



# Government Gazette

OF

## WESTERN AUSTRALIA

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[1972

### INDUSTRIAL ARBITRATION ACT, 1912-1971.

Department of Labour,  
Perth, 15th November, 1972.

HIS Excellency the Lieutenant Governor and Administrator in Executive Council has been pleased to approve of the following regulations made by The Western Australian Industrial Commission in Court Session under the provisions of the Industrial Arbitration Act, 1912-1971.

H. A. JONES,  
Under Secretary for Labour.

THE Western Australian Industrial Commission in Court Session, with the approval of His Excellency the Lieutenant Governor and Administrator, in pursuance of the provisions of the Industrial Arbitration Act, 1912-1971, hereby makes the regulations set forth in the schedule hereunder.

### SCHEDULE.

## APPRENTICESHIP REGULATIONS, 1972.

1. (1) These regulations may be cited as the Apprenticeship Regulations, 1972, and shall come into operation on the 1st day of January, 1973.

(2) Subject to the provisions of this regulation, these regulations shall be deemed to be incorporated in and form part of every award and industrial agreement, made under the Industrial Arbitration Act, 1912, which provides for the employment of apprentices unless therein added to, varied or amended or thereby declared inapplicable in whole or in part.

(3) In so far as they relate to the employment of apprentices, the provisions of each award and industrial agreement made under the Act are hereby declared inoperative as from and including the 1st day of January, 1973, except and to the extent that—

- (a) those provisions are consistent with these regulations; or
- (b) those provisions have been approved by the Commission on or before the 1st day of January, 1973.

(4) These regulations do not apply in the "building trade" as defined from time to time by regulation pursuant to section 128 (5) of the Act.

(5) The regulations made by The Western Australian Industrial Commission in Court Session, published in the *Government Gazette* on the 3rd February, 1964, and entitled "Apprenticeship Regulations", as from time to time amended, are hereby revoked.

## INTERPRETATION.

2. (1) In these regulations, unless the contrary intention appears—

“apprentice” means any person of either sex not less than fourteen years of age who is apprenticed to learn or to be taught any industry, trade, craft or calling to which these regulations apply;

“apprenticeship officer” means a person appointed on the recommendation of the Council for the purposes of these regulations;

“award” includes industrial agreement;

“Board” means an Apprenticeship Board appointed by the Commission pursuant to these regulations;

“Commission” means The Western Australian Industrial Commission;

“Council” means The Western Australian Apprenticeship Advisory Council appointed by the Minister;

“the Act” means the Industrial Arbitration Act, 1912.

(2) Words and expressions used in any of these regulations have, unless the contrary intention appears, the same respective meanings as in the Act.

(3) A reference in these regulations to a form by letter is a reference to the form so lettered in these regulations or to a form to the like effect.

3. Except where provision is otherwise made in any award, every person employed or engaged under the award in an occupation to which apprentices may be taken shall be so employed or engaged subject to the conditions of apprenticeship or probation prescribed in these regulations.

## THE WESTERN AUSTRALIAN APPRENTICESHIP ADVISORY COUNCIL.

4. (1) The Council shall recommend to the Commission the separate trades or branches of trades or combinations of those trades or branches for which a Board should be appointed, and if a Board is appointed shall also recommend the person to be the Chairman and the persons who are to be the representatives of workers and of employers respectively.

(2) Where a Board makes a recommendation to the Council, the Council shall consider that recommendation and submit to the Minister, the Commission or the Director of Technical Education or to any two or more of them, such recommendation as the Council thinks fit.

(3) The Council may direct a Board to take such action as may be thought desirable in the interests of apprentices taken to the trade or any branch of the trade for which that Board is appointed.

(4) The Council shall consider and report to the Commission on any matter referred to it by the Commission.

(5) The Council may make any other recommendation to the Commission which the Council thinks desirable in the interests of the apprenticeship system in the State.

## APPRENTICESHIP BOARDS.

5. (1) Subject to the provisions of subregulation (1) of regulation 4 the Commission may on its own motion or on the application of any of the parties to an award, appoint a Board or Boards for the purposes of these regulations.

(2) Boards appointed pursuant to this regulation may be so appointed in respect of separate trades or branches of trades or combinations of those trades or branches.

(3) Each Board shall consist of—

(a) a Chairman to be appointed, subject to the provisions of subregulation (1) of regulation 4, by the Commission;

(b) an equal number of representatives of workers and of employers to be appointed, subject to the provisions of subregulation (1) of regulation 4, by the Commission—

(i) as to the workers' representatives, on the nomination of the body known as the Trades and Labor Council of Western Australia; and

(ii) as to the employers' representatives on the nomination of the body known as the Western Australian Employers' Federation (Inc.);

- (c) where the Government of the State or any instrumentality of the Government is concerned with the trade or branch or branches of the trade for which the Board is appointed, a person as representative of the Government or that instrumentality nominated by the Minister; and
  - (d) a representative of the Technical Education Division of the Education Department of Western Australia nominated by the Director of Technical Education.
- (4) A majority of the members of a Board, one of whom must be the Chairman, shall constitute a quorum.
- (5) A recommendation of the Board shall be the decision of the majority of member present and voting and shall be signed by the Chairman.
- (6) The Board shall advise and where necessary make recommendations to the Commission on such matters as may be referred to it from time to time by the Commission.
- (7) The Board shall advise and where necessary make recommendations to the Council on such matters as may be referred to it from time to time by the Council and shall advise the Council on—
- (a) syllabi of training;
  - (b) shortened terms of apprenticeship;
  - (c) the apprenticeship officers' reports and the results of examinations set by the Technical Education Division of the Education Department submitted to the Board pursuant to regulation 31; and
  - (d) the results of examinations conducted by the examiners of The Western Australian Industrial Commission pursuant to regulation 32.
- (8) For the purpose of this regulation the Board shall have power to enter any factory, workshop or place where an apprentice is employed for the purpose of enquiring into any matter affecting apprenticeship.
- (9) (a) No employer shall refuse employment to any person or dismiss any worker from his employment or injure him in his employment or alter his position to his prejudice by reason merely of the fact that the worker is a member of a Board or by reason merely of anything said or done or omitted to be done by any such person or worker in the course of his duty as a member.
- (b) In any proceeding for any contravention of this subregulation, it shall lie upon the employer to show that any person proved to have been refused employment or any worker proved to have been dismissed or injured in his employment or prejudiced whilst acting as a member was refused employment or dismissed or injured in his employment or prejudiced for some reason other than that mentioned in this subregulation.
6. If, at the request of a Board, any person other than a member of the Board attends a meeting of that Board, such person may, with the approval of the Chairman, be reimbursed for travelling and for any *bona fide* expenses actually incurred by him by reason of his attendance.

#### EMPLOYMENT ON PROBATION.

7. (1) Every person engaged with a view to apprenticeship shall be employed on probation to determine his fitness or otherwise for apprenticeship.
- (2) The period of probation shall be three months but the Commission may, in any case in which it deems it expedient so to do, order that the period of probation be extended for a period not exceeding three months.
- (3) In the event of a person becoming an apprentice, the period of probation shall be deemed to be part of the term of his apprenticeship.
- (4) Subject to these regulations, the wages and conditions of employment of a person on probation shall be the same as those prescribed in the award for an apprentice in his first year in the same occupation.
- (5) During the period of probation the employment of a person on probation may be terminated without notice.
8. (1) An employer shall, within fourteen days of taking a person on probation, give notice to the Registrar in Form A or, as the case may be, Form B.
- (2) The employer of a person on probation shall, prior to the end of that person's period of probation, notify that person whether he intends to enter into an agreement of apprenticeship.

9. A person on probation may, at the end of the period of probation, become an apprentice under an agreement of apprenticeship if it is mutually agreed between the employer, that person and his legal guardian (if any) but not otherwise.

#### AGREEMENT OF APPRENTICESHIP.

10. (1) The agreement of apprenticeship shall be in accordance with Form C and shall be signed by the employer, the apprentice and his legal guardian (if any).

(2) The agreement and three copies thereof shall be lodged with the Registrar within one month of the end of the period of probation and, subject to the provisions of subregulation (3) of this regulation, the Registrar shall thereupon register the agreement and forward a copy of the agreement to each of the parties thereto.

(3) Where the agreement contains conditions other than those specified in Form C, the Registrar shall, before registering the agreement, submit those conditions to the Commission for approval and the Commission may give such directions for the registration or otherwise of the agreement as it sees fit.

11. On and after the registration of an agreement of apprenticeship no agreement or undertaking purporting to add to, vary or rescind the agreement of apprenticeship shall be registered without the approval of the Commission.

12. (1) (a) The employer of every apprentice shall keep him constantly at work and teach such apprentice or cause him to be taught the industry, craft, occupation or calling in relation to which he is bound apprentice by competent instruction in a gradual and complete manner and shall give such apprentice a reasonable opportunity to learn the same and receive, during the period of his apprenticeship, such technical, trade and general instruction and training as may be necessary.

(b) Every apprentice shall, during the period of apprenticeship, faithfully serve his employer for the purpose of being taught the industry, craft, occupation or calling in relation to which he is bound and shall also conscientiously and regularly accept that technical, trade and general instruction and training in addition to the teaching that may be provided by his employer.

(2) The employer and the apprentice, respectively, shall be deemed to undertake the duty which he agrees to perform as a duty enforceable under an award made under the Act.

13. The agreement of apprenticeship shall be for the period prescribed in the award, but in special circumstances and with the approval of the Commission the period of apprenticeship may be deemed to have commenced prior to the date upon which the period of probation commenced.

14. In special circumstances the Commission may, on the application of any party to an agreement of apprenticeship, order that the period specified in that agreement be reduced by such time as the Commission deems just.

#### EXTENSION OF PERIOD OF APPRENTICESHIP.

15. Time lost by the apprentice through sickness or any other cause whatsoever may, with the consent of the Commission on the application of any party, be added to the original period in the agreement of apprenticeship at the end of the year of service in which the time has been lost or at the termination of the period of apprenticeship.

16. (1) Where an apprentice fails in an examination the Commission may, subject to the provisions of regulation 33, extend the period specified in his agreement of apprenticeship either by ordering a continuation of any particular year of the apprenticeship, in which case the next year of service shall not commence until after the expiration of the extended period, or by adding the period of extension to the last year of service.

(2) The Commission may cancel or vary an extension made pursuant to subregulation (1) of this regulation on the application of any party to the agreement if it is established to the satisfaction of the Commission that the apprentice has shown marked improvement following the extension.

(3) Subject to any order of the Commission as to rates of wages and technical instruction, which the Commission is hereby authorised to make, any extension of the period specified in an agreement of apprenticeship shall be subject to all the conditions and stipulations in the agreement.

**TRANSFER OF AGREEMENT OF APPRENTICESHIP.**

17. (1) An apprentice may transfer from one employer to another, willing to be bound by the covenants and conditions contained in the agreement of apprenticeship, with the consent of his legal guardian (if any) and his employer.

(2) The transfer shall be effected by transferring the agreement of apprenticeship in Form D, which form shall be signed by the parties to the agreement of apprenticeship and by the employer to whom the apprentice is being transferred.

(3) The agreement in Form D and four copies thereof shall be lodged with the Registrar within two months of the date on which the transfer is effected and, subject to these regulations, the Registrar shall register the agreement and forward a copy of the agreement to each of the parties thereto.

**CANCELLATION OF AGREEMENT OF APPRENTICESHIP.**

18. (1) An agreement of apprenticeship may be cancelled by the mutual consent of the employer, the apprentice and his legal guardian (if any).

(2) The agreement to cancel shall be in Form E signed by the parties and, together with three copies thereof, shall be lodged with the Registrar within one month of the date from which the cancellation takes effect.

(3) The Registrar shall—

- (a) register the cancellation;
- (b) thereupon forward a copy to each of the parties; and
- (c) notify the appropriate union of the cancellation.

(4) On the cancellation of an apprenticeship, the employer shall give the former apprentice a certificate in Form F.

19. (1) The Commission may, on the application of the employer, cancel the registration of an agreement of apprenticeship if the apprentice is at any time wilfully disobedient to the lawful orders of the employer, his managers, foremen or other servants having authority over the apprentice or is slothful, negligent or dishonest or otherwise grossly misbehaves himself or does not conduct himself as a good and faithful apprentice should do or does not faithfully observe and keep his part of the agreement and on the cancellation of registration it shall then be lawful for the employer to discharge the apprentice.

(2) An employer may suspend an apprentice for any of the reasons mentioned in subregulation (1) of this regulation but shall, as soon as reasonably practicable thereafter, apply for cancellation of the agreement of apprenticeship.

(3) In determining the application the Commission may make such order as it deems just with respect to the payment of wages during the period of suspension and the date from which any order of cancellation is to take effect.

20. The Commission may, on the application of any party to an agreement of apprenticeship, cancel the registration of that agreement if the employer is unable to provide work for the apprentice, and on the cancellation of registration it shall then be lawful for the apprentice to be discharged or to leave his employment.

21. Where it appears to the Commission that an apprentice has abandoned his apprenticeship, the Commission may, on the application of the Registrar and after giving due notice to the employer, the apprentice and his legal guardian (if any), cancel the registration of the agreement of apprenticeship.

22. Where an apprentice fails in an examination, the Commission may, subject to the provisions of regulation 33, cancel the registration of the agreement of apprenticeship, and on the cancellation of registration it shall then be lawful for the employer to discharge the apprentice.

23. The Commission may for any cause which it thinks sufficient, on the application of an apprentice or his legal guardian, cancel the registration of the agreement of apprenticeship, and on the cancellation of registration it shall then be lawful for the apprentice to leave his employment.

**VARIATION OR SUSPENSION OF AGREEMENT OF APPRENTICESHIP.**

24. The Commission, on the application of any party to an agreement of apprenticeship, or, subject to the provisions of regulation 33 where the apprentice has failed to pass an examination may vary or suspend the agreement either unconditionally or upon such terms and conditions as it thinks desirable.

## TECHNICAL TRAINING OF APPRENTICES.

25. (1) Subject to the provisions of this regulation, every apprentice and every person employed on probation with a view to apprenticeship shall attend regularly and punctually a Government or other approved technical school vocational classes or other classes for instruction in such subjects as are provided for his trade and shall submit himself for examination by the Technical Education Division of the Education Department.

(2) Compliance with the requirements of subregulation (1) of this regulation shall not be compulsory when the apprentice is resident outside a radius of twelve miles from the place where instruction is given or in the case of illness of the apprentice, the proof whereof lies with him.

(3) Where technical instruction is not available in the locality in which the apprentice is employed but is available by correspondence, at a reasonable cost approved by the Commission, the Commission may prescribe such a correspondence course as the technical instruction to be taken by the apprentice and any such apprentice shall submit himself for examination by the Technical Education Division of the Education Department as may be required by the Board appointed for the industry, craft, occupation or calling to which he is bound apprentice.

(4) The fees for classes attended by the apprentice or the cost of any correspondence course undertaken pursuant to this regulation shall be paid by the employer.

(5) An apprentice undertaking technical instruction by correspondence shall, upon completing correspondence lessons, hand them to his employer who shall forward them to the Technical Extension Service of the Technical Education Division of the Education Department.

26. An apprentice attending technical school, vocational classes or other classes pursuant to the last preceding regulation, shall attend such classes for eight hours per fortnight at times prescribed by the Technical Education Division of the Education Department except where in special circumstances the award otherwise prescribes.

27. An apprentice who—

(a) without reasonable cause, the proof whereof lies with him—

- (i) fails to attend any school or class which, pursuant to regulation 25, he is obliged to attend at the time appointed for the commencement of that school or class;
- (ii) leaves that school or class before the time appointed for leaving without the permission of the teacher;
- (iii) fails to submit himself for examination as required; or
- (iv) fails to complete correspondence lessons in sufficient time to enable those lessons to be returned within the time prescribed by the Technical Extension Service; or

(b) fails to be diligent or behaves in an indecorous manner while attending a Government or other approved technical school, vocational class or other class; or

(c) destroys or fails to take care of any material or equipment in that school or class,

commits a breach of these regulations and is liable for each such breach to a penalty not exceeding ten dollars.

28. Where in any case it is shown to the satisfaction of the Commission that any apprentice, by reason of his engagement on country work or other good cause, cannot conveniently attend technical school, vocational classes or other classes for instruction or examination, such of these regulations as relate to attendance at technical school, vocational classes or other classes shall not apply to him but he shall be subject to such conditions as the Commission may direct.

29. Where, during his ordinary working hours, an apprentice attends a technical school, vocational class or other class which he is obliged to attend pursuant to regulation 25, the time specified in regulation 26 shall be regarded as part of the period of apprenticeship and the employer shall not be entitled to make any deduction from the wages of the apprentice for that time.

## EXAMINATION OF APPRENTICES.

30. Every apprentice shall submit himself to examination as required by these regulations.

31. (1) Where an apprenticeship officer has been appointed for any trade, or branch of a trade, but subject to subregulation (4) of this regulation, the examinations referred to in subregulation (1) and subregulation (3) of regulation 25 shall be the only examinations to which an apprentice in that trade, or branch of trade, who is attending technical school, vocational classes or other classes referred to in that subregulation shall submit himself, and the results obtained by each apprentice at each examination shall be submitted to the Commission by the Technical Education Division of the Education Department and, where a Board has been appointed for the trade or branch of the trade in which the examination has been conducted, a copy of that report shall be forwarded to that Board by the Registrar.

(2) As and when necessary the Technical Education Division of the Education Department shall draw up and submit to the Board appointed for the trade or branch of the trade, or, if no such Board has been appointed, the Commission a syllabus of training showing the stage of proficiency the apprentice should reach at each examination, and may from time to time recommend to the Board or the Commission, as the case may be, variations of any syllabus.

(3) The Registrar shall, after each examination, issue a certificate in Form G.

(4) (a) Every apprentice to whom this regulation applies shall submit himself for final examination at the place and time appointed by the examiners of the Western Australian Industrial Commission.

(b) The provisions of regulation 32 apply, with the necessary modifications, for the purpose of this subregulation.

32. (1) Every apprentice to whom regulation 31 does not apply shall submit himself to examination at the places and times appointed by the examiners of The Western Australian Industrial Commission.

(2) (a) The examiners shall be persons skilled in the industry and appointed by the Commission.

(b) In the event of a disagreement between the examiners, the matter in dispute shall be referred to a third person agreed to by them or appointed by the Registrar at the request of any of the examiners and the decision of such person shall be final and conclusive.

(c) Any dispute in respect of an appointment made by the Registrar shall be referred to the Commission for determination.

(3) As and when necessary the examiners shall draw up and submit for the consideration of the Board appointed for the trade or branch of the trade or, if no such Board has been appointed, the Commission, a syllabus of training showing the stage of proficiency the apprentice should reach at each examination and may from time to time recommend to the Board or the Commission, as the case may be, variations of any syllabus.

(4) The Registrar shall notify the examiners of the name and address of each apprentice required to submit himself to examination.

(5) (a) It shall be the duty of the examiners to examine the work of each apprentice and to enquire into the diligence of each apprentice and the opportunities provided by the employer for each apprentice to learn his trade.

(b) An examination shall, where possible, include theory and practice as applied to the trade, industry, craft, occupation or calling to which the apprentice is indentured.

(c) Within one month from the date of the examination or within such extended period as the Registrar may allow, the examiners shall submit a written report to the Registrar showing the result of the examination and, where a Board has been appointed for the trade or branch of the trade in which the examination has been conducted, a copy of the report shall be forwarded to that Board by the Registrar.

(6) The employer of each apprentice shall place at the disposal of the examiners any material and machinery on his premises that is required by them and shall in all ways facilitate the conduct of the examination.

(7) The Registrar shall, after each examination, issue a certificate in Form G.

33. (1) Where an apprentice fails at an examination the Technical Education Division of the Education Department or the examiners of The Western Australian Industrial Commission, as the case may be, may recommend to the Commission—

(a) that the apprentice be permitted to continue his apprenticeship without extension, either with or without any remedial measures which the Technical Education Division or the examiners, as the case may be, think necessary; or

(b) that the period of apprenticeship be extended; or

(c) that the agreement of apprenticeship be cancelled;

and, where a Board has been appointed for the industry, craft, occupation or calling to which the apprentice is bound, a copy of the recommendation shall be forwarded to that Board by the Registrar.

(2) The Commission, on receipt of a recommendation and after notice to the parties to the agreement of apprenticeship, may make such order as it thinks fit.

#### COMPLETION OF APPRENTICESHIP.

34. An apprentice on completing his period of apprenticeship shall be issued by the Registrar with—

(a) a final certificate in a form approved by the Commission, if he has passed his final examination; or

(b) a certificate in a form approved by the Commission showing that the full period of apprenticeship has been served, if he has not passed his final examination.

#### LOST TIME.

35. (1) The employer shall pay the apprentice for all time lost through sickness but so that payment for such sickness shall be limited to two weeks in each year of the apprenticeship.

(2) (a) Where the time lost through sickness exceeds three consecutive working days, the employer may require the apprentice to produce a medical certificate and a further certificate or certificates if any time is lost through sickness within seven days from the date of resumption of duty.

(b) The cost, if any, of such certificate or certificates not exceeding eighty cents shall be borne by the employer.

(3) An apprentice shall not be entitled to receive any wages from his employer for any time lost through the result of an accident not arising out of or in the course of his employment, or for any accident or sickness arising out of his own wilful default.

36. Except where provision is otherwise made in any award or in these regulations, an employer shall be entitled to deduct payment for any period during which an apprentice is absent from work.

#### MISCELLANEOUS.

37. An apprenticeship officer shall carry out the duties required of him by the Administrative Officer of the Council.

38. When an apprentice abandons his employment or is absent from work without leave for a period in excess of one month, the employer shall thereupon notify the Registrar accordingly.

39. (1) (a) For the purpose of ascertaining the number of apprentices which may be taken in an occupation, the average number of journeymen employed in that occupation by the employer concerned on the working days in the twelve months immediately preceding shall be deemed to be the number of journeymen employed.



(b) Where the employer or, in the case of a partnership, any and every partner is a journeyman regularly and usually working in the occupation he shall be counted as a journeyman.

(c) Where an employer has been in business for a period of less than twelve months, the number of apprentices which may be taken in an occupation shall be as agreed between the industrial union of workers concerned and the employer or, failing agreement, as determined by the Commission.

(2) Notwithstanding the provisions of subregulation (1) of this regulation, the Commission may, after giving due notice to the Board if such a Board be appointed for the trade or branch of the trade in which an apprenticeship is intended—

- (a) in special circumstances permit the taking or employment of an apprentice by an employer notwithstanding that the quota fixed by the award may be exceeded;
- (b) refuse the registration of an agreement of apprenticeship or the taking of an apprentice in any case when, in the opinion of the Commission, the circumstances are such that the apprentice is not likely to receive the instruction and training necessary to qualify him as a tradesman.

40. With a view to determining whether the number of apprentices being trained is sufficient to meet the future requirements of the industry, the Registrar may require any employer to furnish him with any information relating to the said industry.

41. (1) (a) An apprentice record book, in a form approved by the Council, shall be issued by the Registrar to the employer of each apprentice when the agreement of apprenticeship is registered unless an employer, with the approval of the Council, provides a record book for such an apprentice.

(b) The record book of each apprentice shall be retained by the employer unless or until—

- (i) the agreement of apprenticeship is transferred to a new employer in which case the book shall be forwarded to that new employer;
- (ii) the agreement of apprenticeship is cancelled in which case the book shall be returned to the Registrar;
- (iii) the apprenticeship is completed in which case the book shall be handed to the apprentice.

(2) (a) The employer or, in the event of the agreement of apprenticeship being transferred, the new employer shall enter in the record book of each apprentice the information required with respect to the training, conduct and progress of that apprentice and the results attained by that apprentice in any examination and shall not forward, return or hand that book to another person pursuant to paragraph (b) of subregulation (1) of this regulation until all of that information has been entered therein.

(b) The record book shall be made available at any time for inspection by an apprenticeship officer or an examiner of The Western Australian Industrial Commission and after each year of training for inspection by the apprentice and his legal guardian (if any).

42. Where in any case an employer is temporarily unable to provide work to employ an apprentice full time he shall notify the Registrar and may make application to the Commission—

- (a) to employ the apprentice for such lesser time each week at such remuneration and on such conditions as the Commission may determine; or
- (b) to suspend the agreement of apprenticeship for such period and under such conditions as the Commission thinks fit.

43. Subject to the provisions of the Acts relating to bankruptcy and insolvency and the winding up of companies the following provisions apply—

- (a) the trustee or liquidator, as the case may be, may give not less than seven days' written notice to the apprentice, his legal guardian (if any) and the Registrar of his intention to discontinue the employment of the apprentice, and at the expiration of that notice the agreement shall be deemed to be terminated;

- (b) neither the apprentice nor his legal guardian (if any) shall have any right of action against the employer unless the Commission after considering the circumstances authorises that action, and any proceedings authorised by the Commission must be commenced within six weeks after the service on the apprentice of the notice referred to in paragraph (a) hereof, otherwise any right of action shall be deemed to be waived and forfeited;
- (c) if on the bankruptcy or insolvency of an employer the agreement of apprenticeship is transferred to another employer the apprentice shall not be counted in ascertaining the number of apprentices which may be taken in an occupation.

44. Where a person is apprenticed to a partnership his agreement of apprenticeship shall, upon the retirement or death of any partner, be deemed to be assigned to the continuing partner or partners.

45. (1) The Registrar shall prepare and keep records showing—
- (a) the name and address of each apprentice and person on probation;
  - (b) the name and address of the employer of each apprentice and person on probation;
  - (c) the progress of each apprentice; and
  - (d) such other information that the Commission may direct to be kept.

(2) The records shall be open for inspection by the parties to an agreement of apprenticeship and by any industrial union.

46. Each industrial union of workers and each industrial union of employers shall be advised by the Registrar of any application made pursuant to these regulations affecting an occupation with which it is concerned and may intervene in any proceedings before the Commission with respect to any such application.

Form A  
(Apprenticeship Reg. 8)  
Industrial Arbitration Act, 1912

Notice of Probation

Apprenticeship for a Period of Not Less Than Five Years

To  
The Registrar,  
The Western Australian Industrial Commission,  
PERTH.

Please take notice that..... (name)  
of ..... (address)  
has entered my service on probation as an apprentice to the .....  
branch of the .....  
trade on the ..... day of ..... 19.....  
The apprenticeship is intended to be for a period of ..... years.

Dated this ..... day of ..... 19.....

Name of Employer .....  
Signature of Employer .....  
Address .....

Particulars Relating to the Apprentice

Date of birth .....  
Standard passed at School .....  
(Signature of Apprentice) .....  
(Signature of Parent or Guardian) .....

PARTICULARS SHOULD BE TYPED OR PRINTED IN BLOCK LETTERS

Form B  
(Apprenticeship Reg. 8)  
Industrial Arbitration Act, 1912

Notice of Probation  
Apprenticeship for a Period of Four Years or Less

To  
The Registrar,  
The Western Australian Industrial Commission,  
PERTH.

Please take notice that..... (name)  
of ..... (address)  
has entered my service on probation as an apprentice to the .....  
..... branch of the .....  
trade on the ..... day of ..... 19.....

The apprenticeship is intended to be for a period of ..... years.

Dated this ..... day of ..... 19.....

Name of Employer .....  
Signature of Employer .....  
Address .....  
.....

Particulars Relating to the Apprentice

Date of birth .....  
Standard passed at school .....  
\* Certificate obtained .....  
Subjects passed .....  
.....  
.....  
(Signature of Apprentice) .....  
(Signature of Parent or Guardian) .....

\* Indicate whether High School, Junior or Leaving Certificate or Achievement or other Certificate

PARTICULARS SHOULD BE TYPED OR PRINTED IN BLOCK LETTERS

## Form C

(Apprenticeship Reg. 10)

Industrial Arbitration Act, 1912

## AGREEMENT OF APPRENTICESHIP

THIS AGREEMENT, entered into this ..... day of  
 \* Full name of Employer ..... 19....., between \* .....  
 ..... of .....  
 ..... (business address)  
 ..... (occupation) (hereinafter  
 † Full name of Apprentice called "the Employer") of the first part, † .....  
 ..... of .....  
 ..... (residential address)  
 born on the ..... day of ..... 19.....  
 (hereinafter called "the Apprentice") of the second part, AND  
 ‡ Full name of Parent (or Guardian) ..... of .....  
 ..... (residential address)  
 ..... (occupation), Parent (or  
 legal Guardian) of the said apprentice (hereinafter called the "parent"  
 or "guardian") of the third part Witnesseth as follows:—

1. The Apprentice of his own free will, and with the consent of the parent (or guardian) hereby binds himself to serve the employer as his apprentice, and to learn the ..... branch of the ..... trade for a period of ..... years, from the ..... day of ..... One thousand nine hundred and .....

2. The parent (or guardian) and apprentice hereby for themselves and each of them and their and each of their respective executors, administrators and assigns covenant with the employer as follows:—

THIS FORM TO BE COMPLETED IN QUADRUPLICATE AND IN BLOCK PRINT.

- (a) That the apprentice shall and will truly and faithfully serve the employer as his apprentice in the said trade at such place (or places) as the employer may reasonably direct and that the said apprentice will diligently attend to his work at the said trade, and will at all times willingly obey the reasonable directions of the employer, his managers, foremen, and overseers, and will not during the apprenticeship, without the consent in writing of the employer sell any goods which the employer makes or employ himself in the service of any other person or company in any work, or do any work for hire or reward which the employer undertakes, other than for the employer, and will not absent himself from the employer's service without leave, and will comply with the provisions of the Apprenticeship Regulations and of any award or Industrial Agreement made under the Industrial Arbitration Act, 1912 in force so far as the same shall relate to his apprenticeship; and
- (b) That the apprentice will not do any damage or knowingly suffer any damage to be done to the property of the employer.
3. The employer for himself, his heirs, executors, administrators and assigns HEREBY COVENANTS with the apprentice as follows:—
- (a) That he will accept the apprentice as his apprentice during the the said period, and will during the said period, by the best means in his power, cause him to be instructed in the ..... branch of the ..... trade and will provide facilities for the practical training of the apprentice in the said trade.
- (b) That the technical instruction of the apprentice prescribed by any Award or Industrial Agreement binding on the apprentice and his employer or by the apprenticeship regulations relating to the apprenticeship when available shall be at the expense

of the employer and shall be in the employer's time, except in places where such instruction is given after the ordinary hours of work.

- (c) That in the event of the apprentice, in the opinion of his examiner or examiners, not progressing satisfactorily, increased time for technical instruction shall be allowed at the employer's expense to enable the apprentice to reach the necessary standard, but if and only if the failure of the apprentice to make satisfactory progress is due to the fault of the employer or is due to the inability of the apprentice to attend to his duties at any time during the period of his apprenticeship, whether on account of illness or other lawful reason.
- (d) That the employer will observe and perform all the conditions and stipulations of the Industrial Arbitration Act, 1912 and the apprenticeship regulations made thereunder, as far as the same concern the apprentice AND ALSO the conditions and stipulations of any Award or Industrial Agreement in force so far as the same shall relate to the apprenticeship.

4. IT IS FURTHER AGREED BETWEEN THE PARTIES HERETO:

- (a) That the apprentice shall not be responsible for any faulty work or for any damage or injury done to materials, work, or machinery, tools, or plant other than wilful damage or injury during the course of his work.
- (b) That the apprentice, if under the age of eighteen years, shall not be required to work overtime without his consent.
- (c) That this Agreement may be cancelled by mutual consent by the employer, the apprentice and the parent (or guardian) giving notice in writing to the Registrar and thereupon the apprenticeship shall be terminated without prejudice to the rights of any of the parties hereto in respect of any antecedent breach of the provisions of this Agreement.
- (d) That, subject to an order of the Commission, the employer shall have the right to discharge the apprentice and to cancel this agreement if the apprentice is at any time guilty of misconduct. The term "misconduct", without limiting its general sense, shall include refusal to obey lawful orders, wilful neglect or dereliction of duty, absence from duty without leave, the taking part in or being concerned in or doing anything in the nature of a strike or doing anything contrary to the provisions of the Industrial Arbitration Act, 1912 or to the provisions of any Award or Industrial Agreement in force so far as the same shall relate to the apprenticeship or any of these things.

\* (e)

\* Here may be inserted any other condition that the parties may consider desirable. Any such condition is subject to the approval of the Western Australian Industrial Commission.

5. This Agreement is subject to the provisions of the apprenticeship regulations made pursuant to the Industrial Arbitration Act, 1912.

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

Signature of Employer	}	.....	Witness
Signature of Apprentice	}	.....	Witness
Signature of Parent or Guardian	}	.....	Witness

Noted and Registered this ..... day of ..... 19.....

.....Registrar.

Form D
(Apprenticeship Reg. 17)
Industrial Arbitration Act, 1912

TRANSFER OF AGREEMENT OF APPRENTICESHIP

(1) (name) of (address) the employer of (2) an apprentice in the branch of the trade doth hereby with the consent of the apprentice and the parent (or legal guardian) transfer and assign the agreement entered into on the (3) day of 19 and the services of the apprentice unto (4) (name) of (address) as from the (5) day of 19 AND the said (4) (name) of (address) for himself and his executors administrators and assigns doth hereby declare his acceptance of the said apprentice and acknowledges himself bound by the covenants and conditions contained in the said agreement to be observed and performed by the employer and will from the aforesated date of transfer keep the said (1) indemnified from the same and from all actions claims and demands in respect thereof.

AS WITNESS the hands and seals of the parties this day of 19

Signature of Previous Employer } Witness
Signature of New Employer } Witness
Signature of Apprentice } Witness
Signature of Parent or Guardian } Witness

Noted and registered this day of 19

Registrar

(1) Name of previous employer. (2) Name of apprentice in full. (3) Date upon which original agreement was entered into. (4) Name and address of new employer in full. (5) Date from which transfer is to be effective.

Form E
(Apprenticeship Reg. 18)
Industrial Arbitration Act, 1912

TERMINATION OF AGREEMENT OF APPRENTICESHIP BY MUTUAL CONSENT

To The Registrar, The Western Australian Industrial Commission, PERTH

Notice is hereby given that we have mutually agreed to terminate the agreement of apprenticeship entered into on the day of 19, between (employer), (apprentice) and (parent or legal guardian), to the branch of the trade, as from the day of 19

Dated this day of 19

Signature of Employer
Signature of Apprentice
Signature of Parent or Guardian }

Form F  
 (Apprenticeship Reg. 18)  
 Industrial Arbitration Act, 1912

CERTIFICATE OF SERVICE

This is to certify that.....  
 (name of apprentice) of.....  
 ..... (address) has served.....  
 years ..... months at the .....  
 branch of the ..... trade  
 in my employment.

Dated this ..... day of ..... 19.....

Signature of Employer.....



WESTERN AUSTRALIA

The Western Australian  
 Industrial Commission,  
 Vapech House,  
 638 Murray Street,  
 Perth.

Mr.

It is requested that you note the issue of the attached Certificate and that this be presented to the Apprentice.

Registrar.

(perforations)

Form G  
 (Apprenticeship Reg. 31 and 32).  
 Industrial Arbitration Act, 1912

CERTIFICATE OF PROFICIENCY

This to certify that ..... (name)  
 of ..... (address)  
 has satisfied the Western Australian Industrial Commission of .....  
 competence in the ..... branch of the  
 ..... trade at an examination  
 proper to the ..... year of ..... service as an apprentice.

Dated this ..... day of ..... 19.....

Registrar.



WESTERN AUSTRALIA

The Western Australian Industrial Commission

This is to certify that ..... of ..... has served the full period of apprenticeship to the ..... branch of the ..... Trade.

Dated this ..... day of ..... 19 .....

Registrar.



WESTERN AUSTRALIA

The Western Australian Industrial Commission

FINAL CERTIFICATE

This is to certify

that ..... of ..... has completed the training prescribed for the ..... branch of the ..... Trade under an Agreement of Apprenticeship, and has passed the Final Examination to the satisfaction of the Commission.

Dated this ..... day of ..... 19 .....

Registrar.

(Seal)

Dated the 30th day of October, 1972.

By The Western Australian Industrial Commission in Court Session:

B. M. O'SULLIVAN, Chief Industrial Commissioner.

E. R. KELLY, Commissioner.

D. E. CORT, Commissioner.

J. R. FLANAGAN, Commissioner.

B. J. COLLIER, Commissioner.



## INDEX TO REGULATIONS.

	Regulation No.	Form No.
Agreement of Apprenticeship—		C
Conditions .....	10 (3)	
Copies of .....	10 (2)	
Signatories to .....	10 (1)	
Variation to .....	11	
Period of .....	13	
Abandonment of Apprenticeship—	38	
Application—		
Awards, incorporation in .....	1 (2)	
Apprenticeship Advisory Council—		
Duties .....	4	
Apprenticeship Board—	5	
Appointment of .....	4 (1)	
Composition of .....	5 (3)	
Employee dismissed, because member of .....	5 (9)	
Payment for attendance .....	6	
Power and Function of .....	5 (4), (5), (6), (7), (8)	
Apprenticeship Officer. (Apprenticeship Training Adviser)		
Duties .....	37	
Apprentices Record Book—		
Approved by Council .....	41 (1) (a)	
Inspection by parties .....	41 (2) (b)	
Movement of .....	41 (1) (b)	
Cancellation of Agreement—		
Abandonment of Apprenticeship .....	21	
Bankruptcy .....	43	
Consent of all parties .....	18 (1)	E
Failure of Examination .....	22 and 33 (1) (c)	
Party to agreement can apply .....	20 and 23	
Power of Commission .....	19 (1) and 23	
Registration of .....	18 (3)	
Rights of Employers .....	19 (2)	
Certificate of Service .....	18 (4)	F
Completion of Apprenticeship—		
Certificate of Time Served .....	34 (a)	
Final Certificate .....	34 (b)	
Employment—Probation—		
Expiration of Probation .....	9	
Period of Probation .....	7 (2)	
Person on Probation, notification of .....	8 (1)	A or B
Probation period part of Apprenticeship Term .....	7 (3)	
Termination of person on Probation .....	7 (5)	
Examinations of Commission—		
Apprentices, obligation of .....	30	
Commission, powers of .....	33 (2)	
Employer, obligation of .....	32 (6)	
Examiners, appointment of .....	32 (2) (a)	
Examiners, duties of .....	32 (5) (a)	
Registrar, duties of .....	32 (4)	
Proficiency Certificate .....	32 (7)	G
Theory and practise, to be included in .....	32 (5) (b)	

	Regulation No.	Form No.
Examinations—of Technical Education Division—		
Apprentices, obligations of	25 (1)	
Correspondence	25 (3) and (5)	
Fees paid by employer	25 (4)	
Hours of attendance	26	
Penalty for misbehaving	27	
Powers of Commission to alter	28	
Release for schooling is part of apprenticeship	29	
Extension of Term—		
Failure of Examination	33 (1) (b) and 16	
Time lost during term	15	
Interpretation—		
Definitions	2	
Miscellaneous—		
Apprentices responsibility to employer	12 (1) (b)	
Employers responsibility to apprentice	12 (1) (a)	
Lost Time	35 (3), 36	
Part Time Work	42	
Ratio of Apprentices—how determined	39	
Records, Registrar duties of	45 (1)	
Records, inspection of	45 (2)	
Sick Leave	35 (1), (2)	
Sufficient Apprentices in Industry, Registrars may enquire	40	
Partnerships—		
Death or Retirement of Partner	44	
Reduction of Apprenticeship Term—		
Power of Commission	14	
Recommendation by Boards	5 (7) (b)	
Suspensions—		
Application of any party	24	
Wilful Disobedience	19 (2)	
Transfer—		
Procedure for	17 (1), (2)	
Time for lodging documents	17 (3)	D
Unions—		
Notification of any application	46	