



Western Australia

**Western Australian Government Railways  
Cadet By-law - By-law 66A**

Compare between:

[06 Feb 1968, 00-a0-02] and [12 Dec 2003, 00-b0-07]



Western Australia

GOVERNMENT RAILWAYS ACT 1904

**Western Australian Government Railways  
Cadet By-law - By-law 66A**

## **Part I — Preliminary**

### **1. Citation**

This by-law may be cited as the *Western Australian Government Railways Cadet By-law*.

### **2. Application**

This by-law applies to and in relation to the appointment of Architectural Cadets, Engineering Cadets, Chemistry Cadets and Junior Draftsmen in the Western Australian Government Railways and the conditions of their service after appointment.

### **3. Interpretation**

In this by-law, unless the contrary intention appears —

“**Chief Civil Engineer**” means the Chief Civil Engineer of the Commission;

“**Chief Mechanical Engineer**” means the Chief Mechanical Engineer of the Commission;

“**clause**” means a clause in this by-law;

“**Institute**” means the Western Australian Institute of Technology;

“**Leaving**” means Leaving Certificate examination of the Public Examinations Board of Western Australia or an equivalent examination;

“**University**” means the University of Western Australia.

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engineering, chemistry or architectural cadets  
attending full time courses at the university or the  
institute and the conditions of their service after  
appointment**

**4. Interpretation**

In this Part, unless the contrary intention appears —

“cadet” means a cadet under this Part and 5. “cadetship” has a corresponding meaning.

**5. Invitation to apply**

Applications for appointment as a cadet shall be invited by public advertisement by the Chief Civil Engineer or the Chief Mechanical Engineer, as the Commission determines.

**6. Requirements for application**

An applicant for appointment as a cadet —

- (a) shall have matriculated to the University or Institute but subject to the Commission giving preference in appointment to applicants who have passed the Leaving or matriculation level examinations in the subjects of English, Mathematics A, Mathematics B, Physics and Chemistry; and
- (b) shall produce to the Commission —
  - (i) evidence of the matriculation required under paragraph (a) of this clause and of the subjects passed in the leaving and matriculation examination;
  - (ii) evidence of his date of birth;
  - (iii) evidence as to his good character;

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- (iv) a chest X-ray examination certificate and a medical certificate from the Railways Medical Officer certifying that the applicant is in good health, of sound constitution, and not affected by any physical infirmity that would interfere with the proper exercise of his professional duties; and
- (v) a questionnaire completed by him on the form obtainable at the office of the Chief Civil Engineer or the Chief Mechanical Engineer.

**7. Cadet to be articled to Chief Engineer**

- (1) A cadet shall be articled to the Chief Civil Engineer or Chief Mechanical Engineer, as the Commission determines, for the term prescribed in clause 9, but his appointment in the first instance will be subject to a period of twelve months' probation.
- (2) Before the expiration of a cadet's period of probation the Chief Civil Engineer or the Chief Mechanical Engineer, as the case requires, shall report to the Commission on —
  - (a) the manner in which the cadet has performed his duties;
  - (b) the progress the cadet has made in the course of study leading to the Degree or Associateship in Engineering or Architecture or Degree of Science (Pure Chemistry major) or Associateship in Applied Chemistry; and
  - (c) his general progress and conduct,

and upon receipt of such report the Commission shall confirm or annul the appointment.

**8. Cancellation of cadetship**

At any time after a cadet has completed one year of the prescribed term of cadetship, if in the opinion of the officer to whom he is articled, the cadet's progress or general conduct or both, have not been satisfactory, his cadetship may be cancelled on the approval of the Commission.

**9. Further study**

- (1) Subject to the provisions of clauses 10 and 11 a cadet shall serve the assigned term for the cadetship, during which period he —
  - (a) shall attend the University as a full time student in the Faculty of Engineering or Architecture or Science (School of Chemistry) or attend the Institute as a full time student in the Department of Engineering or Architecture or Chemistry and take the course of study leading to the Degree of Bachelor of Engineering or Architecture or Science or Associateship in Engineering or Architecture or Applied Chemistry; and
  - (b) shall receive practical instruction and undergo courses of training as may be prescribed by the Chief Civil Engineer or the Chief Mechanical Engineer, as the case requires.
- (2) A cadet shall be granted leave of absence to attend the University or the Institute as a full-time student during the official terms and the annual examination period of each academic year.
- (3) The whole of the period of cadetship, excepting the optional study/work vacation period at the end of first and second terms not required in attendance at the University or the Institute, shall be spent in the service of the Commission under the direction of the Chief Civil Engineer or the Chief Mechanical Engineer, as the case requires.

**10. Requirements for completion of cadetship**

A cadet shall be deemed not to have completed his cadetship until he has —

- (a) served the prescribed term of cadetship or any due extension thereof; and
- (b) obtained the Degree of Bachelor of Engineering or Architecture or Science (Pure Chemistry major) of the

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University of Western Australia or the Associateship in Engineering or Architecture or Applied Chemistry of the Western Australian Institute of Technology.

**11. Extension of cadetship**

If, at the end of the prescribed term of his cadetship, a cadet has not passed the qualifying examinations for the Degree or the Associateship referred to in clauses 9 and 10, his cadetship may be extended at the discretion of the Commission for a further period not exceeding two years.

**12. Membership of professional association**

A cadet, as soon as he is qualified by age, shall become a student member of either the Institution of Engineers, Australia or the Institution of Civil, Mechanical or Electrical Engineers, London, or the Royal Australian Institute of Architects or the Royal Australian Chemical Institute.

**13. Application of Act**

During the whole term of his cadetship and any due extension thereof, a cadet shall be subject to the provisions of the *Western Australian Government Railways Act 1904*, as amended from time to time, and the Rules and Regulations of the Railways Commission relating to the permanent staff, as amended from time to time, to the extent which those provisions are capable of being applied with or without adaptation to the cadet.

**14. Annual leave**

Annual leave shall be granted to a cadet in accordance with the provisions of the Railway Officers' Award No. 13 of 1968, as amended from time to time, and the time spent in attendance at the University or the Institute shall count towards qualification in any year for the computation of such leave.

**15. Entitlement for long service leave**

All time actually served in the employment of the Commission during the term of cadetship shall count as service for computation of the qualifying period for entitlement to long service leave but periods of leave of absence to attend the University or the Institute or for any other reason shall not count as service for such entitlement.

**16. Sick leave**

- (1) A cadet shall be entitled to sick leave on the basis provided for in the Railway Officers' Award No. 13 of 1968, as amended from time to time, such leave to be paid at the rate of —
  - (a) if the cadet is on leave attending the University or the Institute at the time the sick leave is required, the sustenance allowance he is in receipt of at that time under clause 17; or
  - (b) if the cadet is actually employed in the service of the Commission at the time the sick leave is required, the service rate.
- (2) In calculating the sick leave entitlement under subclause (1) of this clause the time spent by the cadet in attendance at the University or the Institute shall be regarded as service with the Commission.

**17. Remuneration**

- (1) The remuneration of a cadet during periods of service with the Commission shall be in accordance with a scale of salaries prescribed by the Commission from time to time, and shall provide for advancement in rates for each year of the prescribed term of cadetship, but that advancement from year to year shall be subject to satisfactory progress reports from the University or the Institute and to receipt by the Commission of a satisfactory report from the officer to whom the cadet is articled as to the conduct, diligence, and efficiency of the cadet.

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- (2) During the periods of leave of absence granted to a cadet for the purpose of attending the University or the Institute during the official terms and the annual examination period of each academic year, a sustenance allowance at a weekly rate, as determined by the Commission from time to time, shall be paid to the cadet, but the —
  - (a) payment of the allowance may be suspended at any time by the Commission on receipt of an unsatisfactory report from the University or the Institute or the officer to whom the cadet is articled;
  - (b) payment of the allowance shall not be made during any period when, with the approval of the Commission, a year of study at the University or the Institute is repeated; and
  - (c) payment of the allowance shall not be made for any period of leave of absence granted for purposes other than to attend the University or the institute during the official term, study/work vacation periods and the annual examination period of an academic year or for any period of absence from University or Institute classes in respect of which a cadet is unable to furnish a satisfactory explanation.
- (3) A living allowance, as determined by the Commission from time to time, shall be paid to the cadet while in receipt of sustenance allowance and whose ordinary place of residence is outside a radius of 25 miles from General Post Office, Perth, and who resides away from home.
- (4) The Commission shall pay on behalf of the cadet his compulsory University or Institute tuition fees (excluding Guild and Faculty Society subscriptions) but where, with the approval of the Commission, the cadet repeats a subject or a year of study, he shall defray the cost of fees for such additional study.

**18. Allowances**

Where a cadet is employed away from his headquarters, the Commission may approve of him being paid an allowance at such rate as the Commission determines as compensation for any extra cost of living involved or any extra cost for transport expenses necessarily incurred, or both.

**19. Appointment as Assistance Engineer**

- (1) A cadet who has satisfactorily completed his cadetship shall, if he is so required, be appointed as an Assistant Engineer in a grade determined by the Commission, and serve the Commission for a period of four years following such appointment.
- (2) Appointment as an Assistant Engineer shall be at the minimum salary rate for the grade to which the cadet is appointed under the *Railway Professional Officers' Award 1958*, as amended from time to time.
- (3) Notwithstanding the foregoing provisions of this Part, the Commission may appoint as a cadet a person who has completed not less than one year of the course in civil or electrical engineering or architecture at the University or at the Institute and in any such case may vary the period and conditions of cadetship and the period of service required following completion of cadetship and appointment as an Assistant Engineer.

**20. For of indenture**

Before a person is accepted as a cadet, an indenture in the form, or to the effect of the indenture in the Appendix to this Part shall be executed by —

- (a) the person;
- (b) if he is an infant, his legal guardian;
- (c) the chief engineer to whom he is articled; and

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(d) one surety approved as such by that chief engineer.

**APPENDIX**

THIS INDENTURE made the .....day of  
One thousand nine hundred and .....between (a)  
of (b) .....in  
the State of Western Australia (hereinafter called "the cadet") of the first  
part,  
(c) .....of (b).  
in the said State (d) .....  
the (e) .....of the cadet  
(hereinafter with his executors and administrators referred to as "the  
guardian") of the second part, (f) .....  
of (b) .....  
in the said State (d) .....  
(hereinafter with his executors and administrators referred to as "the  
guarantor") of the third part and (g) .....  
the (h) .....of the  
Western Australian Government Railways (hereinafter with his  
successors in office referred to as "the (i) .....")  
of the fourth part witnesseth that the said parties hereto do hereby  
mutually agree and declare as follows: —

1. The cadet of his own free will and accord, with the consent of the  
guardian, hereby places and binds himself to serve the  
(i).....  
as an (j) .....  
for the term of years from the .....day of  
.....One thousand nine hundred  
and.....  
and for any additional period required to satisfactorily complete his  
cadetship under and subject to the by-laws governing the admission  
of Engineering, Architectural and Chemistry Cadets, in the Western  
Australian Government Railways Commission as approved by the  
Governor in Council and published in the *Government Gazette* of  
the .....day of .....19.....

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and any amendments for time being in force thereof.

2. The cadet will during the said term well and truly serve the  
(i).....  
as an (j) .....  
and will in all respects and at all times observe, perform and  
comply with the obligations on the part of the cadet contained in  
the by-laws or any amendments for the time being in force thereof.

3. When the cadet shall have satisfactorily completed his cadetship  
and obtained his certificate of qualification, he will, if required to  
do so, serve the Western Australian Government Railways  
Commission for a period of years in accordance with and subject to  
the provision contained in clause 19 of the *Western Australian*  
*Government Railways Cadet By-law* or any amendments for the  
time being in force thereof.

4. (1) That if from any cause whatsoever the cadet shall fail to  
satisfactorily complete his cadetship as required by these  
presents, or shall fail to observe, perform and comply with  
the obligations on the part of the cadet contained herein, and  
in the by-laws, or shall fail to comply with the provisions of  
clause 3 hereof, or shall be required to leave the course of  
cadetship or subsequent employment in the Western  
Australian Government Railways Commission during the  
term herein specified, by reason of misconduct, idleness,  
disobedience, non-attendance, irregular or unpunctual  
attendance, want of interest in work, or immoral conduct,  
then in such cases the guardian and the guarantor, the parties  
of the second and third parts hereof, shall jointly and  
severally be liable for and forthwith on demand shall pay to  
the (i) .....as ascertained  
damages and not by way of penalty for such breach or failure  
a sum of money equivalent to the sum total of all sustenance  
allowance payments made to the cadet, and compulsory  
tuition fees paid on behalf of the cadet, as specified in  
clause 17 of the *Western Australian Government Railways*

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*Cadet By-law*, less the deductible amount, if any, ascertained in accordance with subclause (2) of this clause.

- (2) (a) The sum total of all sustenance payments made to the cadet and compulsory tuition fees paid on behalf of the cadet pursuant to the provisions of clause 17 of the *Western Australian Government Railways Cadet By-law* shall be divided by the number of weeks that the cadet is bound to serve under clause 3 of this indenture.
  - (b) The sum shown as the resultant quotient shall be multiplied by the number of weeks, if any, that the cadet has served of the period referred to in clause 3 of this indenture.
  - (c) The sum shown as the product shall be the deductible amount to which subclause (1) of this clause relates.
- (3) In ascertaining the amount in accordance with subclause (2) of this clause, a fraction of a week shall be treated as one week.

5. (1) Where at any time during the term of the cadetship the

- (i).....  
is of the opinion that the progress of the cadet is unsatisfactory the
- (i).....  
may, if the Railways Commission approves, suspend his cadetship for a period not exceeding twelve months.

- (2) During the period of suspension no sustenance allowance payment and compulsory tuition fees are payable to or on behalf of the cadet.
- (3) Where the cadet is suspended for a period pursuant to this clause, if the cadetship is resumed the cadetship shall

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continue under and subject to this indenture and the period of suspension shall be disregarded in calculating the term of the cadetship.

6 In consideration of the premises the (i).....  
will during the said term, take and accept the cadet and employ him and instruct him or cause him to be employed and instructed as an (j).....  
under and in accordance with the by-laws or any amendments for the time being in force thereof.

In witness whereof the said parties have hereunder set their hands and seals the day and year first hereinbefore written.

Signed, sealed and delivered by the said —

In the presence of —

..... (a).....

Signed, sealed and delivered by the said —

In the presence of —

..... (c).....

Signed, sealed and delivered by the said —

In the presence of —

..... (f).....

Signed, sealed and delivered by the said —

In the presence of —

..... (g).....

(a) Full name of cadet. (b) Address. (c) Full name of guardian. (d) Occupation. (e) Father, mother or guardian, as the case may be. (f) Full name of Guarantor. (g) Full name of head of Branch concerned. (h) Title and name of Department. (i) Title of head of

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Branch. (j) Engineering Cadet or Architectural Cadet or Chemistry Cadet.

### **Part III — Appointment of mechanical or electrical engineering cadets attending part-time courses at the institute and the conditions of their service after appointment**

## 21. Interpretation

In this Part unless the contrary intention appears —

**“cadet”** means a cadet under this Part and

“cadetship” has a corresponding meaning.

## 22. **Invitation to apply**

Applications for appointment as a cadet shall be invited by public advertisement by the Chief Mechanical Engineer.

## 23. Requirements for application

### An applicant for appointment as a cadet —

- (a) shall have matriculated in the University Faculty of Engineering or have qualified for admission to an Associateship in the Mechanical or Electrical Engineering Course at the Institute, but subject in both cases to the Commission giving preference in appointment to applicants who have passed the Leaving in English, Mathematics A, Mathematics B, Physics and one other subject, preferably Chemistry or Technical Drawing;
- (b) shall be not more than twenty years of age;
- (c) shall produce to the Commission —
  - (i) evidence of the qualification required under paragraph (a) of this clause and of the subjects passed in the Leaving;
  - (ii) evidence of his date of birth;

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- (iii) evidence as to his good character;
- (iv) a chest X-ray examination certificate and a medical certificate from the Railways Medical Officer certifying that the applicant is in good health, of sound constitution, and not affected by any physical infirmity that would interfere with the proper exercise of his professional duties; and
- (v) a questionnaire completed by him on the form, obtainable at the office of the Chief Mechanical Engineer.

**24. Cadet to be articled to Chief Engineer**

- (1) A cadet shall be articled to the Chief Mechanical Engineer or the Chief Civil Engineer, as the Commission determines, for the term prescribed in clause 25 of this Part, but his appointment in the first instance will be subject to a period of twelve months' probation.
- (2) Before the expiration of a cadet's period of probation the Chief Mechanical Engineer or the Chief Civil Engineer, as the case requires, shall report to the Commission on —
  - (a) the manner in which the cadet has performed his duties;
  - (b) the progress the cadet has made in the course of study leading to an Associateship in Mechanical or Electrical Engineering; and
  - (c) his general progress and conduct,

and upon receipt of such report the Commission shall confirm or annul the appointment.

**25. Duration of cadetship and further study**

- (1) Subject to the provisions of clauses 26 and 27, a cadet shall serve for a term of five years, during which period he —
  - (a) shall be employed on practical training duties as directed by the Chief Mechanical Engineer or the Chief Civil

Engineer, as the case requires, during the first four years of the cadetship, or any due extension thereof:

- (b) shall, in each of the first four years, attend classes at the Institute in an Associateship course in Mechanical or Electrical Engineering for one working day in each week of the academic year;
- (c) shall, in each of the first four years, attend such further classes at the Institute in his own time outside of working hours as will enable him, subject to paragraph (d) of this subclause, to complete an Associateship course in Mechanical or Electrical Engineering by the end of the fifth year of cadetship; and
- (d) shall, in the fifth year, attend the Institute as a full time student during the academic year.

(2) A cadet shall be granted leave with pay to attend classes at the Institute as prescribed in subclause (1) of this clause and for the annual examination period of each academic year.

(3) The whole of the period of cadetship not required in attendance at the Institute shall be spent in the service of the Commission under direction of the Chief Mechanical Engineer or the Chief Civil Engineer, as the case requires, and the cadet shall attend his practical training duties during the hours normally observed by wages employees, in the various sections of the Branch in which he may be employed, and during periods of training in offices of the Branch the cadet shall attend at the hours normally observed by the salaried staff.

## 26. Completion of cadetship

A cadet shall not be deemed to have completed his cadetship until he has —

(a) served the prescribed term of cadetship or any due extension thereof; and

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(b) passed the final examination of the Western Australian Institute of Technology for an Associateship in either Mechanical or Electrical Engineering.

**27. Extension of cadetship**

If, at the end of the prescribed term of his cadetship a cadet has not passed the examination referred to in clause 26 of this Part, his cadetship may be extended at the discretion of the Commission for a further period not exceeding two years, but any such extension of the term of cadetship required after the cadet has attended the Institute for one academic year as a full-time student shall be spent full-time in the service of the Commission at a rate of salary determined by the Commission, and leave with pay to attend classes and examinations at the Institute shall not be granted by the Commission or tuition fees paid by the Commission on behalf of the cadet.

**28. Cancellation of cadetship**

At any time after a cadet has completed one year of the prescribed term of cadetship, if in the opinion of the Chief Mechanical Engineer or the Chief Civil Engineer, as the case requires, the cadet's progress or general conduct, or both, have not been satisfactory, his cadetship may be cancelled on the approval of the Commission.

**29. Membership of professional association**

A cadet, as soon as he is qualified by age, shall become a student member of either the Institution of Engineers, Australia, or the Institution of Mechanical or Electrical Engineers, London.

**30. Application of Act**

During the whole term of his cadetship and any due extension thereof, a cadet shall be subject to the provisions of the *Western Australian Government Railways Act 1904*, as amended from

time to time, and the Rules and Regulations of the Railways Commission relating to the permanent staff, as amended from time to time, to the extent to which those provisions are capable of being applied with or without adaptation to the cadet.

### 31. Leave entitlements

Annual leave, sick leave and credit of service for computation of the qualifying period for entitlement to long service leave shall be granted to a cadet under the conditions as they are applicable and on the basis of that provided for in the Railways Officers' Award No. 13 of 1968, as amended from time to time, but the time spent in attendance at the Institute shall count as service for the computation of such leave except that the period spent in full time attendance at the Institute during one academic year as required in clause 25 shall not count as service in the computation of the qualifying period for entitlement to long service leave.

## 32. Remuneration

- (1) The remuneration of a cadet shall be in accordance with a scale of salaries prescribed by the Commission from time to time, and shall provide for advancement in rates for each year of the prescribed term of cadetship, but advancement from year to year shall be subject to satisfactory progress reports from the Institute and the receipt by the Commission of a satisfactory report from the Chief Mechanical Engineer or the Chief Civil Engineer, as the case requires, as to the conduct, diligence, and efficiency of the cadet, and where, with the approval of the Commission, a cadet is required to repeat a year of study or to repeat units of the course of study during the years in which studies are undertaken on a part time basis, the term of cadetship may be required to be extended, the rate of remuneration to be paid the cadet during such period of extension shall be that determined by the Commission.
- (2) Payment of salary shall not be made for any period of leave granted for purposes other than attendance at the Institute during

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the official term and examination period of an academic year or for any periods of absence from the Institute classes in respect of which a cadet is unable to furnish a satisfactory explanation.

(3) Subject to clause 27, the Commission shall pay on behalf of the cadet his compulsory Institute tuition fees, but where, with the approval of the Commission, the cadet repeats a year of study or units of the course of study, he shall defray the costs of tuition fees for that year or those units.

**33.      Allowances**

Where a cadet is employed away from his headquarters, the Commission may approve of him being paid an allowance at such rate as the Commission determines as compensation for any extra cost of living involved or any extra cost for transport expenses necessarily incurred, or both.

**34.      Appointment of Assistance Engineer**

(1) A cadet who has satisfactorily completed his cadetship shall, if he is so required, be appointed as an Assistant Engineer in a grade determined by the Commission, and serve the Western Australian Government Railways Commission for a period of four years following such appointment.

(2) Appointment as an Assistant Engineer shall be at the minimum salary rate for the grade to which the cadet is appointed under the Railway Professional Officers' Award 1958, as amended from time to time.

**35.      Form of debenture**

Before a person is accepted as a cadet, an indenture in the form, or to the effect of the indenture in the Appendix to this Part shall be executed by —

(a) the person;

(b) if he is an infant, his legal guardian and that guardian's spouse; and

(c) the chief engineer to whom he is articled.

## APPENDIX

THIS INDENTURE made the .....day of .....  
.....One thousand nine hundred and .....  
between (a) .....  
of (b) .....  
in the State of Western Australia (hereinafter called "the cadet")  
of the first part, (c) .....  
of (b) .....  
in the said State (d) .....  
the (e) .....  
of the cadet (hereinafter with his executors and administrators referred to  
as "the guardian") of the second part and (f).....  
the (g) .....of the Western  
Australian Government Railways hereinafter with his successors in office  
referred to as "the (h) .....")  
of the third part witnesseth that the said parties hereto do hereby mutually  
agree and declare as follows: —

1. The cadet of his own free will and accord, with the consent of the parties of the second part, hereby places and binds himself to serve the  
(h).....  
as an (i) .....  
for the term of years from the .....  
day of ..... One thousand nine hundred and .....  
.....and for any additional period required to satisfactorily complete his cadetship.
2. The cadet will during the said term well and truly serve the  
(h).....  
as an (i) .....  
and will in all respects and at all times, observe, perform and comply with the obligations on the part of the cadet contained herein.

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3. During the five year period of cadetship the cadet shall be employed on practical training duties for the first four years thereof, and in each year shall be allowed paid leave for one day in each week of the academic year to attend classes in an Associateship course in Mechanical or Electrical Engineering at the Western Australian Institute of Technology. The cadet is required to attend such further classes in his own time outside of normal working hours as will enable him to complete an Associateship course by the end of the fifth year of cadetship. During the fifth year of cadetship the cadet shall be granted leave with pay for the academic year to undertake full time studies. During the period of cadetship the cadet shall be paid a salary at a scale prescribed for cadets by the Commission from time to time, and shall be granted the conditions applicable to officers employed under the Railway Officers' Award, subject to being required to work the normal hours of duty applicable to the locations where he may be employed from time to time.
4. When the cadet shall have satisfactorily completed his cadetship and obtained his certificate of qualifications, he will if required to do so, serve the Western Australian Government Railways Commission for a period of four years in accordance with and subject to the provisions contained in clause 34 of the Western Australian Government Railways Cadet By-law or any amendments for the time being in force thereof.
5. (1) That if from any cause whatsoever the cadet shall fail to satisfactorily complete his cadetship as required by these presents, or shall fail to observe, perform and comply with the obligations on the part of the cadet contained herein, or shall fail to comply with the provisions of clause 4 hereof, or shall be required to leave the course of cadetship or subsequent employment in the Western Australian Government Railways during the term herein specified, by reason of misconduct, idleness, disobedience, non-attendance, irregular or unpunctual attendance, want of interest in work, or immoral conduct, then in such cases the parties of the second part hereof, shall jointly be liable for

and forthwith on demand shall pay to the  
(h).....

as ascertained damages and not by way of penalty for such breach or failure a sum of money equivalent to half the sum total of salary paid to the cadet for the working time spent in attendances at the Western Australian Institute of Technology and compulsory tuition fees paid on behalf of the cadet, less the deductible amount, if any, ascertained in accordance with subclause (2) of this clause.

(2) (a) The sum total of all payments made during the period of cadetship for working time spent in attending at the Western Australian Institute of Technology, and for compulsory tuition fees, shall be calculated, and one-half of the amount of the said total payments shall be divided by the number of weeks that the cadet is bound to serve under clause 4 of this indenture.

(b) The sum shown as the resultant quotient shall be multiplied by the number of weeks, if any, that the cadet has served of the period referred to in clause 3 of this indenture.

(c) The sum shown as the product shall be the deductible amount to which subclause (1) of this clause relates.

(3) In ascertaining the amount in accordance with subclause (2) of this clause, a fraction of a week shall be treated as one week.

6. (1) Where at any time during the term of the cadetship the (h)..... is of the opinion that the progress of the cadet is unsatisfactory the (h) ..... may, if the Western Australian Government Railways Commission approves, require that a year of the cadetship be

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**Part III**      Appointment of mechanical or electrical engineering cadets attending part-time courses at the institute and the conditions of their service after appointment

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repeated, and during that year no increase in salary will be granted or compulsory tuition fees paid.

(2) Where the cadetship year is so repeated, and progress in the cadetship resumed, the cadetship shall continue under and subject to this indenture, and the repeated year of cadetship shall be disregarded in calculating the term of the cadetship.

7 In consideration of the premises the (h)..... will, during the said term, take and accept the cadet and employ him and instruct him or cause him to be employed and instructed as an  
(i) ..... under and in accordance with this indenture.

In witness whereof the said parties have hereunder set their hands and seals the day and year first hereinbefore written.

Signed, sealed and delivered by the said (a) .....

In the presence of —

.....  
Signed, sealed and delivered by the said — (c).....

In the presence of —

.....  
Signed, sealed and delivered by the said — (f).....

In the presence of —

(a) Full name of cadet. (b) Address. (c) Full names of parents or parent or guardian and his or her wife or husband, as the case may be. (d) Occupation. (e) Parents or parent or guardian and his or her wife or husband, as the case may be. (f) Full name of Head of Branch concerned. (g) Title and name of Department. (h) Title of Head of Branch. (I) Electrical or Mechanical Engineering cadet attending the Western Australian Institute of Technology.

## **Part IV — Appointment of junior draftsmen (civil engineering branch) and the conditions of their service after appointment**

### **36. Interpretation**

In this Part unless the contrary intention appears —  
“junior draftsman” means a junior draftsman under this Part.

### **37. Invitation to apply**

Applications for appointment as junior draftsman shall be invited by public advertisement by the Chief Civil Engineer.

### **38. Requirements for application**

An applicant for appointment as junior draftsman —

- (a) shall have passed the Junior Certificate examination of the Public Examinations Board of Western Australia or an equivalent examination in English, Arithmetic and Algebra, Geometry and Trigonometry, Physics or Science “B” and any other two subjects;
- (b) shall be not more than eighteen or less than sixteen years of age;
- (c) shall produce to the Commission —
  - (i) evidence of the qualification required under paragraph (a) of this clause;
  - (ii) evidence of his date of birth;
  - (iii) evidence as to his good character;
  - (iv) a chest x-ray examination certificate and a medical certificate from the Railways Medical Officer certifying that he is in good health, of sound constitution, and not affected by any physical infirmity that would interfere with the proper exercise of his professional duties;
  - (v) a specimen of his plan drawing; and

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- (vi) a questionnaire completed by him on the form obtainable at the office of the Chief Civil Engineer.

**39. Selection of applicants**

Where the Commission receives more applications for appointment as junior draftsman than the number of vacancies, it may give preference, to applicants possessing higher appropriate qualifications than that required in paragraph (a) of clause 38.

**40. Duration of employment**

- (1) The employment of a junior draftsman shall be subject to a period of twelve months' probation.
- (2) Before the expiration of a junior draftsman's period of probation the Chief Civil Engineer shall report to the Commission on —
  - (a) the manner in which the junior draftsman has performed his duties;
  - (b) the progress the junior draftsman has made towards gaining appropriate academic qualification; and
  - (c) his general progress and conduct,

and upon receipt of such report the Commission shall confirm or annul the appointment.

**41. Appointment to professional staff**

Subject to continued satisfactory general progress and conduct a junior draftsman may be appointed at the age of 21 years to the professional staff in a grade determined by the Commission under the *Railway Professional Officers' Award 1958*, as amended from time to time.

**42. Application of Act**

During the term of employment every junior draftsman shall be subject to the provisions of the *Western Australian Government*

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the conditions of their service after appointment

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*Railways Act 1904*, as amended from time to time, and the Rules and Regulations of the Railways Commission relating to the permanent staff, as amended from time to time, to the extent which those provisions are capable of being applied with or without adaptation to a junior draftsman.

### Notes

1. This is a compilation of the *Western Australian Government Railways Cadet By-law By-law 66A* and includes the amendments referred to in the following Table.

Compilation table

<u>Short title</u>	<u>Citation</u>	<u>Number</u>	<u>Assent and year</u>	<u>Commencement Gazette</u>
Western Australian Government Railways Cadet By-law By-law 66A	6 Feb 1968 pp.225-38			

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[These regulations were repealed by the Government Railways Amendment and Repeal By-laws 2003 \(bl. 3\) as at 12 Dec 2003 \(see Gazette 12 Dec 2003 p. 5042\)](#)