

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999 – s. 137 – application for order

Training Recognition Council AND Queensland Council of Unions and Another (No. B1893 of 2000)

**ORDER – APPRENTICES’ AND TRAINEES’ WAGES AND CONDITIONS
(QUEENSLAND GOVERNMENT DEPARTMENTS AND CERTAIN GOVERNMENT ENTITIES)**

PRESIDENT HALL
VICE PRESIDENT LINNANE
COMMISSIONER BROWN

2 January 2001

ORDER

THIS matter coming on for hearing before the Commission at Brisbane on 2 January 2001, this Commission doth Order as follows as from the second day of January, 2001:–

**APPRENTICES’ AND TRAINEES’ WAGES AND CONDITIONS
(QUEENSLAND GOVERNMENT DEPARTMENTS AND CERTAIN GOVERNMENT ENTITIES)**

PART 1 – APPLICATION AND OPERATION

1.1 Title

This Order shall be known as the Apprentices’ and Trainees’ Wages and Conditions (Queensland Government Departments and Certain Government Entities) Order.

1.2 Arrangement of the Order

Subject Matter **Clause No.**

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Subject Matter

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1.3 Objectives

The objectives of this Order are to:

- Prescribe an industrial relations framework to regulate the engagement and placement of apprentices and trainees within Queensland Government Entities, as defined;
- Provide linkages to other industrial instruments that have application to apprentices and trainees;
- Provide industrial coverage for apprentices and trainees in Queensland Government Entities to complement the industrial coverage provided for apprentices and trainees in the private sector by B1185 of 1999;
- Provide a consolidated framework where apprentices and trainees can be engaged under flexible work arrangements, including full-time, part-time and school-based arrangements;
- Simplify the process of establishing the industrial arrangements for apprenticeships and traineeships when new apprenticeship or traineeships are approved by the Training Recognition Council; and
- Establish arrangements where the entitlements of apprentices and trainees, including the supply of tools (where appropriate), are linked to achievement of competencies, or the demonstration of approved levels of progression towards the achievement of competencies, specified in the relevant apprenticeship or traineeship.

1.4 Application

1.4.1 This order shall apply to apprentices and trainees who are registered with the Training Recognition Council and who commence their apprenticeship or traineeship on or after the date of operation of this order where:

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(a)The following Queensland Government Entities are employers of the apprentices and trainees:

- Queensland Government Departments;
- Public Services Offices;
- Queensland Ambulance Service;
- Queensland Fire and Rescue Authority;
- Queensland Health;
- Queensland Rail;

- Queensland Museum;
- Queensland Art Gallery;
- Queensland Theatre Company; and
- State Library of Queensland; or

Group Training Companies, or other employers, place the apprentices and trainees within the Queensland Government Entities, as listed in paragraph 1.4.1(a).

The employer of apprentices and trainees is conducting health services on behalf of the State of Queensland including Queensland Health, Mater Misericordiae Public Hospital, Queensland Health Registration Commission and Health Practitioner Registration Board.

1.4.2 This order shall apply to apprentices and trainees in the Electrotechnology, Metals and Engineering, Automotive and the Building and Construction and Civil Construction industry sectors and the wages and conditions for apprentices and trainees are detailed in Schedule 2 of this Order.

1.4.3 Where there is written agreement between the employer and an existing apprentice or trainee, the relevant wages and conditions of employment may be covered by this Order:

Provided that the apprentices' or trainee's wages and conditions of employment shall not be reduced as a result of this change.

1.4.4 This Order shall not apply to traineeships in the public sector security occupations.

1.5 Transitional Provisions

1.5.1 Leave is reserved for industrial organisations to review the provisions of this Order to take account of the amendment to the National Training Wage Award, Print No. N4816.

1.5.2 The Training Recognition Council will provide information to the relevant organisations in order that these transitional provisions may be monitored during the operation of the Order.

1.6 Relationship with Certified Agreements

While a Certified Agreement operates, it shall prevail to the extent of any inconsistency, over this Order.

1.7 Definitions

“Act” shall mean the *Industrial Relations Act 1999*.

“Adult” shall mean any person who is 21 years of age and over at the time of commencing an apprenticeship or traineeship.

“Apprentice” shall bear the meaning contained in Section 9 of the *Training and Employment Act 2000*.

“Apprenticeship” shall bear the meaning contained in the *Training and Employment Act 2000* and shall include an apprenticeship based on a qualification contained in a Training Package. Apprenticeships declared by the Training Recognition Council are published in the Queensland Government Industrial Gazette from time to time.

“Areas of employment not covered by an industrial instrument” shall mean engagement in work, tasks or associated functions which are not subject to the terms of any industrial instrument.

“Australian Qualifications Framework (AQF)” shall mean a national system of recognition for the issue of vocational credentials where AQF Level 3 is recognised by the Competency Standards Body as the trade equivalent (100%).

“Commission” shall mean the Queensland Industrial Relations Commission.

“Competencies” shall mean the appropriate level of competency attained by the trainee/apprentice in accordance with the relevant competency standards, and notations contained in the training record.

“Course of Instruction” shall mean the training programs and their qualifications as declared from time to time by the Training Recognition Council including the minimum training requirements.

“Employer” shall bear the same meaning contained in the Act.

“Industrial instrument” shall bear the same meaning contained in the Act.

“Locality allowance” shall mean that allowance payable in Directive 19/99 as issued by the Minister for Employment, Training and Industrial Relations.

“Public Service Office” shall mean the Public Service Office defined in section 17 of the *Public Service Act 1996*.

“Part-time apprentice or trainee” shall mean an apprentice or trainee who undertakes an apprenticeship/traineeship on a part-time basis by working less than the full-time ordinary hours and by undertaking the course of instruction at the same or lesser training time than a full-time trainee or apprentice.

“Qualification” shall mean a qualification declared by the Training Recognition Council in accordance with Section 183 of the *Training and Employment Act 2000* and issued by the Registered Training Organisation.

“Queensland Government Entity” shall mean the Queensland Government Entities defined in Section 21 of the *Public Service Act 1996*, and listed in clause 1.4.

“Recognition of Prior Learning” shall mean the process whereby competencies already attained by an individual (for example, through formal and informal training, work or life experiences) can be assessed and recognised as fulfilling certain components/competencies of the course of instruction/qualification and leading to a statement of attainment/qualification.

“Registered Training Organisation” shall mean an organisation such as a secondary school, TAFE or a private provider that meets the registration requirements within the *Training and Employment Act 2000* with respect to the delivery of particular courses of instruction including the assessment of the achievement of competence.

“Relevant Adult Rate” for employees, other than those employed by a group training scheme, shall mean the rate of wage for ordinary time of an adult engaged in a calling relevant to the traineeship classification in the workplace where the trainee is employed. If no such rate is specified in the industrial instrument applicable to employees in the workplace where the trainee is employed, it shall mean the relevant adult rate in the classification structure that is used for the purpose of calculating junior rates of pay:

Provided that the relevant adult rate shall be no more than the 100% rate expressed in the relevant industrial instrument.

“Relevant Adult Rate” for employees employed by a group training scheme shall mean the rate of wage for ordinary time of an adult engaged in a calling relevant to the traineeship classification in the workplace of the host employer where the trainee is working. If no such rate is specified in the industrial instrument applicable to employees in the workplace of the host employer where the trainee is working, it shall mean the relevant adult rate in the classification structure that is used for the purpose of calculating junior rates of pay:

Provided that the relevant adult rate shall be no more than the 100% rate expressed in the relevant industrial instrument.

“Relevant Adult Rate” for the *Forestry Employees’ Award – Department of Primary Industries and Department of Natural Resources* shall mean the adult rate for the Forestry Employee Level 1.

“Relevant Industrial Instrument” for employees, other than those employed by a group training scheme, shall mean the industrial instrument applicable to employees engaged in a relevant calling or classification in the workplace where the apprentice or trainee is employed.

“Relevant Industrial Instrument” for employees employed by a group training scheme shall mean the industrial instrument applicable to employees engaged in a relevant calling or classification in the workplace of the host employer where the apprentice or trainee is working.

“Relevant Union” shall mean the union that has coverage at the enterprise for the calling in which the trainee is engaged.

“School-based apprentice or trainee” shall mean a full-time student undertaking an apprenticeship or traineeship in association with their school studies.

- “School year” shall bear the meaning contained in Section 2 of the *Education (General Provisions) Act 1989*.

“Training Recognition Council”, shall bear the meaning and powers as defined in the *Training and Employment Act 2000*. It shall also include any powers and responsibilities given in terms of successor legislation.

“Supervision” shall mean direct and indirect supervision, where:

- (a) direct supervision occurs where an appropriately qualified person observes, works with or directs the apprentice or trainee in their actual work.
- (b) indirect supervision occurs where an appropriately qualified person instructs the apprentice or trainee in their actual work and evaluates the outcomes of the apprentice’s or trainee’s actual work.

“Tradesperson’s Rate” for employees, other than those employed by a group training scheme, shall mean the trade rate applicable at the workplace where the apprentice is employed.

“Tradesperson’s Rate” for employees employed by a group training scheme, shall mean the trade rate applicable at the workplace of the host employer where the apprentice is working.

“Trainee” shall bear the meaning contained in Section 10 of the *Training and Employment Act 2000*.

“Traineeship” shall bear the meaning contained in the *Training and Employment Act 2000* and shall include a traineeship based on a qualification contained in a Training Package. Traineeships declared by the Training Recognition Council are published in the Queensland Government Industrial Gazette from time to time.

“Training Contract” shall bear the meaning contained in the *Training and Employment Act 2000*.

“Training Package” shall bear the meaning contained in the *Training and Employment Act 2000* being a series of industry based and nationally recognised qualifications, competency standards and assessment guidelines that are endorsed by the National Training Framework Committee. Training Packages may also be supported by non-endorsed components such as learning strategies, assessment resources and professional development materials.

“Training Plan” shall mean a structured plan to enable an apprentice or trainee to attain the competencies for a particular qualification. Training Plans shall be developed by Registered Training Organisations, in conjunction with the employer and apprentice or trainee.

“Training Record” shall bear the meaning contained in Section 20 of the *Training and Employment Regulation 2000*.

PART 2 – TRAINING CONDITIONS

2.1 Training Conditions

2.1.1 The apprentice or trainee shall be permitted by the employer to undertake a course of instruction or qualification in accordance with the provisions of the *Training and Employment Act 2000* and the delivery arrangements approved by the Training Recognition Council. This shall involve progression through an individual Training Plan, which outlines agreed competencies, training methods and monitoring arrangements, developed in conjunction with the supervising Registered Training Organisation.

2.1.2 On commencement the employer shall request that the apprentice or trainee be assessed by the relevant supervising Registered Training Organisation to determine the competencies possessed relative to the qualification to be undertaken. Such assessment shall be identified in the apprentice’s or trainee’s training plan and/or Training Record.

2.1.3 Employers shall ensure apprentices and trainees are supervised to the extent required to ensure that all on and off the job training outcomes are achieved.

2.1.4 Officers of the Training Recognition Council shall monitor the overall training program. The Training Plan and/or the Training Record may be utilised as part of this monitoring process.

2.1.5 It is the responsibility of the relevant supervising Registered Training Organisation in conjunction with the employer, to conduct ongoing assessment of the apprentice or trainee. This ongoing assessment is to ensure that the apprentice or trainee is making adequate progress towards the achievement of competencies and associated minimum training requirements in the course of instruction.

2.1.6 Once attained, the apprenticeship or traineeship qualifications may be used as a guide to determine the classification status of an employee according to the industrial instrument relevant to their employment and the level of competencies required for the job.

PART 3 – EMPLOYMENT CONDITIONS

3.1 Employment Conditions – General

3.1.1 Employment conditions for apprentices and trainees shall be as provided in the relevant industrial instrument. Where there is no such relevant industrial instrument all conditions of employment shall be in accordance with clause 4.7 (Areas of Employment not covered by any Industrial Instrument).

3.1.2 Employers shall ensure that appropriate training arrangements are in place for any apprentice or trainee who is subject to shiftwork provisions.

3.1.3 The conditions contained in this Order are minimum conditions. Where superior conditions exist in an industrial instrument, those conditions shall prevail.

3.2 Continued Employment

3.2.1 Subject to clause 4.8 (Existing Employees) of this Order an apprenticeship or traineeship shall not provide any guarantee of continued employment on completion of the apprenticeship or traineeship. Continued employment after completion of the apprenticeship or traineeship shall be at the discretion of the employer.

3.2.2 In accordance with the provisions of clause 4.8 (Existing Employees) where the apprentice or trainee had tenure of employment with the employer immediately prior to commencing the apprenticeship or traineeship the apprentice or trainee shall revert to employment at least equal in status to the classification held prior to the commencement of their Training Contract.

3.2.3 Where the employment of an apprentice or trainee by an employer is continued after the completion of the apprenticeship or traineeship period, such apprenticeship or traineeship period shall be counted as service for the purposes of calculating entitlements under the relevant industrial instrument or applicable legislation.

3.3 Part-Time Apprentices and Trainees

3.3.1 An apprentice or trainee may be engaged on part-time arrangements in accordance with the policy of the Training Recognition Council and be remunerated on a part-time basis in accordance with the provisions of this Order.

3.3.2 Notwithstanding the provisions of the relevant industrial instrument, the ordinary hours of work including on and off-the-job training for a part-time apprentice or trainee shall average not less than fifteen (15) hours per week over each four (4) week period throughout the duration of the Training Contract.

3.3.3 A part-time apprentice or trainee shall have predictable hours of work, and shall be rostered to work on a regular and continuous basis.

3.3.4 An apprentice or trainee may be engaged on a part-time basis until such time as they attain the minimum training requirements within the Training Contract. However, nothing in this Order prevents the employer and a part-time apprentice or trainee from progressing the apprenticeship or traineeship to a full-time basis, with the consent of the Training Recognition Council.

3.3.5 All other terms and conditions of employment shall be determined by the relevant industrial instrument.

3.4 School-Based Apprentices and Trainees

3.4.1 School-based apprenticeship or traineeship arrangements require:

- a Training Contract, involving on-the-job training and productive work, signed by the employer and the apprentice or trainee and their guardian where appropriate;
- off-the-job training supervised through a Registered Training Organisation;
- that the student/employee attends secondary school and/or institution offering secondary courses; and
- progress towards the attainment of a senior secondary certificate and completion of or progress towards a nationally recognised vocational education and training qualification.

3.4.2 The minimum hours provided for in subclause 3.3.2 shall not apply to school-based apprentices and trainees.

3.4.3 When a student ceases to be enrolled in a school and/or institution offering secondary courses and the student has not completed the apprenticeship/traineeship, they shall continue as an apprentice or trainee in accordance with the Training Contract and the relevant industrial instrument on either a full-time or part-time basis. They shall also be paid and receive all entitlements in accordance with relevant industrial instrument or applicable legislation.

3.5 Alternative Employment Arrangements

An apprentice or trainee may be engaged on non full-time employment arrangements, other than those specified in clauses 3.3 and 3.4 with the consent of the Training Recognition Council. These provisions are designed to cater for seasonal or other employment arrangements that may occur in various industries, such as employment based on a school year. Such alternative arrangements shall be in accordance with legislation, Orders or the relevant industrial instrument.

3.6 Court Attendance

3.6.1 A trainee or apprentice subpoenaed or called as a witness in their official capacity –

- a) is to pay any fees or allowances received for their attendance as a witness, to the chief executive for payment into departmental funds; and
- b) is entitled to be paid all necessary expenses incurred by the trainee or apprentice in attending court, including travelling allowances prescribed in ministerial directive; ‘travelling and relieving expenses’ (as amended from time to time).

3.6.2 A trainee or apprentice subpoenaed or called as a witness by the State or the Commonwealth to give evidence other than in the trainee or apprentice’s official capacity –

- a) is to be granted special leave on full salary for attendance and any necessary travel time;
- c) is to pay any fees received to attend as a witness to the chief executive for payment into departmental funds; and
- d) is entitled to retain any expenses or allowances received for travel, accommodation or meals while attending court as a witness.

3.6.3 A trainee or apprentice subpoenaed or called as a witness by the State or the Commonwealth in a Private capacity or for a civil action etc. –

- a) is, at the trainee or apprentice’s option, to be granted either special leave without salary, recreation or annual leave, time off in lieu of overtime or accrued hours; and
- b) is entitled to retain any attendance fees or expenses or allowances received for travel, accommodation or meals while attending court as a witness.

3.7 Jury Service

Leave

A trainee or apprentice, required to undertake service as a juror, is to be granted special leave on full salary for that purpose.

Jury Service Fees

Fees, received by the trainee or apprentice for serving as a juror during the period for which leave has been granted, are to be forwarded to the chief executive for payment into departmental funds.

However, where on any day during approved leave, the trainee or apprentice's salary is less than the fees payable for that day, the trainee or apprentice is entitled to retain the difference between the salary and the fee.

Travelling Expenses

A trainee or apprentice is entitled to retain any expenses or allowances received for travel, accommodation or meals while attending court as a juror.”.

PART 4 – WAGES AND WAGE RELATED MATTERS

4.1 Wage Rates – General

4.1.1 Wage progression arrangements for apprentices and trainees subject to this Order are listed in Schedules 1 and 2. Rates shall be calculated in multiples of ten cents with any result of five cents or more being taken to the next highest ten cent multiple.

4.1.2 The wage progression arrangements referred to in Schedules 1 and 2 shall allow for the flexible achievement of competencies. That is, an apprentice or trainee may achieve competencies one at a time or concurrently over the duration of the apprenticeship or traineeship.

4.1.3 The wage rates contained in this Order are minimum rates. Where superior wage rates exist in an industrial instrument then those wage rates shall prevail.

4.1.4 Future wage increases associated with the relevant industrial instrument shall be deemed to have effect on this Order.

4.1.5 Subject to subclause 4.1.6 allowances shall be paid in accordance with the provisions of s. 136 of the Act and the relevant industrial instrument.

4.1.6 Trainees under this Order are excluded from receiving locality allowances outlined in Directive 19/99.

4.2 Entry Wage Level

4.2.1 Apprentices and trainees shall be entitled to the Wage Level appropriate to the competencies possessed by them at the time of entry. Apprentices and trainees who commence with no relevant industry competencies shall enter at Wage Level 1. The provisions of this subclause may be amended by clauses 4.8, 4.9, 4.10 and 4.11.

4.2.2 Notwithstanding subclause 4.2.1, apprentices or trainees who enter an apprenticeship or traineeship by way of conversion from a previous Training Contract, whether fully or partly completed, shall receive:

(a) the wage rate appropriate to the number of relevant competencies already attained; and/or

(b) the appropriate year/wage level/stage previously attained and paid, whichever is the greater. In determining the appropriate year/wage level/stage aggregated periods of time shall be taken into account.

4.2.3 Employers who object to the entry wage rate provided for in accordance with this clause may progress the matter through clause 5.1 (Dispute Resolution Procedures).

4.3 Wage Progressions

4.3.1 Progression through the Wage Levels shall be upon the attainment of competencies/minimum training requirements or other arrangements as specified in Schedule 1 or such other arrangements specified in Schedule 2.

4.3.2 Where the employer considers that a competency will not be achieved within the period referred to in the Schedule, the employer shall notify the Training Recognition Council before the completion of that period. In this situation the apprentice or trainee shall not progress automatically to the next wage level through the

elapsing of time or on the completion of a proportion of the nominal duration. Progression thereafter shall be on the achievement of competencies as managed under the processes of the *Training and Employment Act 2000*.

4.3.3 If an employer fails to notify the Training Recognition Council in accordance with clause 4.3.2, the apprentice or trainee shall progress to the next Wage Level at the completion of the period referred to in the Schedule.

4.4 Completion of Apprenticeship and Traineeship

4.3.4 Apprentices or trainees shall exit their apprenticeship or traineeship at the qualifications specified in their apprenticeship or traineeship.

4.3.5 Apprentices or trainees shall only complete their apprenticeship or traineeship on the attainment of 100% of the total competencies and/or associated minimum training requirements for the qualification of the apprenticeship or traineeship.

4.5 Part-Time Apprentices and Trainees

4.3.6 Part-time apprentices and trainees shall be paid on an hourly basis. The hourly rate for a part-time apprentice or trainee shall be calculated by dividing the appropriate weekly rate as provided in Schedule 1 by the number of ordinary weekly hours according to the relevant industrial instrument.

4.3.7 Where the relevant Schedule of this Order specifies that the minimum training requirements of a traineeship shall be based on the achievement of competencies or a period of time after commencing a wage level, the period of time specified refers to full-time trainees. For part-time trainees, the minimum period of time specified for wage progression arrangements shall be double that specified for full-time trainees.

4.6 School-Based Apprentices and Trainees

4.6.1 School-based apprentices and trainees shall be entitled to wages as prescribed in the relevant Schedule of this Order for all time worked including time spent undertaking on the job training:

Provided that a school-based apprentice or trainee shall not be entitled to the following:

- wages for time spent at school and/or institution or undertaking off-the-job training;
- annual leave;
- sick leave; and
- public holidays, where the apprentice or trainee is not required to work on such days.

4.6.2 Calculation of Base Hourly Rate:

The base hourly wage rate for School-based Apprentices and Trainees shall be based on the wage progression arrangements listed in the relevant Schedule of this Order, calculated on a *pro rata* hourly basis.

4.6.3 Loaded Hourly Rate:

(a) All school-based apprentices and trainees shall receive a loading of 19% in addition to the base hourly rate for full-time and part-time apprentices and trainees. Such loading shall compensate for:

- annual leave;
- sick leave; and
- public holidays, where the apprentice or trainee is not required to work on such days.

(b) The school-based rate shall be used as the ordinary time rate for the calculation of overtime, penalties and all other purposes of the applicable industrial instrument.

4.6.4 Wage Progressions:

Where the relevant Schedule of this Order specifies that the minimum training requirements of an apprenticeship or traineeship shall be based on the achievement of competencies or a period of time after commencing a Wage Level, the period of time specified shall refer to full-time apprentices and trainees. For School-based Apprentices or Trainees, the period of time shall be double that specified for full-time apprentices and trainees.

4.7 Areas of Employment not covered by an Industrial Instrument

- 4.7.1 Employment conditions for apprentices and trainees, who are employed in areas of employment not covered by an industrial instrument, shall be in accordance with the minimum conditions prescribed by any relevant legislation, including s. 136 of the Act.
- 4.7.2 In the absence of any relevant legislation, all other employment conditions for apprentices and trainees shall be determined by agreement in writing between the employer and apprentice or trainee at the point of engagement.
- 4.7.3 In the absence of any relevant legislative provisions, wages for apprentices and trainees shall be calculated as follows:
- (a) for trainees – the percentages specified in Schedule 1 of this Order shall be applied to an amount equivalent to the *Queensland Minimum Wage* as amended from time to time; or
 - (b) for apprentices – the percentages specified in Schedule 1 of this Order shall be applied to an amount equivalent to rate for the C10 Classification specified in the Engineering Award – State as amended from time to time.

4.8 Existing Employees

- 4.8.1 In this clause, “existing employee” shall mean a person who has been employed by an employer in a calling, or classification, relevant to the apprenticeship or traineeship for at least three months immediately prior to becoming an apprentice or trainee with that employer.
- 4.8.2 Existing employees may participate in apprenticeships and traineeships. An existing employee shall not be required to serve any probationary period in relation to their contract of employment or for the purposes of the *Training and Employment Act 2000*. A trial period, in accordance with Training Recognition Council Policy, may be set for the purpose of assessing the employee’s suitability for training under a Training Contract. Where the employee proves to be unsatisfactory for training under a Training Contract, the person shall revert to employment at least equal in status to the classification held prior to the commencement of their Training Contract in accordance with subclause 4.8.6.
- 4.8.3 Where existing employees commence an apprenticeship or traineeship, the employer shall endeavour to minimise any adverse affects on other employees. Additionally, such other employees shall not be displaced from or disadvantaged in their employment by the engagement of new apprentices or trainees.
- 4.8.4 Existing employees shall not suffer a reduction in their ordinary hourly rate of pay by virtue of becoming an apprentice or trainee, unless alternative arrangements are specified in an industry Schedule of this Order:
- Provided that an existing employee who was engaged as a casual employee prior to becoming employed as a full-time or part-time apprentice or trainee shall not be entitled to retain casual loading.
- 4.8.5 An existing employee shall maintain continuity of employment despite having entered into an apprenticeship or traineeship.
- 4.8.6 Existing employees whose Training Contract is completed or cancelled shall revert to employment at least equal in status to the classification held prior to the commencement of their Training Contract.

4.9 New Adult Employees

- 4.9.1 Unless otherwise provided in this Order, where an adult person enters into a Training Contract such person shall receive no less than an amount equivalent to the *Queensland Minimum Wage (QMW)*, as varied from time to time. Part-time adult trainees shall be paid on a *pro rata* basis:

Provided that these provisions shall not apply to apprentices or trainees who become an adult during the term of the apprenticeship or traineeship.

4.10 Pre-Apprenticeship, Pre-Vocational and Other Full-Time Institutional Training

- 4.10.1 Graduates of Training Recognition Council approved pre-apprenticeship, pre-vocational and other full-time institutional training, which involves minimal on-the-job experience shall commence apprenticeships and traineeships at Wage Level 1 as specified in the relevant Schedule of this Order. Three months after commencing their apprenticeship or traineeship they shall progress to Wage Level 2. Notwithstanding clause 4.10.1 the provisions of Schedule 22 of Order for Apprentices' and Trainees' Wages and Conditions (Excluding Certain Government Entities) Case No B1185 of 1999 shall apply to apprentices and trainees commencing training within the Public Sector under the qualifications within the Electrotechnology Training Package.
- 4.10.2 An employer who objects to the application of these provisions to an apprentice or trainee they employ, may progress the matter through Clause 5.1 (Dispute Resolution Procedures).

4.11 Apprentices and Trainees with A Disability

- 4.11.1 This Clause shall only apply to persons who meet the "Eligibility Criteria" specified in the *Supported Wage Award – State*.
- 4.11.2 Apprentices and trainees with a disability shall be remunerated in accordance with the provisions of subclause 2.4 of the *Supported Wage Award – State*. The applicable percentage determined in accordance with the *Supported Wage Award – State* shall be applied to the wage rates provided in Schedule 1 of this Order. Provided that no apprentice or trainee shall receive less than the minimum amount payable as prescribed in subclause 2.4 of the *Supported Wage Award – State* as varied from time to time.
- 4.11.3 Employers shall ensure that apprentices and trainees with a disability are regularly assessed to allow for an extension of specified times based on the individual's requirements. Any extension of time shall be negotiated between the employer, the apprentice/trainee and the registered training provider.

4.12 Wage Rates on Conclusion of Training

Where the employment of an apprentice or trainee by an employer is continued after the completion of the apprenticeship or traineeship period, such period shall be recognised as service in accordance with the provisions of the relevant Award or enterprise agreement.

4.13 Supply of Tools, Uniforms and Protective Clothing

Apprentices and trainees, including part-time and school-based apprentices and trainees shall be provided with tools of trade and protective clothing and uniforms in accordance with the relevant order and decisions of the Queensland Industrial Relations Commission.

4.14 Payment for Course Time

- 4.14.1 In accordance with the provisions of s. 392 of the Act, time spent by an apprentice or trainee in undertaking an approved course of instruction, up to the maximum number of hours specified in the approval, is taken to be time worked for the employer and ordinary hours when calculating wages and employment conditions for the trainee.
- 4.14.2 In accordance with the provisions of s. 366(1)(h) of the Act, the employer shall include particulars necessary to show compliance with payment for course time in the time and wages records.
- 4.14.3 Where an apprentice's or trainee's rostered day off, or days off, coincide with attendance at an approved course of instruction the rostered day off shall not be a rostered day off for the trainee and shall be substituted by one of the following methods:
- (a) the equivalent of the time spent at the course of instruction may be added to the apprentice's or trainee's annual leave;
 - (b) payment for the equivalent of the time spent at the course of instruction may be made to the apprentice's or trainee on the next succeeding pay day;

- (c) the apprentice or trainee may be allowed the equivalent of the time spent at the course of instruction in lieu of such rostered day off. Unless otherwise agreed between the employer and the apprentice or trainee, such time in lieu shall be taken within 28 days of the rostered day off falling due.

PART 5 – MISCELLANEOUS MATTERS

5.1 Dispute Resolution Procedures

- 5.1.1 Any dispute or grievance arising from difficulties in translation, assessment or the achievement of competence shall be addressed through the processes of the Training Recognition Council and the provisions of the *Training and Employment Act 2000*. The Training Recognition Council may seek advice and participation from the relevant Industry Training Advisory Body.
- 5.1.2 Notwithstanding the above, any further dispute and/or grievance shall be managed through the processes of the relevant industrial instrument.

5.2 Industrial Relations

- 5.2.1 The employer and union parties acknowledge the positive role that structured, collective industrial relations provides in developing employment arrangements for apprentices or trainees.
- 5.2.2 The employer shall advise the relevant unions of the numbers of new apprenticeships or traineeships commencing in the public sector, including information regarding the callings and locations of new starters.
- 5.2.3 Following consultation with the union the employer shall enable union representatives to address apprentices/trainees as part of their induction process and during their employment for the purposes of discussing the terms and conditions of union membership.
- 5.2.4 The employer shall include information on the relevant unions and applications for union membership with all official paperwork to be given to new apprentices/trainees.
- 5.2.5 The employer shall provide union dues payroll deduction facilities for any apprentice or trainee who wishes to participate in union membership. An apprentice or trainee may authorise the employer in writing to deduct from any remuneration payable, subscriptions to an industrial organisation.

5.3 Review of Order

The parties to this Order agree to review the Order no later than 30 June 2001 and at that time shall determine whether application will be made for amendment or renewal.

5.4 Date of Operation

This order shall operate from the second day of January, 2001, and remain in force until such time as this order is amended in accordance with the Act.

SCHEDULE 1 – WAGE RATES

1. General

- 1.1 Unless other arrangements are specified in Schedule 2 of this Order, the wage progression arrangements contained in this Schedule shall apply.
- 1.2 The following provisions must be read and applied in conjunction with the provisions of Part 4 of this Order – Wages and Related Matters.

2. Apprentices

Wage progression arrangements for apprentices shall be based on the following table:

Wage Level	Minimum Training Requirements	% of Tradesperson's Rate Specified in the Award	AQF Outcome at Exit
1	Prior to the attainment of 25 % of the total competencies specified in the Training Plan.	40	N/A
2	On attainment of 25 % of the total competencies specified in the Training Plan <i>or</i> twelve months after commencing the apprenticeship whichever is the earlier	55	N/A
3	On attainment of 50 % of the total competencies specified in the Training Plan <i>or</i> twelve months after commencing Wage Level 2 whichever is the earlier	75	N/A
4	On attainment of 75 % of the total competencies specified in the Training Plan <i>or</i> twelve months after commencing Wage Level 3 whichever is the earlier	90	Cert. III
5	On certification of attainment of 100% of the total competencies specified in the Training Plan for the relevant AQF Certificate III qualification <i>or</i> twelve months after commencing Wage Level 4 whichever is the earlier	100	Cert. IV
6	On certification of attainment of 100% of the total competencies specified in the Training Plan for the relevant AQF Certificate IV qualification <i>or</i> twelve months after commencing Wage Level 5 whichever is the earlier	105	Diploma
7	On certification of attainment of 100% of the total competencies specified in the Training Plan for the relevant AQF Diploma qualification <i>or</i> twelve months after commencing Wage Level 6 whichever is the earlier	110	Advanced Diploma

Notes:

Apprentices shall exit their apprenticeship at the AQF Outcomes specified in their apprenticeship. The relevant AQF outcome that will be achieved on exit from each Wage Level is specified in the table above.

Apprentices shall only complete their apprenticeship on the attainment of 100% of the total competencies and/or associated minimum training requirements specified within their Training Plan.

Assessment of competencies for the completion of the relevant apprenticeship shall be undertaken within twelve months of commencing at the final Wage Level for the relevant apprenticeship.

3. Trainees

Wage Level	Trainee Registered for AQF Level 1 or 2 Qualifications	Trainee Registered for AQF Level 3 Qualification	Trainee Registered for AQF Level 4 Qualification	Trainee Registered for AQF Level 5 Qualification	Trainee Registered for AQF Level 6 Qualification	% of Relevant Adult Rate *
1	On entry	Prior to the attainment of the minimum training requirements specified for Wage Level 2	Prior to the attainment of the minimum training requirements specified for Wage Level 2	Prior to the attainment of the minimum training requirements specified for Wage Level 2	Prior to the attainment of the minimum training requirements specified for Wage Level 2	55
2		On attainment or completion of: (a)AQF 1 & 2 competencies; or (b) 1/2 of the total competencies for the relevant AQF 3 qualification; or (c)1/2 of the nominal	On attainment or completion of: (a)AQF 1 & 2 competencies; or (b) 1/3 of the total competencies for the relevant AQF 4 qualification; or	On attainment or completion of: (a)AQF 1 & 2 competencies; or (b) 1/4 of the total competencies for the relevant AQF 5 qualification; or (c)1/4 of the nominal	On attainment or completion of: (a)AQF 1 & 2 competencies; or (b) 1/5 of the total competencies for the relevant AQF 6 qualification; or (c)1/5 of the nominal	75

		duration of the traineeship, whichever is the earlier.	(c) 1/3 of the nominal duration of the traineeship, whichever is the earlier.	duration of the traineeship, whichever is the earlier.	duration of the traineeship, whichever is the earlier.	
3			On attainment or completion of: (a) AQF 3 competencies, (b) 2/3 of the total competencies for the relevant AQF 4 qualification; or (c) 2/3 of the nominal duration of the traineeship, whichever is the earlier.	On attainment or completion of: (a) AQF 3 competencies, (b) 1/2 of the total competencies for the relevant AQF 5 qualification; or (c) 1/2 of the nominal duration of the traineeship, whichever is the earlier.	On attainment or completion of: (a) AQF 3 competencies, (b) 2/5 of the total competencies for the relevant AQF 6 qualification; or (c) 2/5 of the nominal duration of the traineeship, whichever is the earlier.	100
4				On attainment or completion of: (a) AQF 4 competencies, (b) 3/4 of the total competencies for the relevant AQF 5 qualification; or (c) 3/4 of the nominal duration of the traineeship, whichever is the earlier.	On attainment or completion of: (a) AQF 4 competencies, (b) 3/5 of the total competencies for the relevant AQF 6 qualification; or (c) 3/5 of the nominal duration of the traineeship, whichever is the earlier.	105
5					On attainment or completion of: (d) AQF 5 competencies, (e) 4/5 of the total competencies for the relevant AQF 6 qualification; or (f) 4/5 of the nominal duration of the traineeship, whichever is the earlier.	110

Note: It is acknowledged that the “Relevant Adult Rate” as provided shall vary in accordance with the industrial instrument applicable to the establishment in which the trainee is engaged:

Provided that the relevant adult rate shall be no more than the 100% rate expressed in the relevant industrial instrument.

4. TRAINEES – DEPARTMENT OF PRIMARY INDUSTRIES (FORESTRY)

4.1 General

The following is a list of the primary occupational areas of the DPI Forestry:

- Forest Growing
- Plant Operation

- Forest Management

4.2 Trainees

4.2.1. Training Packages

Forest & Forest Products Industry National Training Package.

Wages progression arrangements for trainees based on the qualifications contained in the above training package shall be in accordance with the following table.

WAGE LEVEL	MINIMUM TRAINING REQUIREMENTS	RATE OF PAY
1	Prior to the attainment of the minimum training requirements specified for Wage Level 2	68% of FE 2
2	When the trainee has attained the core competencies for the traineeship that the trainee is registered in plus competency units to the value of 10 points; Or When the trainee has completed: 6 months after commencing Wage Level 1, Whichever is the earlier to occur.	75% of FE 2
3	When the trainee has attained the core competencies for the traineeship that the trainee is registered in plus competency units to the value of 22 points; Or When the trainee has completed: 6 months after commencing Wage Level 2, Whichever is the earlier to occur.	100% of FE 2
4	When the trainee has attained the core competencies for the traineeship that the trainee is registered in plus competency units to the value of 39 points; Or When the trainee has completed: 12 months after commencing Wage Level 3, Whichever is the earlier to occur.	100% of FE 4A
5	When the trainee has attained the core competencies for the traineeship that the trainee is registered in plus competency units to the value of 50 points; Or When the trainee has completed: 6 months after commencing Wage Level 4, Whichever is the earlier to occur.	100% of FE 5

NOTE:

The terms FE 2, FE 4A and FE 5 mentioned above refer to the classifications of Forestry Employee, Levels 2, 4A and 5 in accordance with the *Forestry Employees' Award – State Government*.

4.2.2. Other Trainees

Existing Forestry Trainees:

Trainees who are registered in existing forestry traineeships that are based on the provisions of the *Training Wage Award – State* shall be entitled to wages in accordance with that Award and the conditions in this Order and the relevant industrial instrument.

All Other Trainees:

Trainees who are registered in other traineeships (ie. non-forestry traineeships) shall receive wages and conditions in accordance with the remainder of this Order.

SCHEDULE 2 – Wage Rates and Conditions – Other VETE Orders with continued application in the public sector

Building Construction and Civil Construction Industry

Wages and conditions for apprentices and trainees in the building construction and civil construction industries shall be as provided in Schedule 4 of the Order B1185 of 2000, Apprentices' and Trainees' Wages and Conditions (Excluding Certain Queensland Government Entities) dated 9 December 1999.

Electrotechnology Industry

Wages and conditions for apprentices and trainees in the electrotechnology industry shall be as provided in Schedule 22 of the Order B1185 of 2000, Apprentices' and Trainees' Wages and Conditions (Excluding Certain Queensland Government Entities) dated 9 December 1999.

Automotive Industry

Wages and conditions for apprentices and trainees in the automotive industry shall be as provided in Schedule 3 of the Order B1185 of 2000, Apprentices' and Trainees' Wages and Conditions (Excluding Certain Queensland Government Entities) dated 9 December 1999.

Metals and Engineering Industry

Wages and conditions for apprentices and trainees in the metal and engineering industry shall be as provided in Schedule 15 of the Order B1185 of 2000, Apprentices' and Trainees' Wages and Conditions (Excluding Certain Queensland Government Entities) dated 9 December 1999.

Cleaning Traineeships

Wage rates for cleaning traineeships shall be 80% of the first level of the 002 Level rates as determined in the Public Service Award.

Dated this second day of January, 2001.

By the Commission,
[L.S.] E. EWALD,
Industrial Registrar.

Operative Date: 2 January 2001
Order – Apprentices' and Trainees' Wages and Conditions
Released: 16 January 2001