

Western Australia

Industrial Training Amendment Act 2006

As at 11 Dec 2006

No. 68 of 2006

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Industrial Training Amendment Act 2006

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Western Australia

Industrial Training Amendment Act 2006

No. 68 of 2006

An Act to amend the *Industrial Training Act 1975*.

[Assented to 11 December 2006]

The Parliament of Western Australia enacts as follows:

1. Short title

This is the *Industrial Training Amendment Act 2006*.

2. Commencement

This Act comes into operation on a day to be fixed by proclamation.

3. The Act amended

The amendments in this Act are to the *Industrial Training Act 1975**.

s. 4

[* Reprinted as at 3 December 1999.
For subsequent amendments see Act No. 28 of 2006.]

4. Section 28A inserted

After section 28 the following section is inserted —

“

28A. Ministerial approval of part-time employment

The Minister may, by notice published in the *Gazette*, approve of an apprentice, or industrial trainee, of a class specified in the notice being employed on a part-time basis.

”.

5. Section 29A amended

After section 29A(3) the following subsection is inserted —

“

- (4) The Director must not approve of the employment of a probationer on a part-time basis unless the Director is satisfied that an apprenticeship or industrial training agreement in respect of that probationer would meet the requirements of section 29B.

”.

6. Section 29B inserted

After section 29A the following section is inserted —

“

29B. Part-time employment of apprentices and industrial trainees

- (1) An apprenticeship or industrial training agreement must not be registered under this Act if the employment of the apprentice or industrial trainee is to be on a part-time basis unless —

- (a) the Minister has approved under section 28A of an apprentice, or industrial trainee, of that class being employed on a part-time basis; and
 - (b) the Director has notified the Registrar that the Director is satisfied that —
 - (i) the training (including required courses or skills training programmes) of the apprentice or industrial trainee can be completed within the term of the agreement; and
 - (ii) the employer will provide the apprentice or industrial trainee with adequate training during the term of the agreement; and
 - (iii) the apprentice or industrial trainee will be employed for at least the prescribed minimum hours.
- (2) For the purposes of this Act, employment of an apprentice or industrial trainee is on a part-time basis if the hours of employment are less than —
- (a) the ordinary hours of work specified in the industrial instrument that applies to the employment of the apprentice or industrial trainee; or
 - (b) if there is no industrial instrument that specifies the apprentice's or industrial trainee's ordinary hours of work, the prescribed hours.
- (3) In subsection (2) —
- “industrial instrument”** means an award or industrial agreement as defined in the *Industrial Relations Act 1979*, or an award or workplace agreement as defined in the *Workplace Relations Act 1996* of the Commonwealth.

s. 7

”.

7. Section 30 amended

(1) Section 30 is amended by inserting before “The” the subsection designation “(1)”.

(2) At the end of section 30 the following subsection is inserted —

“

(2) An apprenticeship agreement or industrial training agreement for an apprentice or industrial trainee who is to be employed part-time may provide for the term of the apprenticeship or industrial training to be up to 50% longer than the term prescribed.

”.

8. Section 42 amended

After section 42(2)(b) the following paragraph is inserted —

“

(c) provide for a minimum number of hours of employment of a probationer, apprentice or industrial trainee;

”.

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