

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1986, No. 7 *

Regulations under the *Industry and Employment
Training Act*

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Industry and Employment Training Act*.

Dated this 27th day of March, 1986.

E. E. JOHNSTON
Administrator

By His Honour's Command

I. L. TAYLOR

Chief Minister for and on behalf of
Minister for Industry and
Small Business and Tourism

APPRENTICESHIP REGULATIONS

1. CITATION

These Regulations may be cited as the Apprenticeship Regulations.

2. FORM OF INDENTURES

Indentures of apprenticeship may be in accordance with the form set out in Schedule 1.

3. COVENANTS

For the purposes of section 33(1)(a) of the Act, the covenants contained in the indentures of apprenticeship set out in Schedule 1 are prescribed as the covenants to be contained in indentures of apprenticeship.

* Notified in the Northern Territory Government Gazette on 30 APR, 1986.

G. L. DUFFIELD, Government Printer of the Northern Territory

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4. FORMS OF ASSIGNMENT OF INDENTURES

For the purpose of section 47(1) of the Act, an assignment of indentures shall be in the form set out in Schedule 2.

5. RATE OF WAGES

(1) For the purposes of section 24(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 -

(a) where the prescribed term of the apprenticeship trade is 3 years -

- (i) in the first year - 50%;
- (ii) in the second year - 70%; and
- (iii) in the third year - 85%; and

(b) where the prescribed term of the apprenticeship trade is 4 years -

- (i) in the first year - 40%;
- (ii) in the second year - 50%;
- (iii) in the third year - 70%; and
- (iv) in the fourth year - 85%;

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 - fixed by the Secretary having regard to the rate in the Territory,

in respect of tradesmen employed in the trade.

(3) Subject to subregulation (6), the prescribed rate of wages for an apprentice who has attained the age of 21 years is -

(a) 70% of the rate of wages -

- (i) fixed by an award made under the *Conciliation and Arbitration Act 1904* of the Commonwealth; or

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- (ii) if no award has been made under the *Conciliation and Arbitration Act 1904* of the Commonwealth - fixed by the Secretary having regard to the rate in the Territory,

in respect of tradesmen employed in the trade; or

- (b) the rate of wages calculated in accordance with subregulation (2),

whichever is the greater.

(4) Where the Secretary certifies that an apprentice has obtained not less than 75% of the possible marks in the annual examination in the training courses determined under section 40 or as substituted by section 41(2) of the Act in respect of a year of his apprenticeship, the rate of wages payable to the apprentice in the next calendar year of his apprenticeship is the rate that would be payable under subregulation (2) or (3) plus 2.5%.

(5) For the purposes of determining the rate of wages to be paid to an apprentice under this Regulation, the Secretary may, where the apprentice is absent from his work without the consent of his employer in a year of his apprenticeship, declare that the apprentice be deemed 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.

(6) Subregulation (3) shall not apply to an apprentice employed in an apprenticeship trade before the commencement of these Regulations.

6. TERMS AND CONDITIONS

(1) For the purposes 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 - fixed by the Secretary having regard to the terms and conditions ruling in the Territory,

in respect of tradesmen employed in that trade.

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(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 Secretary; and

(b) unless not less than one tradesman is employed at the same trade during the same period of overtime.

(4) An apprentice shall not be required to carry out work in his apprenticeship trade unless he is under the supervision of a tradesman when carrying out that work.

7. TERM OF APPRENTICESHIP

(1) Subject to subregulation (2), for the purposes of section 33(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.

8. 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 Secretary 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.

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9. COMPLETION ENDORSEMENT

For the purposes of section 62 of the Act, the prescribed endorsement is the certificate, as set out in Schedule 1 that the apprentice has completed his apprenticeship, signed by the Secretary.

SCHEDULE 1

Regulations 2, 3 and 9

NORTHERN TERRITORY OF AUSTRALIA

Industry and Employment Training Act

Section 33(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 on the basis of
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; and

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- (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.
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;
 - (b) provide facilities for the practical training of the apprentice, including training on and with modern tools and 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 *Industry and Employment 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.
4. It is hereby agreed and declared between the parties that -
- (a) this indenture shall not be cancelled except in accordance with the *Industry and Employment 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 *Industry and Employment Training Act* and any regulations and determinations made thereunder.

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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
on

Trade course completed/not completed.

Trade Certificate No.:

.....
Secretary/Delegate of the Secretary

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SCHEDULE 2

Regulation 4

NORTHERN TERRITORY OF AUSTRALIA

Industry and Employment Training Act

Section 47(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), 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.

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IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year above-mentioned.

SIGNED, SEALED AND DELIVERED
BY THE PARTIES HERETO

..... (Apprentice) (Witness)

..... (Past employer) (Witness)

..... (Present employer) (Witness)

..... (Guardian)* (Witness)

Approved and registered by the Secretary

.....
Secretary/Delegate of the Secretary

*Delete if apprentice over 18

Apprenticeship Regulations

SCHEDULE 3

Regulation 7

Column 1	Column 2
Apprenticeship trade	Term
<u>METAL TRADES</u>	
Airconditioning and Refrigeration Mechanics	4 years
Aircraft Maintenance Engineering (Ground)	4 years
Aircraft Mechanics (Airframe)	4 years
Aircraft Mechanics (Engine)	4 years
Blacksmithing	3 years
Diesel Fitting	4 years
Diesel Mechanics	4 years
Fitting and Machining	4 years
Instrument Fitting	4 years
Instrument Making	4 years
Locksmithing	3 years
Metal Fabrication/Welding	4 years
Motor Mechanics	4 years
Motor Mechanics (Small Engines)	4 years
Office Machine Mechanics	4 years
Optical Mechanics	4 years
Plant Mechanics (Heavy Earth-moving Equipment)	4 years
Sheetmetal Working	4 years
Watchmaking	4 years
Welding First Class	4 years
<u>ELECTRICAL TRADES</u>	
Automotive Electrical Mechanics	4 years
Electrical Fitting	4 years
Electrical Fitting/Mechanics	4 years
Electrical Mechanics	4 years
Linesman/X.L.P.E. Cable Jointing	4 years
Radio and T.V. Mechanics	4 years
<u>BUILDING TRADES</u>	
Bricklaying	3 years
Carpentry and Joinery	4 years
Floor and Wall Tiling	3 years
Glazing	4 years
Painting and Decorating	3 years
Plastering	3 years
Plumbing and Draining	4 years
Plumbing, Draining and Gasfitting	4 years
Signwriting	4 years
Stone Masonry	3 years

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Column 1	Column 2
Apprenticeship trade	Term
<u>PRINTING TRADES</u>	
Binding and Finishing	4 years
Composition	4 years
Graphic Reproduction	4 years
Printing Machining	4 years
Screen Printing and Stencil Preparation	4 years
<u>VEHICLE TRADES</u>	
Motor Trimming	3 years
Panel Beating	4 years
Spraypainting	4 years
<u>FOOD TRADES</u>	
Baking	3 years
Butchering (Shopman)	4 years
Butchering (Slaughterman)	4 years
Cooking	4 years
Pastry Cooking	4 years
Smallgoods Manufacturing	4 years
<u>OTHER TRADES</u>	
Cabinetmaking	4 years
Dental Mechanics	4 years
Greenkeeping	4 years
Hairdressing	4 years
Horticulture	4 years
Jewellery	4 years
Upholstering	3 years
Woodmachining	4 years