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INDUSTRIAL TRAINING ACT 1975

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**INDUSTRIAL TRAINING  
LEGISLATION AMENDMENT  
REGULATIONS 2008**



Industrial Training Act 1975

## **Industrial Training Legislation Amendment Regulations 2008**

Made by the Governor in Executive Council.

### **Part 1 — Preliminary**

**1. Citation**

These regulations are the *Industrial Training Legislation Amendment Regulations 2008*.

**2. Commencement**

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 August 2008.

**Industrial Training Legislation Amendment Regulations 2008****Part 2** Industrial Training (General Apprenticeship) Regulations 1981**r. 3**

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**Part 2 — Industrial Training (General Apprenticeship)  
Regulations 1981****3. The regulations amended**

The amendments in this Part are to the *Industrial Training (General Apprenticeship) Regulations 1981*.

**4. Regulation 3 amended**

Regulation 3 is amended by deleting “trades and groups of trades specified in the Schedule 1.” and inserting instead —  
“ apprenticeship trades. ”.

**5. Regulation 4 amended**

Regulation 4 is amended as follows:

- (a) by deleting the definitions of “advisory board”, “apprentice” and “approved college”;
- (b) by inserting in the appropriate alphabetical positions —

“

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

“**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;

”.

**Industrial Training Legislation Amendment Regulations 2008**  
Industrial Training (General Apprenticeship) Regulations 1981 **Part 2**

**r. 6**

**6. Regulation 7 replaced**

Regulation 7 is repealed and the following regulation is inserted instead —

“

**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.

”

**7. Regulation 8 amended**

Regulation 8(3) is amended by deleting “employer, the probationer and the parent or guardian of the probationer” and inserting instead —

“

employer and the probationer (and, if the probationer is under 18 years of age, the probationer’s parent or guardian)

”

**8. Regulation 9 amended**

Regulation 9(2) is repealed and the following subregulations are inserted instead —

“

- (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.

**Industrial Training Legislation Amendment Regulations 2008****Part 2** Industrial Training (General Apprenticeship) Regulations 1981**r. 9**

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- (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.

Note: The heading to amended regulation 9 is to read "**Extension, termination and expiration of probationary period**".

**9. Regulation 10 replaced**

Regulation 10 is repealed and the following regulation is inserted instead —

“

**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.

**Industrial Training Legislation Amendment Regulations 2008**

Industrial Training (General Apprenticeship) Regulations 1981

**Part 2****r. 10**

- (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.
- (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.

”

**10. Regulation 12 amended**

- (1) Regulation 12(4) is amended by deleting “, the apprentice and the parent or guardian of the apprentice” and inserting instead —

“

and the apprentice (and, if the apprentice is under 18 years of age, the apprentice's parent or guardian)

”

- (2) Regulation 12(6) is amended by deleting “and his parent or guardian,” and inserting instead —

“

(and, if the apprentice is under 18 years of age, the apprentice's parent or guardian),

”

**Industrial Training Legislation Amendment Regulations 2008****Part 2** Industrial Training (General Apprenticeship) Regulations 1981**r. 11**

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**11. Regulation 13 amended**

- (1) Regulation 13(1) is amended by deleting “or guardian” and inserting instead —

“

(or, if the apprentice is under 18 years of age, the apprentice’s parent or guardian)

”

- (2) Regulation 13(3) is amended by deleting “and his parent or guardian” and inserting instead —

“

(and, if the apprentice is under 18 years of age, the apprentice’s parent or guardian)

”

- (3) Regulation 13(4) is amended by deleting “employer, the apprentice and parent or guardian of the apprentice” and inserting instead —

“

employer and the apprentice (and, if the apprentice is under 18 years of age, the apprentice’s parent or guardian)

”

**12. Regulation 15 amended**

Regulation 15 is amended by deleting “apprentice, his parent or guardian” and inserting instead —

“

apprentice (or, if the apprentice is under 18 years of age, the apprentice’s parent or guardian)

”



**Industrial Training Legislation Amendment Regulations 2008**

Industrial Training (General Apprenticeship) Regulations 1981

**Part 2****r. 13**

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**13. Regulation 17 amended**

- (1) Regulation 17(9) is amended by deleting “his parent or guardian” and inserting instead —

“

him (or, if he is under 18 years of age, his parent or guardian)

”.

- (2) Regulation 17(14) is amended by deleting “the Technical Education Division of the Education Department or an approved college” and inserting instead —

“ a registered training provider ”.

**14. Regulation 18 amended**

- (1) Regulation 18(1) is repealed and the following subregulation is inserted instead —

“

- (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) Regulation 18(2) is amended by deleting “Technical Education Division or approved college, as the case requires,” and inserting instead —

“ registered training provider ”.

**Industrial Training Legislation Amendment Regulations 2008****Part 2** Industrial Training (General Apprenticeship) Regulations 1981**r. 15**

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**15. Regulation 23 amended**

Regulation 23(5) is amended by deleting “Regulation 29A of the *Industrial Commission Regulations 1980*” and inserting instead —

“

Regulation 101 of the *Industrial Relations Commission Regulations 2005*

”.

Note: The heading to amended regulation 23 is to read “**Appeals to The Western Australian Industrial Relations Commission**”.

**16. Regulation 24 inserted**

After regulation 23 the following regulation is inserted —

“

**24. Transitional provisions**

Schedule 2 sets out transitional provisions.

”.

**17. Schedules 2 and 3 replaced by Schedules 1 and 2**

Schedules 2 and 3 are repealed and the following Schedules are inserted instead —

“

**Schedule 1 — Training Contract**

[r. 4]

***Industrial Training Legislation Amendment Regulations 2008***  
Industrial Training (General Apprenticeship) Regulations 1981 **Part 2**

**r. 17**

Apprenticeship/Traineeship  
**Training Contract**  
Western Australia

An Australian Apprenticeships Centre may assist in completing this Contract.

This is a free service.

## Industrial Training Legislation Amendment Regulations 2008

### Part 2 Industrial Training (General Apprenticeship) Regulations 1981

#### r. 17

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.

<b>Training Contract Declaration</b>	
We, the employer, apprentice/trainee and parent or guardian (where applicable) have read and understood the Training Contract Obligations outlined below.	
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.	
We understand that the information provided in this Training Contract:	
<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>	
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.	
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.	
We undertake to negotiate and sign a Training Plan with the chosen RTO as required by the relevant State/Territory Training Authority.	
<b>The employer representative</b> (on behalf of the employer named in Question 26)	
Surname (family name)	Given names (in full)
Signed this day: Day / Month / Year	Signature of employer representative
<b>The apprentice/trainee</b>	
Surname (family name)	Given names (in full)
Signed this day: Day / Month / Year	Signature of apprentice/trainee
Signed this day: Day / Month / Year	Signature of parent/guardian (for apprentice/trainee under 18 years of age)
Name of Apprenticeship/Traineeship (as designated by legislation/regulation):	

#### Training Contract Obligations

For the employer, apprentice or trainee, and parent or guardian (where applicable)

We agree that:

- 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
- 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
- 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
- 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
- e) the Contract can be audited by the relevant State/Territory Training Authority or Australian Government Department
- 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
- 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
- h) This contract may be terminated in accordance with the relevant State/ Territory legislation.

For the employer

I agree that I will:

- 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
- 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

- c) make sure the apprentice/trainee receives on-the-job training and assessment in accordance with our Training Plan
- d) provide work that is relevant and appropriate to the vocation and also to the achievement of the qualification referred to in this Contract
- e) release the apprentice/trainee from work and pay the appropriate wages to attend any training and assessment specified in our Training Plan
- 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
- g) repay any payment I receive that I am not entitled to
- 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
- 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.

I acknowledge that it is an offence to use information in the Contract to discriminate against any person, including the apprentice/trainee.

For the apprentice/trainee

I agree that I will:

- a) attend work, do my job, and follow my employer's instructions, as long as they are lawful
- b) work towards achieving the qualification stated in our Training Contract
- c) undertake any training and assessment in our Training Plan.

For the parent or guardian

I agree that I will:

- uphold the responsibilities listed above for the apprentice/trainee until this person is 18 years of age.

**Industrial Training Legislation Amendment Regulations 2008**  
**Industrial Training (General Apprenticeship) Regulations 1981** **Part 2**

r. 17

**Apprenticeship/Traineeship Details**

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

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

3 Commencement date of employment for Apprenticeship/Traineeship  
 \_\_\_\_\_ Day / \_\_\_\_\_ Month / \_\_\_\_\_ Year

4 Nominal term of Apprenticeship/Traineeship (For NT #12 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 \_\_\_\_\_ Day / \_\_\_\_\_ Month / \_\_\_\_\_ Year

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) \_\_\_\_\_ Month / \_\_\_\_\_ Year

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)	
_____ Month / _____ Year <input type="checkbox"/> Certificate IV (eg Advanced Certificate/Tech/Diploma)	_____ Month / _____ Year
_____ Month / _____ Year <input type="checkbox"/> Certificate III (eg Trade Certificate)	_____ Month / _____ Year
_____ Month / _____ Year <input type="checkbox"/> Certificate II	_____ Month / _____ Year
<input type="checkbox"/> Certificate I	
<input type="checkbox"/> Pre-Apprenticeship/Pre-Vocational	
<input type="checkbox"/> Certificates or qualifications other than above	_____ Month / _____ Year

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.  
 \_\_\_\_\_

**Industrial Training Legislation Amendment Regulations 2008****Part 2****Industrial Training (General Apprenticeship) Regulations 1981****r. 17**

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 <input type="checkbox"/> Private sector <input type="checkbox"/> Local Government <input type="checkbox"/> Government Business Enterprise <input type="checkbox"/> State Government <input type="checkbox"/> Group Training Organisation <input type="checkbox"/> 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 _____
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 ( )	
38	Type of employment arrangement <input type="checkbox"/> Federal Award <input type="checkbox"/> Australian Workplace Agreement <input type="checkbox"/> Certified Agreement <input type="checkbox"/> State Workplace Agreement <input type="checkbox"/> State Award <input type="checkbox"/> 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 _____ <input type="checkbox"/> Full-time <input type="checkbox"/> 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? <input type="checkbox"/> No <input type="checkbox"/> Yes → (To be completed with the assistance of your Australian Apprenticeships Centre) Period of previous full-time employment/hosting: from Day / / to Day / / Period of previous part-time employment/hosting: from Day / / to Day / / Part-time: Number of hours per week _____ Period of previous casual employment/hosting: from Day / / to Day / / 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) <input type="checkbox"/> No <input type="checkbox"/> 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? <input type="checkbox"/> No <input type="checkbox"/> 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? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, please enclose a colour vision certificate when returning this form. Is Colour Vision Certificate attached? <input type="checkbox"/>
45	CCId (8 digit number). This is a mandatory requirement for anyone born in/after 1990. _____
46	Project Code: (Office Use Only) _____

**Industrial Training Legislation Amendment Regulations 2008**  
**Industrial Training (General Apprenticeship) Regulations 1981** **Part 2**

**r. 17**

**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)

**Industrial Training Legislation Amendment Regulations 2008****Part 2 Industrial Training (General Apprenticeship) Regulations 1981****r. 17****Question 24 – 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 RTO.

Your RTO 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 28 – 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 34 and 35 – Group Training Organisation**

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

**Question 39 – Full-time/Part-time Apprentices and Trainees**

Apprenticeships/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)



***Industrial Training Legislation Amendment Regulations 2008***  
Industrial Training (General Apprenticeship) Regulations 1981 **Part 2**

**r. 17**

**Schedule 2 — Transitional provisions**

[r. 24]

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).

”.

**Industrial Training Legislation Amendment Regulations 2008****Part 3** Industrial Training (Apprenticeship Training) Regulations 1981**r. 18**

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**Part 3 — Industrial Training (Apprenticeship Training)  
Regulations 1981****18. The regulations amended**

The amendments in this Part are to the *Industrial Training (Apprenticeship Training) Regulations 1981*.

**19. Regulation 4 amended**

Regulation 4 is amended as follows:

- (a) in the definition of “directed” by deleting “the Director of Technical Education or”;
- (b) in the definition of “directed” by deleting “an approved college;” and inserting instead —  
“ a registered training provider; ”;
- (c) by inserting in the appropriate alphabetical position —  
“  
“**Council**” means the Training Accreditation Council established by the *Vocational Education and Training Act 1996* section 25(1);  
”.

**20. Regulation 5 amended**

Regulation 5(3) is repealed.

**21. Regulation 7 amended**

Regulation 7(2) is amended by deleting “the Technical Education Division of the Education Department or an approved college” and inserting instead —  
“ a registered training provider ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.