

ED301*

Industrial Training Act 1975

**Industrial Training (Apprenticeship Training)
Amendment Regulations (No. 3) 2006**

Made by the Lieutenant-Governor and deputy of the Governor in
Executive Council.

1. Citation

These regulations are the *Industrial Training (Apprenticeship
Training) Amendment Regulations (No. 3) 2006*.

2. Commencement

These regulations come into operation on 1 October 2006.

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 26 July 2006 see *Western Australian Legislation Information Tables for 2005, Table 4, p. 214, and Gazette 4 April and 26 May 2006.*]

4. Schedule 1 amended

Schedule 1 is amended as follows:

- (a) by deleting the item for “Cooking”;
- (b) after the item for “Carpentry and Joinery” by inserting —
“ Chef ”.

5. Schedule 2 amended

Schedule 2 is amended by deleting the item for “Cooking”.

6. Schedule 3A amended

Schedule 3A is amended after the item for “Carpentry and Joinery” by inserting —

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Chef	425 hours	425 hours		
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7. Schedule 4 amended

Schedule 4 is amended by deleting the item for “Cooking”.

8. Transitional

- (1) Subject to this regulation the *Industrial Training (Apprenticeship Training) Regulations 1981* as in force immediately before 1 October 2006 continue to apply to and in relation to —

- (a) an apprentice who commenced service as a cook under an apprenticeship agreement before 1 October 2006 (an “existing apprentice”); or
- (b) a person who —
 - (i) commenced employment as a probationer cook before 1 October 2006; and
 - (ii) completes that probationary employment after 1 October 2006; and

- (iii) on completing that probationary employment commences service under an apprenticeship agreement,
(an “**existing probationer**”).
- (2) The parties to the apprenticeship agreement of an existing probationer may, with the approval of the Director, agree in the apprenticeship agreement that the apprentice is to be employed as a chef and that the term of the apprenticeship is to be 3 years.
- (3) If the parties to an apprenticeship agreement agree in the manner described in subregulation (2), subregulation (1) ceases to apply to and in relation to the apprentice when he or she commences service under the apprenticeship agreement.
- (4) The parties to the apprenticeship agreement of an existing apprentice may, with the approval of the Director, vary the apprenticeship agreement to change —
- (a) the trade in which the apprentice is employed to that of chef; and
- (b) the term of the apprenticeship to 3 years (plus any extension made by the Director under subregulation (6)).
- (5) An application for approval under subregulation (4) must be made —
- (a) in a form and manner approved by the Director; and
- (b) within 3 months of the date on which these regulations come into operation.
- (6) If, when an application is made for approval under subregulation (4) —
- (a) the apprentice has not —
- (i) attended all the classes; and
- (ii) obtained all the instruction; and
- (iii) undertaken all the courses and skills training programmes,
- that the apprentice is required by 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 (as varied),
- the Director may, before approving the variation, extend the term of the apprenticeship (as specified in the variation) by such period as the Director considers is reasonably necessary for the apprentice to complete those requirements.
- (7) A variation of an apprenticeship agreement under subregulation (4) takes effect on the date on which it is approved by the Director.

- (8) If an apprenticeship agreement is varied under subregulation (4), subregulation (1) ceases to apply to and in relation to the apprentice on the date the variation takes effect.

By Command of the Lieutenant-Governor and deputy of the Governor,

G. M. PIKE, Clerk of the Executive Council.
