

**A GENERAL ORDER TO ESTABLISH WAGE STRUCTURES FOR SCHOOL-BASED  
AND PART-TIME APPRENTICES.  
WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION**

<b>PARTIES</b>	MINISTER FOR EMPLOYMENT PROTECTION	<b>APPLICANT</b>
	-v-	
	TRADES AND LABOR COUNCIL OF WESTERN AUSTRALIA, AUSTRALIAN MINES & METALS ASSOCIATION INC AND CHAMBER OF COMMERCE & INDUSTRY OF WESTERN AUSTRALIA	<b>RESPONDENTS</b>
<b>CORAM</b>	CHIEF COMMISSIONER A R BEECH SENIOR COMMISSIONER J H SMITH COMMISSIONER S WOOD	
<b>DATE</b>	WEDNESDAY, 18 APRIL 2007	
<b>FILE NO.</b>	APPL 158 OF 2006	
<b>CITATION NO.</b>	2007 WAIRC 00382	

**Result**                      General Order issued

*General Order*

HAVING HEARD Ms E Clements and with her Ms K Berger on behalf of the applicant, Mr I Amato, assisting them on behalf of Department of Education and Training, Mr D Ellis on behalf of Trades and Labor Council of Western Australia, Mr L Joyce on behalf of Australian Mines and Metals Association Inc, Mr J Uphill on behalf of Chamber of Commerce and Industry of Western Australia and Mr L Edmonds on behalf of Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Workers Union of Australia, Engineering and Electrical Division;

THE COMMISSION IN COURT SESSION, pursuant to the powers conferred on it under section 50(2) of the *Industrial Relations Act 1979* -

HEREBY makes a General Order in the terms set out in the schedule attached.

**(L.S.)**

**(sgd.) A.R. BEECH**

COMMISSION IN COURT SESSION

## SCHEDULE

## 1. APPLICATION

- 1.1 This General Order takes effect on the first pay period on or after 18 April 2007.
- 1.2 This General Order applies to all school-based and part-time apprentices, whether or not they are employed under and subject to awards or industrial agreements.
- 1.3 Entitlements to wages and conditions for school-based and part-time apprentices which are more favourable than those set out in this General Order whether by way of award, order or agreement of this Commission or by the *Minimum Conditions of Employment Act 1993* or otherwise shall prevail.

## 2. DEFINITIONS

- 2.1 '**Industrial instrument**' means an award made under the *Industrial Relations Act 1979* and includes any industrial agreement, employer-employee agreement or order of the Commission under that Act.
- 2.2 '**Off-the-job**' training is structured training delivered by a Registered Training Organisation separate from normal work duties or general supervised practice undertaken on the job.
- 2.3 '**Training Contract**' is a contract of training, registered by the Department of Education and Training, between an apprentice, his or her legal guardian (where required), and an employer.

## 3. SCHOOL-BASED APPRENTICES

- 3.1 This clause shall apply to school-based apprentices. A school-based apprenticeship means a Training Contract and paid employment where a school-student's timetable or curriculum reflects a combination of work, training and school study, which together lead to the award of a secondary certificate or its equivalent, and progress towards an apprenticeship qualification.
- 3.2 A school-based apprenticeship may be undertaken subject to a school-based apprenticeship having been published in the Government Gazette in accordance with section 28A of the *Industrial Training Act 1979* and the *Industrial Training (Apprenticeship Training) Regulations 1981* and pursuant to a Training Contract for a school-based apprenticeship.
- 3.3 The hourly rates of pay for full-time junior and adult apprentices as set out under the relevant industrial instrument or the *Minimum Conditions of Employment Act 1993* shall apply to school-based apprentices for total hours worked including time deemed to be spent in off-the-job training.
- 3.4 For the purposes of 3.3 above, where an apprentice is a full-time school-student, the time spent in off-the-job training for which the apprentice is paid is deemed to be 25% of the

actual hours each week worked on-the-job. The wages paid for training time may be averaged over the semester or year.

- 3.5 The school-based apprentice shall be allowed, over the duration of the apprenticeship, the same amount of time to attend off-the-job training as an equivalent full-time apprentice.
- 3.6 The duration of the apprenticeship shall be as specified in the Training Contract for each apprentice. The period so specified to which the apprentice wage rates apply shall not exceed six years.
- 3.7 School-based apprentices shall progress through the wage scale at the rate of no less than 12 months' progression for each two years of employment as an apprentice or on an equivalent pro-rata basis.
- 3.8 Where an apprentice converts from school-based to full-time, all time spent as a full-time apprentice shall count for the purposes of progression through the wage scale. This progression shall apply in addition to the progression achieved as a school-based apprentice.
- 3.9 Except as otherwise provided in this General Order, a school-based apprentice shall be entitled to all other conditions, allowances and entitlements that an equivalent full-time apprentice is entitled to on a pro rata basis under the relevant industrial instrument or the *Minimum Conditions of Employment Act 1993* for all hours worked including off-the-job training as provided for in 3.4.

#### 4. PART-TIME APPRENTICES

- 4.1 An apprentice is employed on a part-time basis if the hours of employment including off-the-job training are less than:
  - a) the ordinary hours of work specified in the apprentice's industrial instrument; or
  - b) if the apprentice's industrial instrument does not specify ordinary hours, 38 ordinary hours as prescribed by the *Minimum Conditions of Employment Act 1993*.
- 4.2 A part-time apprentice will be employed for the minimum number of hours as set out in the *Industrial Training (Apprenticeship Training) Regulations 1981*.
- 4.3 The hourly rates of pay for full-time junior and adult apprentices as set out under the relevant industrial instrument or the *Minimum Conditions of Employment Act 1993* shall apply to part time apprentices for total hours worked including time spent in off-the-job training.
- 4.4 The ordinary hours of work per week, including off-the-job training, for an apprentice employed on a part-time basis shall be set out in the Training Contract. The ordinary hours can be varied by written agreement between the employer and apprentice and, if a signatory to the Training Contract, the apprentice's guardian.

- 4.5 A part-time apprentice's weekly off-the-job training time may be averaged over the period of a year or some other agreed period, provided that the pattern of ordinary working and training hours is specified in advance as part of the training programme at the commencement of each year.
- 4.6 The part-time apprentice shall be allowed, over the duration of the apprenticeship, the same amount of time to attend off-the-job training as an equivalent full-time apprentice.
- 4.7 A part-time apprentice should be advised by the employer in writing in advance and at least once each year of the off-the-job training hours and that these hours form part of the paid hours for the apprentice. This advice will be consistent with the Training Contract.
- 4.8 The duration of a part-time apprenticeship shall be specified in the Training Contract for each apprentice. The period so specified to which apprentice wage rates will apply will not exceed 6 years.
- 4.9 Part time apprentices will progress through the wage scale at the rate of 12 months' progression on the basis of the table below:

Part-time Apprenticeship duration specified in the Apprenticeship Agreement	Period of Employment to Achieve 12 Months Wages Progression
4 years	12 months
5 years	15 months
6 years	18 months

- 4.10 These rates are based on full-time apprenticeships of three, three and a half or four years. The rates of progression reflect the average rate of skill acquisition expected from the typical combination of work and training for a part-time apprentice undertaking the applicable apprenticeship.
- 4.11 Where an apprentice converts from part-time to full-time, all time spent as a full-time apprentice shall count for the purposes of progression through the wage scale. This progression shall apply in addition to the progression achieved as a part time apprentice.
- 4.12 Except as otherwise provided in this General Order, an apprentice employed on a part-time basis shall be entitled to all other conditions, allowances and entitlements that an equivalent full-time apprentice is entitled to on a pro rata basis under the relevant industrial instrument or the *Minimum Conditions of Employment Act 1993*.
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