



Western Australia

MAIN ROADS ACT 1930

**Main Roads (Engineering Cadets) Regulations  
1982**



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# **Main Roads (Engineering Cadets) Regulations 1982**

## **Contents**

1.	Citation	1
2.	Interpretation	1
3.	Applications and selection committee	2
4.	Eligibility	2
5.	Requirements for applicants	2
6.	Cadetship agreement	3
7.	Term of cadetship	3
8.	Obligations of cadet	3
9.	Termination, suspension of cadetship	4
10.	Salary	5
11.	Living and transport allowance	6
12.	Sustenance and other allowances	7
13.	Public Service Act and Regulations	8
14.	Leave entitlements	8
15.	Completion of training and subsequent employment	8
16.	Repayment allowances etc. on termination of agreement	9
17.	Suspension of Agreement	10
18.	Repeal	10

**Schedule 1**

**Schedule 2**

**Schedule 3**

**Notes**

Compilation table

17

**Defined terms**

Western Australia

MAIN ROADS ACT 1930

## **Main Roads (Engineering Cadets) Regulations 1982**

Made by His Excellency the Governor in Executive Council on the recommendation of the Commissioner.

### **1. Citation**

These regulations may be cited as the *Main Roads (Engineering Cadets) Regulations 1982*.

### **2. Interpretation**

In these regulations, unless the contrary intention appears —  
*cadetship* means a cadetship of a class specified in column 1 of Schedule 1 and “cadet” means a person employed in such a cadetship under an agreement which may include a period of service in the employment of the Commissioner after the cadetship;

*regulation* means one of these regulations;

*Schedule* means a Schedule to these regulations;

*University* means the University of Western Australia or the Curtin University of Technology;

*the Act* means the *Main Roads Act 1930* and includes any amendment thereto;

*satisfactory progress* in relation to a course of study and training means pursuing to completion the course of study and

training and passing examinations for subjects at a rate and in a manner that satisfies the Commissioner.

*[Regulation 2 amended: Gazette 5 July 1991 p.3354.]*

**3. Applications and selection committee**

- (1) Applications for appointment to a cadetship shall be invited by the Commissioner by public advertisement.
- (2) An officer appointed by the Commissioner shall consider and report to the Commissioner upon applicants for cadetships.
- (3) The officer referred to in subregulation (2) of this regulation shall have regard to the applicant's academic record and such other matters as are considered relevant in determining suitability for the course of study and training specified in respect of the cadetship.

**4. Eligibility**

An applicant for appointment to a cadetship shall —

*[(a) deleted]*

- (b) be qualified for admission to, or have completed and passed one or more years of, a University course specified in column 2 of Schedule 1 in respect of the Class of cadetship for which he applies; and
- (c) pass any aptitude test required by the Commissioner.

*[Regulation 4 amended: Gazette 5 July 1991 pp 3354-5.]*

**5. Requirements for applicants**

An applicant for appointment to a cadetship shall produce to the Commissioner —

- (a) evidence of his date of birth;
- (b) evidence that he has qualified or passed as the case may be in accordance with regulation 4 (b);
- (c) evidence as to character;

- (d) a medical certificate certifying that he is in good health and not affected with any physical infirmity that would interfere with the proper exercise of his professional duties; and
- (e) a questionnaire completed by the applicant on the form supplied at the office of the Commissioner.

**6. Cadetship agreement**

- (1) Before a person commences a cadetship he and a surety shall enter into an agreement with the Commissioner in the form of the agreement in Schedule 2.
- (2) The surety referred to in subregulation (1) of this regulation shall be the cadet's legal guardian or such other person as the Commissioner approves.

**7. Term of cadetship**

- (1) Subject to these regulations, the term of a cadetship shall be 4 years.
- (2) Where a person has completed and passed one or more years of a University course before entering into a cadetship agreement, the term of the cadetship may be reduced by the Commissioner so that the number of years to be served as a cadet corresponds with the number of years remaining to be undertaken in the University course that the cadet has partially completed.

*[Regulation 7 amended: Gazette 5 July 1991 p.3355.]*

**8. Obligations of cadet**

A cadet shall —

- (a) take leave without pay to undertake, as a full time student, a University course specified in Column 2 of Schedule 1 in respect of the class of cadetship in which he is employed;
- (b) if so required by the Commissioner, work for the Commissioner —

- (i) during vacations between the academic terms or semesters of each year of that course; and
- (ii) during vacations between each academic year of that course and the next.

*[Regulation 8 amended: Gazette 5 July 1991 p.3355.]*

**9. Termination, suspension of cadetship**

- (1) If at any time during the term of a cadetship the Commissioner is not satisfied —
  - (a) with examination results obtained by the cadet in a portion of his University course; or
  - (b) as to the cadet's conduct, diligence, efficiency or his fitness to continue the cadetship,

the Commissioner may suspend the cadetship or terminate the cadetship agreement.

- (2) Where a cadetship is suspended pursuant to paragraph (a) of subregulation (1) of this regulation the Commissioner may require the cadet to repeat the relevant portion of his course on such terms and conditions as the Commissioner may specify and the Commissioner shall restore the cadetship if he is satisfied with the examination results obtained by the cadet in repeating that portion of the course.
- (3) A cadet whose cadetship is suspended remains subject to these regulations, but he is not, whilst the suspension remains in force, entitled —
  - (a) to be paid any allowance under regulation 12;
  - (b) to have any tuition fees paid on his behalf under regulation 12,

unless the Commissioner directs otherwise.

- (4) If at the end of the term of a cadetship the cadet has not completed a University course specified in Schedule 1 in respect



of the class of cadetship in which he has been employed the Commissioner may —

- (a) extend the term of the cadetship for a further period not exceeding two years;
  - (b) require the cadet to enter into a new cadetship agreement; or
  - (c) terminate the cadetship agreement.
- (5) Where pursuant to this regulation the Commissioner suspends a cadetship, requires a cadet to repeat portion of a course, extends the term of a cadetship, requires a cadet to enter into a new cadetship agreement, or terminates a cadetship agreement he shall cause written notification of his decision to be given to the cadet and to the surety under the agreement.
- (6) A suspension or extension under this regulation does not relieve or suspend the cadet or the surety of or from liability under the cadetship agreement.
- (7) Where under this regulation the Commissioner requires a cadet to enter into a new cadetship agreement he shall cause written notification of his decision to be given to the cadet and his surety under the existing cadetship agreement and if the cadet —
- (a) refuses to enter into a new cadetship agreement as requested; or
  - (b) is unable to procure a person to act as a surety under a new cadetship agreement,

the Commissioner may terminate the existing cadetship agreement.

*[Regulation 9 amended: Gazette 5 July 1991 p.3355.]*

## **10. Salary**

- (1) In this regulation the term “scale” shall be in accordance with the scale of salaries applicable to Group 1 Officers, as contained in the Main Roads Department General Division Salaries

Agreement No. 6 of 1982 as amended from time to time, or the equivalent scale in any agreement made in substitution for that agreement.

- (2) A cadet shall be paid a salary in accordance with this regulation during any period when —
- (a) he is working for the Commissioner in accordance with regulation 8 (b);
  - (b) he is on annual leave in accordance with regulation 14 (1).
- (3) Subject to subregulation (4) the salary paid to a cadet shall commence —
- (a) at a rate equivalent to item 5 of the scale; or
  - (b) in the case of a cadet who has completed and passed one or more years of a University course before entering into a cadetship agreement at a rate equivalent to the item on the scale that the Commissioner considers appropriate having regard to the portion of a University course that the cadet has completed,

and shall increase to the rate equivalent to the next succeeding item on the scale at the completion of each year of the term of the cadetship if the Commissioner is satisfied with examination results obtained by the cadet in his University course during that year.

- (4) The salary paid to a cadet who has attained the age of 21 years shall be at a rate not less than the minimum wage determined from time to time by the Commonwealth Conciliation and Arbitration Commission for a person of that age.

*[Regulation 10 amended: Gazette 5 July 1991 p.3354.]*

## **11. Living and transport allowance**

If a cadet is employed away from his headquarters, the Commissioner may approve of his being paid an allowance at such rate as the Commissioner determines as compensation for

any extra cost of living involved or any extra cost for transport expenses necessarily incurred, or both.

**12. Sustenance and other allowances**

- (1) During any period when he is not paid a salary in accordance with regulation 10 a cadet is entitled to receive a sustenance allowance.
- (2) A sustenance allowance may, with the approval of the Commissioner, be paid —
  - (a) at a “category 1” rate to a cadet attending the University and whose ordinary place of residence is within a radius of 40 km from the Perth G.P.O.;
  - (b) at a “category 2” rate to a cadet attending the University whose ordinary place of residence is outside a radius of 40 km from the Perth G.P.O. and who is obliged to live away from his ordinary residence.
- (3) The sustenance rate for each category shall be determined by the Commissioner from time to time and notified in the *Government Gazette*.
- (4) A cadet who is receiving a category 2 rate of sustenance allowance and who is living in accommodation at a cost in excess of that allowance is entitled to have his sustenance allowance increased to cover the cost of the accommodation but the allowance shall not exceed the amount payable to a cadet in residence at a University College.
- (5) The Commissioner may approve the payment to a cadet of any further allowances necessary to enable the cadet to undertake his University course.
- (6) A cadet is entitled to have all compulsory tuition fees paid on his behalf for those subjects which are comprised in his University course but this entitlement does not extend to subjects which are taken as a repetition of or in addition to or substitution for any part of that course.

- (7) A cadet is responsible for the payment of his own faculty, service and amenities fees.

*[Regulation 12 amended: Gazette 5 July 1991 p.3355.]*

**13. Public Service Act and Regulations**

During the whole term of his cadetship and during any extension thereof a cadet shall be entitled to the same conditions of service as permanent officers in the employment of the Commissioner, but he is not an officer of the Commissioner for the purposes of section 10 (1) of the *Main Roads Act 1930*.

**14. Leave entitlements**

- (1) Notwithstanding regulation 13 a cadet shall not be entitled to any leave entitlements other than an entitlement to take annual leave of absence for recreation at a time approved by the Commissioner.
- (2) A cadet shall be entitled to take leave without pay —
- (a) during the academic terms or semesters of, and examinations in, each year of his University course; and
  - (b) unless he is required to work for the Commissioner pursuant to paragraph (b) of regulation 8, during vacations between academic terms or semesters and years of that course.

*[Regulation 14 amended: Gazette 5 July 1991 p.3355.]*

**15. Completion of training and subsequent employment**

- (1) A cadet shall be deemed not to have completed his cadetship until he has —
- (a) satisfactorily completed the study and training requirements specified in Column 2 of Schedule 1 in respect of the class of cadetship in which he is employed; and

- (b) served the term of the cadetship together with any due extension of that term.
- (2) A person who has completed his term of cadetship shall, if so required by the Commissioner, serve the Commissioner as an Engineer — Class 1 —
  - (a) for a period equivalent to the term of his cadetship together with any due extension of that term; or
  - (b) for a period of 2 years,whichever period is the greater.

**16. Repayment allowances etc. on termination of agreement**

- (1) In the event of the termination of a cadetship agreement by the Commissioner, the cadet and the surety under the agreement shall, subject to subregulation (2) of this regulation, be jointly and severally liable to pay to the Commissioner, by way of reimbursement, a sum of money equivalent to the sum of all allowances and tuition fees paid to or on behalf of the cadet pursuant to regulation 12.
- (2) Where an agreement is terminated by the Commissioner after a cadet has commenced employment for the Commissioner pursuant to regulation 15 (2) the sum to be reimbursed to the Commissioner shall be reduced in accordance with the following formula —

$$\frac{WS}{WP} \times AF = R$$

where —

WS is the number of weeks that the cadet has been employed by the Commissioner pursuant to regulation 15 (2), expressed as a number of weeks.

WP is the period (expressed as a number of weeks) that the cadet is required to serve the Commissioner pursuant to that subregulation.

r. 17

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AF is the sum of all allowances and tuition fees paid to or on behalf of the cadet pursuant to regulation 12.

R is the amount by which the sum to be reimbursed to the Commissioner shall be reduced.

- (3) For the purposes of a calculation made in accordance with the formula in subregulation (2) of this regulation a fraction of a week shall be deemed to be one week.

### **17. Suspension of Agreement**

A cadet may apply to the Commissioner for a suspension of the Agreement entered into between the cadet, his surety and the Commissioner and where the Commissioner approves of the application the cadet, his surety and the Commissioner shall enter into a further agreement as set out in Schedule 3.

### **18. Repeal**

The following regulations, namely —

- (a) the *Main Roads Department Admission of Cadet Draftsmen (Engineering) Regulations 1966* published in the *Government Gazette* on 8 February 1967;
- (b) the Main Roads Department (Admission of Engineering Cadets) Regulations published in the *Government Gazette* on 17 February 1967 and amended by a notice published in the *Government Gazette* on 19 March 1968; and
- (c) the *Main Roads Department Admission of Engineering Surveying Cadets Regulations 1967* published in the *Government Gazette* on 3 March 1967,

are hereby repealed.

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**Schedule 1**

<b>Column 1</b>	<b>Column 2</b>
<b>Class of Cadetship</b>	<b>Study and Training Requirements</b>
Cadet Engineer (Civil)	A course of study and training qualifying for the award of — (a) Bachelor of Engineering, University of Western Australia; or (b) Bachelor of Engineering, Curtin University of Technology. Practical training under the direction of the Commissioner.
Cadet Engineer (Mechanical)	A course of study and training qualifying for the award of — (a) Bachelor of Engineering, University of Western Australia; or (b) Bachelor of Engineering, Curtin University of Technology. Practical training under the direction of the Commissioner.
Cadet Engineer (Electrical)	A course of study and training, qualifying for the award of — (a) Bachelor of Engineering, University of Western Australia; or (b) Bachelor of Engineering, Curtin University of Technology. Practical training under the direction of the Commissioner.
Cadet Engineer (Electronic)	A course of study and training, qualifying for the award of — (a) Bachelor of Engineering, University of Western Australia; or (b) Bachelor of Engineering, Curtin University of Technology. Practical training under the direction of the Commissioner.

*[Schedule 1 amended: Gazette 5 July 1991 p.3354.]*

**Schedule 2**

Form of Agreement for Cadets

AGREEMENT

AN AGREEMENT under seal made on 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 (hereinafter called "the Surety" of the second part, and (d) ..... the Commissioner of Main Roads (hereinafter referred to as "the Commissioner") of the third part.

It is hereby agreed by the parties hereto that: —

1. The Commissioner will appoint the Cadet as a Cadet (e) ..... for a term of (f) ..... years (subject however to the right of termination hereinafter mentioned) commencing on the ..... day of ..... 19..... (hereinafter called "the term of the Cadetship") and for any extension thereof made by the Commissioner pursuant to the *Main Roads (Engineering Cadets) Regulations 1982* (hereinafter called "the regulations") upon and subject to and in accordance with the provisions of the regulations and the provisions of this agreement.
2. The Cadet will —
  - (a) during the term of the Cadetship and any extension thereof —
    - (i) diligently pursue and satisfactorily complete the course of study and training prescribed by the regulations for a Cadet (e) .....
    - (ii) in all other respects well and faithfully serve as a Cadet (e) . . . . . and comply with and observe the provisions of the regulations and the provisions of any other Act or regulations that are made applicable to him by the regulations and all instructions and directions lawfully given to the Cadet pursuant thereto;
  - (b) on completion of the cadetship as defined in regulation 15 (1) if required by the Commissioner so to do commence employment for the Commissioner and serve the Commissioner for a period calculated in accordance with subregulation (2) of that regulation.



3. The Commissioner may at his option by notice in writing to the Cadet and the Surety terminate this Agreement:—
- (a) pursuant to the provisions of the regulations in that behalf;
  - (b) if the Cadet fails to comply with, observe and perform the agreements and obligations herein contained and on the part of the Cadet to be complied with, observed and performed;
  - (c) without limiting the generality of paragraph (b) of this clause if the Cadet having been required to serve the Commissioner for a period calculated in accordance with regulation 15 of the regulations is during that period dismissed from his employment by reason of misconduct, idleness, disobedience, nonattendance, irregular or unpunctual attendance, want of interest in work, or immoral conduct.
- If this agreement is terminated then and without the necessity for any demand the Cadet and the Surety shall be jointly and severally liable to pay and shall forthwith pay to the Commissioner by way of reimbursement the sum of money calculated in accordance with the provisions of regulation 16 (1) of the regulations less the reduction, if any, made in accordance with subregulation (2) of that regulation.
5. Liability of the Cadet and the Surety under clause 4 of this Agreement shall not be affected or limited by reason of —
- (a) the suspension of the Cadet by the Commissioner pursuant to the determination;
  - (b) the granting by the Commissioner to the Cadet of an extension of time for completion of the academic course that he undertakes pursuant to regulation 8 of the regulations;
  - (c) any time or other indulgence granted to the Cadet by the Commissioner,
- and the consent of the Surety to any such suspension or grant shall not be necessary or required for the continuance of the liability aforesaid.
6. References in this Agreement to —
- (a) a regulation shall include reference to any amendments to that regulation for the time being in force;
  - (b) the Cadet and the Surety shall include their respective personal representatives;
  - (c) the Commissioner shall include his successors in office.

IN WITNESS whereof the parties hereto have executed this Agreement the day and year first hereinbefore mentioned.

**Sch. 2**

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SIGNED by the Surety  
in the presence of: } .....

.....  
SIGNED by the Surety  
in the presence of: } .....

.....  
SIGNED by the Commissioner  
in the presence of: } .....

- .....
- (a) Full name of Cadet.
  - (b) Address.
  - (c) Full name of Surety.
  - (d) Full name of Commissioner.
  - (e) Class of Engineering Cadetship as specified in Column 1 of the Second Schedule.
  - (f) Term of Cadetship as determined under subregulation (1) or (2) of regulation 7.

### Schedule 3

THIS Agreement made this \_\_\_\_\_ day of \_\_\_\_\_ of \_\_\_\_\_ BETWEEN THE COMMISSIONER FOR MAIN ROADS in the State of Western Australia of the one part and \_\_\_\_\_ of \_\_\_\_\_ in the said State (hereinafter called “the Cadet”) of the second part and \_\_\_\_\_ of \_\_\_\_\_ in the said State (hereinafter called “the Surety”) of the third part.

WHEREAS:

- (i) By an agreement dated \_\_\_\_\_ (hereinafter called “the said Agreement”) it was agreed *inter alia* by the parties hereto that the Commissioner would appoint the Cadet as a Cadet Engineer for the term and upon the conditions therein contained.
- (ii) The Cadet at his own request has applied to the Commissioner for a suspension of the Agreement for the period \_\_\_\_\_ to \_\_\_\_\_.
- (iii) The Commissioner has approved of this application of the Cadet subject to the execution of these presents by the parties hereto.

IT IS MUTUALLY AGREED by and between the parties hereto as follows —

1. THAT the said Agreement and the covenants terms and conditions contained in the said Agreement are hereby suspended and shall not be binding on the parties to the said Agreement for a period of 12 months computed from the first day of January.
2. THAT the Cadet during the suspension of the said Agreement shall not receive payments nor shall payments be made on his behalf by the Commissioner during the suspension of the said Agreement.
3. THAT the Commissioner shall as from the first day of January readmit the Cadet as a \_\_\_\_\_ Engineering Cadet on the terms and conditions set out in the said Agreement as modified by these presents and the said Agreement shall as from that date again operate and become binding on the parties to the said Agreement as if it has not been suspended save and except that the term to be served by the Cadet referred to in clause 2 of the said Agreement shall be a continuous period equivalent to the period that the Cadet attends the University as a Cadet and such term shall not be extended by reason of the Cadet attending the University during the year or years that the said Agreement is suspended.
4. SUBJECT to the variations herein contained and such other alterations if any as may be necessary to make the said Agreement consistent with these presents and if the Cadet is reinstated in \_\_\_\_\_

**Sch. 3**

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of his Cadetship in the year  
then the said Agreement shall as from the first day of January  
again come into force and effect and shall be read and construed and be  
enforceable as if the terms of these presents were inserted therein by way  
of addition or substitution as the case may be.

IN WITNESS whereof the parties hereto have executed this Agreement the day  
and year first hereinbefore mentioned.

SIGNED by the Cadet  
in the presence of: } .....

.....  
SIGNED by the Surety  
in the presence of: } .....

.....  
SIGNED by the Commissioner  
in the presence of: } .....

.....

*[Schedule 3 amended: Gazette 5 July 1991 p.3355.]*

**Notes**

- <sup>1.</sup> This is a compilation of the *Main Roads (Engineering Cadets) Regulations 1982* and includes the amendments referred to in the following Table.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Main Roads (Engineering Cadets) Regulations 1982</i>	26 Nov 1982 p. 4628-34	26 Nov 1982
<i>Main Roads (Engineering Cadets) Amendment Regulations 1991</i>	5 Jul 1991 p. 3354-5	5 Jul 1991

**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>
cadetship .....	2
regulation .....	2
satisfactory progress.....	2
Schedule.....	2
the Act.....	2
University .....	2