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Apprenticeship and Trade Testing Regulation 1991

Unvalidated References:

[Apprenticeship and Trade Testing Act 1986](#)

Employment Act 1978

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel

Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. 7 of 1991.

Apprenticeship and Trade Testing Regulation 1991

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Apprenticeship and Trade Testing Regulation 1991

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the [Apprenticeship and Trade Testing Act 1986](#).

Dated 200 .

PART I. – GENERAL.

1. INTERPRETATION.

In this Regulation, unless the contrary intention appears–

“Apprenticeship Training Advisory Panel” means a panel of suitably qualified trade specialists appointed under Section 20;

“birth certificate” means a document reflecting the registration of birth of a person, issued in terms of any law concerning registration of births in the country in which the person was born, or where such a document cannot be obtained, a certificate signed by the Controller giving the estimated age of the person;

“Committee” means the Apprenticeship and Trade Testing Committee appointed under Section 2;

“designated trade or occupation” means any trade or occupation designated

under Section 5 of the Act;

“educational certificate” means a certificate issued by the Department responsible for education matters certifying the educational standard attained by the person named in the certificate, or such other document as the Controller, after due enquiry, may approve;

“medical certificate” means a certificate signed by a medical practitioner in accordance with the provisions of Section 14 of the Act;

“Principal Apprenticeship Training Officer” means the Principal Apprenticeship Training Officer appointed under Section 3;

“Principal Trade Testing Officer” means the Principal Trade Testing Officer appointed under Section 3;

“trade standard” means an inventory of specific skills and related knowledge which a person employed in the trade to which the trade standard applies is expected to have mastered at different trade test levels;

“trade test” means a test approved under Section 26;

“Trade Testing Panel” means a panel of specialist trade advisers appointed under Section 21.

2. APPRENTICESHIP AND TRADE TESTING COMMITTEE.

(1) The Board shall appoint a Committee, to be known as the Apprenticeship and Trade Testing Committee, consisting of the following members:—

- (a) the Controller, who shall be the Chairman;
- (b) the Assistant Secretary, Technical Division of the Department responsible for education matters, or his representative;
- (c) two persons representing employers in the private sector;
- (d) two persons representing employees in the private sector;
- (e) two persons representing employers in the public sector;
- (f) two persons representing employees in the public sector

(2) The members of the Committee shall be appointed for a period not exceeding three years and are eligible for re-appointment.

(3) The Committee shall meet not less than four times in each year and shall, as soon as practicable after each meeting, submit minutes of that meeting to the Board.

(4) At each meeting of the Committee, the Chairman, or in his absence a member of the Committee appointed by the members present, shall preside.

(5) Subject to this Regulation, the procedures and terms of reference of the Committee are as determined by the Board.

(6) The functions of the Committee are generally to implement the provisions of this Regulation and otherwise as are specified in this Regulation.

3. APPOINTMENT OF PRINCIPAL APPRENTICESHIP TRAINING OFFICER AND PRINCIPAL TRADE TESTING OFFICER.

(1) The Board shall appoint—

- (a) an Assistant Controller to be Principal Apprenticeship Training Officer;
- and
- (b) an Assistant Controller to be Principal Trade Testing Officer.

(2) The Principal Apprentice Training Officer shall—

- (a) act as Secretary to the Committee in relation to apprenticeship training; and
- (b) conduct the day-to-day administration and organization associated with apprenticeship training; and
- (c) carry out such duties in relation to apprenticeship training as the Controller may, from time to time, of his own volition or on the direction of the Board, determine.

(3) The Principal Trade Testing Officer shall—

- (a) act as Secretary to the Committee in relation to trade testing; and
- (b) conduct the day-to-day administration and organization associated with trade testing; and
- (c) carry out such duties in relation to trade testing as the Controller may, from time to time, on his own volition or on the direction of the Board, determine; and
- (d) advise the Committee, for its endorsement of pass, failure or re-assessment, of the results of all trade testing from the respective Trade Testing Panels.

(4) The Principal Apprenticeship Training Officer and Principal Trade Testing Officer shall also act as conveners for meetings of all Apprenticeship Training Advisory Panels and Trade Testing Panels respectively, and shall arrange for Apprenticeship Inspectors and Trade Testing Inspectors to act as secretaries to the respective panels.

(5) In his capacity as secretary to—

- (a) an Apprenticeship Advisory Panel, an Apprenticeship Inspector shall furnish a written report to the Principal Apprenticeship Training Officer of all activities of the Panel; and
- (b) a Trade Testing Panel, a Trade Testing Inspector shall furnish a written report to the Principal Trade Testing Officer of all activities of the Panel.

PART II. – APPRENTICESHIP TRAINING.

4. ENGLISH LANGUAGE.

Every contract of apprenticeship or other form the nature of which is prescribed in this Regulation, shall be printed or typewritten in the English language.

5. FORM OF CONTRACT.

Every contract of apprenticeship shall be in Form 1 of Schedule 1.

6. EDUCATIONAL CERTIFICATE.

Where it is necessary for any purpose of the Act or this Regulation for a person to provide proof of his educational standard, such proof shall be furnished in the form of an educational certificate, which shall be conclusive for the purposes of the Act or this Regulation.

7. BIRTH CERTIFICATE.

Where it is necessary for any purposes of the Act or this Regulation for a person to provide proof of his date of birth, such proof shall be furnished in the form of a birth certificate, which shall be conclusive for the purposes of the Act or this Regulation, or by statutory declaration.

8. CERTIFICATE OF COMPLETION.

The Certificate of Completion of an Apprenticeship as provided for in Section 36 of the Act shall be in Form 2 of Schedule 1.

9. DUPLICATE COPIES.

(1) Where an apprentice or an employer loses his copy of the contract he may apply to the Controller for a duplicate copy and the Controller may, after due enquiry, issue to such apprentice or employer a duplicate copy of the contract after certifying on such copy that it is a true or correct copy of the file copy retained by him under Section 39 of the Act.

(2) Where a person who has been awarded a Certificate of Completion of Apprenticeship, issued under Section 36 of the Act, loses such Certificate, the Controller may, after due enquiry, issue a duplicate Certificate which shall be clearly marked "Duplicate" before issue.

10. RECORDS.

The records to be kept by an employer in pursuance of Section 50 of the Act shall be in Form 3 of Schedule 1, and such records shall be in addition to and not in derogation of any records with respect to apprentices which are required to be kept under the provisions of the Employment Act 1978.

11. MEDICAL CERTIFICATE.

The medical certificate as provided for in Section 14 of the Act shall be in Form 4 of Schedule 1.

12. STATISTICS.

On or before 31 March in each year, the Controller shall submit to the Board an annual return for the year ending 31 December preceding, showing the following:—

- (a) total number of apprenticeship registrations at year commencement, by trade or occupation; and
- (b) total number of persons registered as apprentices during the year, by trade or occupation; and
- (c) total number of apprenticeship registrations at year end, by trade or occupation; and
- (d) total number of apprentices in training at year commencement, by trade or occupation; and
- (e) total number of apprenticeship contracts terminated during the year, by trade or occupation; and
- (f) total number of apprenticeships completed during the year, by trade or occupation; and
- (g) total number of apprentices in training at year end, by trade or occupation.

13. PERIOD OF APPRENTICESHIP.

The period of apprenticeship shall not be more than four years subject to such extensions or reductions as may be appropriate under the provision of Sections 20 and 21 of the Act respectively, and such termination as may be appropriate under the provisions of Section 25 of the Act.

14. WAGE DEDUCTIONS.

An employer may deduct a fortnightly sum, not exceeding 10% of an apprentice's gross fortnightly wage, as repayment for the cost of supplying tools required, which are in excess of the tool

list approved by the Board.

15. HOURS OF WORK AND OVERTIME.

(1) The normal hours of work of an apprentice shall be the number of hours worked by a skilled worker in the same trade or occupation in the same establishment in which the apprentice is employed.

(2) When an apprentice is required to attend an approved technical training institution he shall be present at the appropriate institution on the days and during the hours specified by the Principal of the institution concerned.

(3) An employer shall neither require nor permit an apprentice to work during the periods when the apprentice is required to attend technical training as specified in Subsection (2).

(4) An apprentice under the age of 18 years shall not be required to attend to work overtime.

(5) Any overtime worked by an apprentice aged 18 years or over shall be computed and paid in accordance with the procedure appertaining to skilled workers in the same trade or occupation in the same establishment.

16. PUBLIC HOLIDAYS AND LEAVE.

Subject to the provisions of Section 13, an apprentice shall be granted the same paid public holidays, annual leave and sick leave as would normally be granted to a skilled worker in the same trade or occupation in the same establishment.

17. FEES.

(1) The fees prescribed in Schedule 2 are payable to the Board in respect of the matters specified in that Schedule.

(2) Where a fee is payable to the Board for or in respect of the lodging of a document, the document shall be deemed not to have been lodged until the fee has been paid to the Board.

(3) The amount of any fees paid shall be paid into the Trust Fund in accordance with Section 43 of the Act.

18. FUNDS FOR PRIZES, ETC.

(1) The Board may from time to time solicit donations for the purpose of awarding prizes or bursaries for apprentices.

(2) Monies derived from Subsection (1) shall be credited to an account established and operated under the direction of the Board.

19. REGISTER OF APPRENTICES.

All contracts of apprenticeship made in accordance with the Act shall be numbered consecutively and coded in accordance with procedures as determined by the Controller, and the Controller shall cause a register to be kept, in which shall be entered—

- (a) the number of each contract of apprenticeship; and
- (b) the names of the apprentice and the employer between whom it was entered into; and
- (c) the trade or occupation in respect of which it was entered into; and
- (d) such other particulars as the Controller considers necessary.

20. APPRENTICESHIP TRAINING ADVISORY PANELS.

(1) Pursuant to this Regulation, the Committee shall appoint for each specific training related group an Apprenticeship Training Advisory Panel for the purpose of formulating and establishing an appropriate trade syllabus for each designated trade.

(2) An Apprenticeship Training Advisory Panel shall consist of ten members each of whom shall, to the satisfaction of the Committee, be technically qualified in the trade or occupation, and shall constitute—

(a) the head of the appropriate department from the technical college in or nearest to the area in respect of which the Apprenticeship Training Advisory Panel is to operate, who shall be Chairman; and

(b) one member representing the Technical Division of the Department responsible for education matters; and

(c) an Assistant Controller, who shall be the Secretary; and

(d) not less than seven members who are technically qualified within the trade or occupation to which the Apprenticeship Training Advisory Panel relates.

(3) A non-Government member of an Apprenticeship Training Advisory Panel may be paid such fees and allowances as the Board from time to time determines.

(4) In addition to its functions under Subsection (1), an Apprenticeship Training Advisory Panel shall provide technical advice to the Committee and to the Board on the content of technical training required by an apprentice to enable him to become a skilled tradesman.

PART III. – TRADE TESTING.

21. TRADE TESTING PANELS.

(1) Pursuant to this Regulation, the Committee shall appoint for each designated trade a Trade Testing Panel for the purpose of establishing standards and formulating and executing trade tests to determine the levels of skills of workers in their respective areas of competence in that trade and shall determine the duration of each trade test.

(2) The members of a Trade Testing Panel shall hold office for a period not exceeding three years and shall be eligible for re-appointment.

(3) A non-Government member of a Trade Testing Panel shall be paid such fees and allowances as the Board may from time to time determine.

(4) Each Trade Testing Panel shall comprise three members each of whom shall be technically qualified to the satisfaction of the Committee in the trade or occupation concerned and shall constitute—

(a) one member representing the Technical Division of the Department responsible for education matters; and

(b) one member representing Governmental industrial establishments; and

(c) one member representing the private industrial or parastatal sector.

22. TRADE TESTING EXAMINERS.

On advice from a Trade Testing Panel, the Committee shall appoint Trade Test Examiners to execute all trade tests in that trade at appropriate levels and venues as approved by the Committee.

23. TRADE STANDARDS AND RELATED MATTERS.

Each Trade Testing Panel shall be responsible for—

- (a) establishing the trade standard for each trade or occupation within its area of competence, based on a national trade content and skill analysis of the trade or occupations concerned; and
- (b) formulating test questions and projects from each trade standard to be included in the trade test concerned, as it deems appropriate; and
- (c) preparing marking schemes in respect of all such trade tests; and
- (d) grading the results of applicants tested and forwarding them through the Trade Testing Inspector to the Controller.

24. EVALUATION OF TRADE TESTS.

(1) Each Trade Testing Panel shall from time to time, and in any event at intervals of not more than three years, evaluate its own trade testing procedures to determine the validity and reliability of its testing and marking procedure.

(2) Where a Trade Testing Panel revises its testing procedure or standards, such revision shall be submitted to the Committee for approval and to the Board for endorsement, and shall not be adopted until such approval and endorsement have been obtained.

25. TRADE TEST LEVELS.

(1) For each trade or occupation, unless otherwise specified, there shall be three levels of trade tests to be known as Grade I (Final), Grade II (Intermediate), and Grade III (Basic), which Grades shall correspond to Skilled, Semi-skilled and Operative respectively.

(2) No trade test at any level shall be applied without the prior approval of the Board.

26. APPLICATION FOR TRADE TESTS.

(1) Subject to this section, a person wishing to undergo a trade test may apply in writing on a form approved by the Committee for the purpose, providing that no application shall be accepted from any person who—

- (a) is below the age of 18 years; or
- (b) in the case of an applicant for a Grade III (Basic) trade test, has completed less than two years' employment in the trade or occupation in which he seeks to be tested; or
- (c) in the case of an applicant for a Grade II (Intermediate) trade test, has not obtained a Grade III (Basic) trade test certificate in the trade or occupation in which he seeks to be tested, and has also completed less than a further two years' employment in that trade or occupation after the date of award of his Grade III (Basic) trade test certificate; or
- (d) in the case of an applicant for a Grade I (Final) trade test, has not obtained a Grade II (Intermediate) trade test certificate in the trade or occupation in which he seeks to be tested and has completed less than a further two years' employment in that trade or occupation after the date of award of his Grade II (Intermediate) trade test certificate.

(2) The Controller may waive the appropriate requirements at any trade test level, where he considers that an applicant can fulfil the criteria specified and can also demonstrate that his employment, in the trade or occupation, meets the minimum requirements.

(3) A person, who satisfies the Controller that he has satisfactorily completed an apprenticeship approved by the Board, may apply for a Grade I (Final) trade test forthwith in the trade to which he

has been apprenticed, without the necessity of obtaining a Grade II (Intermediate) or Grade III (Basic) trade test certificate in such trade or any subsequent employment in such trade, but failure to obtain a Grade I (Final) trade test certificate, after two attempts, shall render an ex-apprentice ineligible to sit the Grade I (Final) trade test, until he has satisfactorily passed the Grade II (Intermediate) trade test.

(4) A person undergoing training under a contract of apprenticeship approved by the Board shall not be eligible to apply for any trade test during the currency of such contract.

(5) The Committee may, in respect of a trade or occupation, require that a person has completed periods of employment in excess of those specified in Subsection (1), and where such longer periods of employment are required they shall be specified in the relevant trade standard.

(6) Notwithstanding the provisions of this section, the Board, acting on the advice of the Committee, may, if it considers fit—

(a) recognise any foreign certificate of technical competence awarded to a citizen as being equivalent to a specific grade of trade test certificate awarded under this Regulation; and

(b) in the event of such recognition, instruct the Controller to issue the equivalent trade test certificate in the appropriate grade without requiring the recipient to take any trade test.

27. TESTING PERIODS AND LOCATIONS.

A trade test shall be held annually at fixed periods on an independent or group basis, and, wherever practicable, shall be held at a Technical Training Institution under the control of the Department responsible for education matters or at another industrial and approved establishment, recognised and designated by the Committee and approved by the Board.

28. DURATION OF TRADE TEST.

The duration of a trade test at each respective level shall be determined by the appropriate Trade Testing Panel and approved by the Committee.

29. FORMAT OF TRADE TEST.

(1) Unless otherwise specified by the Committee, the format of a trade test for all levels shall be as follows:—

(a) for Grade II (Intermediate) and Grade III (Basic)—a theoretical paper, covering both practical and theoretical aspects of the trade, at level being tested, in a given time period as declared by the Committee, and a candidate shall be expected to take the paper in the English language, but may elect to take the written paper as an oral examination in either Tok Pisin or Hiri Motu; and

(b) a practical test covering the completion of a task or tasks of the trade or occupation within a given time, declared by the appropriate Trade Testing Panel and approved by the Committee; and

(c) Grade I (Final)—a theoretical paper, covering both practical and theoretical aspects of the trade at final level, in a given time as determined by the Committee, and a candidate shall be required to take the written test using the English Language and oral tests shall not be permitted; and

(d) a practical test covering a task or tasks of the trade or occupation within a given time frame determined by the Committee.

(2) In addition to the requirements of Subsection (1), a candidate entering any trade test shall, as an

essential component of the trade test, demonstrate to the examining officer that he has the appropriate tool kit, as specified by the Board, for the level being tested, and a candidate not complying with this requirement may be refused entry to the trade test.

30. TRADE TEST FEES.

- (1) A trade test fee shall be paid by each person who enters for a trade test.
- (2) The trade test fee for each level of trade test will be in accordance with an appropriate scale, as determined by the Committee and approved by the Board, which may from time to time be varied, and any variation shall be published in the National Gazette.
- (3) All trade test fees received shall be deposited into the Trust Fund and administered in accordance with Section 41 of the Act.

31. PREVIOUS TRADE TESTS.

An application for a Grade II or I trade test shall be accompanied by proof to the Trade Tester that the applicant has passed a previous trade test or has exempting qualifications approved by the Controller.

32. REPEAT OF TRADE TESTS.

An applicant for a trade test, who has previously failed to reach the required standard, shall, on re-application, be required to submit the current fee specified for that grade of trade test as determined under Section 29.

33. TRADE TEST CERTIFICATES.

(1) The Controller, on receipt of notification from the Assistant Controller (Trade Testing) that an applicant—

- (a) has reached the required standard in a trade test; and
- (b) has paid the required fee under Section 30,

shall grant to the applicant a trade test certificate of the appropriate grade.

(2) A trade test certificate granted under Subsection (1) shall be in Form 5 of Schedule 1 and shall only be valid if—

- (a) a passport photograph of the applicant, supplied by him, is affixed; and
- (b) the photograph is embossed with the official seal of the Board; and
- (c) the photograph is signed by the Controller.

34. CERTIFICATE OF COMPETENCY.

(1) The Controller may award to a person a certificate of competency certifying that that person is competent in the skills specified in the certificate which do not constitute a full trade recognised by the Board.

(2) The award of a certificate of competency shall be determined by the successful completion of both a theoretical and practical examination which a candidate may elect to take as an oral test in Tok Pisin or Hiri Motu.

(3) All examination and assessment procedures for a certificate of competency shall be determined by the appropriate Trade Testing Panel and approved by the Committee.

(4) A certificate of competency shall not give exemption in any trade test covered by the apprentice trades recognised by the Board, and shall not cover multiple skill levels.

(5) A certificate of competency granted under Subsection (1) shall be in Form 6 of Schedule 1.

35. APPEALS.

An applicant who fails to reach the required standard in a trade test or certificate of competency and wishes to appeal against such failure may, within one month after receiving notification in writing of his failure, appeal to the Controller whose decision, after consultation with the Committee, shall be final.

36. REGISTER OF TRADE TESTED WORKERS.

A trade test certificate issued under Section 33 and a certificate of competency issued under Section 34 shall be numbered serially and the Controller shall cause a register to be kept, in which shall be entered—

- (a) the number of each certificate; and
- (b) the names of the person to whom it has been granted; and
- (c) the trade or occupation in respect of which it has been granted; and
- (d) the grade of the certificate; and
- (e) such other particulars as the Controller considers necessary.

37. PENALTIES.

A person who—

- (a) makes any false declaration on a trade test application form; or
- (b) makes use of a trade test certificate to which he is not entitled under this Regulation; or
- (c) alters or defaces a trade test certificate issued under this Regulation, or makes any model, likeness, or facsimile of such certificate with intent to deceive or defraud; or
- (d) being entitled under this Regulation to the possession of a trade test certificate, parts with such possession to a person not entitled; or
- (e) fails to produce or surrender without good cause such certificate when requested by the Controller to do so,

is guilty of an offence.

Penalty: A fine not exceeding K1,000.00 or imprisonment for a term not exceeding six months, or both.

PART IV. – TRAINING LEVIES.

38. INTERPRETATION.

In this Part, unless the contrary intention appears—

- “training levies” means monies charged to the employer or employee by the Board or the Committee for any services rendered in respect of apprenticeship or trade testing activities;
- “Trust Account” means an account opened by the Department responsible for labour and employment matters, and approved by the Department responsible for finance matters, for the express purpose of receiving all monies derived from apprenticeship and trade testing activities and generally

operated in accordance with Sections 42 and 43 of the Act.

39. PURPOSE OF LEVY.

All income derived from charges levied against employers, employees or other persons, in respect of apprenticeship training or trade testing, and deposited in the Trust Fund, shall be utilised to cover the following expenditure and other matters as expressly defined by the Board:—

- (a) payment of allowances to Trade Test Examiners;
- (b) purchase of resources to conduct trade tests;
- (c) printing of trade testing and competency Certificates;
- (d) expenses of administration;
- (e) other expenditure as considered appropriate by the Board, to be met from the Trust Fund.

SCHEDULE 1

PAPUA NEW GUINEA.

[Apprenticeship and Trade Testing Act 1986.](#)

Form 1 – Contract of Apprenticeship Registration.

Reg., Sec. [5. Form 1.](#)

PAPUA NEW GUINEA.

[Apprenticeship and Trade Testing Act 1986.](#)

Form 2 – Certificate of Completion of Apprenticeship.

Reg., Sec. [2. Form 2.](#)

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[Apprenticeship and Trade Testing Act 1986.](#)

Form 3 – National Apprenticeship and Trade Testing Board Apprentice Log Book.

Act, Sec. 50. Form 3. Reg., Sec. 10.

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[Apprenticeship and Trade Testing Act 1986.](#)

Form 4 – Medical Certificate.

Reg., Sec. [11. Form 4.](#)

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[Apprenticeship and Trade Testing Act 1986.](#)

Form 5 – Trade Test Certificate.

Reg., Sec. 33(2). Form 5.

PAPUA NEW GUINEA.

[Apprenticeship and Trade Testing Act 1986](#).

Form 6 – Certificate of Competency.

Reg., Sec. 34(6). Form 6.

SCHEDULE 2 – FEES.

Item	Fee
For attestation of Indenture	K5.00
For endorsement of Indenture	K5.00
For lodging transfer of agreement	K10.00
For preparation of original or copy of a document	K10.00

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