

Apprenticeship and Traineeship Regulation 2000

[2000-455]



New South Wales

Status Information

Currency of version

Repealed version for 1 January 2002 to 31 August 2005 (accessed 18 July 2024 at 9:39)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

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

Notes—

- **Previously named**
Industrial and Commercial Training Regulation 2000
- **Note**
The *Apprenticeship and Traineeship Regulation 2000* (formerly *Industrial and Commercial Training Regulation 2000*) made under the *Industrial and Commercial Training Act 1989* is on and from 1.1.2002 taken to be a regulation under the *Apprenticeship and Traineeship Act 2001 No 80*. See clause 23 of Schedule 4 to the *Apprenticeship and Traineeship Act 2001*.
- **Repeal**
The Regulation was repealed by sec 10 (2) of the *Subordinate Legislation Act 1989 No 146* with effect from 1.9.2005.

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*.

File last modified 1 September 2005

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Apprenticeship and Traineeship Regulation 2000



New South Wales

1 Name of Regulation

This Regulation is the *Apprenticeship and Traineeship Regulation 2000*.

2 Commencement

This Regulation commences on 1 September 2000.

Note—

This Regulation replaces the *Industrial and Commercial Training (General) Regulation 1995* which is repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

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

(2) The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

4 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 under the *Local Courts (Civil Claims) Act 1970*.

5 Appeals

(1) For the purposes of section 54 (1) 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 54 (1) (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 54 (1) (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 54 (1) (j) or (k) 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.

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.

7 Progress cards

- (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.

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.

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.

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.

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*.

.....

Signature of industry training officer

[Affix photograph here]

.....

Signature of Commissioner