

1995—No. 493

**INDUSTRIAL AND COMMERCIAL TRAINING ACT 1989—
REGULATION**

(Industrial and Commercial Training (General) Regulation 1995)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Industrial and Commercial Training Act 1989, has been pleased to make the Regulation set forth hereunder.

JOHN AQUILINA,
Minister for Education and Training.

Citation

1. This Regulation may be cited as the Industrial and Commercial Training (General) Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definition

3. In this Regulation:

“**the Act**” means the Industrial and Commercial Training Act 1989.

Exempt trades: sec. 24

4. (1) The object of this clause is to exempt dairymen from the provisions of section 24 of the Act that prevent persons under the age of 21 years from being employed in declared trades unless they are apprentices or qualified tradespersons.

(2) The declared trade of Dairyman is exempt from the operation of section 24 of the Act.

Witnesses' expenses: sec. 75

5. For the purposes of section 75 of the Act, the allowances and expenses payable to a person who is required to attend or to give evidence at a hearing under Part 4 of the Act are the same as the allowances and expenses payable to a witness in proceedings under the Local Courts (Civil Claims) Act 1970.

Appeals: sec. 86

6. (1) For the purposes of section 86 of the Act, an appeal is to be made by way of a written notice of appeal lodged at, or sent by post to, any of the offices of the Department.

(2) In the case of an appeal referred to in section 86 (c) of the Act, a copy of the notice of appeal must be given to the apprentice or trainee, and to the current employer of the apprentice or trainee, within 7 days after the appeal is made.

(3) In the case of an appeal referred to in section 86 (d) or (e) of the Act, a copy of the notice of appeal must be given to the other party to the apprenticeship or traineeship within 7 days after the appeal is made.

(4) In the case of an appeal referred to in section 86 (h) or (i) of the Act, a copy of the notice of appeal must be given to the other party or parties to the hearing of the complaint within 7 days after the appeal is made.

Certificates of identification: sec. 89

7. The prescribed form for a training officer's certificate of identification referred to in section 89 (6) of the Act is as follows:

INDUSTRIAL AND COMMERCIAL TRAINING ACT 1989	
CERTIFICATE OF IDENTIFICATION	
I, the Commissioner for Vocational Training, certify that the holder of this certificate,	
whose photograph and signature appear below, is a training officer for the purposes of the Industrial and Commercial Training Act 1989.	
<div style="border: 1px solid black; width: 80%; margin: 0 auto; padding: 5px;"> Affix photograph here </div> Signature of training officer
 Signature of Commissioner

Progress cards**8. (1) An employer:**

- (a) must complete a progress card for each trainee apprentice employed by the employer; and
- (b) must retain each such card at the place where the trainee apprentice is employed; and
- (c) must produce any such card for inspection on demand made by a training officer; and
- (d) must return each such card to the Commissioner:
 - (i) if the apprenticeship concerned is cancelled, suspended or completed; or
 - (ii) if the Commissioner so requests by notice in writing given to the employer.

(2) A progress card is to be in the form approved for the time being by the Commissioner and must be completed in accordance with any directions shown on the card.

Nomination of appointed members: Sch. 3, cl. 2

- 9. (1)** For the purposes of clause 2 (a) of Schedule 3 to the Act:
- (a) the prescribed persons or bodies to nominate candidates for appointment as members of the Board to represent employers in a particular declared trade or declared calling are all employers, and all associations or industrial organisations of employers, that are parties to an industrial award or agreement relating to the employment of apprentices or trainees in that trade or calling; and
 - (b) the prescribed manner of nominating candidates for appointment as members of the Board to represent employers in that trade or calling is for the persons or bodies prescribed by paragraph (a) in respect of that trade or calling to jointly nominate in writing:
 - (i) on the request of the Minister; or
 - (ii) on the Occurrence of a vacancy in the office of the member previously appointed in respect of that trade or calling, up to 3 candidates from whom the Minister must appoint at least one member in respect of that trade of calling.
- (2)** For the purposes of clause 2 (b) of Schedule 3 to the Act:
- (a) the prescribed persons or bodies to nominate candidates for appointment as members of the Board to represent employees in a particular declared trade or declared calling are all industrial organisations of employees that are parties to an industrial award or agreement relating to the employment of apprentices or trainees in that trade or calling; and
 - (b) the prescribed manner of nominating candidates for appointment as members of the Board to represent employees in that trade or calling is for the bodies prescribed by paragraph (a) in respect of that trade or calling to jointly nominate in writing:
 - (i) on the request of the Minister; or
 - (ii) on the occurrence of a vacancy in the office of the member previously appointed in respect of that trade or calling, up to 3 candidates from whom the Minister must appoint at least one member in respect of that trade or calling.

Withdrawal of nominations: Sch. 3, cl. 6

10. For the purposes of clause 6 (1) (b) of Schedule 3 to the Act, the prescribed manner of withdrawing the nomination of a member of the Board is for the person or body by whom the nomination was made to give notice in writing to the Director-General that the nomination is withdrawn.

Repeal

11. (1) The Industrial and Commercial Training (General) Regulation 1989 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the Industrial and Commercial Training (General) Regulation 1989, had effect under that Regulation continues to have effect under this Regulation.

NOTES**TABLE OF PROVISIONS**

1. Citation
2. Commencement
3. Definition
4. Exempt trades: sec. 24
5. Witnesses' expenses: sec. 75
6. Appeals: sec. 86
7. Certificates of identification: sec. 89
8. Progress cards
9. Nomination of appointed members: Sch. 3, cl. 2
10. Withdrawal of nominations: Sch. 3, cl. 6
11. Repeal

EXPLANATORY NOTE

The object of this Regulation is to repeal and remake, with minor changes only, the provisions of the Industrial and Commercial Training (General) Regulation 1989. The new Regulation deals with the following matters:

- (a) the exemption of dairymen from a provision that prohibits the employment in a declared trade of persons who are under 21 unless they are apprentices or qualified tradespersons (clause 4);

1995—No. 493

- (b) the payment of witnesses' expenses (clause 5);
- (c) procedures relating to appeals (clause 6);
- (d) the form for a training officer's certificate of identification (clause 7);
- (e) the keeping of progress cards for apprentices (clause 8);
- (f) the nomination of members for appointment to the Vocational Training Board (clause 9);
- (g) the form for the withdrawal of any such nomination (clause 10);
- (h) other provisions of a formal nature (clauses 1, 2, 3 and 11).

This Regulation is made under the Industrial and Commercial Training Act 1989, including section 100 (the general regulation making power), sections 24, 75, 86 and 89 and clauses 2 and 6 of Schedule 3.

This Regulation relates to matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
