

Western Australia

**Industrial Training (General Apprenticeship)
Regulations 1981**

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Western Australia

Industrial Training (General Apprenticeship) Regulations 1981

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Industrial Training (General Apprenticeship) Regulations 1981

1. Citation

These regulations may be cited as the *Industrial Training (General Apprenticeship) Regulations 1981*¹.

2. Repeal and commencement

The *Industrial Training (General Apprenticeship) Regulations 1978*², as amended, are repealed on, and these regulations take effect on and from, 20 July 1981¹.

3. Application

These regulations apply to and in relation to apprenticeships in the trades and groups of trades specified in the Schedule 1.

4. Interpretation

In these regulations unless the contrary intention appears —

“**advisory board**” means the industrial training advisory board appointed under the Act in relation to the trade or group of trades in question;

“**apprentice**” includes an industrial trainee;

“**approved college**” means a college within the meaning of the *Colleges Act 1978*³ which is approved by the Council to conduct technical training classes;

“**employer**” means the person employing the apprentice, probationer or employee in question;

“**examiner**” means a person appointed by the Minister pursuant to section 17 of the Act to carry out duties relating to the examination of apprentices in relation to the trade in question;

“**training**” includes theoretical and practical tuition and instruction and the type of employment required to be given to an apprentice pursuant to any regulation made under the Act in relation to the trade in which he is apprenticed;

“**union**” means a union of workers or employers registered under any law relating to the registration of trade unions or the prevention and settlement of industrial disputes.

[Regulation 4 amended in Gazette 24 Dec 1987 p. 4550.]

5. Apprenticeship trades

- (1) Each trade listed in Schedule 1 to the *Industrial Training (Apprenticeship Training) Regulations 1981* is an apprenticeship trade for the purposes of the Act.
- (2) The term “**building trade**” means the following trades, namely —
Bricklaying;
Stonemasonry;
Plastering;
Tilelaying.

[Regulation 5 amended in Gazette 24 Dec 1987 p. 4550.]

6. Eligibility for apprenticeship

- (1) Subject to subregulation (2), a person is eligible to commence an apprenticeship if he —

- (a) has fulfilled the conditions of eligibility prescribed by the regulations relating to that apprenticeship; and
 - (b) produces such evidence as satisfies the Director that he has fulfilled those conditions.
- (2) Notwithstanding subregulation (1), a person shall not be eligible to commence an apprenticeship in —
- (a) electrical fitting;
 - (b) electrical mechanics;
 - (c) painting and decorating;
 - (d) painting (vehicle building);
 - (e) signwriting;
 - (f) electronic servicing;
 - (g) instrument fitting;
 - (h) weighing instrument mechanics;
 - (i) trimming;
 - (j) refrigeration fitting; or
 - (k) mechanics (office machines),

unless the Director is satisfied that he does not suffer from any defect of colour vision that would render him unfit to undertake his apprenticeship training.

[Regulation 6 amended in Gazette 24 Dec 1987 p. 4550.]

7. Probationary employment

An application for approval to the Director pursuant to section 29A(2) of the Act shall be in writing.

8. Notification to unions

- (1) Where the Director receives a notification and application pursuant to section 29A of the Act he shall cause the relevant unions to be notified of that fact.
- (2) A union that desires to object to the application shall lodge notice of its objection with the Registrar within 14 days of the date of the notice given pursuant to subregulation (1).

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- (3) The Registrar shall notify the employer, the probationer and the parent or guardian of the probationer of any objection lodged pursuant to subregulation (2).
- (4) Any objection lodged pursuant to subregulation (2) shall be referred by the Registrar to the Director for hearing and determination.
- (5) The Director shall notify his determination and the reasons therefor in writing to the employer and the probationer.

9. Extension of probationary period

- (1) An application pursuant to section 29 to extend the term of probation shall be made to the Director before the expiration of the initial 3 months' period.
- (2) Where the employment of a probationer is terminated the employer shall notify the Registrar of that fact.

10. Agreement

- (1) As soon as practicable after the period of probation referred to in section 29 of the Act has expired the employer shall enter into an apprenticeship agreement with the probationer.
- (2) An apprenticeship agreement other than an apprenticeship agreement for a special trade shall be in the form of the form in Schedule 2.
- (3) An apprenticeship agreement in relation to a special trade shall be in the form of the form in Schedule 3.
- (4) The employer shall cause the apprenticeship agreement to be lodged for registration at the office of the Registrar within 14 days of the date of the execution of the agreement.
- (5) The registrar shall not register an apprenticeship agreement unless he is satisfied that no objection in relation to that apprenticeship has been lodged, or, where an objection has been

so lodged, the Director has approved of the registration of the agreement.

11. Credit

Notwithstanding anything in the regulations prescribing the period of apprenticeship to be served in a particular trade, where the Director is satisfied that a person has, before becoming indentured as an apprentice, acquired some experience or skill in that trade by reason of former service or otherwise the Director may direct that the period to be served by that person as an apprentice in that trade shall be such period as he specifies in his direction.

12. Transfer

- (1) Where an employer employs an apprentice by way of the transfer of the employment of the apprentice pursuant to section 34 of the Act the employer shall notify the Registrar within 14 days of the date that the apprentice commences employment with him.
- (2) Where the Registrar receives notification pursuant to subregulation (1) he shall cause the relevant unions to be notified of that fact.
- (3) A union that desires to object to the transfer of the employment of an apprentice shall lodge notice of its objection with the Registrar within 14 days of the date of the notice given pursuant to subregulation (2).
- (4) Where pursuant to subregulation (3) an objection is made to the transfer of the employment of an apprentice the Registrar shall refer the objection to the Director for hearing and determination and notify the employer of the apprentice, the employer to whom the employment is to be transferred, the apprentice and the parent or guardian of the apprentice of the objection.
- (5) The employer to whom the employment of an apprentice is transferred shall, within 60 days after the commencement of the

employment of the apprentice, lodge the completed transfer of apprenticeship agreement for registration with the Registrar in accordance with section 34(5) of the Act.

- (6) The Director shall notify his determination and the reasons therefor, in writing, to the employer of the apprentice, the apprentice and his parent or guardian, and the employer to whom the apprenticeship is to be transferred.
- (7) The Registrar shall not register the transfer of apprenticeship agreement unless he is satisfied that no objection in relation to the transfer has been lodged, or where an objection has been lodged, the Director has authorised the transfer.
- (8) Where the Registrar registers a transfer of apprenticeship agreement he shall forward a copy thereof to each of the parties referred to therein.

13. Cancellation

- (1) The Director may on the application of the apprentice or guardian cancel the apprenticeship agreement and thereupon the apprentice ceases to be bound as an apprentice to his employer.
- (2) Where —
 - (a) an apprentice abandons his apprenticeship; or
 - (b) an employer is satisfied on reasonable grounds that an apprentice has abandoned his apprenticeship,the employer shall, within 14 days of the apprentice abandoning his apprenticeship or being so satisfied, as the case may be, notify the Registrar of that fact.
- (3) Upon receipt of a notice pursuant to subregulation (2) the Director may notify the apprentice and his parent or guardian that if the apprentice does not comply with the terms of his apprenticeship agreement the agreement may be cancelled and if after the notice has been forwarded to the apprentice he does not so comply the Director may cancel the apprenticeship agreement.

- (4) An apprenticeship agreement may be cancelled by the mutual consent of the employer, the apprentice and parent or guardian of the apprentice by entering into an agreement for the cancellation of the apprenticeship agreement.
- (5) An agreement for the cancellation of an apprenticeship agreement shall be lodged with the Registrar within 14 days of the date of its execution and on receipt thereof the Registrar shall cancel the apprenticeship agreement.
- (6) Where an apprenticeship agreement is cancelled pursuant to this regulation the apprentice ceases to be bound as an apprentice to his employer.

14. Misconduct

- (1) An application pursuant to section 37(1) or (2) of the Act shall be lodged with the Registrar.
- (2) On receipt of an application lodged pursuant to subregulation (1) the Registrar shall forward the application to the Director for hearing and determination.
- (3) The Registrar shall notify the parties to the apprenticeship agreement and the relevant union or unions of the date of hearing of the application.
- (4) The Director shall notify his determination and the reasons therefor, in writing, to the parties to the apprenticeship agreement and the relevant union or unions.

15. Reduction

Where the Director is satisfied that because of the special circumstances of the particular case it is not necessary for an apprentice to serve his apprenticeship for the whole of the period prescribed in relation to the trade in which he is apprenticed he may on application by the apprentice, his parent or guardian or the employer, reduce the period of apprenticeship to be served by the apprentice.

r. 15A

15A. Reduction of term if apprentice competent

- (1) If the Director is reasonably satisfied that an apprentice —
 - (a) is competent to work as a tradesperson in the trade in which he or she is apprenticed; and
 - (b) has successfully completed all the technical training that the apprentice is required under the Act to complete during his or her apprenticeship,

the Director may reduce the term of the apprentice's apprenticeship to the period of the apprenticeship already served.

- (2) For the purpose of determining whether he or she is satisfied as to the matters set out in subregulation (1) the Director may —
 - (a) accept evidence from the employer as to the apprentice's competence; and
 - (b) require the apprentice to undertake such assessment or provide such evidence of his or her competence as the Director requires.

[Regulation 15A inserted in Gazette 19 Sep 2006 p. 3709.]

16. Satisfactory progress

- (1) The Director may require any person training an apprentice to furnish him with a report on the conduct, diligence, application and progress of the apprentice.
- (2) Where, in the opinion of the Director, an apprentice is not making satisfactory progress in his training the Director may do any one or more of the following —
 - (a) direct that the period of apprenticeship specified in the apprenticeship agreement of that apprentice be extended in the year being served or require that the apprentice serve an additional period after his last normal year of service;

- (b) require the apprentice to undertake such additional training as the Director deems necessary;
- (c) suspend the operation of the apprenticeship agreement for such period and upon such conditions as he thinks fit;
- (d) cancel the apprenticeship agreement of that apprentice,

but the Director shall not take any action pursuant to this subregulation unless he gives the parties to the apprenticeship agreement an opportunity to make representations to him.

- (3) Where pursuant to subregulation (2) he has extended an apprenticeship agreement or required an apprentice to undertake additional training and he is satisfied with the progress the apprentice is making with his training the Director may cancel or vary the direction or requirement, as the case may be.

17. Technical training

- (1) An apprentice shall attend technical training classes for instruction in his apprenticeship course as prescribed by the regulations in relation to the trade in which he is being trained.
- (2) An apprentice who is required to attend technical training classes —
 - (a) shall attend regularly and punctually at the time appointed for the commencement of the classes and shall not without permission of the lecturer leave before the appointed time for leaving;
 - (b) shall be diligent and behave in a decorous manner while in the training institution;
 - (c) shall not destroy and shall take care of any material or equipment provided for his use in the training institution; and
 - (d) shall attend in each term every prescribed technical training class.

- (3) An apprentice who is, in the opinion of the Director, unable to attend regular technical training classes in his apprenticeship course, shall undertake his technical training course by correspondence as directed.
- (4) Where any regulation relating to training in a particular trade prescribes that the course of training for the trade be undertaken at a particular rate or in particular stages an apprentice undertaking the course shall complete the course at the rate prescribed, or in the stages prescribed, as the case may be, in relation to that trade.
- (5) Subject to subregulation (6), where an apprentice is required to undertake instruction by correspondence he shall submit lessons monthly at the rate of the number of lessons prescribed for the stage divided by 9 and rounded to nearest whole number.
- (6) Notwithstanding subregulation (5), the Director may vary the rate of submission of correspondence lessons to be completed by a particular apprentice.
- (7) Where an apprentice is undertaking his technical training course by correspondence his employer shall permit him during ordinary working hours, without deduction from his wages —
 - (a) to attend such technical training classes as may be directed; and
 - (b) to perform the theoretical or practical work of or incidental to his correspondence course either on the employer's premises or at such other place as is agreed between the apprentice and the employer,for up to an equivalent number of hours to the number prescribed in the *Industrial Training (Apprenticeship Training) Regulations 1981* for apprentices attending technical training classes in his trade.
- (8) Where an apprentice is required to undertake instruction by correspondence the employer shall forward all correspondence

lessons completed by the apprentice to the body that conducts the course.

- (9) Where an apprentice fails to attend a class or carry out a correspondence lesson he shall within 7 days provide the person conducting the course with a written explanation signed by his parent or guardian stating the reason for his failure to so attend or carry out a lesson.
- (10) Where an apprentice fails to attend a class or to carry out any requirement of his training by reason of illness the Director may require him to provide a medical certificate signed by a legally qualified medical practitioner substantiating the reason for his absence or failure.
- (11) The employer shall not obstruct or hinder an apprentice from attending any class or from undertaking any correspondence instruction that he is required to attend or undertake under the Act.
- (12) Notwithstanding subregulations (1) and (3) the Director may exempt an apprentice from attendance at classes or from undertaking his technical training by correspondence and may make the exemption subject to such conditions as he thinks fit.
- (13) An exemption granted pursuant to subregulation (12) may be given in relation to a particular apprentice or in relation to any grouping of apprentices.
- (14) An apprentice shall submit himself to be examined at such examinations conducted by the Technical Education Division of the Education Department⁴ or an approved college in relation to the trade in which he is being trained.

18. Examinations

- (1) The results of every examination of an apprentice conducted by the Technical Education Division of the Education Department⁴ or an approved college, shall be forwarded by that Division or approved college, as the case requires, to the Director.

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- (2) Where an apprentice does not sit for, or attend, an examination, or fails an examination, the Technical Education Division or approved college, as the case requires, may recommend to the Director that action be taken under regulation 16.

[Regulation 18 amended in Gazette 27 Mar 1987 p. 1017.]

19. Final certificate

The Director shall issue to an apprentice who has completed his apprenticeship in accordance with the Act, a final certificate.

[Regulation 19 inserted in Gazette 27 Mar 1987 p. 1017.]

[20, 21. Repealed in Gazette 27 Mar 1987 p. 1017.]

22. Hearings by Director

Subject to the Act, the procedure on a hearing by the Director shall be as follows —

- (a) the Registrar shall give notice to all persons entitled to be heard at the hearing of the time and date fixed for the hearing, which notice shall not, except with the agreement of all such persons, be less than 7 days before the day fixed for the hearing;
- (b) the conduct of the hearing shall be as determined by the Director;
- (c) the Director may require any party to the proceedings to produce documents for inspection by the Director;
- (d) the Director may require any witness or any party to the proceedings the subject of the hearing to make an oath or affirmation under the *Evidence Act 1906*.

23. Appeals to Industrial Commission⁵

- (1) Every appeal under section 37C of the Act shall be instituted by a notice of appeal given by the appellant and lodged with the Registrar within 14 days from the date the decision appealed against is given.

- (2) The notice referred to in subregulation (1) shall clearly and concisely set forth the grounds upon which the appeal is made.
- (3) The filing of an appeal under subregulation (1) stays the operation of the decision, which is the subject of the appeal.
- (4) Upon receipt of a notice of appeal referred to in subregulation (1) the Registrar shall forward a copy thereof to the other parties concerned and shall provide proof of such notification to the Commission.
- (5) Regulation 29A of the *Industrial Commission Regulations 1980*⁶ as amended applies to and in relation to an appeal to the Commission under section 37C of the Act.

[Schedule 1 repealed in Gazette 24 Dec 1987 p. 4550.]

Schedule 2

Schedule 2
INDUSTRIAL TRAINING ACT 1975
APPRENTICESHIP AGREEMENT

An agreement under seal made between: —

Γ	⌋	(hereinafter called “the employer”) of the first part:
L	⌋	
		and
Γ	⌋	(hereinafter called “the apprentice”) of the second part:
Born on		
L	⌋	
		and
Γ	⌋	(hereinafter called “the guardian”) of the third part:
The *parent/guardian of the apprentice		
L	⌋	

WITNESSETH AS FOLLOWS: —

1. THE APPRENTICE OF HIS OWN FREE WILL AND WITH THE CONSENT OF THE GUARDIAN HEREBY BINDS HIMSELF TO THE EMPLOYER TO LEARN THE TRADE OF _____ FOR A TERM OF _____ FROM _____ AND INCLUDING THE _____ UPON AND SUBJECT TO THE COVENANTS AGREEMENTS CONDITIONS AND STIPULATIONS HEREINAFTER AND ON THE REVERSE SIDE HEREOF CONTAINED.
2. THE APPRENTICE AND THE GUARDIAN HEREBY COVENANT AND AGREE WITH THE EMPLOYER THAT THE APPRENTICE WILL DULY AND PUNCTUALLY PERFORM AND OBSERVE ALL CONDITIONS

AGREEMENTS AND STIPULATIONS SET OUT ON THE REVERSE SIDE HEREOF AND ON THE PART OF THE APPRENTICE TO BE PERFORMED AND OBSERVED.

- 3. THE EMPLOYER FOR HIMSELF HIS EXECUTORS ADMINISTRATORS AND ASSIGNS OR IF THE EMPLOYER IS A CORPORATION ITS SUCCESSORS AND ASSIGNS HEREBY COVENANTS AND AGREES WITH THE APPRENTICE AND THE GUARDIAN TO DULY AND PUNCTUALLY PERFORM AND OBSERVE ALL CONDITIONS AGREEMENTS AND STIPULATIONS SET OUT ON THE REVERSE SIDE HEREOF AND ON THE PART OF THE EMPLOYER TO BE PERFORMED AND OBSERVED.

Signed, sealed and delivered on this day of 20.....

Employer.....	Witness.....
Apprentice.....	Witness.....
Guardian.....	Witness.....

* Strike out whichever is inapplicable

[Reverse Side]

- 1. 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 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 *Industrial Training Act 1975*.
- 2. That the apprentice will not do any damage or knowingly suffer any damage to be done to the property of the employer.
- 3. 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.

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4. That the apprentice, if under the age of 18 years, shall not be required to work overtime without his consent.
5. The guardian shall be bound by this Agreement until the apprentice attains the age of 21 years or until the expiration of the said term whichever first occurs.
6. That the employer will accept the apprentice as his apprentice during the said term, and will during the said term, by the best means in his power, cause him to be instructed in the said trade and will provide facilities for the practical training of the apprentice in the said trade.
7. That the technical instruction of the apprentice prescribed by or under the *Industrial Training Act 1975* when available shall be in the employer's time, except in places where such instruction is given after the ordinary hours of work.
8. 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.
9. That the employer will observe and perform all the conditions and stipulations of the *Industrial Training Act 1975*.
10. This Agreement may be cancelled by mutual consent by the employer, the apprentice and the guardian giving notice in writing to the Registrar of Industrial Training appointed under the *Industrial Training Act 1975* 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.
11. That, subject to section 37 of the *Industrial Training Act 1975*, the employer shall have the right to suspend the apprentice for misconduct but shall within 7 days of the date of suspension, apply to the Director for suspension or cancellation of this agreement. 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 anything in the nature of a strike or doing anything contrary to the provisions of the *Industrial Training Act 1975* 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.

12. This Agreement is subject to the provisions of the *Industrial Training Act 1975*.
13. In this Agreement reference to an Act includes the amendments to that Act for the time being in force and also any Act passed in substitution therefor or in lieu thereof and the regulations for the time being in force thereunder.

Schedule 3

Schedule 3

INDUSTRIAL TRAINING ACT 1975 — SECTION (26)

APPRENTICESHIP AGREEMENT

An agreement under seal made the day of 20..... between: —

THE INDUSTRIAL TRAINING BOARD (“the board”) constituted pursuant to the INDUSTRIAL TRAINING ACT 1975 (“the Act”) of the first part;

Γ Γ (hereinafter called “the employer”) of the second part:

L J and

Γ Γ (hereinafter called “the apprentice”) of the third part:

Born on L J and

Γ Γ (hereinafter called “the guardian”) of the fourth part:

The *parent/guardian of the apprentice L J

WHEREAS:

- (i) THE APPRENTICE WITH THE CONSENT OF THE GUARDIAN SEEKS TO BE INDENTURED TO THE BOARD PURSUANT TO SECTION 26(3)(e) OF THE ACT. (ii) THE BOARD HAS AGREED TO ACCEPT SUCH INDENTURE AND TO PLACE THE APPRENTICE WITH THE EMPLOYER.

WHEREBY IT IS AGREED AS FOLLOWS:

1. THE APPRENTICE OF HIS OWN FREE WILL AND WITH THE CONSENT OF THE GUARDIAN HEREBY BINDS HIMSELF TO THE BOARD UPON AND SUBJECT TO THE COVENANTS AGREEMENTS CONDITIONS AND STIPULATIONS HEREINAFTER CONTAINED AND THE BOARD HEREBY COVENANTS THAT IT WILL TAKE AND RECEIVE THE APPRENTICE AS ITS APPRENTICE IN THE SPECIAL TRADES AS DEFINED IN THE *INDUSTRIAL TRAINING ACT 1975* AND REGULATIONS DULY MADE THEREUNDER AND FOR THE TIME BEING IN THE TRADE OF _____ FOR THE TERM OF _____ YEARS, FROM AND INCLUDING THE DAY OF _____ 20____ AND HEREBY PLACES THE APPRENTICE WITH THE EMPLOYER.
2. THE EMPLOYER FOR HIMSELF, HIS HEIRS, EXECUTORS, AND ASSIGNS, OR IF THE EMPLOYER IS A COMPANY, ITS SUCCESSORS AND ASSIGNS HEREBY COVENANTS WITH THE BOARD TO DULY AND PUNCTUALLY PERFORM AND OBSERVE ALL CONDITIONS AGREEMENTS AND STIPULATIONS HEREINAFTER CONTAINED AND ON THE PART OF THE EMPLOYER TO BE PERFORMED AND OBSERVED.

..... <i>Director of Industrial Training</i> <i>Witness</i>
..... <i>Employer</i> <i>Witness</i>
..... <i>Apprentice</i> <i>Witness</i>
..... <i>Guardian</i> <i>Witness</i>

* *Strike out whichever is inapplicable*

[Reverse Side]

1. That the apprentice shall and will truly and faithfully serve the employer as an apprentice of the Board in the said trade at such place (or places) as the employer may reasonably direct and that the apprentice will diligently attend to his work at the said trade, and will at all times willingly obey the reasonable direction of the employer, his managers, foremen, and overseers, and will not during the apprenticeship, without the consent in writing of

Schedule 3

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 *Industrial Training Act 1975*.

2. That the apprentice will not damage or knowingly suffer any damage to be done to the property of the employer.
3. 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.
4. That the apprentice, if under the age of 18 years, shall not be required to work overtime without his consent.
5. The guardian shall be bound by this Agreement until the apprentice attains the age of 21 years or until the expiration of the said term whichever first occurs.
6. That the employer will accept the apprentice as his apprentice during the said term, and will during the said term, by the best means in his power, cause him to be instructed in the said trade and will provide facilities for the practical training of the apprentice in the said trade.
7. That the technical instruction of the apprentice prescribed by or under the *Industrial Training Act 1975* when available shall be in the employer's time, except in places where such instruction is given after the ordinary hours of work.
8. 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.
9. That the employer will observe and perform all the conditions and stipulations of the *Industrial Training Act 1975*.

10. This Agreement may be cancelled by mutual consent by the employer, the apprentice and the guardian giving notice in writing to the Registrar of Industrial Training appointed under the *Industrial Training Act 1975* 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.
11. That, subject to section 37 of the *Industrial Training Act 1975*, the employer shall have the right to suspend the apprentice for misconduct but shall, within 7 days of the date of suspension, apply to the Director for suspension or cancellation of this agreement. The term “misconduct” without limiting its general sense, shall include refusal to obey lawful order, wilful neglect or dereliction of duty, absence from duty without leave, the taking part in or being concerned in anything in the nature of a strike or doing anything contrary to the provisions of the *Industrial Training Act 1975* 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.
12. This Agreement is subject to the provisions of the *Industrial Training Act 1975*.
13. In this Agreement reference to an Act includes the amendments to that Act for the time being in force and also any Act passed in substitution therefor or in lieu thereof and the regulations for the time being in force thereunder.

Notes

- ¹ This is a compilation of the *Industrial Training (General Apprenticeship) Regulations 1981* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Industrial Training (General Apprenticeship) Regulations 1981</i>	17 Jul 1981 p. 2921-35	20 Jul 1981 (see r. 2)
<i>Industrial Training (General Apprenticeship) Amendment Regulations 1983</i>	30 Dec 1983 p. 5028	1 Jan 1984 (see r. 2)
<i>Industrial Training (General Apprenticeship) Amendment Regulations (No. 2) 1984</i> ⁷	18 Jan 1985 p. 264	18 Jan 1985
<i>Industrial Training (General Apprenticeship) Amendment Regulations 1985</i>	1 Nov 1985 p. 4228	1 Nov 1985
<i>Industrial Training (General Apprenticeship) Amendment Regulations (No. 2) 1985</i>	8 Nov 1985 p. 4296	8 Nov 1985
<i>Industrial Training (General Apprenticeship) Amendment Regulations (No. 3) 1985</i>	20 Dec 1985 p. 4881	20 Dec 1985
<i>Industrial Training (General Apprenticeship) Amendment Regulations 1987</i>	27 Mar 1987 p. 1017	27 Mar 1987
<i>Industrial Training (General Apprenticeship) Amendment Regulations (No. 2) 1987</i>	24 Dec 1987 p. 4550	1 Jan 1988 (see r. 2)
Reprint of the <i>Industrial Training (General Apprenticeship) Regulations 1981</i> as at 1 Jul 1997 (includes amendments listed above)		
Reprint 2: The <i>Industrial Training (General Apprenticeship) Regulations 1981</i> as at 13 Feb 2004 (includes amendments listed above)		
<i>Industrial Training Amendment Regulations 2006 r. 2</i>	19 Sep 2006 p. 3708-9	19 Sep 2006

² Published in the *Government Gazette* on 27 Jan 1978 p. 291-301.

³ Repealed by the *Vocational Education and Training Act 1996*.

- ⁴ Under the *Alteration of Statutory Designations Order 2003* the former Education Department is now called the Department of Education and Training.
- ⁵ The Western Australian Industrial Commission was established under the *Industrial Arbitration Act 1912* which was repealed by the *Industrial Arbitration Act 1979* (No. 114 of 1979) which is now cited as the *Industrial Relations Act 1979*.
- ⁶ Repealed by the *Industrial Relations Commission Regulations 1985* (see *Gazette* No. 17, 28 Feb 1985 p. 719).
- ⁷ The *Miscellaneous Regulations (Validation) Act 1985* applied to these regulations. It deems the regulations not to have ceased to have effect as a result of the failure to comply with section 42(1) of the *Interpretation Act 1984*, subject to their being laid before the Legislative Assembly. The *Interpretation Act 1984* s. 42(2) then applied as if the words “or if any regulations are not laid before both Houses of Parliament in accordance with subsection (1)” had been omitted.