



New South Wales

Apprenticeship and Traineeship Amendment Regulation 2001

under the

Apprenticeship and Traineeship Act 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Apprenticeship and Traineeship Act 2001*.

JOHN WATKINS, M.P.,

Minister for Education and Training

Explanatory note

The object of this Regulation is to amend the *Industrial and Commercial Training Regulation 2000* (which, pursuant to clause 23 of Schedule 4 to the *Apprenticeship and Traineeship Act 2001*, is deemed to be a regulation under that Act) so as to make provision consequent on the enactment of that Act. In particular, this Regulation amends the *Industrial and Commercial Training Regulation 2000* so as to prescribe the fees that may be charged under section 75 of the *Apprenticeship and Traineeship Act 2001*.

This Regulation is made under the *Apprenticeship and Traineeship Act 2001*, including section 81 (the general power to make regulations), sections 46, 54, 67 and 75, clauses 2 and 5 of Schedule 1 and clauses 2 and 5 of Schedule 2.

2001 No 1004

Clause 1 Apprenticeship and Traineeship Amendment Regulation 2001

**Apprenticeship and Traineeship Amendment
Regulation 2001**

1 Name of Regulation

This Regulation is the *Apprenticeship and Traineeship Amendment Regulation 2001*.

2 Commencement

This Regulation commences on 1 January 2002.

3 Amendment of Industrial and Commercial Training Regulation 2000

The *Industrial and Commercial Training Regulation 2000* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 1 Name of Regulation

Omit “*Industrial and Commercial Training*”.
Insert instead “*Apprenticeship and Traineeship*”.

[2] Clause 3 Definition

Omit the definition of *the Act* from clause 3 (1). Insert instead:
the Act means the *Apprenticeship and Traineeship Act 2001*.

[3] Clause 4 Witnesses’ expenses

Omit “section 75”. Insert instead “section 46 (3)”.

[4] Clause 5 Appeals

Omit “section 86” from clause 5 (1). Insert instead “section 54 (1)”.

[5] Clause 5 (2)

Omit “section 86 (c)”. Insert instead “section 54 (1) (c)”.

[6] Clause 5 (3)

Omit “section 86 (d) or (e)”. Insert instead “section 54 (1) (d) or (e)”.

[7] Clause 5 (4)

Omit “section 86 (h) or (i)”. Insert instead “section 54 (1) (j) or (k)”.

[8] Clause 6

Omit the clause. Insert instead:

6 Certificates of identification

The prescribed form for an industry training officer’s certificate of identification referred to in section 67 (6) of the Act is Form 1 in Schedule 1.

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Schedule 1 Amendments

[9] Clauses 8, 9 and 10

Omit the clauses. Insert instead:

8 Nomination of appointed members of Tribunal

- (1) For the purposes of clause 2 (a) of Schedule 1 to the Act:
 - (a) the prescribed organisations or associations to nominate candidates for appointment as members of the Tribunal to represent registered training organisations in relation to a particular recognised trade vocation or recognised traineeship vocation are all registered training organisations that provide training in relation to that vocation, and
 - (b) the prescribed manner of nominating candidates for appointment as members of the Tribunal to represent registered training organisations in relation to that vocation is for the prescribed organisations or associations to jointly nominate in writing:
 - (i) on the request of the Director-General, or
 - (ii) on the occurrence of a vacancy in the office of each member previously appointed on their nomination in respect of that vocation,up to 3 candidates from whom the Director-General must appoint at least one member in respect of that vocation.
- (2) For the purposes of clause 2 (b) of Schedule 1 to the Act:
 - (a) the prescribed employers or organisations to nominate candidates for appointment as members of the Tribunal to represent employers in relation to a particular recognised trade vocation or recognised traineeship vocation are all employers, and all industrial organisations of employers, that are parties to an industrial award or agreement relating to the employment of apprentices or trainees in that vocation, and

- (b) the prescribed manner of nominating candidates for appointment as members of the Tribunal to represent employers in relation to that vocation is for the prescribed employers or organisations to jointly nominate in writing:
 - (i) on the request of the Director-General, or
 - (ii) on the occurrence of a vacancy in the office of each member previously appointed on their nomination in respect of that vocation,up to 3 candidates from whom the Director-General must appoint at least one member in respect of that vocation.
- (3) For the purposes of clause 2 (c) of Schedule 1 to the Act:
 - (a) the prescribed organisations to nominate candidates for appointment as members of the Tribunal to represent employees in relation to a particular recognised trade vocation or recognised traineeship vocation 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 vocation, and
 - (b) the prescribed manner of nominating candidates for appointment as members of the Tribunal to represent employees in relation to that vocation is for the prescribed organisations to jointly nominate in writing:
 - (i) on the request of the Director-General, or
 - (ii) on the occurrence of a vacancy in the office of each member previously appointed on their nomination in respect of that vocation,up to 3 candidates from whom the Director-General must appoint at least one member in respect of that vocation.
- (4) For the purposes of clause 5 (2) of Schedule 1 to the Act, the prescribed manner of withdrawing the nomination of a member of the Tribunal is for each person or body by whom the nomination was made to give notice in writing to the Director-General that the nomination is withdrawn.

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Schedule 1 Amendments

9 Nomination of appointed members of Appeal Panel

- (1) For the purposes of clause 2 (a) of Schedule 2 to the Act:
- (a) the prescribed organisations or associations to nominate candidates for appointment as members of the Appeal Panel to represent registered training organisations in relation to a particular recognised trade vocation or recognised traineeship vocation are all registered training organisations that provide training in relation to that vocation, and
 - (b) the prescribed manner of nominating candidates for appointment as members of the Appeal Panel to represent registered training organisations in relation to that vocation is for the prescribed organisations or associations to jointly nominate in writing:
 - (i) on the request of the Director-General, or
 - (ii) on the occurrence of a vacancy in the office of each member previously appointed on their nomination in respect of that vocation,up to 3 candidates from whom the Director-General must appoint at least one member in respect of that vocation.
- (2) For the purposes of clause 2 (b) of Schedule 2 to the Act:
- (a) the prescribed employers or organisations to nominate candidates for appointment as members of the Appeal Panel to represent employers in relation to a particular recognised trade vocation or recognised traineeship vocation are all employers, and all industrial organisations of employers, that are parties to an industrial award or agreement relating to the employment of apprentices or trainees in that vocation, and
 - (b) the prescribed manner of nominating candidates for appointment as members of the Appeal Panel to represent employers in relation to that vocation is for the prescribed employers or organisations to jointly nominate in writing:
 - (i) on the request of the Director-General, or

- (ii) on the occurrence of a vacancy in the office of each member previously appointed on their nomination in respect of that vocation,

up to 3 candidates from whom the Director-General must appoint at least one member in respect of that vocation.
- (3) For the purposes of clause 2 (c) of Schedule 2 to the Act:
 - (a) the prescribed organisations to nominate candidates for appointment as members of the Appeal Panel to represent employees in relation to a particular recognised trade vocation or recognised traineeship vocation 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 vocation, and
 - (b) the prescribed manner of nominating candidates for appointment as members of the Appeal Panel to represent employees in relation to that vocation is for the prescribed organisations to jointly nominate in writing:
 - (i) on the request of the Director-General, or
 - (ii) on the occurrence of a vacancy in the office of each member previously appointed on their nomination in respect of that vocation,

up to 3 candidates from whom the Director-General must appoint at least one member in respect of that vocation.
- (4) For the purposes of clause 5 (2) of Schedule 2 to the Act, the prescribed manner of withdrawing the nomination of a member of the Appeal Panel is for each person or body by whom the nomination was made to give notice in writing to the Director-General that the nomination is withdrawn.

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Schedule 1 Amendments

10 Fees

- (1) The matters for which fees are payable as referred to in section 75 of the Act, and the amounts of those fees, are as follows:
 - (a) for dealing with any application lodged under section 35, 36 or 37 of the Act for recognition of a person's qualifications or experience in a particular recognised trade vocation, \$125,
 - (b) for conducting any examination, test or work-based assessment for the purposes of section 35, 36 or 37 of the Act to ascertain if a person has acquired the competencies of a particular recognised trade vocation, \$250,
 - (c) for issuing any replacement craft certificate, certificate of completion or certificate of proficiency, \$25.
- (2) The fee paid for the conduct of an examination, test or work-based assessment, pursuant to an appeal under section 54 of the Act, to ascertain if a person has acquired the competencies of a particular recognised trade vocation, is to be remitted if the results of the examination, test or assessment indicate that the person has acquired those competencies.
- (3) A fee referred to in subclause (1) may be waived or refunded in any circumstances in which the Commissioner is satisfied that it would be harsh or unconscionable, or otherwise inappropriate, to charge the fee.

[10] Schedule 1

Insert at the end of the Regulation:

Schedule 1 Forms

Form 1 Certificate of identification

(Clause 6)

(Apprenticeship and Traineeship Act 2001)

I, the Commissioner for Vocational Training, certify that the holder of this certificate:

.....

whose photograph and signature appear below, is an industry training officer for the purposes of the *Apprenticeship and Traineeship Act 2001*.

[Affix photograph here]

.....
Signature of industry training officer

.....
Signature of Commissioner