of study and enter for such examinations as may from time to time be directed by the General Manager (whether or not the courses are held during ordinary working hours or are provided in the Department):
- (i) Diligently pursue the aforesaid courses during the whole term of the apprenticeship or during such shorter terms as the General Manager may determine.

3. IT IS HEREBY FURTHER AGREED AND DECLARED that, for the purpose of providing the apprentice with a full and comprehensive training, he may, with the consent of his guardian (if the apprentice is under twenty-one years of age), be transferred to another location for such period and upon such terms as the General Manager may determine or approve.

IN WITNESS WHEREOF the parties hereto have set their hands the day and year first above written.

Signed by the said:

.....
Full name of master

.....
Designation and location

in the presence of:

Witness:

Occupation:

Address:

SCHEDULE—*continued*

Signed by the said:

.....

Full name of parent or guardian
in the presence of:

Witness:.....

Occupation:.....

Address:.....

Signed by the said:

.....

Full name of apprentice

in the presence of:

Witness:.....

Occupation:.....

Address:.....

(This Indenture will be endorsed on completion of the apprenticeship.)”

P. J. BROOKS,
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 prescribe a uniform time for persons concerned to apply for membership of a service organisation and make various amendments to the conditions for the appointment, training, and education of apprentices.

Issued under the authority of the Regulations Act 1936

Date of notification in *Gazette*: 27 June 1968.

These regulations are administered in the New Zealand Government Railways Department.