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**INDUSTRIAL AND COMMERCIAL TRAINING AMENDMENT  
ACT 1988**

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**No. 21 of 1988**

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SCHEDULE 1

AMENDMENTS OF PRINCIPAL ACT FOR  
PURPOSE OF CONVERTING MONETARY  
PENALTIES INTO PENALTY UNITS





**INDUSTRIAL AND COMMERCIAL TRAINING  
AMENDMENT ACT 1988**

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**No. 21 of 1988**

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**AN ACT to amend the Industrial and Commercial Training Act 1985.**

**[Royal Assent 8 September 1988]**

**B**E it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—This Act may be cited as the *Industrial and Commercial Training Amendment Act 1988*. Short title.

**2**—This Act shall commence on the day on which it receives the Royal assent. Commencement.

**3**—In this Act, the *Industrial and Commercial Training Act 1985*\* is referred to as the Principal Act. Principal Act.

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\* No. 107 of 1985. Amended by No. 107 of 1985.

Amendment of  
section 3 of  
Principal Act  
(Interpretation).

**4**—Section 3 of the Principal Act is amended as follows:—

(a) by omitting the definition of “trainee” and substituting the following definition:—

“trainee” means a person whom another person has agreed to train—

(a) in a declared vocation, other than a trade, in pursuance of a contract of training; or

(b) in pursuance of a training agreement;

(b) by omitting “service.” from the definition of “training” and substituting “service;”;

(c) by adding after the definition of “training” the following definition:—

“training agreement” means an agreement, issued by the Authority, in respect of training under a scheme of training approved by the Authority under section 30 (1).

Amendment of  
section 6 of  
Principal Act  
(Membership of  
Authority).

**5**—Section 6 of the Principal Act is amended as follows:—

(a) by omitting from subsection (1) “14” and substituting “the following”;

(b) by omitting from subsection (1) (c) “Tasmanian Chamber of Industries”, twice occurring, and substituting “Tasmanian Confederation of Industries”;

(c) by inserting after subsection (1) the following subsections:—

(1A) If the person appointed as chairman of the Authority under section 7 does not hold the office of Director of Employment and Training, a person nominated by the Director of Employment and Training shall be a member of the Authority.

(1B) Subsection (1A) does not preclude the Director of Employment and Training from nominating himself as a member of the Authority.

(1C) Where, by virtue of subsection (1A), a person nominated by the Director of Employment and Training becomes a member of the Authority, that person shall not be entitled to vote at meetings of the Authority.

Amendment of  
section 11 of  
Principal Act  
(Functions and  
powers of the  
Authority).

**6**—Section 11 of the Principal Act is amended as follows:—

(a) by omitting paragraph (d) of subsection (1) and substituting the following paragraph:—

(d) to determine matters relating to the entry into contracts of training and training agreements including the educational standards and the age of the persons desiring to undertake training in pursuance of such contracts or agreements and the observance, discharge, arrangement, transfer, variation, supervision, or cancellation of such contracts or agreements;

(b) by inserting in paragraph (e) of subsection (1) "or in pursuance of a training agreement" after "contract of training";

(c) by inserting after subsection (4) the following subsection:—

(4A) A member of a committee established under subsection (4), other than a person who is an employee employed in the State Service, is entitled to receive such remuneration and allowances as may be determined by the Minister, and a member of such a committee who is an employee employed in the State Service is entitled to be paid such travelling and subsistence allowances as the Minister may from time to time determine.

7—Section 14 of the Principal Act is amended by omitting from subsection (2) "Board" and substituting "Authority".

Amendment of section 14 of Principal Act (Appointment of employees, &c.).

8—Section 27 of the Principal Act is amended as follows:—

(a) by omitting from subsection (1) "in pursuance of a contract of training";

(b) by omitting from subsection (2) "maintenance" and substituting "accommodation, meals,";

(c) by omitting from subsection (5) "in pursuance of a contract of training".

Amendment of section 27 of Principal Act (Apprentices and trainees to attend classes, &c.).

9—Section 28 of the Principal Act is amended by omitting from subsection (1) "in pursuance of a contract of training".

Amendment of section 28 of Principal Act (Penalty for failure to attend classes, &c.).

10—Section 29 of the Principal Act is amended as follows:—

(a) by omitting from paragraphs (a) and (b) of subsection (1) "in pursuance of a contract of training";

(b) by omitting from subsection (2) "in pursuance of a contract of training".

Amendment of section 29 of Principal Act (Taking of premiums prohibited).

11—Section 30 of the Principal Act is amended as follows:—

(a) by omitting from subsection (2) "referred to in subsection (1)" and substituting "approved by the Authority";

Amendment of section 30 of Principal Act (Schemes of training).

(b) by inserting after subsection (2) the following subsection:—

(2A) The Authority may issue a training agreement in respect of a scheme of training approved by it.

(c) by omitting from subsection (3) “referred to in subsection (1)” and substituting “approved by it”.

Amendment of section 31 of Principal Act (Schemes of pre-vocational training).

**12**—Section 31 of the Principal Act is amended as follows:—

(a) by omitting from subsection (2) “under subsection (1)”;

(b) by inserting in subsection (3) “approved by the Authority” after “pre-vocational training”;

(c) by adding after subsection (3) the following subsections:—

(4) Where a person attends a class or course of training under a scheme of pre-vocational training approved by the Authority at a place more than 30 kilometres from his place of employment or residence, the Authority may pay to him or on his behalf such allowances for accommodation, meals, and transportation as the Authority, with the approval of the Minister, determines.

(5) Where a person attends for a full day a class or course of training under a scheme of pre-vocational training approved by the Authority at a place more than 20 kilometres from his place of employment or residence and there is no suitable public transport available to that person, the Authority may, with the approval of the Minister, arrange transportation for that person and meet the cost of that transportation or such part of the cost of that transportation as the Authority, with the approval of the Minister, determines.

Amendment of section 32 of Principal Act (Power of Authority to issue certificate in respect of recognized work or training).

**13**—Section 32 of the Principal Act is amended as follows:—

(a) by inserting in subsection (4) “other than waiting”, after “trade”;

(b) by omitting from subsection (4) “subsection (1)”, secondly occurring, and substituting “subsection (3)”;

(c) by inserting after subsection (4) the following subsection:—

(4A) Where the work or training performed or undertaken by a person referred to in subsection (1) is in the trade of waiting, the Authority shall not issue a certificate under subsection (3) unless the person has worked in that trade for at least 4 years.

14—After section 33 of the Principal Act, the following section is inserted:—

Insertion in Principal Act of new section 33A.

33A—(1) Where there is a contravention of, or failure to comply with, any of the provisions of a contract of training or training agreement, the Authority may, by notice in writing served on the parties to the contract of training or training agreement, require those parties to attend a conference or conferences convened by the chairman of the Authority.

Power of Authority to call conferences settling certain disputes.

(2) Where a party to a contract of training or training agreement who is required under subsection (1) to attend a conference fails to attend that conference, he is guilty of an offence and is liable on summary conviction to a fine not exceeding 2 penalty units.

15—Section 34 of the Principal Act is amended by omitting from subsection (1) “in pursuance of contracts of training”.

Amendment of section 34 of Principal Act (Register of apprentices and trainees).

16—Section 35 of the Principal Act is amended by inserting in subsection (1) “or in pursuance of a training agreement” after “training”.

Amendment of section 35 of Principal Act (Making and retention of records).

17—Schedule 1 to the Principal Act is amended as follows:—

(a) by adding in clause 1 “or a person who becomes a member by virtue of section 6 (1A)” after “chairman of the Authority”;

Amendment of Schedule 1 to Principal Act (PROVISIONS WITH RESPECT TO MEMBERSHIP OF AUTHORITY).

(b) by inserting in clause 4 (2) “, including a person who becomes a member by virtue of section 6 (1A),” after “Authority”;

18—The Principal Act is amended as set out in Schedule 1.

Amendments of Principal Act for purpose of converting monetary penalties into penalty units.

## SCHEDULE 1

Section 18

AMENDMENTS OF PRINCIPAL ACT FOR PURPOSE OF CONVERTING  
MONETARY PENALTIES INTO PENALTY UNITS

Provision of Principal Act amended	Amendment
Section 16 (1) .....	Omit "\$400", substitute "4 penalty units".
Section 16 (3) .....	Omit "\$400", substitute "4 penalty units".
Section 16 (4) .....	Omit "\$400", substitute "4 penalty units".
Section 18 (3) .....	Omit "\$400", substitute "4 penalty units".
Section 19 (7) .....	Omit "\$400", substitute "4 penalty units".
Section 25 (1) .....	Omit "\$400", substitute "4 penalty units".
Section 28 (1) .....	Omit "\$50", substitute "an amount equivalent to
	0.5 penalty unit".
Section 28 (4) .....	Omit "\$50", substitute "an amount equivalent to
	0.5 penalty unit".
Section 29 (1) .....	Omit "\$800", substitute "8 penalty units".
Section 33 (4) .....	Omit "\$100", substitute "one penalty unit".
Section 33 (5) .....	Omit "\$100", substitute "one penalty unit".
Section 35 (3) .....	Omit "\$100", substitute "one penalty unit".
Section 36 (1) .....	Omit "\$400", substitute "4 penalty units".
Section 36 (3) .....	Omit "\$400", substitute "4 penalty units".
Section 38 (1) .....	Omit "\$200", substitute "2 penalty units".
Section 44 (4) .....	Omit "\$100" and "\$10", substitute "one penalty unit" and "0.10 penalty unit" respectively.