



Western Australia

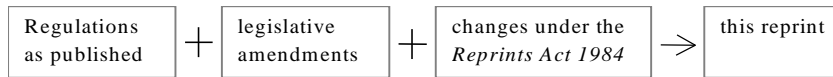
Industrial Training Act 1975

# **Industrial Training (General Apprenticeship) Regulations 1981**

**Reprint 3: The regulations as at 13 November 2008**

## Guide for using this reprint

### *What the reprint includes*



### *Endnotes, Compilation table, and Table of provisions that have not come into operation*

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

### *Notes amongst text (italicised and within square brackets)*

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
  - removed (because it was repealed or deleted from the law); or
  - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

### *Reprint numbering and date*

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3<sup>rd</sup> reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

## Industrial Training (General Apprenticeship) Regulations 1981

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### CONTENTS

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1.	Citation	1
2.	Repeal and commencement	1
3.	Application	1
4.	Terms used	1
5.	Apprenticeship trades	2
6.	Eligibility for apprenticeship	3
7.	Probationary employment	3
8.	Notification to unions	4
9.	Extension, termination and expiration of probationary period	4
10.	Agreement	5
11.	Credit	6
11A.	Minimum hours of employment	6
12.	Transfer	6
13.	Cancellation	8
14.	Misconduct	9
15.	Reduction	9
15A.	Reduction of term if apprentice competent	10
16.	Satisfactory progress	10
17.	Technical training	11
18.	Examinations	14
19.	Final certificate	14
22.	Hearings by Director	14

Contents

---

23.	Appeals to The Western Australian Industrial Relations Commission	15
24.	Transitional provisions	15
	<b>Schedule 1 — Training Contract</b>	
	<b>Schedule 2 — Transitional provisions</b>	
1.	Provisions relating to the <i>Industrial Training Legislation Amendment Regulations 2008</i>	22
	<b>Notes</b>	
	Compilation table	23
	<b>Defined Terms</b>	



Western Australia

Reprinted under the  
*Reprints Act 1984* as  
at 13 November 2008

Industrial Training Act 1975

## Industrial Training (General Apprenticeship) Regulations 1981

### 1. Citation

These regulations may be cited as the *Industrial Training (General Apprenticeship) Regulations 1981*<sup>1</sup>.

### 2. Repeal and commencement

The *Industrial Training (General Apprenticeship) Regulations 1978*<sup>2</sup>, as amended, are repealed on, and these regulations take effect on and from, 20 July 1981<sup>1</sup>.

### 3. Application

These regulations apply to and in relation to apprenticeships in the apprenticeship trades.

[Regulation 3 amended in *Gazette 23 Jul 2008 p. 3374.*]

### 4. Terms used

In these regulations unless the contrary intention appears —  
***employer*** means the person employing the apprentice, probationer or employee in question;

**examiner** means a person appointed by the Minister pursuant to section 17 of the Act to carry out duties relating to the examination of apprentices in relation to the trade in question;

**registered training provider** has the meaning given in the *Vocational Education and Training Act 1996* section 5(1);

**training** includes theoretical and practical tuition and instruction and the type of employment required to be given to an apprentice pursuant to any regulation made under the Act in relation to the trade in which he is apprenticed;

**Training Contract** means the document entitled “Apprenticeship/Traineeship Training Contract Western Australia”, prepared by the Department, the text of which is set out in Schedule 1;

**union** means a union of workers or employers registered under any law relating to the registration of trade unions or the prevention and settlement of industrial disputes.

[Regulation 4 amended in Gazette 24 Dec 1987 p. 4550;  
23 Jul 2008 p. 3374.]

## **5. Apprenticeship trades**

- (1) Each trade listed in Schedule 1 to the *Industrial Training (Apprenticeship Training) Regulations 1981* is an apprenticeship trade for the purposes of the Act.
- (2) The term **building trade** means the following trades, namely —  
Bricklaying;  
Stonemasonry;  
Plastering;  
Tilelaying.

[Regulation 5 amended in Gazette 24 Dec 1987 p. 4550.]

**6. Eligibility for apprenticeship**

- (1) Subject to subregulation (2), a person is eligible to commence an apprenticeship if he —
- (a) has fulfilled the conditions of eligibility prescribed by the regulations relating to that apprenticeship; and
  - (b) produces such evidence as satisfies the Director that he has fulfilled those conditions.
- (2) Notwithstanding subregulation (1), a person shall not be eligible to commence an apprenticeship in —
- (a) electrical fitting;
  - (b) electrical mechanics;
  - (c) painting and decorating;
  - (d) painting (vehicle building);
  - (e) signwriting;
  - (f) electronic servicing;
  - (g) instrument fitting;
  - (h) weighing instrument mechanics;
  - (i) trimming;
  - (j) refrigeration fitting; or
  - (k) mechanics (office machines),

unless the Director is satisfied that he does not suffer from any defect of colour vision that would render him unfit to undertake his apprenticeship training.

*[Regulation 6 amended in Gazette 24 Dec 1987 p. 4550.]*

**7. Probationary employment**

- (1) A notification to the Registrar under section 29A of the Act is to be made by submitting to the Registrar a duly completed and executed copy of the Training Contract.
- (2) If an employer submits the Training Contract in accordance with subregulation (1), the employer is taken to have made an

application to the Director under section 29A of the Act for approval to establish the apprenticeship specified in the Training Contract.

*[Regulation 7 inserted in Gazette 23 Jul 2008 p. 3375.]*

**8. Notification to unions**

- (1) Where the Director receives a notification and application pursuant to section 29A of the Act he shall cause the relevant unions to be notified of that fact.
- (2) A union that desires to object to the application shall lodge notice of its objection with the Registrar within 14 days of the date of the notice given pursuant to subregulation (1).
- (3) The Registrar shall notify the employer and the probationer (and, if the probationer is under 18 years of age, the probationer's parent or guardian) of any objection lodged pursuant to subregulation (2).
- (4) Any objection lodged pursuant to subregulation (2) shall be referred by the Registrar to the Director for hearing and determination.
- (5) The Director shall notify his determination and the reasons therefor in writing to the employer and the probationer.

*[Regulation 8 amended in Gazette 23 Jul 2008 p. 3375.]*

**9. Extension, termination and expiration of probationary period**

- (1) An application pursuant to section 29 to extend the term of probation shall be made to the Director before the expiration of the initial 3 months' period.
- (2) If the employment of a probationer is terminated during the period of probation, the employer shall, within 5 working days after the termination, notify the Registrar of that fact.



- (3) If at the expiration of the period of probation, the employer or the apprentice (or, if the apprentice is under 18 years of age, the apprentice's parent or guardian) does not wish to continue with the employment, the employer shall, within 5 working days after the expiration of the period of probation, notify the Registrar of that fact.

*[Regulation 9 amended in Gazette 23 Jul 2008 p. 3375-6.]*

## **10. Agreement**

- (1) For the purposes of section 30(1)(b) of the Act, an apprenticeship agreement is to be in the form of the Training Contract.
- (2) A Training Contract duly completed and executed by an employer and an apprentice (and, if the apprentice is under 18 years of age, the apprentice's parent or guardian) has effect as an apprenticeship agreement only if —
- (a) the Training Contract is submitted in accordance with regulation 7(1); and
  - (b) the establishment of the apprenticeship specified in the Training Contract is approved by the Director; and
  - (c) no notice is required to be given under regulation 9(2) or (3) in respect of the employment.
- (3) The following provisions apply in relation to a Training Contract that has effect under subregulation (2) —
- (a) the employer and the apprentice (and, if the apprentice is under 18 years of age, the apprentice's parent or guardian) are to be taken to have entered into the apprenticeship agreement on the day after the period of probation expires;
  - (b) the employer is to be taken to have made an application to the Registrar under section 31(2) of the Act, on the 14<sup>th</sup> day after the period of probation expires, for registration of the apprenticeship agreement.

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- (4) The Registrar shall not register an apprenticeship agreement unless he or she is satisfied that no objection in relation to that apprenticeship has been lodged, or, if an objection has been so lodged, the Director has approved of the registration of the agreement.

*[Regulation 10 inserted in Gazette 23 Jul 2008 p. 3376-7.]*

**11. Credit**

Notwithstanding anything in the regulations prescribing the period of apprenticeship to be served in a particular trade, where the Director is satisfied that a person has, before becoming indentured as an apprentice, acquired some experience or skill in that trade by reason of former service or otherwise the Director may direct that the period to be served by that person as an apprentice in that trade shall be such period as he specifies in his direction.

**11A. Minimum hours of employment**

For the purposes of section 29B(1)(b)(iii) of the Act, the minimum hours of employment of an apprentice employed on a part-time basis are —

- (a) in the case of an apprentice who is a student within the meaning that term has under the *School Education Act 1999*, an average of 8 hours of paid employment a week during the period of apprenticeship, excluding any time required to attend technical training classes for instruction in the apprenticeship;
- (b) in any other case, 20 hours of paid employment a week, including any time required to attend technical training classes for instruction in the apprenticeship.

*[Regulation 11A inserted in Gazette 28 Mar 2007 p. 1444.]*

**12. Transfer**

- (1) Where an employer employs an apprentice by way of the transfer of the employment of the apprentice pursuant to

section 34 of the Act the employer shall notify the Registrar within 14 days of the date that the apprentice commences employment with him.

- (2) Where the Registrar receives notification pursuant to subregulation (1) he shall cause the relevant unions to be notified of that fact.
- (3) A union that desires to object to the transfer of the employment of an apprentice shall lodge notice of its objection with the Registrar within 14 days of the date of the notice given pursuant to subregulation (2).
- (4) Where pursuant to subregulation (3) an objection is made to the transfer of the employment of an apprentice the Registrar shall refer the objection to the Director for hearing and determination and notify the employer of the apprentice, the employer to whom the employment is to be transferred and the apprentice (and, if the apprentice is under 18 years of age, the apprentice's parent or guardian) of the objection.
- (5) The employer to whom the employment of an apprentice is transferred shall, within 60 days after the commencement of the employment of the apprentice, lodge the completed transfer of apprenticeship agreement for registration with the Registrar in accordance with section 34(5) of the Act.
- (6) The Director shall notify his determination and the reasons therefor, in writing, to the employer of the apprentice, the apprentice (and, if the apprentice is under 18 years of age, the apprentice's parent or guardian), and the employer to whom the apprenticeship is to be transferred.
- (7) The Registrar shall not register the transfer of apprenticeship agreement unless he is satisfied that no objection in relation to the transfer has been lodged, or where an objection has been lodged, the Director has authorised the transfer.

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- (8) Where the Registrar registers a transfer of apprenticeship agreement he shall forward a copy thereof to each of the parties referred to therein.

*[Regulation 12 amended in Gazette 23 Jul 2008 p. 3377.]*

**13. Cancellation**

- (1) The Director may on the application of the apprentice (or, if the apprentice is under 18 years of age, the apprentice's parent or guardian) cancel the apprenticeship agreement and thereupon the apprentice ceases to be bound as an apprentice to his employer.

- (2) Where —

- (a) an apprentice abandons his apprenticeship; or  
(b) an employer is satisfied on reasonable grounds that an apprentice has abandoned his apprenticeship,

the employer shall, within 14 days of the apprentice abandoning his apprenticeship or being so satisfied, as the case may be, notify the Registrar of that fact.

- (3) Upon receipt of a notice pursuant to subregulation (2) the Director may notify the apprentice (and, if the apprentice is under 18 years of age, the apprentice's parent or guardian) that if the apprentice does not comply with the terms of his apprenticeship agreement the agreement may be cancelled and if after the notice has been forwarded to the apprentice he does not so comply the Director may cancel the apprenticeship agreement.
- (4) An apprenticeship agreement may be cancelled by the mutual consent of the employer and the apprentice (and, if the apprentice is under 18 years of age, the apprentice's parent or guardian) by entering into an agreement for the cancellation of the apprenticeship agreement.

- (5) An agreement for the cancellation of an apprenticeship agreement shall be lodged with the Registrar within 14 days of the date of its execution and on receipt thereof the Registrar shall cancel the apprenticeship agreement.
- (6) Where an apprenticeship agreement is cancelled pursuant to this regulation the apprentice ceases to be bound as an apprentice to his employer.

*[Regulation 13 amended in Gazette 23 Jul 2008 p. 3378.]*

#### **14. Misconduct**

- (1) An application pursuant to section 37(1) or (2) of the Act shall be lodged with the Registrar.
- (2) On receipt of an application lodged pursuant to subregulation (1) the Registrar shall forward the application to the Director for hearing and determination.
- (3) The Registrar shall notify the parties to the apprenticeship agreement and the relevant union or unions of the date of hearing of the application.
- (4) The Director shall notify his determination and the reasons therefor, in writing, to the parties to the apprenticeship agreement and the relevant union or unions.

#### **15. Reduction**

Where the Director is satisfied that because of the special circumstances of the particular case it is not necessary for an apprentice to serve his apprenticeship for the whole of the period prescribed in relation to the trade in which he is apprenticed he may on application by the apprentice (or, if the apprentice is under 18 years of age, the apprentice's parent or guardian) or the employer, reduce the period of apprenticeship to be served by the apprentice.

*[Regulation 15 amended in Gazette 23 Jul 2008 p. 3378.]*

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**15A. Reduction of term if apprentice competent**

- (1) If the Director is reasonably satisfied that an apprentice —
  - (a) is competent to work as a tradesperson in the trade in which he or she is apprenticed; and
  - (b) has successfully completed all the technical training that the apprentice is required under the Act to complete during his or her apprenticeship,

the Director may reduce the term of the apprentice's apprenticeship to the period of the apprenticeship already served.

- (2) For the purpose of determining whether he or she is satisfied as to the matters set out in subregulation (1) the Director may —
  - (a) accept evidence from the employer as to the apprentice's competence; and
  - (b) require the apprentice to undertake such assessment or provide such evidence of his or her competence as the Director requires.

*[Regulation 15A inserted in Gazette 19 Sep 2006 p. 3709.]*

**16. Satisfactory progress**

- (1) The Director may require any person training an apprentice to furnish him with a report on the conduct, diligence, application and progress of the apprentice.
- (2) Where, in the opinion of the Director, an apprentice is not making satisfactory progress in his training the Director may do any one or more of the following —
  - (a) direct that the period of apprenticeship specified in the apprenticeship agreement of that apprentice be extended in the year being served or require that the apprentice serve an additional period after his last normal year of service;

- (b) require the apprentice to undertake such additional training as the Director deems necessary;
- (c) suspend the operation of the apprenticeship agreement for such period and upon such conditions as he thinks fit;
- (d) cancel the apprenticeship agreement of that apprentice,

but the Director shall not take any action pursuant to this subregulation unless he gives the parties to the apprenticeship agreement an opportunity to make representations to him.

- (3) Where pursuant to subregulation (2) he has extended an apprenticeship agreement or required an apprentice to undertake additional training and he is satisfied with the progress the apprentice is making with his training the Director may cancel or vary the direction or requirement, as the case may be.

**17. Technical training**

- (1) An apprentice shall attend technical training classes for instruction in his apprenticeship course as prescribed by the regulations in relation to the trade in which he is being trained.
- (2) An apprentice who is required to attend technical training classes —
  - (a) shall attend regularly and punctually at the time appointed for the commencement of the classes and shall not without permission of the lecturer leave before the appointed time for leaving;
  - (b) shall be diligent and behave in a decorous manner while in the training institution;
  - (c) shall not destroy and shall take care of any material or equipment provided for his use in the training institution; and
  - (d) shall attend in each term every prescribed technical training class.

- (3) An apprentice who is, in the opinion of the Director, unable to attend regular technical training classes in his apprenticeship course, shall undertake his technical training course by correspondence as directed.
- (4) Where any regulation relating to training in a particular trade prescribes that the course of training for the trade be undertaken at a particular rate or in particular stages an apprentice undertaking the course shall complete the course at the rate prescribed, or in the stages prescribed, as the case may be, in relation to that trade.
- (5) Subject to subregulation (6), where an apprentice is required to undertake instruction by correspondence he shall submit lessons monthly at the rate of the number of lessons prescribed for the stage divided by 9 and rounded to nearest whole number.
- (6) Notwithstanding subregulation (5), the Director may vary the rate of submission of correspondence lessons to be completed by a particular apprentice.
- (7) Where an apprentice is undertaking his technical training course by correspondence his employer shall permit him during ordinary working hours, without deduction from his wages —
  - (a) to attend such technical training classes as may be directed; and
  - (b) to perform the theoretical or practical work of or incidental to his correspondence course either on the employer's premises or at such other place as is agreed between the apprentice and the employer,

for up to an equivalent number of hours to the number prescribed in the *Industrial Training (Apprenticeship Training) Regulations 1981* for apprentices attending technical training classes in his trade.



- (8) Where an apprentice is required to undertake instruction by correspondence the employer shall forward all correspondence lessons completed by the apprentice to the body that conducts the course.
- (9) Where an apprentice fails to attend a class or carry out a correspondence lesson he shall within 7 days provide the person conducting the course with a written explanation signed by him (or, if he is under 18 years of age, his parent or guardian) stating the reason for his failure to so attend or carry out a lesson.
- (10) Where an apprentice fails to attend a class or to carry out any requirement of his training by reason of illness the Director may require him to provide a medical certificate signed by a legally qualified medical practitioner substantiating the reason for his absence or failure.
- (11) The employer shall not obstruct or hinder an apprentice from attending any class or from undertaking any correspondence instruction that he is required to attend or undertake under the Act.
- (12) Notwithstanding subregulations (1) and (3) the Director may exempt an apprentice from attendance at classes or from undertaking his technical training by correspondence and may make the exemption subject to such conditions as he thinks fit.
- (13) An exemption granted pursuant to subregulation (12) may be given in relation to a particular apprentice or in relation to any grouping of apprentices.
- (14) An apprentice shall submit himself to be examined at such examinations conducted by a registered training provider in relation to the trade in which he is being trained.

*[Regulation 17 amended in Gazette 23 Jul 2008 p. 3379.]*

**18. Examinations**

- (1) The results of every examination of an apprentice conducted by a registered training provider shall be forwarded by that registered training provider to the Director.
- (2) Where an apprentice does not sit for, or attend, an examination, or fails an examination, the registered training provider may recommend to the Director that action be taken under regulation 16.

*[Regulation 18 amended in Gazette 27 Mar 1987 p. 1017;  
23 Jul 2008 p. 3379.]*

**19. Final certificate**

The Director shall issue to an apprentice who has completed his apprenticeship in accordance with the Act, a final certificate.

*[Regulation 19 inserted in Gazette 27 Mar 1987 p. 1017.]*

*[20, 21. Repealed in Gazette 27 Mar 1987 p. 1017.]*

**22. Hearings by Director**

Subject to the Act, the procedure on a hearing by the Director shall be as follows —

- (a) the Registrar shall give notice to all persons entitled to be heard at the hearing of the time and date fixed for the hearing, which notice shall not, except with the agreement of all such persons, be less than 7 days before the day fixed for the hearing;
- (b) the conduct of the hearing shall be as determined by the Director;
- (c) the Director may require any party to the proceedings to produce documents for inspection by the Director;
- (d) the Director may require any witness or any party to the proceedings the subject of the hearing to make an oath or affirmation under the *Evidence Act 1906*.

**23. Appeals to The Western Australian Industrial Relations Commission**

- (1) Every appeal under section 37C of the Act shall be instituted by a notice of appeal given by the appellant and lodged with the Registrar within 14 days from the date the decision appealed against is given.
- (2) The notice referred to in subregulation (1) shall clearly and concisely set forth the grounds upon which the appeal is made.
- (3) The filing of an appeal under subregulation (1) stays the operation of the decision, which is the subject of the appeal.
- (4) Upon receipt of a notice of appeal referred to in subregulation (1) the Registrar shall forward a copy thereof to the other parties concerned and shall provide proof of such notification to the Commission.
- (5) Regulation 101 of the *Industrial Relations Commission Regulations 2005* as amended applies to and in relation to an appeal to the Commission under section 37C of the Act.

*[Regulation 23 amended in Gazette 23 Jul 2008 p. 3380.]*

**24. Transitional provisions**

Schedule 2 sets out transitional provisions.

*[Regulation 24 inserted in Gazette 23 Jul 2008 p. 3380.]*

## **Schedule 1 — Training Contract**

[r. 4]

*[Heading inserted in Gazette 23 Jul 2008 p. 3380.]*

Apprenticeship/Traineeship  
**Training Contract**  
Western Australia

An Australian Apprenticeships Centre may assist in completing this Contract.

This is a free service.

**Industrial Training (General Apprenticeship) Regulations 1981**  
**Training Contract      Schedule 1**

This contract forms a legally binding agreement between an employer and employee for the training of Apprentices and Trainees leading to a nationally recognised qualification. In signing this contract the parties are bound by the obligations detailed below and the legislation of the State or Territory in which this training contract is to be registered.

Training Contract Declaration	
<p>We, the employer, apprentice/trainee and parent or guardian (where applicable) have read and understood the Training Contract Obligations outlined below.</p> <p>We declare that to the best of our knowledge the details entered on this Training Contract are true and correct. We understand that the giving of false or misleading information is a serious offence.</p> <p>We understand that the information provided in this Training Contract:</p> <ul style="list-style-type: none"> <li>• is collected for the purposes of registration, preparing statistics, reporting, programme administration, monitoring and evaluation, calculating incentives and allowances paid to employers and apprentices/trainees and preventing dual payments;</li> <li>• may be disclosed to and used for these purposes by the Australian Government, including the Department of Education, Science and Training (DEST) and Centrelink, State/Territory government departments and agencies, employers, our Australian Apprenticeships Centre, Registered Training Organisation, non-government education authorities and the contractors or agents of any of these organisations, departments and agencies;</li> <li>• may also be exchanged between DEST and Centrelink (for Youth Allowance, Austudy and ABSTUDY administration) to provide confirmation that the apprentice/trainee who signed this declaration is an Australian Apprentice; and</li> <li>• may otherwise be disclosed without consent where authorised or required by law.</li> </ul> <p>We understand that this Apprenticeship/Traineeship Contract is legally binding in accordance with the Training Contract Obligations set out below and the legislation of the State or Territory in which this Training Contract is to be registered.</p> <p>We understand that this Training Contract can only be terminated within the period of the probation and/or, in accordance with the requirements of the relevant State/Territory legislation, and that the probation periods are determined by the State/Territory Training Authority or relevant industrial award/agreement for this qualification and vocation.</p> <p>We undertake to negotiate and sign a Training Plan with the chosen RTO as required by the relevant State/Territory Training Authority.</p>	
<p><b>The employer representative</b> (on behalf of the employer named in Question 28)</p> <p>Surname (family name) _____ Given names (in full) _____</p> <p>Signed this day: _____ Signature of employer representative _____  <small>Day / Month / Year</small></p>	
<p><b>The apprentice/trainee</b></p> <p>Surname (family name) _____ Given names (in full) _____</p> <p>Signed this day: _____ Signature of apprentice/trainee _____  <small>Day / Month / Year</small></p> <p>Signed this day: _____ Signature of parent/guardian (for apprentice/trainee under 18 years of age) _____  <small>Day / Month / Year</small></p> <p>Name of Apprenticeship/Traineeship (as designated by legislation/regulation): _____</p>	

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| <p><b>Training Contract Obligations</b></p> <p>For the employer, apprentice or trainee, and parent or guardian (where applicable)</p> <p>We agree that:</p> <ol style="list-style-type: none"> <li>a) the Contract commences from the date stated in question 3, provided that it has been registered or approved under the provisions of the relevant State/Territory legislation</li> <li>b) the Contract can only be changed according to State/Territory legislation and the State/Territory Training Authority must be informed of the proposed change/s. In some States/Territories approval for the change/s must be sought</li> <li>c) the apprentice/trainee can see, and correct, any information about himself/herself in this Contract or held by the employer in relation to this Contract</li> <li>d) we will try to resolve any dispute we have between us, and if we can't, we will contact our State/Territory Training Authority to request assistance or to access the appropriate dispute resolution processes</li> <li>e) the Contract can be audited by the relevant State/Territory Training Authority or Australian Government Department</li> <li>f) the Apprenticeship/Traineeship is successfully completed when there is agreement from the employer, apprentice/trainee and Registered Training Organisation, and/or an acknowledgement by the State/ Territory Training Authority, that the apprentice/trainee has attained all the required competencies</li> <li>g) The Apprenticeship/Traineeship expires if it reaches the term of the Apprenticeship/Traineeship referred to in question 4 without the apprentice/trainee having attained all the required competencies or a request for an extension of the contract having been endorsed by a State / Territory Training Authority</li> <li>h) This contract may be terminated in accordance with the relevant State/ Territory legislation.</li> </ol> <p><b>For the employer</b></p> <p>I agree that I will:</p> <ol style="list-style-type: none"> <li>a) employ and train the apprentice/trainee as agreed in our Training Plan and ensure the apprentice/trainee understands the choices that he/she has regarding the training</li> <li>b) provide the appropriate facilities and experienced people to facilitate the training and supervise the apprentice/trainee while at work, in accordance with the Training Plan</li> </ol> | <ol style="list-style-type: none"> <li>c) make sure the apprentice/trainee receives on-the-job training and assessment in accordance with our Training Plan</li> <li>d) provide work that is relevant and appropriate to the vocation and also to the achievement of the qualification referred to in this Contract</li> <li>e) release the apprentice/trainee from work and pay the appropriate wages to attend any training and assessment specified in our Training Plan</li> <li>f) meet all legal requirements regarding the apprentice/trainee, including occupational health and safety requirements and payment of wages and conditions under the relevant employment arrangements</li> <li>g) repay any payment I receive that I am not entitled to</li> <li>h) work with our RTO and the apprentice/trainee to make sure we follow our Training Plan, keep training records up-to-date, and monitor and support the apprentice/trainee's progress; and</li> <li>i) let the relevant State/Territory Training Authority and the RTO know within five working days (or when the local State/Territory legislation requires, if this is different) if our Training Contract has become jeopardised.</li> </ol> <p>I acknowledge that it is an offence to use information in the Contract to discriminate against any person, including the apprentice/trainee.</p> <p><b>For the apprentice/trainee</b></p> <p>I agree that I will:</p> <ol style="list-style-type: none"> <li>a) attend work, do my job, and follow my employer's instructions, as long as they are lawful</li> <li>b) work towards achieving the qualification stated in our Training Contract</li> <li>c) undertake any training and assessment in our Training Plan.</li> </ol> <p><b>For the parent or guardian</b></p> <p>I agree that I will:</p> <p>uphold the responsibilities listed above for the apprentice/trainee until this person is 18 years of age.</p> |
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**Industrial Training (General Apprenticeship) Regulations 1981**  
**Schedule 1 Training Contract**

**Apprenticeship/Traineeship Details**

1 Title and level of qualification  
 \_\_\_\_\_  
 \_\_\_\_\_

2 National Qualification Code  
 \_\_\_\_\_

3 Commencement date of employment for Apprenticeship/Traineeship  
 \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

4 Nominal term of Apprenticeship/Traineeship (For NT this is the expected duration) (months) \_\_\_\_\_

5 The period of probation for this Apprenticeship/Traineeship (months) \_\_\_\_\_

6 Type of Apprenticeship/Traineeship (NSW only)  
 Apprenticeship  Traineeship  Trainee Apprenticeship

7 Is the apprentice/trainee an existing worker?  
 No  Yes (Refer to Information to Help Complete the Training Contract)

**Apprentice/Trainee Personal Details**

8 Surname (family name)  
 \_\_\_\_\_

Given names (in full)  
 \_\_\_\_\_

9 Address (residential)  
 \_\_\_\_\_  
 \_\_\_\_\_ State \_\_\_\_\_ Postcode \_\_\_\_\_

10 Address (postal)  
 \_\_\_\_\_  
 \_\_\_\_\_ State \_\_\_\_\_ Postcode \_\_\_\_\_

Telephone number/s Home \_\_\_\_\_ Mobile \_\_\_\_\_  
 ( ) \_\_\_\_\_

Email  
 \_\_\_\_\_

11 Date of birth \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

12 Sex  Male  Female

13 Citizenship (Tick applicable box)  
 Australian citizen or permanent resident  
 A New Zealand passport holder who has been resident in Australia for 6 months or more (Refer to Information to Help Complete the Training Contract)  
 Other - Visa document number \_\_\_\_\_

14\* Are you of Aboriginal or Torres Strait Islander origin?  
 For persons of both Aboriginal AND Torres Strait Islander origin mark both "Yes" boxes.  
 No  Yes, Aboriginal  Yes, Torres Strait Islander

15\* In which country were you born?  
 Australia  Other (Please specify) \_\_\_\_\_

16\* Do you speak a language other than English at home?  
 (If more than one language, indicate the one that is spoken most often.)  
 English only  Other (Please specify) \_\_\_\_\_

17\* Do you consider yourself to have a disability, impairment or long-term condition?  
 No  Yes (If you answered YES, you may qualify for additional assistance)

**Apprentice/Trainee Education & Training Details**

18 Are you still attending secondary school?  
 No  Yes → What Year level are you currently in at school? (e.g. Year 11) \_\_\_\_\_  
 Name of Secondary School \_\_\_\_\_

19 Is this an approved Australian School-based Apprenticeship?  
 No  Yes (Refer to Information to Help Complete the Training Contract)

20 What is your highest COMPLETED school level?  
 Year 12 or equivalent  Year 11 or equivalent  
 Year 10 or equivalent  Year 9 or equivalent  
 Year 8 or below  Did not go to school  
 → When did you complete that school level? (e.g. 2001) \_\_\_\_\_ / \_\_\_\_\_

21 Have you successfully COMPLETED any of the following qualifications?  
 No  Yes → tick and complete any applicable boxes.

Commenced:	Completed:
<input type="checkbox"/> Bachelor Degree or higher	
<input type="checkbox"/> Advanced Diploma (or Associate Degree)	
<input type="checkbox"/> Diploma (or Associate Diploma)	
<input type="checkbox"/> Certificate IV (eg Advanced Certificate/Tech/Trade)	_____ / _____
<input type="checkbox"/> Certificate III (eg Trade Certificate)	_____ / _____
<input type="checkbox"/> Certificate II	_____ / _____
<input type="checkbox"/> Certificate I	
<input type="checkbox"/> Pre-Apprenticeship/Pre-Vocational	
<input type="checkbox"/> Certificates or qualifications other than above	_____ / _____

Title and level of qualification/s obtained (Attach list if necessary)  
 \_\_\_\_\_

22\* If you have completed a qualification at Certificate Level III or above, do any of the following apply to you?  
 The qualification cannot be used because of an injury or disability  No  Yes  
 You are an Intensive Support Customised Assistance Client  No  Yes  
 You are unemployed and have been registered with Centrelink for 12 months or more  No  Yes  
 (If you answered YES to any of the above, you will need to attach evidence. Contact your Australian Apprenticeships Centre regarding evidence requirements.)

23 Have you previously worked as an apprentice or trainee?  
 No  Yes → Please provide details below. If you are unsure of any of these details, ask your Australian Apprenticeships Centre for assistance.

Name of company  
 \_\_\_\_\_

Title and level of qualification  
 \_\_\_\_\_

State/Territory/ Overseas	Year of commencement	Apprentice/ Trainee number
_____	_____	_____

24 Are you seeking credit to reduce the term of the Apprenticeship/Traineeship?  
 (Refer to Information to Help Complete the Training Contract) (Evidence is required and must be attached.)  
 No  Yes → How much credit are the parties seeking? (months) \_\_\_\_\_

25 Are you currently undertaking any other study?  
 No  Yes → Please provide details below.  
 \_\_\_\_\_

**Parent or Guardian Details**

If under 18 years of age, go to Question 26. If 18 years of age or over, go to Question 28.

26 Surname (family name) \_\_\_\_\_  
 Given names (in full) \_\_\_\_\_

27 Address \_\_\_\_\_  
 \_\_\_\_\_  
 State \_\_\_\_\_ Postcode \_\_\_\_\_

**Employer Details**

28 Legal name of employer (Refer to Information to Help Complete the Training Contract) \_\_\_\_\_

29 Australian Business Number (ABN) of your legal entity \_\_\_\_\_

30 Trading name \_\_\_\_\_

31 Postal Address \_\_\_\_\_  
 \_\_\_\_\_  
 State \_\_\_\_\_ Postcode \_\_\_\_\_

32 Telephone number  
 Business \_\_\_\_\_ Mobile \_\_\_\_\_ Fax \_\_\_\_\_  
 ( ) ( ) ( )  
 Email \_\_\_\_\_

33 What is the industry or principal activity of the business?  
 \_\_\_\_\_  
 \_\_\_\_\_

34 Type of employer  
 Private sector       Local Government  
 Government Business Enterprise       State Government  
 Group Training Organisation       Federal Government

**Employment and Training Details**

(For apprentices/trainees employed through Group Training Organisations in NSW, Tasmania, WA, NT and ACT, provide the name and address of the first host employer.)

35 Name of workplace where apprentice/trainee will be employed \_\_\_\_\_  
 Address of workplace where apprentice/trainee will be employed \_\_\_\_\_  
 \_\_\_\_\_  
 State \_\_\_\_\_ Postcode \_\_\_\_\_

36 Workplace details  
 Total number of people employed by the firm \_\_\_\_\_ Total number of apprentices/trainees in this workplace \_\_\_\_\_  
 Number of workers able to demonstrate the relevant competencies available to supervise or train the apprentices/trainees in this workplace \_\_\_\_\_

37 Name of contact person for this workplace \_\_\_\_\_  
 Telephone number \_\_\_\_\_ Fax \_\_\_\_\_  
 ( ) ( )  
 Email \_\_\_\_\_

38 Type of employment arrangement  
 Federal Award       Australian Workplace Agreement  
 Certified Agreement       State Workplace Agreement  
 State Award       Other  
 Name of agreement/award \_\_\_\_\_

39 Please indicate the number of hours of employment and training per week and whether this Apprenticeship/Traineeship is full-time or part-time.  
 Number of hours work and training per week \_\_\_\_\_  Full-time  Part-time

40 Prior to commencing employment for THIS Apprenticeship/Traineeship, has the apprentice/trainee worked for, or been hosted by/to, the employer/host employer?  
 No  Yes → (To be completed with the assistance of your Australian Apprenticeships Centre)

Period of previous full-time employment/hosting: from \_\_\_\_\_ Day / \_\_\_\_\_ Month / \_\_\_\_\_ Year to \_\_\_\_\_ Day / \_\_\_\_\_ Month / \_\_\_\_\_ Year  
 Period of previous part-time employment/hosting: from \_\_\_\_\_ Day / \_\_\_\_\_ Month / \_\_\_\_\_ Year to \_\_\_\_\_ Day / \_\_\_\_\_ Month / \_\_\_\_\_ Year

Part-time: Number of hours per week \_\_\_\_\_

Period of previous casual employment/hosting: from \_\_\_\_\_ Day / \_\_\_\_\_ Month / \_\_\_\_\_ Year to \_\_\_\_\_ Day / \_\_\_\_\_ Month / \_\_\_\_\_ Year  
 Casual: Number of hours per week \_\_\_\_\_

41 Is the apprentice/trainee in a business relationship with this employer?  
 (Examples include partnership, director or franchise arrangement – family trusts excluded.)  
 (Refer to Information to Help Complete the Training Contract)  
 No  Yes → Type of business relationship \_\_\_\_\_

42 Has the employer previously received Australian Government Incentives for this apprentice/trainee and/or has the employer received or applied to receive any other government assistance for this apprentice/trainee?  
 No  Yes → Please provide details below.

43 The guardian contact details  
 Home phone number ( ) \_\_\_\_\_  
 Work phone number ( ) \_\_\_\_\_  
 Mobile phone number \_\_\_\_\_  
 This field is mandatory for apprentices/trainees who are under 18.

44 Is the apprentice entering a trade for which it is a requirement under State/Territory Legislation that the apprentice does not suffer from any defect of colour vision?  
 No  Yes  
 If yes, please enclose a colour vision certificate when returning this form.  
 Is Colour Vision Certificate attached?

45 CCid (8 digit number). This is a mandatory requirement for anyone born in/after 1990. \_\_\_\_\_

46 Project Code: \_\_\_\_\_  
 (Office Use Only)

**Registered Training Organisation Details**

Name of Registered Training Organisation (RTO) \_\_\_\_\_

Telephone number \_\_\_\_\_ Contact Officer \_\_\_\_\_  
 ( ) \_\_\_\_\_

**Australian Apprenticeships Centre Details**

Name of Australian Apprenticeships Centre \_\_\_\_\_

Telephone number \_\_\_\_\_ Contact Officer \_\_\_\_\_  
 ( ) \_\_\_\_\_

# Industrial Training (General Apprenticeship) Regulations 1981

## Schedule 1 Training Contract

### Information You Need to Know

#### National Code of Good Practice for Australian Apprenticeships

This code explains the rights and responsibilities of the people who sign this contract. Free copies of the code are available from your Australian Apprenticeships Centre.

#### Making choices

##### a. Choosing a Registered Training Organisation (RTO)

The employer and the apprentice/trainee must select an RTO to provide training from a list available from your Australian Apprenticeships Centre or State/Territory Training Authority. The apprentice/trainee must be enrolled with the selected RTO. Contact your Australian Apprenticeships Centre or State/Territory Training Authority for the list. (See the Contacts for Further Information and Assistance section of this document for contacts.)

The employer and apprentice/trainee have a right to:

- ask RTOs for accurate and timely information about training options they can offer you
- identify and select the training outcomes from nationally endorsed Training Packages or accredited courses that are available in your State/Territory
- negotiate a Training Plan with the RTO according to the relevant State/Territory Training Authority.

##### b. Training Plans

A Training Plan sets out the training that an apprentice/trainee will do both on-the-job and off-the-job. It also sets out how the RTO will ensure the apprentice/trainee will receive quality training - both on-the-job and off-the-job.

It's important that the employer and the apprentice/trainee know how the Plan will work and are well-informed about it.

Training Plans reflect the choices made in relation to:

- the RTO that will provide the training
- which competency standards will be covered and in what order
- when, where and how training is provided
- which trainer/facilitator provides the training
- who assesses the apprentice/trainee
- how the training is evaluated.

#### Qualifications and records

Once the apprentice/trainee successfully completes all assessment requirements of the Training Plan, the RTO must issue the qualification specified in the Plan. If the apprentice/trainee only completes some of the competency standards, the RTO must issue a Statement of Attainment. The RTO will keep the relevant records.

#### Allowances and Incentives

A range of Australian Government and State/Territory incentives and subsidies may be available from time to time. For more information, see the Information on Australian Government Australian Apprenticeships Incentives section of this document.

State/Territory government allowances may also be available where the apprentice/trainee has to travel away from home to attend training.

Check with an Australian Apprenticeships Centre in your region.

Existing workers who become apprentices/trainees may not attract Australian Government or State/Territory subsidies and incentives.

### Information to Help Complete the Training Contract

#### Information to Help Complete the Training Contract

##### Questions marked (\*) 14, 15, 16, 17 and 22 are optional questions

You are not required to complete these questions, however, if you answer question 22 it may assist in processing your claim for incentives.

##### Questions 1, 2, 21 and 25 – Title, Level and Code of Qualification

Apprentices/trainees who successfully complete their training receive a nationally recognised qualification. Qualification titles and levels are laid out in the relevant nationally endorsed industry Training Package or accredited training course. Titles and levels are also on the Australian Qualifications Framework certificates issued by RTOs. Qualification codes are available from the National Training Information Service website ([www.ntis.gov.au](http://www.ntis.gov.au)). Your Australian Apprenticeships Centre or RTO can also provide this information.

##### Questions 3 and 5 – Commencement date of employment – WA only

The commencement date in question 3 is the commencement date of the period of probation. During the period of probation, a reference in this Contract to an apprentice/trainee is to be taken to include a reference to a probationer where appropriate. For an apprenticeship, this Contract is subject to approval under WA training legislation. If approval is given, in accordance with the training legislation, for establishment of the apprenticeship, and the probationer completes the probation and the employer, apprentice and parent or guardian (where applicable) wish to continue with the employment after probation, this Training Contract will have effect, and only then has effect, as the apprenticeship agreement. The employer, apprentice and parent or guardian (where applicable) are to be taken to have entered into the apprenticeship agreement on the day after the period of probation expires.

##### Question 6 – Trainee Apprenticeships – NSW only

NSW training legislation provides for 'trainee apprenticeships'. Trainee apprentices do not undergo a probationary period and are mainly established in the building and construction industry. They may work for various employers in the same industry at different times. The employer or employee can terminate trainee apprenticeships on the period of notice specified in the relevant award. Trainee apprentices complete the same on-the-job and off-the-job training as other apprentices and, at the conclusion of the trainee apprenticeship, they receive the same qualifications and certification.

##### Question 7 – Existing Worker

An existing worker is defined as a person who has been employed by the applicant employer continuously for more than 3 months full-time or 12 months casual or part-time or a combination of both, immediately prior to the commencement date as shown in question 3.

State/Territory/Australian Government incentives may not apply to existing worker arrangements. You should contact your nominated Australian Apprenticeships Centre for advice in relation to eligibility for any incentives.

##### Question 13 – New Zealand Passport Holders

Australian Government incentives are only available to New Zealand passport holders if the applicant has been resident in Australia for 6 months or more. However, a Training Contract with the New Zealand passport holder could still be registered. Contact your Australian Apprenticeships Centre or State/Territory Training Authority for more information.

##### Question 19 – Australian School-based Apprenticeship

Australian Apprenticeship training undertaken by a student will be an Australian School-based Apprenticeship when all of the following apply:

- the student is enrolled in a senior secondary certificate under the relevant Education Act
- the school or education provider at which the student is enrolled acknowledges and endorses the Training Plan/Outline required by the Apprenticeship/Traineeship Training Contract
- the Australian School-based Apprenticeship is recognised on the senior secondary certificate.

(Note: The term Australian Apprenticeships relates to apprenticeships and traineeships)



**Question 34 – Credit**

An apprentice/trainee may gain "credit" for relevant prior learning or experience. This prior learning or experience must be formally recognised and may mean the duration of the Apprenticeship/Traineeship can be changed. Credit may also affect industrial relations arrangements and incentive payments. For more information contact your Australian Apprenticeships Centre or RTD.

Your RTD should discuss the issue of credit for prior learning with you during the negotiation of the Training Plan associated with this contract of training.

**Question 35 – Legal Name of Employer**

The employer must provide the name of the employer's legal entity. This will be a person's name, a company name, or the name of an incorporated association, NOT a trading name, business name, or name of a trust.

**Questions 36 and 37 – Group Training Organisation**

A group training organisation employs apprentice/trainees and places them with host employers. The host employer and the company providing the group training services must be separate legal entities.

**Question 38 – Full-time/Part-time Apprentices and Trainees**

Apprenticeship/traineeships may be undertaken full-time or part-time. A full-time apprentice/trainee is one whose ordinary hours of employment, including the training component, are not less than the usual hours of employment for a full-time employee in that occupation. Part-time provisions vary across Australia and across occupations. Averaging of hours may be possible in some jurisdictions. Please check with your State/Territory Training Authority.

For more information contact an Australian Apprenticeships Centre in your region or State/Territory Training Authority. See the Contacts for Further Information and Assistance section for further contact details.

**Question 41 – Business Relationship**

A business relationship includes a pre-existing or current business relationship between the employer and the apprentice/trainee; for example, when the apprentice/trainee is a partner, a director of the company, a previous director or partner or involved in franchise arrangements.

The following State/Territory training authority can also provide further information:

**Western Australia**

ApprentiCentre  
Department of Education and Training  
Locked Bag 145  
Leederville WA 6903  
Ph: 13 19 54  
Ph: (08) 9318 5450  
Fax: (08) 9318 5451  
Web: [www.apprenticentre.wa.gov.au](http://www.apprenticentre.wa.gov.au)

*[Schedule 1 inserted in Gazette 23 Jul 2008 p. 3380-6.]*

## **Schedule 2 — Transitional provisions**

[r. 24]

*[Heading inserted in Gazette 23 Jul 2008 p. 3387.]*

**1. Provisions relating to the *Industrial Training Legislation Amendment Regulations 2008***

- (1) In this clause —  
*pre - 1 August 2008 regulations* means these regulations as in force immediately before 1 August 2008.
- (2) Regulations 7 to 10, 12, 13, 15 and 17(9) and Schedules 2 and 3 of the pre - 1 August 2008 regulations continue to apply to and in relation to a person who commenced employment as a probationer before 1 August 2008.
- (3) These regulations do not apply to and in relation to a person who commenced employment as a probationer before 1 August 2008 to the extent that they are inconsistent with the provisions of the pre - 1 August 2008 regulations applied under subclause (2).

*[Clause 1 inserted in Gazette 23 Jul 2008 p. 3387.]*

*[Schedule 3 repealed in Gazette 23 Jul 2008 p. 3380.]*



**Notes**

<sup>1</sup> This reprint is a compilation as at 13 November 2008 of the *Industrial Training (General Apprenticeship) Regulations 1981* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Industrial Training (General Apprenticeship) Regulations 1981</i>	17 Jul 1981 p. 2921-35	20 Jul 1981 (see r. 2)
<i>Industrial Training (General Apprenticeship) Amendment Regulations 1983</i>	30 Dec 1983 p. 5028	1 Jan 1984 (see r. 2)
<i>Industrial Training (General Apprenticeship) Amendment Regulations (No. 2) 1984</i> <sup>3</sup>	18 Jan 1985 p. 264	18 Jan 1985
<i>Industrial Training (General Apprenticeship) Amendment Regulations 1985</i>	1 Nov 1985 p. 4228	1 Nov 1985
<i>Industrial Training (General Apprenticeship) Amendment Regulations (No. 2) 1985</i>	8 Nov 1985 p. 4296	8 Nov 1985
<i>Industrial Training (General Apprenticeship) Amendment Regulations (No. 3) 1985</i>	20 Dec 1985 p. 4881	20 Dec 1985
<i>Industrial Training (General Apprenticeship) Amendment Regulations 1987</i>	27 Mar 1987 p. 1017	27 Mar 1987
<i>Industrial Training (General Apprenticeship) Amendment Regulations (No. 2) 1987</i>	24 Dec 1987 p. 4550	1 Jan 1988 (see r. 2)
<b>Reprint of the <i>Industrial Training (General Apprenticeship) Regulations 1981</i> as at 1 Jul 1997</b> (includes amendments listed above)		
<b>Reprint 2: The <i>Industrial Training (General Apprenticeship) Regulations 1981</i> as at 13 Feb 2004</b> (includes amendments listed above)		
<i>Industrial Training Amendment Regulations 2006</i> r. 2	19 Sep 2006 p. 3708-9	19 Sep 2006

## **Industrial Training (General Apprenticeship) Regulations 1981**

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<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Industrial Training (General Apprenticeship) Amendment Regulations 2007</i>	28 Mar 2007 p. 1441-4	29 Mar 2007 (see r. 2 and <i>Gazette</i> 28 Mar 2007 p. 1445)
<i>Industrial Training Legislation Amendment Regulations 2008 Pt. 2</i>	23 Jul 2008 p. 3371-88	1 Aug 2008 (see r. 2(b))

**Reprint 3: The Industrial Training (General Apprenticeship) Regulations 1981 as at 14 Nov 2008** (includes amendments listed above)

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<sup>2</sup> Published in the *Government Gazette* on 27 Jan 1978 p. 291-301.

<sup>3</sup> The *Miscellaneous Regulations (Validation) Act 1985* applied to these regulations. It deems the regulations not to have ceased to have effect as a result of the failure to comply with section 42(1) of the *Interpretation Act 1984*, subject to their being laid before the Legislative Assembly. The *Interpretation Act 1984* s. 42(2) then applied as if the words “or if any regulations are not laid before both Houses of Parliament in accordance with subsection (1)” had been omitted.

**Defined Terms**

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

<b>Defined Term</b>	<b>Provision(s)</b>
building trade .....	5(2)
employer .....	4
examiner.....	4
pre - 1 August 2008 regulations .....	Sch. 2 cl. 1(1)
registered training provider .....	4
training .....	4
Training Contract .....	4
union .....	4