

Apprenticeship Training Bill

Government Bill

As reported from the Education and Science Committee

Commentary

Recommendation

The Education and Science Committee has examined the Apprenticeship Training Bill and recommends that it be passed with the amendments shown.

Introduction

The Apprenticeship Training Bill was introduced on 1 August 2000. It provides for a system of modern apprenticeships, in part by establishing a network of co-ordinators. These co-ordinators will facilitate and support the interaction of apprentices and employers. We consider that this facilitation will improve the access of young New Zealanders to apprenticeship training, irrespective of gender, ethnicity or economic status.

This bill is designed to complement the Industry Training Act 1992.

The purpose of the bill

The bill's purpose is to encourage and help people (especially those aged 16 years or older but younger than 22 years) to take up and complete apprenticeship training. The bill seeks to re-establish apprenticeships as a core option for young New Zealanders seeking career opportunities and training. It attempts to provide greater help for both apprentices and employers by providing for apprenticeship co-ordinators. The bill also empowers the Minister to approve or

issue a code of practice. The purpose of the code is to offer guidance about the responsibilities relating to apprenticeship training of apprentices, employers and apprenticeship co-ordinators. The bill also expands the role of Skill New Zealand, currently undertaken in the Industry Training Act 1992. Skill New Zealand will promote apprenticeship training by entering into funding agreements with co-ordinators.

Low participation rates of youth in industry training

Since the introduction of the Industry Training Act, there has been a rapid expansion in the number of people undertaking industry-based training. However, there has been a significant decline in the number of young New Zealanders, the traditional target group of apprenticeships, participating in industry-based training. In the 1999/2000 year, only 5191 industry training trainees (ten percent of the total) were aged 16 to 19. Evidence suggests that employers have been training older employees under the existing legislation.

There are a number of explanations for this situation. Employing workers that are more experienced would probably be perceived by employers as a less 'risky' proposal than employing those of school-leaving age. The greater security that is offered by employing more mature workers in industry training roles has correspondingly reduced the attractiveness of young workers as apprentices under the current legislative regime. Employers in small businesses often find the risk of taking on a young worker too substantial. The major investment in time and effort required to train a young worker, and comply with course evaluation and administrative requirements, is often seen as too significant a drain on business resources, particularly those with slim margins.

Although there are over 40 Acts of Parliament which mention the words "apprentice" or "apprenticeship" we heard evidence that the decline in usage of the traditional concept of "apprenticeship" and its replacement by the broader term "industry training" has diluted a traditional focus upon youth training. An additional impetus throughout the 1990s was the importance placed on youth gaining tertiary qualifications—many young people who in previous decades would have chosen to undertake apprenticeships chose instead to attend polytechnics or universities.

Relationship with the Industry Training Act 1992

As discussed above, there is already provision for industry-based training in the Industry Training Act 1992. Accordingly, several submissions suggested that the provisions of the bill should proceed as an amendment to that Act, rather than as a separate piece of legislation. While we agree that it is important to make legislative guidelines as straightforward as possible, the benefits of restoring apprenticeships to a prominent position within the education and industry sectors, as well as in the public eye, outweigh this concern. As a keystone of the modern apprenticeship scheme, the bill will be more prominent as a stand-alone Act of Parliament than it would be if it were merely an amendment to an existing Act.

Some submitters, and indeed some members of the committee, did concede that the bill did create some confusion in its relationship with the concept of traditional apprenticeships and the more generic term of “industry training”. However, we were assured of the complementary, rather than overlapping, nature of the two pieces of legislation, and that the current pilot scheme will help clarify this once the assessment of that pilot scheme has been done.

Role of apprenticeship co-ordinators

Apprenticeship co-ordinators, managed and contracted by Skill New Zealand, will be tasked with promoting apprenticeship training, and identifying and bringing together potential apprentices and potential employers. They will also facilitate the implementation of apprentices’ individual training plans consistent with training agreements, monitor the progress of apprentices through a training programme, and offer advice and support for apprentices if problems arise in their training.

The role of the co-ordinators will be vital to the operation of the scheme under the Act. The incorporation of such bodies in the delivery of apprenticeship training was supported by most organisations making submissions. Their linkage facility between Skill New Zealand and the apprentice/employer should, in the environment of funding agreements, apprenticeship agreements, individual training plans and the code of practice, ensure transparency and accountability.

While Industry Training Organisations (ITOs) have special recognition under the Industry Training Act they will not under this bill. However, they may also act as co-ordinators. Evidence provided to

the committee suggested that ITOs will bring valuable knowledge and practices to the scheme.

Role of Industry Training Organisations

The bill allows ITOs to participate in training programmes outside the area in which an ITO is a recognised provider. This is to allow the extension of apprenticeship training to industries where no ITO currently exists. Several submissions opposed the clause relating to this feature, arguing that it would lead to disputes between ITOs, as they may compete to increase their student numbers and funding. But as Skill New Zealand oversees the operation of all ITOs, there is no perceived difficulty or conflict under the bill. The funding agreement and code should ensure proper practices to promote and not defeat the purpose of the bill.

One submitter proposed a new requirement in clause 9 for Skill New Zealand to have regard to the desirability of avoiding unnecessary duplication of work before entering into a funding arrangement with an apprenticeship co-ordinator. In addition, other submissions suggested the inclusion of a requirement for Skill New Zealand to take existing training arrangements of ITOs into account when determining whether to enter into an apprenticeship training funding agreement. We agree with both these proposals, and accordingly recommend that a new clause 9(1) be substituted that requires Skill New Zealand to have regard to these two matters.

Code of practice

Part 3 of the bill enables the Minister to approve a code of practice, to inform and offer guidance as to the responsibilities of participants in apprenticeship training. One submitter argued for the exclusion of the code of practice from the bill, on the grounds that such matters can be included in funding agreements and because employment responsibilities are already covered by the Employment Relations Act 2000. Other submissions proposed that the code of practice should require ITOs to involve unions when the ITOs are acting as co-ordinators.

We prefer, however, to retain the code of practice within the bill, because it will be a useful additional means for offering guidance on apprenticeship training to apprenticeship co-ordinators, employers and apprentices. We note that, while apprenticeship training agreements are to be treated for all purposes as part of the employment

agreement of the employer and employees concerned, the Employment Relations Act 2000 does not specify responsibilities relating to apprenticeship training.

One submitter proposed that the bill should include a requirement that the Mediation Service, Employment Authority and Employment Court, under the Employment Relations Act 2000, have regard to the code of practice in dealing with employment relations issues involving apprentices. We agree with this proposal, and recommend a new clause 6A be inserted in the bill.

Other matters

Clause 16(c) of the bill contains a requirement that apprenticeship co-ordinators have particular regard to the needs of Maori, and of the Pacific Island peoples of New Zealand. To this we have recommended adding people with disabilities, and women, given the historic difficulties these two groups have experienced in obtaining apprenticeships. This apparent omission was of concern to several of the groups making submissions and we are of the view that the matter should be addressed in the bill.

Also contained in the original bill was an amendment to the Health and Safety in Employment Act 1992. We believe no co-ordinator should be able to place an apprentice in an unsafe work environment. To achieve that result in a different way, we recommend instead an amendment to this bill to ensure that, if apprentices are receiving training from some other person under an arrangement between their employer and the other person, then the apprentices are treated as employees of the other person under the Health and Safety in Employment Act 1992. This additional protection will not derogate from other protections for apprentices (such as duties of persons controlling places of work) under that Act.

We are also concerned about the effect on an apprentice when it is impracticable for the apprentice to complete his or her training with an employer, and the co-ordinator who arranged the training cannot, for any reason, find a new employer for the apprentice to complete his or her training. We therefore recommend the insertion of a new paragraph, clause 11(ca), outlining the responsibility of Skill New Zealand to find new employers for apprentices who are disadvantaged by these circumstances.

We are concerned that people younger than 18 years entering into apprenticeship training agreements should, before making the

important decision to enter into an apprenticeship training agreement, be told that they should seek independent advice if they are unsure about the effect of the agreement, and be given a reasonable chance to seek that advice. We recommend that clause 14 be amended accordingly.

The main focus of the bill is to encourage and help people aged 16 to 21 to take up and complete apprenticeship training. Several submissions suggested that this particular age range is too restrictive, and may limit the access of people who drop out of school early, or those who are returning to the workforce after having children. However, the use of the word “especially” in clause 3 (which states the purpose of the bill) does not limit the focus of modern apprenticeships solely to the age range in question. Extending the lower age range to 15 may act as an encouragement to students to leave their school education earlier than age 16, which would not be beneficial.

We note that the Minister has announced a review of industry training and will follow its progress to discern any implications for the modern apprenticeship scheme. One submitter considered that the bill should be deferred until the completion of this review, but we believe such a delay would impede the launch of the modern apprenticeships scheme in 2001.

Appendix

Committee process

The Apprenticeship Training Bill was referred to the committee on 19 September 2000. The closing date for submissions was 24 October 2000. We received and considered 14 submissions from interested groups and individuals. We heard nine submissions, which involved hearings in Wellington. Hearing evidence took two hours and 46 minutes, and consideration took two hours and eighteen minutes.

We received advice from the Ministry of Education, Department of Labour and Skill New Zealand.

Committee membership

Liz Gordon (Chairperson)
Helen Duncan (Deputy Chairperson)
Donna Awatere Huata
Hon Brian Donnelly
Nanaia Mahuta
Mark Peck
Hon Dr Nick Smith
Hon Maurice Williamson

Key to symbols used in reprinted bill
As reported from a select committee

Struck out (unanimous)

▬ Subject to this Act, ▬	Text struck out unanimously
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New (unanimous)

▭ Subject to this Act, ▭	Text inserted unanimously
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<i>(Subject to this Act,)</i>	Words struck out unanimously
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<u>Subject to this Act,</u>	Words inserted unanimously
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< <i>Subject to this Act,</i> >	Words struck out by a majority
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< <u>Subject to this Act,</u> >	Words inserted by a majority
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Hon Steve Maharey

Apprenticeship Training Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Apprenticeship Training Act **2000**.

Part 1 Preliminary provisions

- 2 Commencement**
This Act comes into force on **1 January 2001**.
- 3 Purpose of this Act** 5
The purpose of this Act is to encourage and help people (especially those aged 16 years or older, but younger than 22 years) to take up and complete apprenticeship training.
- 4 Interpretation** 10
In this Act, unless the context otherwise requires,—
- Agency** means the Agency continued by section 270 of the Education Act 1989 that, immediately before the commencement of this Act, was called Skill New Zealand
- apprentice** means a person receiving apprenticeship training
- apprenticeship co-ordinator**— 15
- (a) means a body corporate, person, or body of persons, with whom the Agency has entered into a funding agreement; and
- (b) in relation to a funding agreement, means the apprenticeship co-ordinator or co-ordinators concerned 20
- apprenticeship training** has the meaning given to it by **section 5**
- apprenticeship training agreement** means an agreement—
- (a) between an employee and his or her employer that relates to the employee's receiving, or provides for the employee to receive, apprenticeship training; or 25
- (b) between an apprenticeship co-ordinator and a person employed by the co-ordinator that relates to the person's receiving, or provides for the person to receive, apprenticeship training 30
- approved code of practice** means the code of practice (if any) for the time being—
- (a) approved by the Minister under **section 19(1)(a)**; or
- (b) issued by the Minister under **section 19(1)(b)**
- employed**, in relation to a co-ordinator, includes employed by a body corporate in the management of which the co-ordinator is involved 35

Struck out (unanimous)

employment agreement means an **employment contract as defined in section 2 of the Employment Contracts Act 1991**

New (unanimous)

employment agreement means an employment agreement as defined in section 5 of the Employment Relations Act 2000

funding agreement—

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(a) means a written agreement between the Agency and 1 or more bodies corporate, persons, or bodies of persons, providing for the bodies or persons—

(i) to perform, in respect of an industry or industries described in the agreement, the functions and duties stated in **sections 14 to 16**; and

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(ii) to receive money from the Agency for the purpose; and

(b) in relation to an apprenticeship co-ordinator, means the funding agreement the apprenticeship co-ordinator has entered into

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industry means 2 or more enterprises that use—

(a) similar inputs and methods of production to produce similar products; or

(b) similar methods to provide similar services

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ITO means an industry training organisation as defined in section 2 of the Industry Training Act 1992

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

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national qualification means a qualification registered on the National Qualifications Framework

National Qualifications Framework means the framework for national qualifications in secondary schools and in post-school education and training developed by the Qualifications Authority under section 253(1)(c) of the Education Act 1989

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Qualifications Authority means the New Zealand Qualifications Authority established by Part XX of the Education Act 1989

similar includes the same, and related

skills includes methods, and knowledge. 5

5 **Apprenticeship training defined**

For the purposes of this Act, **apprenticeship training** is training in the skills of an industry—

- (a) provided for a person who is working in the industry while undertaking the training; and 10
- (b) provided partly or wholly where the person works, and—
 - (i) if the person is not employed by an apprenticeship co-ordinator, mainly by or on behalf of the person's employer; but 15
 - (ii) if the person is employed by an apprenticeship co-ordinator, mainly by or on behalf of persons with whom the co-ordinator has arranged the training; and
- (c) provided under an agreement between the person and his or her employer; and 20
- (d) intended to lead to the person's completing, or becoming competent to complete, a national qualification in the skills of the industry. 25

6 **Apprenticeship training agreements to have effect as employment agreements** 25

An apprenticeship training agreement must be treated for all purposes as part of the employment agreement between the employee and employer concerned.

Compare: 1992 No 55 s 3 30

New (unanimous)

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| 6A | Approved code of practice to be taken into account by mediation personnel, Employment Relations Authority, and Employment Court
In exercising or performing, in relation to a matter concerning an apprentice, any power or function under the Employment | 35 |
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New (unanimous)

Relations Act 2000, the following must take into account every applicable element of the approved code of practice:

- (a) every person providing mediation services under that Act:
- (b) the Employment Relations Authority: 5
- (c) the Employment Court.

7 Crown bound

This Act binds the Crown.

Part 2 Apprenticeship training

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*Agency's functions and powers***8 Agency's main function**

The Agency's main function under this Act is to promote apprenticeship training by entering into funding agreements.

9 Requirements relating to funding agreements

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Struck out (unanimous)

- (1) In determining whether to enter into a funding agreement, the Agency must consult the Qualifications Authority.

New (unanimous)

- (1) In determining whether to enter into a funding agreement, the Agency must—
 - (a) have regard to the desirability of avoiding unnecessary duplication of effort (in light of the existence of other funding agreements, or funding agreements under the Industry Training Act 1992); and
 - (b) consult the Qualifications Authority. 20
- (2) A funding agreement must— 25
 - (a) specify agreed levels of performance for the apprenticeship co-ordinator or co-ordinators (or prospective

- apprenticeship co-ordinator or co-ordinators) concerned; and
- (b) provide for the variation, suspension, and termination, of funding or of the funding agreement or of both, if the specified levels of performance are not achieved. 5

Struck out (unanimous)

- (c) state which (if any) of the functions stated in **sections 14 and 15** the apprenticeship co-ordinator or co-ordinators (or prospective apprenticeship co-ordinator or co-ordinators) concerned must perform in respect of an apprentice employed by any 1 or more of them. 10

10 ITOs may be apprenticeship co-ordinators

- (1) Nothing in this Act prevents an ITO from entering into a funding agreement with the Agency.
- (2) An ITO may agree with the Agency to perform the functions and duties stated in **sections 14 to 16** in an industry or industries other than the industry or industries in respect of which the ITO is recognised under the Industry Training Act 1992. 15

11 Additional functions of Agency

The Agency also has the following functions under this Act:

- (a) to develop and recommend to the Minister a code of practice, in accordance with **section 22**: 20
- (b) to make the approved code of practice available, in accordance with **section 26**:
- (c) to monitor apprenticeship co-ordinators' performance to ensure they comply with— 25
- (i) the funding agreement; and
- (ii) the approved code of practice:

New (unanimous)

- (ca) to try to find a new employer with whom an apprentice can complete his or her apprenticeship training, if it becomes aware that— 30

New (unanimous)

- (i) it is impracticable for the apprentice to complete his or her apprenticeship training with an employer; and
 - (ii) the apprenticeship co-ordinator who arranged the apprentice's apprenticeship training cannot, for any reason, find a new employer for the apprentice to complete his or her apprenticeship training with: 5
- (d) to administer and disburse public money appropriated by Parliament for the purpose of apprenticeship training. 10

12 Agency may require co-ordinator to give information

- (1) To determine the extent to which the agreed levels of performance specified in a funding agreement are being or have been met, the Agency may, by written notice to the apprenticeship co-ordinator, require an apprenticeship co-ordinator to give the Agency in writing any specified financial report, or statistical or other information, relating to the apprenticeship co-ordinator's activities under the agreement. 15
- (2) The apprenticeship co-ordinator must take all reasonable steps to comply with the notice. 20
- (3) This section does not affect any power the Agency has under a funding agreement to require the apprenticeship co-ordinator to give the Agency any report or information.

Compare: 1992 No 55 s 12 25

13 Agency's other functions, powers, or duties not affected
Sections 8 to 12 do not affect any functions, powers, or duties of the Agency under any other enactment.

Apprenticeship co-ordinators' functions, duties, and liabilities 30

14 Co-ordinators' functions

- (1) An apprenticeship co-ordinator has the following functions:
 - (a) to promote apprenticeship training generally:

- (b) to identify potential apprentices, and persons who could offer apprenticeship training to current employees, new employees, or apprentices employed by the co-ordinator:

Struck out (unanimous)

- (c) to arrange for potential apprentices temporary training, temporary new employment, or temporary training in the course of existing employment, that in the co-ordinator's opinion may lead to apprenticeship training for the potential apprentices: 5

New (unanimous)

- (c) to arrange for potential apprentices training or employment intended to lead to apprenticeship training for them: 10

- (d) to help people enter into apprenticeship training agreements:
- (e) if the co-ordinator employs or is to employ apprentices, to arrange with persons for apprenticeship training to be provided to the apprentices by or on behalf of those persons, on terms and conditions mutually acceptable to the co-ordinator and those persons. 15

Struck out (unanimous)

- (2) If an apprentice is employed by an apprenticeship co-ordinator then, in relation to the apprentice, the co-ordinator— 20
- (a) does not have the function stated in **section 15(1)(d)**; and
- (b) subject to **paragraph (a)**, has only the functions (if any) stated in the funding agreement. 25

New (unanimous)

- (2) A co-ordinator helping a person (A) younger than 18 years old enter into an apprenticeship training agreement must, before A enters into the agreement,—

New (unanimous)

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|--|---|
| <p>(a) advise A that, if A is unsure about the effect or implications of the agreement, he or she should not enter into it without first seeking advice about doing so from an independent person (for example, a parent, guardian, caregiver, or lawyer); and</p> <p>(b) give A a reasonable opportunity to seek that advice.</p> | 5 |
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15 Additional functions of co-ordinators

- (1) An apprenticeship co-ordinator also has the following functions:
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|--|----|
| (a) to produce and facilitate the implementation of individual training plans under and consistent with an apprentice's apprenticeship training agreement: | 10 |
| (b) to <u>(ensure, so far as is reasonably practicable,) take all reasonably practicable steps to ensure</u> that there are in place, and operate effectively, systems to monitor apprenticeship training so as to ensure that it leads to apprentices' attaining within a time that is reasonable in all the circumstances the levels of skills necessary to have completed or become competent to complete a national qualification in the skills of the industry or industries concerned: | 15 |
| (c) to ensure, so far as is reasonably practicable, that apprenticeship training, and every apprenticeship training agreement, is consistent with the approved code of practice: | 20 |
| (d) to support apprentices not employed by the co-ordinator— | |
| (i) by giving them advice; and | |
| (ii) by helping them to resolve problems in their apprenticeship training as those problems arise (including, if necessary, trying to arrange for an apprentice to complete his or her apprenticeship training with some other employer). | 25 |
| (2) In performing functions under subsection (1)(a) , the co-ordinator must consult the apprentice and,— | 30 |
| (a) if the co-ordinator does not employ the apprentice, the apprentice's employer; or | 35 |

- (b) if the co-ordinator does employ the apprentice, any persons with whom the co-ordinator has arranged or may arrange apprenticeship training for the apprentice.

Struck out (unanimous)

- (3) **Section 14(2)** overrides **subsection (1)**.

- 16 Matters co-ordinators to have regard to** 5
 In performing any of their functions or duties under this Act, apprenticeship co-ordinators must—
- (a) have regard to every part of the approved code of practice that affects the nature or performance of that function or duty: 10
- (b) have regard to current training and education activities in the industry or industries in which they are performing those functions or duties:
- (c) have particular regard to the needs of Maori, *<and of>* the Pacific Islands peoples of New Zealand~~<, people with disabilities, and women>~~. 15
- 17 Co-ordinators' liabilities**
- (1) Apprenticeship co-ordinators have no civil liability for any act or thing they do or omit to do, in good faith, in performing or purporting to perform any of their functions or duties under this Act. 20
- (2) **Subsection (1)** does not prevent the Agency from varying, suspending, or terminating funding for an apprenticeship co-ordinator or the funding agreement or both.
- (3) **Subsection (1)** does not affect any liability of a co-ordinator that arises by virtue of the fact that the co-ordinator is or has been an employer of an apprentice. 25

Struck out (unanimous)

- 18 Amendment to Health and Safety in Employment Act 1992** 30
 Section 16(1)(b) of the Health and Safety in Employment Act 1992 is amended by adding, as subparagraph (v), the following subparagraph:

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“(v) as apprentices receiving apprenticeship training under arrangements between the person and the apprenticeship co-ordinators by whom they are employed (as the terms **apprentice, apprenticeship co-ordinator, apprenticeship training,** and **employed** are defined in **section 4 of the Apprenticeship Training Act 2000**).”

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New (unanimous)

Application of Health and Safety in Employment Act 1992

18 Application of Health and Safety in Employment Act 1992

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- (1) This section applies to an apprentice receiving apprenticeship training from some other person under an arrangement between the apprentice’s employer and the other person.
- (2) The Health and Safety in Employment Act 1992 applies to an apprentice to whom this section applies as if he or she were the other person’s employee.
- (3) **Subsection (2)** does not affect the application of the Health and Safety in Employment Act 1992 to people other than the other person.

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Part 3

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Code of practice

Approval of code of practice

19 Minister may approve code

- (1) The Minister may, by notice in the *Gazette*,—
 - (a) approve a code of practice recommended by the Agency under **section 22**; or
 - (b) in the circumstances stated in **section 24**, issue a code of practice other than a code of practice recommended by the Agency.
- (2) Before approving a code of practice under **subsection (1)(b)**, the Minister may consult any people or organisations that the Minister thinks appropriate.

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- (3) The notice may, instead of setting out the code of practice being approved or issued,—
- (a) give enough information to identify it; and
 - (b) state when it comes into force and where copies of it may be obtained. 5
- 20 Purpose of code**
- The purpose of a code of practice is to offer guidance, consistent with this Act, about the responsibilities relating to apprenticeship training of apprenticeship co-ordinators, employers, and apprentices. 10
- 21 Content of code**
- (1) A code of practice may include material relating to—
- (a) identifying potential apprentices, and persons who could offer apprenticeship training to current employees, new employees, or apprentices employed by an apprenticeship co-ordinator: 15
 - (b) apprenticeship co-ordinators' duties, or minimum standards of conduct apprenticeship co-ordinators must observe, in relation to apprenticeship training:
 - (c) duties, or minimum standards of conduct, relating to apprenticeship training that, for any reason, employers or apprentices should or should not agree to perform or observe: 20
 - (d) arrangements for apprenticeship training that apprenticeship co-ordinators, employers, or apprentices should for any reason prefer or avoid: 25
 - (e) practices in apprenticeship training that apprenticeship co-ordinators, employers, or apprentices should for any reason prefer or avoid:
 - (f) the independent mediation of disputes relating to apprenticeship training arising between apprenticeship co-ordinators and employers, or apprenticeship co-ordinators and apprentices not employed by those co-ordinators. 30
- (2) A code of practice may include different provisions in respect of, or provisions that apply to 1 only of,— 35
- (a) apprenticeship training where the apprentice is not employed by an apprenticeship co-ordinator:
 - (b) apprenticeship training where the apprentice is employed by an apprenticeship co-ordinator. 40

- (3) **Subsections (1) and (2)** do not limit **section 20**.

22 Development and recommendation of code

- (1) The Agency must develop and recommend to the Minister a code of practice—

- (a) as requested by the Minister; and 5
 (b) within any time (including any extension of time) specified by the Minister.

- (2) In developing the code, the Agency—

- (a) may consult any people and organisations it considers appropriate; and 10
 (b) must consult any people and organisations the Minister directs.

23 Minister may decline to approve code recommended

The Minister may, instead of approving a code of practice recommended by the Agency,—

- (a) decline to approve the code; or 15
 (b) decline to approve the code, but refer it back to the Agency for reconsideration.

24 Minister may issue other code

The Minister may issue a code of practice under **section 19(1)(b)** 20 if—

- (a) the Agency has not recommended a code of practice within a time specified by the Minister under **section 22(1)(b)**; or
 (b) the Minister declines to approve a code of practice 25 recommended by the Agency.

Provisions relating to approved code of practice

25 When approved code comes into force

The approved code of practice comes into force—

- (a) on the 28th day after the date on which it is issued or 30 approved in the *Gazette*; or
 (b) on any later date specified in it.

26 Availability of approved code

- (1) The Agency must ensure that, at all reasonable times, members of the public may, at every office of the Agency that deals with apprenticeship training matters, inspect and obtain copies of the approved code of practice. 35

- (2) The Agency may charge a reasonable fee for—
- (a) giving a person a copy of the approved code of practice; or
 - (b) allowing a person to use the Agency's equipment to copy it. 5
- (3) **Subsection (2)(b)** does not require the Agency to allow any person to use equipment under the Agency's control to copy the approved code of practice.
- 27 Proof of approved code**
- (1) A code of practice that appears to have been approved or issued under **section 19(1)** must be treated for all purposes (for example, in any proceedings) as the approved code of practice, unless it is proved that the code was not so approved or issued. 10
- (2) **Subsection (1)** does not limit any method of proof of the approved code of practice. 15
- 28 Disallowance of approved code**
- The approved code of practice is a regulation for the purposes of the Regulations (Disallowance) Act 1989, but not for the purposes of the Acts and Regulations Publication Act 1989. 20
- 29 Amendment, revocation, and replacement of approved code**
- The approved code of practice may be amended, or revoked, or revoked and replaced, in the same manner as it was approved or issued, and **sections 19 to 28** apply accordingly with all necessary modifications. 25
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Apprenticeship Training

Legislative history

1 August 2000

Introduction (Bill 50-1)

19 September 2000

First reading and referral to Education and Science
Committee
