

TA302*

Vocational Education and Training Act 1996

Vocational Education and Training (General) Amendment Regulations (No. 3) 2014

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Vocational Education and Training (General) Amendment Regulations (No. 3) 2014*.

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 the day after that day.

3. Regulations amended

These regulations amend the *Vocational Education and Training (General) Regulations 2009*.

4. Regulation 38 amended

After regulation 38(2) insert:

- (3A) A training contract must specify a default maximum time of 9 months employment under that contract, or such lesser time as may be mutually agreed by the parties, before any competency based wage progression clause in an award can be invoked using units gained institutionally.
- (3B) In subregulation (3A) —
units gained institutionally means units gained as part of a prior qualification such as a pre-apprenticeship, but does not include units attained by fulfilling the obligations of an apprentice under a training contract.

5. Schedule 1 amended

In Schedule 1 in the Training Contract Obligations in the provision with the heading “**For the employer, apprentice or trainee, and parent or guardian (where applicable). We agree that:**”:

- (a) in paragraph i) delete “legislation.” and insert:
- legislation;
- (b) after paragraph i) insert:
- j) any competency based wage progression clause, in an award that this Contract is subject to, cannot be invoked using units gained institutionally**, until —
- i) the apprentice has completed 9 months of employment in this Contract; or
- ii) the apprentice has completed, in this Contract, a period of employment mutually agreed by parties to the Contract. The period may be shorter than the 9 month requirement.
- ** *units gained institutionally* means units gained as part of a prior qualification such as a pre-apprenticeship, but does not include units attained by fulfilling the obligations of an apprentice under a training contract.

R. KENNEDY, Clerk of the Executive Council.
