
EDUCATION AND TRAINING

ED301*

Industrial Training Act 1975

**Industrial Training (Apprenticeship Training)
Amendment Regulations (No. 3) 2007**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Industrial Training (Apprenticeship Training) Amendment Regulations (No. 3) 2007*.

2. Commencement

These regulations come into operation on 31 March 2007.

3. The regulations amended

The amendments in these regulations are to the *Industrial Training (Apprenticeship Training) Regulations 1981**.

[* Reprinted as at 2 August 2002.

For amendments to 27 February 2007 see Western Australian Legislation Information Tables for 2005, Table 4, and Gazette 4 April, 26 May, 19 and 29 September and 27 October 2006 and 31 January 2007.]

4. Schedule 1 amended

Schedule 1 is amended as follows:

- (a) in the list of trades listed as having a 4 year term by deleting the items for the following trades —
 - (i) Painting and Decorating;
 - (ii) Signwriting;
 - (iii) Stonemasonry;
- (b) in the list of trades listed as having a 3.5 year term by inserting the following item in the appropriate alphabetical position —

“

Stonemason

”;

- (c) in the list of trades listed as having a 3 year term by inserting the following items in the appropriate alphabetical positions —

“

Painter and Decorator
Signwriter

”;

- (d) in the list of trades listed as having a 2 year term by inserting the following items in the appropriate alphabetical positions —

“

Carpentry Fixing (Housing)
Carpentry Formwork (Housing)
Carpentry Framing (Housing)
Painting (Housing)
Steel Framing (Housing)

”.

5. Schedule 3 amended

Schedule 3 is amended as follows:

- (a) by deleting “Painting and Decorating”;
(b) by deleting “Signwriting”.

6. Schedule 3A amended

Schedule 3A is amended by inserting the following items in the appropriate alphabetical positions —

“

Carpentry Fixing (Housing)	238 hours	238 hours		
Carpentry Formwork (Housing)	222 hours	222 hours		
Carpentry Framing (Housing)	278 hours	278 hours		
Painter and Decorator	320 hours	280 hours	160 hours	
Painting (Housing)	293 hours	293 hours		
Signwriter	320 hours	280 hours	160 hours	
Steel Framing (Housing)	248 hours	248 hours		
Stonemason	280 hours	280 hours	160 hours	

”.

7. Schedule 4 amended

Schedule 4 is amended by deleting the items for the following trades —

- (a) Painting and Decorating;
- (b) Signwriting.

8. Transitional

(1) In this regulation —

“**new term**”, in relation to a trade, means the term prescribed in relation to that trade in the *Industrial Training (Apprenticeship Training) Regulations 1981* Schedule 1, as amended by these regulations;

“**new trade**” means —

- (a) Carpentry Fixing (Housing);
- (b) Carpentry Formwork (Housing);
- (c) Carpentry Framing (Housing);
- (d) Painter and Decorator;
- (e) Painting (Housing);
- (f) Signwriter;
- (g) Stonemason;

“**old trade**” means —

- (a) Carpentry and Joinery;
- (b) Carpentry (Housing);
- (c) Joinery (Housing);
- (d) Painting and Decorating;
- (e) Signwriting;
- (f) Stonemasonry.

(2) Subject to this regulation the *Industrial Training (Apprenticeship Training) Regulations 1981* as in force immediately before 31 March 2007 continue to apply to and in relation to —

- (a) an apprentice who commenced service in an old trade under an apprenticeship agreement before 31 March 2007 (an “**existing apprentice**”); or
- (b) a person who —
 - (i) commenced employment as a probationer in an old trade before 31 March 2007; and
 - (ii) completes that probationary employment after 31 March 2007; and
 - (iii) on completing that probationary employment commences service under an apprenticeship agreement,(an “**existing probationer**”).

- (3) The parties to the apprenticeship agreement of an existing probationer may, with the approval of the Director, agree in the apprenticeship agreement that —
- (a) the apprentice is to be employed in a new trade (instead of the old trade in which he or she was employed as a probationer); and
 - (b) the term of the apprenticeship is to be the new term for that new trade.
- (4) If the parties to an apprenticeship agreement agree in the manner described in subregulation (3), subregulation (2) ceases to apply to and in relation to the apprentice when he or she commences service under the apprenticeship agreement.
- (5) The parties to the apprenticeship agreement of an existing apprentice may, with the approval of the Director, vary the apprenticeship agreement to —
- (a) change the trade in which the apprentice is employed to a new trade; and
 - (b) if the new term for that new trade is different to the term of the apprenticeship, change the term of the apprenticeship to the new term (plus any extension made by the Director under subregulation (7)).
- (6) An application for approval under subregulation (5) must be made —
- (a) before 1 July 2007; and
 - (b) in a form and manner approved by the Director.
- (7) If, when an application is made for approval under subregulation (5) —
- (a) the apprentice has not —
 - (i) attended all the classes; or
 - (ii) obtained all the instruction; or
 - (iii) undertaken all the courses and skills training programmes,that the apprentice is required under section 33(1) of the Act to attend, obtain or undertake in relation to the trade in which he or she is to be employed under the varied agreement; and
 - (b) the Director is satisfied that the apprentice will not reasonably be able to complete those requirements during the term of the apprenticeship under the varied agreement,

the Director may, before approving the variation, extend the term of the apprenticeship under the varied agreement by such period as the Director considers reasonably necessary for the apprentice to complete those requirements.

- (8) A variation of an apprenticeship agreement under subregulation (5) takes effect on the date on which it is approved by the Director.
- (9) If an apprenticeship agreement is varied under subregulation (5), subregulation (2) ceases to apply to and in relation to the apprentice on the date the variation takes effect.

By Command of the Governor,

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