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Regulations under the *Industries Training Act*

I, JAMES HENRY MUIRHEAD, the Acting Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Industries Training Act*.

Dated this 26th day of May, 1980.

J.H. MUIRHEAD
Acting Administrator

INDUSTRIES TRAINING REGULATIONS

1. CITATION

These Regulations may be cited as the Industries Training Regulations.

2. REFERENCE TO FORMS

A reference in these Regulations to a form by number is a reference to the form so numbered in Schedule 1.

3. FORMS

For the purposes of—

- (a) section 35(2)(a) of the Act — Form 1 is prescribed as the form of application to attend a training course;
- (b) section 48 of the Act — Form 2 is prescribed as the form of notification to the Commission of the commencement of employment of an apprentice; and
- (c) section 64(1) of the Act — Form 3 is prescribed as the form of assignment of indentures.

4. FORM OF INDENTURES

Indentures of apprenticeship may be in the form set out in Schedule 2.

5. COVENANTS

For the purposes of section 51(1)(a) of the Act, the covenants contained in the indentures of apprenticeship set out in Schedule 2 are prescribed as the covenants to be contained in indentures of apprenticeship.

6. RATE OF WAGES

(1) For the purposes of section 41(2) of the Act, the rate of wages payable to an apprentice in respect of his employment in a year of his apprenticeship in an apprenticeship trade is prescribed as the rate calculated in accordance with this regulation.

(2) Subject to this regulation, the prescribed rate of wages for an apprentice in an apprenticeship trade is—

*Notified in the *Northern Territory Government Gazette* on 6th June, 1980.

- (a) in respect of an apprentice the term of whose indentures of apprenticeship is 3 years—
 - (i) in the first year — 50 per cent;
 - (ii) in the second year — 70 per cent; and
 - (iii) in the third year — 85 per cent; and
 - (b) in respect of an apprentice the term of whose indentures of apprenticeship is 4 years—
 - (i) in the first year — 40 per cent;
 - (ii) in the second year — 50 per cent;
 - (iii) in the third year — 70 per cent; and
 - (iv) in the fourth year — 85 per cent,
- of the rate of wages—
- (c) fixed by an award made under the *Conciliation and Arbitration Act 1904* of the Commonwealth; or
 - (d) if no award has been made under the *Conciliation and Arbitration Act 1904* of the Commonwealth — ruling in the Territory,

in respect of tradesmen employed in that trade.

(3) Where the Commission certifies that an apprentice has obtained not less than 75 per cent of the possible marks in any annual examination in the training courses determined under section 57 of the Act in respect of a year of his apprenticeship, the rate of wages payable to the apprentice in the next year of his apprenticeship is the rate that would be payable under sub-regulation (2) plus 2.5 per cent.

(4) Where an apprentice is absent from his work without the consent of his employer in a year of his apprenticeship, he shall be deemed, for the purposes of this regulation, not to have progressed to the next year of his apprenticeship until after the expiration of the year of his apprenticeship during which he was so absent and the number of days after that year equal to the number of days during which he was so absent less any time which he has worked in that year in excess of his ordinary hours of service.

7. TERMS AND CONDITIONS

(1) For the purposes of section 42(2) of the Act, the terms and conditions of employment relating to the method of payment of wages and other amounts due, public holidays, annual leave, sick leave, travelling time, hours of employment and overtime of an apprentice in an apprenticeship trade are, subject to this regulation, prescribed to be the terms and conditions—

- (a) fixed by an award made under the *Conciliation and Arbitration Act 1904* of the Commonwealth; or
- (b) if no award under the *Conciliation and Arbitration Act 1904* of the Commonwealth has been made — ruling in the Territory,

in respect of tradesmen employed in that trade.

(2) An employer shall not require an apprentice who has not attained the age of 18 years to work overtime without the consent of the apprentice.

(3) An employer shall not employ an apprentice on overtime—

- (a) where the working of that overtime would interfere in any manner with the attendance of the apprentice at classes for instruction in a training course approved by the Commission; and
- (b) unless not less than one tradesman is employed at the same trade during the same period of overtime.

8. TERM OF APPRENTICESHIP

(1) Subject to sub-regulation (2), for the purposes of section 51(1)(b)(i) of the Act, in respect of an apprenticeship trade specified in Column 1 of Schedule 3, the term specified opposite that trade in Column 2 of that Schedule is prescribed as the term of indentures of apprenticeship in that trade.

(2) Where an apprentice is absent from his work without the consent of his employer, the term of his indentures is deemed to be extended by one day for each day on which he was so absent less any time which he has worked in excess of his ordinary hours of service.

9. NOTICE TO BE GIVEN ON COMPLETION OF APPRENTICESHIP

The employer of an apprentice, shall, within 14 days after the date of completion of the apprenticeship of the apprentice, forward to the Commission a notice containing—

- (a) the apprentice's name and trade;
- (b) the number of days during which the apprentice has been absent from work during the apprenticeship in excess of his normal lawful entitlement; and
- (c) the date on which the apprentice completes his apprenticeship after making up any lost time.

10. COMPLETION ENDORSEMENT

For the purposes of section 79 of the Act, the form of endorsement on indentures of apprenticeship is a certificate signed by the Secretary of the Commission that the apprentice has completed the apprenticeship.

SCHEDULE 1

FORM 1

Regulation 3(a)

NORTHERN TERRITORY OF AUSTRALIA

Industries Training Act

Section 35(2)(a)

Industries Training Commission
P.O. Box 2056
Darwin N.T. 5794
Telephone

APPLICATION FOR APPROVAL TO ATTEND A TRAINING COURSE

Surname Date of birth

Given names

Address

..... Telephone

Present occupation

Training course desired

.....

Education qualifications

.....

.....

Details of employer:

Name

Address

..... Telephone

Nature of business

.....

Signature of Applicant

Date / /



FORM 2

Regulation 3(b)

NORTHERN TERRITORY OF AUSTRALIA

Industries Training Act

Section 48

Industries Training Commission
P.O. Box 2056
Darwin N.T. 5794

NOTIFICATION OF EMPLOYMENT OF A REGISTERED APPLICANT FOR APPRENTICESHIP

This form must be completed and forwarded to the Industries Training Commission within 14 days of the commencement of employment on probation of either an applicant for apprenticeship in any apprenticeship trade or an apprenticeship on assignment. Maximum penalty for non-compliance is \$200. See other side of form for instructions.

Details of Apprentice

Surname
Given names
Address Postcode
Description of trade
Name and address of previous employer if apprentice is indentured or on assignment
Trade classes being attended by apprentice
Trade School Stage

Details of Employer

Surname
Given names
(If a partnership, full name of all partners and if a company, correct name of company)
Trading name
Postal address Postcode Phone
Business address where apprenticeship is employed Postcode Phone
Signature of employer or representative
Date / /

FOR OFFICE USE ONLY

Table with 3 columns: TRADE CODE, EMPLOYER CODE, DATE OF COMMENCEMENT; Serial Week, Term, Credit; Basic Term, Pr Ex Credit, Education Credit. Includes a Date field at the bottom.

FORM 3

Regulation 3(c)

NORTHERN TERRITORY OF AUSTRALIA

Industries Training Act

Section 64(1)

ASSIGNMENT OF INDENTURE OF APPRENTICESHIP

THIS INDENTURE made the day of, 19.....,
between of
hereinafter called "the apprentice", who was born on....., 19.....,
..... of
..... (hereinafter called "the guardian")*
..... of
..... (hereinafter called "the present employer") and
..... of
..... (hereinafter called "the past employer")

WHEREAS the apprentice, the guardian* and the past employer have executed
indentures of apprenticeship dated the day of, 19.....,
(hereinafter called "the indenture")

NOW THIS INDENTURE WITNESSES THAT

- 1. In consideration of the sum of One dollar (\$1.00), the receipt whereof is hereby
acknowledged, the past employer hereby assigns to the present employer the interest of
the past employer in the indenture.
2. The present employer covenants with the apprentice and the guardian and with each
of them separately* that he will observe and perform all of the covenants of the previous
employer contained in the indenture as if he (the present employer) were named as the
employer in the indenture.
3. The apprentice and the guardian jointly and severally covenant that the apprentice
will* /The apprentice covenants with the new employer to observe and perform all of the
covenants contained in the indenture as if the new employer were named as the
employer in the indenture.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day
and year abovementioned.

SIGNED, SEALED AND DELIVERED
BY THE PARTIES HERETO

(Apprentice) (Witness)
(Past Employer) (Witness)
(Present Employer) (Witness)
(Guardian)* (Witness)

Approved and registered by the Industries Training Commission

Registrar

*Delete if apprentice over 18

SCHEDULE 2

Regulation 4

NORTHERN TERRITORY OF AUSTRALIA

Industries Training Act

Section 51(1)

INDENTURE OF APPRENTICESHIP

Register No:

THIS INDENTURE made the day of, 19.....,
 between of
 (hereinafter called "the apprentice"), who was born on, 19.....,
 of
 (hereinafter called "the guardian")*
 and of
 (hereinafter called "the employer")

WITNESSES THAT

1. The apprentice of his own free will binds himself apprentice to the employer to learn the trade of for a term of years which is deemed to have commenced on 19.....
2. The apprentice and the guardian jointly and severally covenant that the apprentice will*/The apprentice covenants that he will—
 - (a) serve the employer faithfully and diligently and attend to the employer's business at such places and times as the employer may lawfully direct;
 - (b) obey all lawful commands of the employer;
 - (c) not commit, permit or be an accessory to any waste, damage or injury to the employer or the employer's property;
 - (d) not be absent from employer's service during approved working hours without consent or as provided by law;
 - (e) observe proper standards of behaviour and not misconduct himself while in his employer's service and while attending a training course which he is required to attend; and
 - (f) maintain the training record book issued to him by the Industries Training Commission.
3. The employer covenants with the apprentice and the guardian and with each of them separately* that he will—
 - (a) train the apprentice or cause the apprentice to be trained in the trade by the best means in the employer's power during the term; and
 - (b) provide facilities for the practical training of the apprentice, including training on and with modern tools of equipment, and give the apprentice every opportunity to learn the trade and to receive, during the term, such technical, trade or other training as the apprentice may be required to gain by or under the *Industries Training Act*;
 - (c) pay wages to the apprentice during the term at a rate not less than the minimum rate of wages to which the apprentice is or may be entitled; and
 - (d) not take any action to penalize the apprentice in respect of unfavourable patterns of work behaviour, including poor performance, without first providing counselling and assistance.

Industries Training Regulations

4. It is hereby agreed and declared between the parties that—
- (a) this indenture shall not be cancelled except in accordance with the *Industries Training Act*;
 - * (b) the covenants of the guardian herein are covenants as surety for the observance and performance by the apprentice of those covenants;
 - (c) words and expressions in this indenture importing—
 - (i) the singular or the plural — include the plural and the singular respectively; and
 - (ii) the male gender — include the female gender and the neuter gender; and
 - (d) this indenture shall be read subject to and so as to require compliance by the parties with the *Industries Training Act* and any Regulations and determinations made thereunder.

SIGNED, SEALED AND DELIVERED
BY THE PARTIES HERETO

..... (Apprentice) (Witness)
..... (Present employer) (Witness)
..... (Guardian)* (Witness)

*Delete if apprentice over 18

COMPLETION OF APPRENTICESHIP

The apprenticeship within described has been completed.

.....
Chairman
Industries Training Commission

SCHEDULE 3

Regulation 8

TERM OF APPRENTICESHIP

Column 1	Column 2
Apprenticeship Trade	Term

PART I

Blacksmithing	
Boilermaking/Welding	
Butchering (Slaughtering)	
Butchering (Smallgoods)	
Cabinetmaking	
Carpentry and Joinery	
Dressmaking	
Engineer, Air Maintenance (Ground)	
Fitting, Electrical	
Fitting and Turning	
Fitting/Mechanics, Electrical	
Hairdressing	
Horticulture	
Instrument Fitting	
Instrument Making	
Mechanics, Airconditioning	
Mechanics, Aircraft (Airframe)	
Mechanics, Aircraft (Engine)	
Mechanics, Automotive Electrical	4 years
Mechanics, Dental	
Mechanics, Diesel	
Mechanics, Motor	
Mechanics, Motor (Small Engines)	
Mechanics, Optical	
Mechanics, Plant (Heavy Earthmoving Equipment)	
Mechanics, Refrigeration	
Painting and Decorating	
Panel Beating	
Panel Beating and Spray Painting	
Plumbing and Draining	
Printing/Bookbinding	
Printing/Hand and Machine Compositing	
Printing/Letterpress Machining	
Printing/Mechanics, Linotype	
Printing, Lithographic (Camera Operation)	
Printing, Lithographic and Platemaking	
Printing/Machine Compositing	
Printing, Offset	
Sheet Metal Working	
Signwriting	
Spraypainting	

Column 1	Column 2
Apprenticeship Trade	Term
PART II	
Baking Bricklaying Butchering (Shopman) Cooking, Pastry Floor and Wall Tiling Glazing Greenkeeping Machining, Wood Mechanics, Typewriter/ Calculating Machine Millinery Plastering Upholstering Welding	If the apprentice, on executing the indentures has not attained the age of 17 years, the term is 4 years; and in any other case— 3 years
PART III	
Linesman/X.L.P.E. Cable Jointing	3 years