

Apprenticeship and Traineeship Regulation 2017

[2017-229]



New South Wales

Status Information

Currency of version

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Apprenticeship and Traineeship Regulation 2017



New South Wales

1 Name of Regulation

This Regulation is the *Apprenticeship and Traineeship Regulation 2017*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Note—

This Regulation repeals and replaces the *Apprenticeship and Traineeship Regulation 2010* which would otherwise be repealed on 1 September 2017 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

Secretary means the Secretary of the Department.

the Act means the *Apprenticeship and Traineeship Act 2001*.

Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Applications to establish apprenticeships and traineeships

(1) (Repealed)

(2) An application under section 7 of the Act may be varied or withdrawn by the same method by which it was made.

(3) If an application is made electronically by an agent, a hard copy of the relevant training contract and associated documentation:

(a) must be kept by the agent, in a manner approved by the Commissioner, for the

period specified by the Commissioner, and

- (b) must be made available for inspection by the Commissioner at the Commissioner's request if reasonable notice of the request is given.

Maximum penalty: 5 penalty units.

- (4) (Repealed)

5, 6 (Repealed)

7 Juniors may be employed in certain trade vocations

For the purposes of section 25 (2) (c) of the Act, the employment of a junior in the following recognised trade vocations is exempted from the operation of section 25 of the Act:

- (a) beauty therapy, but only if the junior has been awarded the qualification known as the "Certificate IV in Beauty Therapy SIB40110" (or any qualification which replaces that certificate) by a registered training organisation,
- (b) hairdressing, but only if the junior has been awarded an authorised qualification (within the meaning of section 4 of the *Hairdressers Act 2003*) by a registered training organisation.

8 Witnesses' expenses

For the purposes of section 46 (3) 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 before the Civil and Administrative Tribunal of New South Wales.

9, 10 (Repealed)

11 Certificates of identification

For the purposes of section 67 (6) of the Act, the following form is prescribed:

(Apprenticeship and Traineeship Act 2001)

I, the Commissioner for Vocational Training, certify that the holder of this certificate, [*insert name of holder*] whose photograph and signature appear below, is an industry training officer for the purposes of the *Apprenticeship and Traineeship Act 2001*.

[<i>affix photograph here</i>]

Signature of holder: [*insert signature*]

Signature of Commissioner: [*insert signature*]

12 Fees

- (1) For the purposes of section 75 of the Act, the matters for which fees are payable and the amounts of those fees are as follows:
 - (a) for dealing with any application lodged under section 36 or 37 of the Act for recognition of a person's qualifications or experience in a particular recognised trade vocation, \$200,
 - (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, \$350,
 - (c) for issuing any replacement certificate of proficiency, \$60,
 - (d) for verifying the authenticity of a certificate of proficiency, \$60.
- (2) 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.

13 (Repealed)

14 Repeal and savings

- (1) The *Apprenticeship and Traineeship Regulation 2010* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Apprenticeship and Traineeship Regulation 2010*, had effect under that Regulation continues to have effect under this Regulation.