

Traineeships and Apprenticeships in SA

skills.sa.gov.au



Government of South Australia
Department for Education

What is a Traineeship or Apprenticeship?

A traineeship or apprenticeship is a structured learning program in which a trainee or apprentice undertake paid employment in a vocation or trade to achieve a recognised qualification. The employer will provide training and work that is relevant to their trade or declared vocation. Training providers deliver the off-job training and issue the relevant qualification.

Who can be a trainee or apprentice?

- School-Based Students
- An existing employee
- A new employee
- A mature-age student

www.skills.sa.gov.au

An apprenticeship or traineeship may be full-time or part-time but cannot be undertaken on a casual basis. Secondary school students in Years 10, 11, and 12 may be eligible to undertake a school-based apprenticeship/traineeship.

What is the difference between a trainee and an apprentice?

Trade Qualifications = Apprenticeships, Declared Vocations = Traineeships

Getting Started

How do I employ an apprentice or trainee directly?

An Employer must be registered before they can train apprentices and trainees. An Employer Registration Application is an online process which ensures that employers are made aware of their rights and obligations when employing apprentices and trainees. If all criteria are met, registration may be approved.

Once registered, the Employer is responsible for maintaining the accuracy and currency of their registration, keeping required records (see Record Keeping checklist in this booklet) relating to their registration, and renewing their registration every 5 years.

As part of the registration process, an Employer must select the **trades (apprenticeships)** or **declared vocations (traineeships)** they wish to be registered for. Employers cannot train apprentices or trainees in trades or vocations outside the scope of their registration.

How do I use a Host Arrangement?

If an Employer does not wish to directly employ a trainee or an apprentice, they may enter into a host employment arrangement with a registered Employer. Host employment arrangements allow a business to take on an apprentice or trainee without being the legal Employer. The host Employer trains the apprentice

or trainee on-job and meets its responsibilities and obligations as outlined in a written agreement with a currently registered Employer.

The Host Employer needs to provide suitable work, provide access to suitable equipment, tools and materials, and provide suitably qualified supervisors. They should also provide access to the registered Employer to visit directly with the learner.

The **Registered Employer** must develop an agreement between themselves and the host, keep records, and provide pastoral and monitoring support to apprentices and trainees at least every eight weeks. These need to be documented and provide the trainee/apprentice with confidential support. Third or fourth year/stage apprentices and trainees may use communication methods such as phone, email or video calls in lieu of face-to-face meetings.

| Trainee/Apprentice Year/Stage | Minimum pastoral care meetings per year | Face-to-face pastoral care meetings per year |
|-------------------------------|---|--|
| 1 or 2 | 6 | 6 (3 of these must be at the worksite) |
| 3 or more | 6 | 3 (1 of these must be at the worksite) |

These meetings should confirm that the on-job training is commensurate with the level and stage of the apprenticeship or traineeship and the qualification.

Registered Employers need to report hosting arrangements to the Commission, develop a written agreement, ensure apprentices/trainees can raise issues of concern, respond to any alleged workplace health and safety risks, ensure off-job training arrangements are in place and rotate alternative work sites.

The Commitment

What is a training contract?

It's important that everyone involved in the apprenticeship or traineeship understands their commitment to the learning program. That's why we have a **training contract**.

A training contract is a formal arrangement between the apprentice/trainee and the Employer. A parent or guardian will also need to be involved if the apprentice/ trainee is under 18 years of age. The **Apprenticeship Network Provider (ANP)** will facilitate the establishment of the training contract – so do not worry, they are experts at getting you started.

The training contract agreement will detail the training provider, the qualification to be undertaken, start date, probationary period, hours, and if school-based arrangements apply. The length of the contract will also be detailed including any credits which reduce the length of the training contract.

The Employer undertakes to train and employ the apprentice or trainee in a trade or declared vocation, and the apprentice or trainee undertakes to complete structured learning and paid employment for a specific period to achieve their agreed qualification.

Apprenticeship Network Providers (ANP)

ANPs are non-government organisations contracted by the Australian Government to deliver a variety of support services. Refer to the Australian Apprenticeships website to find an Apprenticeship Network Provider near you: www.australianapprenticeships.gov.au/search-aasn

MAS National

Phone 1300 627 628

Web www.masnational.com.au

MEGT

Phone 13 63 48

Web www.megt.com.au

For further information regarding ANPs or incentive payments, call **13 38 73** or go to www.australianapprenticeships.gov.au

What should be considered when entering a training contract?

- be a registered Employer
- operate within the scope of the Employer's registration
- be able to provide the required supervision
- comply with any other condition of the registration
- be a suitable person and not a prohibited Employer
- not undertake to train a person until a training contract application has been submitted and approved

The **Employer contacts the ANP** once they are registered and the ANP will take you through the process.

What is required to establish the training contract?

The ANP will coordinate and lodge the completed contract with Traineeship and Apprenticeship Services for assessment. In addition, ANPs are responsible for:

- explaining rights and obligations to the apprentice or trainee, and the Employer
- providing information and support to select an appropriate qualification and Training Provider
- pre-commencement support services, including screening, testing, and job-matching to ensure the apprentice or trainee is well suited to their chosen trade or declared vocation
- administering incentive payments to eligible Employers
- administering a range of income support payments to eligible apprentices and trainees

Who pays for the training?

Many modern awards require Employers to pay for or reimburse apprentices/trainees for the cost of training fees and textbooks required for the apprenticeship or traineeship, provided they make satisfactory progress. Where the award or industrial agreement does not state whether the apprentice/trainee or Employer is responsible for these costs, this should be agreed and documented between the parties prior to signing the training contract.

South Australian Government training subsidies

SA Government training subsidies for eligible apprentices and trainees if their qualification is subsidised and can be delivered by an eligible Nominated Training Organisation (NTO). This funding is provided directly to the NTO. For more information, go to www.skills.sa.gov.au or call the Skills Infoline on **1800 673 097**.

A contract is a legally binding agreement – so you need to understand your obligations.

To ensure you maintain the agreement, talk to us about changes as and when they occur.

Skills Infoline 1800 673 097

www.skills.sa.gov.au.

How will the training be delivered?

What is an NTO and why do I need one?

Nominated Training Organisations (NTO)

An NTO may be a Registered Training Organisation (registered by the Australian Skills Quality Authority, or ASQA) or a higher education provider (registered by the Tertiary Education Quality and Standards Agency, or TEQSA).

You need a **Nominated Training Organisation (NTO)** who are able to provide the qualification you need. Once the training contract is lodged the NTO has **30 days** to accept their nomination. They will then work with the Employer, apprentice or trainee to develop a training plan **within 28 days**.

The NTO should ensure the training plan is fit for purpose and suitable for the lifetime of the training contract, this includes taking into account any recognition for prior learning or credit transfers from other courses the learner may have completed.

The NTO delivers the training and assesses the learner's skills against the competencies of that qualification. Things do change, so the NTO will review the training plan every 6 months to keep it current and if it's not, then provide the relevant support to adapt it.

What is a Training Plan?

A Training Plan outlines the agreement between the apprentice or trainee, Employer and NTO. The NTO must engage with the Employer and the apprentice or trainee to discuss training delivery, units of competence, study and assessments.

The Nominated Training Organisation (NTO) develops the Training Plan with the Employer and the apprentice/trainee. All must agree on the Training Plan for it to be endorsed. The Training Plan records:

- the qualification to be undertaken (as well as any non-accredited training aligned to the qualification as part of the trade and vocation declaration process)
- the units of competency / units of study (and any aligned non-accredited training) that make up the training to be undertaken
- whether credit or Recognition of Prior Learning has been offered
- whether an arrangement to average hours has been entered into
- the mode of delivery and assessment of formal training (on-job and/or off-job)
- the responsibilities of the apprentice or trainee, Employer, and Nominated Training Organisation (NTO), with respect to the training to be undertaken
- any additional expectations of the apprentice/trainee, Employer, or NTO
- any comments as a result of a review of the Training Plan.

The NTO for a training contract must prepare the Training Plan within 28 days of accepting the nomination. It is the NTO's responsibility to notify that this has occurred to Traineeship and Apprenticeship Services.

What is Recognition of Prior Learning (RPL)?

RPL must be negotiated between the apprentice/trainee, the Employer and the NTO at the time of **developing the training plan**. It is the responsibility of the NTO to offer RPL assessments to students. RPL is defined in the Australian Qualifications Framework as an assessment process that involves assessment of

an individual's relevant prior learning (including formal, informal and non-formal learning) to determine the credit outcomes of an individual application for credit. Any queries regarding RPL should be directed to the NTO in the first instance.

Can credit be given for qualifications and skills already achieved?

Students must not be required to repeat any unit or module in which they have already been assessed as competent unless a regulatory requirement or licence condition requires this. If a student provides suitable evidence, credit may be recorded on the training plan.

Credit should be requested at the **time of signing the training contract** if an apprentice/trainee has partly completed the same occupation and qualification under a previous training contract. In this situation, credit will be given automatically, and this will reduce the term of the training contract.

An apprentice or trainee may seek credit for relevant training and industry experience, such as pre-vocational training or pre-apprenticeship training, and for relevant units of competency and qualifications that they have already achieved. Following negotiation with the Nominated Training Organisation, this may result in fewer 'units of competency' needing to be completed for the qualification.

Certification can be provided to people who have gained the skills and knowledge for a trade or declared vocation outside of an apprenticeship or traineeship. The certification provides recognition for:

- obtaining non-conditional occupational licences
- accessing trade or declared vocation-level remuneration under awards or other industrial agreements
- further a career progression and up-skilling
- recognising overseas qualified applicants.

What is Credit Transfer (CT)?

If you have successfully completed a unit or module at an NTO, credit should be applied for the unit or module

Australian Government Department of Home Affairs (DHA)

Recognition arrangements are not provided for the purposes of migration. Individuals requiring a skills assessment to apply for an Australian visa should seek information from DHA

(<https://www.homeaffairs.gov.au/>).

What are the steps to success

| | | |
|----------------|--|--|
| Step 1 | Employer Registration | Complete the online Employer registration |
| Step 2 | Training Contract | Employer contacts ANP to arrange the development of a training contract between the Employer and apprentice/trainee and selects an NTO |
| Step 3 | Lodging the Training Contract | The ANP lodges the training contract for assessment. |
| Step 4 | Approving the Training Contract | The training contract is approved after the NTO accepts nomination as the training provider. |
| Step 5 | Develop the Training Plan | The apprentice/trainee, Employer, and NTO agree on the Training Plan. |
| Step 6 | Training Plan Lodgement | NTO to prepare and seek endorsement of the Training Plan within 28 days of accepting their nomination. |
| Step 7 | The Training Lifecycle | Variations can be requested by an NTO, Employer or Apprentice/Trainee for the effective management of the program |
| Step 8 | Assessing Competence | Employer and NTO assess the competence of the apprentice/ trainee for completion. |
| Step 9 | Applying for Completion | An Application to Complete is submitted by the parties to the training contract. The NTO must provide evidence that the qualification specified in the training contract has been completed. |
| Step 10 | Completion | The training contract completion application is assessed. If competency has been achieved, notification will be given. Apprentices will also be provided with a Trade Certificate. |

Who Supervises my apprentice or trainee?

What is Supervision?

Employers (including host employers) are responsible for supervising the on-job training of an apprentice or trainee. On-job training must be by a skilled or qualified person in the competencies listed in the qualification and agreed to in the training plan. The work should be relevant and appropriate to the trade or vocation.

If an Employer delegates or assigns the responsibility of supervising or providing on-job training to any staff member (or contractor), the Employer must make sure they understand and adhere to the requirements of the [Supervision Standard](#).

Why is Supervision important?

Appropriate and effective supervision is vital for apprentices and trainees while undertaking their qualification and employment. The ratio of supervisors to apprentices or trainees is vitally important to maintain quality and safety standards.

What are Supervision ratios?

To make sure that all apprentices or trainees are adequately supervised, Employers must not exceed the supervision ratios that apply to them.

Each qualification has been assessed as either high, medium or low risk for supervision ratios.

The supervision ratios are published in the [Traineeship and Apprenticeship Pathways \(TAP\) Schedule](#).

Where a supervisor is responsible for supervising apprentices or trainees with different prescribed supervision levels, the Employer must apply the supervision ratio for the highest of those levels.

An Employer must not exceed these supervision ratios unless they have applied for and received written approval from the South Australian Skills Commission.

| SUPERVISION LEVEL RATING | MAXIMUM SUPERVISION RATIO |
|--------------------------|--|
| HIGH | 1:3 A single supervisor may not supervise any more than 3 apprentices or trainees at any one time. |
| MEDIUM | 1:6 A single supervisor may not supervise any more than 6 apprentices or trainees at any one time. |
| LOW | 1:10 A single supervisor may not supervise any more than 10 apprentices or trainees at any one time. |

What are the different types of supervision?

An apprentice's or trainee's supervision may be:

| | |
|-----------------|---|
| Direct | <p>The default type of supervision which employers must provide until such time as they can demonstrate that they have assessed the apprentice or trainee and determined that the apprentice or trainee can work under indirect supervision for a given task.</p> <p>For apprentices and trainees who commence an apprenticeship or traineeship while they are at school, or who are otherwise under 18 years of age, direct supervision is required (unless a risk assessment determines otherwise).</p> |
| Indirect | <p>Indirect supervision allows an employer or supervisor to temporarily leave the apprentice or trainee to work on their own. This includes where an employer or supervisor may need to leave to worksite to meet with a client, undertake business related tasks off-site, or take a meal break.</p> <p>When an apprentice or trainee is being supervised indirectly, the employer or supervisor must be contactable (e.g. online or by phone) so if the apprentice or trainee encounters a problem, or needs to clarify instructions or process, they have appropriate support and guidance.</p> <p>An employer may provide indirect supervision for an apprentice or trainee performing a task if:</p> <ul style="list-style-type: none">• it is reasonable in the circumstances (and has regard for any health and safety risks) that they undertake the task independently; and• before the task is undertaken, the employer can demonstrate that a supervisor has assessed the apprentice or trainee as having the required skills, technical knowledge and experience to autonomously perform the task without risk to their safety or the safety of others. <p>An employer must be able to demonstrate that they made their assessment of the apprentice or trainee, and the task, before permitting indirect supervision. They must keep records of that assessment</p> |
| Remote | <p>Remote supervision is where a supervisor is not physically based at the site where the apprentice or trainee works. This means geographically separated and not temporary or intermittent in nature, where indirect supervision is appropriate. Remote supervision cannot occur without the prior written approval of the Commission.</p> |

Employers should start from the assumption that an apprentice or trainee has minimal or no capability or awareness of the work to be undertaken or the risks associated with it.

For apprentices and trainees who commence an apprenticeship or traineeship while they are at school or still enrolled in school, constant and direct supervision is required, unless a risk assessment determines otherwise.

An Employer must be able to demonstrate that they made their assessment of the apprentice or trainee, and the task, before permitting indirect supervision. They must keep records of that assessment.

A supervisor may find themselves with some apprentices or trainees who require direct supervision, and others who they have assessed as requiring indirect supervision.

During the Training

What do I do if I need to change the training contract?

Sometimes your employment or training arrangements change. Examples of changes to training contracts include matters such as the termination, suspension, or variation of the contract, the transfer of the Training Contract to another Employer, or the substitution of one Nominated Training Organisation for another.

All variations must be mutually agreed to by all involved and an application to vary being submitted to Traineeship and Apprenticeship Services for assessment. Only Traineeship and Apprenticeship Services or the South Australian Employment Tribunal may vary a Training Contract.

It is recommended that you seek advice from Traineeship and Apprenticeship Services prior to applying to vary the contract.

Skills Infoline 1800 673 097
www.skills.sa.gov.au

Why may I need to change my training contract?

Changes to a contract are called a **Variation** to the conditions agreed, and these can include:

- Full-time and part-time training arrangements
- Extension to the probationary period
- Substitution of an Employer
- Temporary suspension
- Termination of a training contract
- Complete a training contract
- Request for credit
- Change qualification or vocation
- Extend a training contract
- Transfer to a new NTO

WHAT IS THE PROCESS TO VARY A TRAINING CONTRACT?



Unfair treatment

Undue pressure or unfair tactics must not be exerted by any party to obtain agreement for a variation to a training contract. You should not sign an application form requesting a variation to a training contract if you believe you have been coerced into doing so, and

Can full-time and part-time training arrangements change?

If all involved in a training contract agree they may apply for a variation from part-time to full-time or full-time to part-time. An application must be made and contain any information required by the Commission to consider the application which can be found at [Skilled careers | Forms for Employers \(skills.sa.gov.au\)](#)

What is required to average the hours worked?

All involved in a training contract may agree to average the hours worked. Hours worked under a standard apprenticeship or traineeship may be averaged over a four-week cycle, and over three months for school-based. An agreement to average the training hours over a particular work cycle must be in advance of the training commencing, and must also include the rostered hours of employment and the training period over which the averaging applies. The agreement must be supported by the relevant award or industrial agreement and national employment standards.

What are the minimum hours required for part-time training contracts?

| Training Contract Type | Averaging of Hours Period | Part-Time Minimum Hours |
|------------------------|--------------------------------------|-------------------------|
| Non-school based | May be averaged over a 4-week cycle | 15 hours per week |
| School-based | May be averaged over a 3-month cycle | 7.5 hours per week |

What are the conditions for school-based apprenticeships/traineeships?

The combined hours of employment and training for a school-based apprenticeship or traineeship may be averaged over three months intervals, providing the Training Plan for the training contract includes an accurate record of the proposed pattern of employment and training (which is signed and dated by the parties) through to the end of each calendar year. The averaging of hours should not interfere with the student's academic obligations.

At the conclusion of a school-based apprentice's or trainee's schooling, the parties must apply to Traineeship and Apprenticeship Services to convert the training contract to either full-time or part-time, or otherwise apply for a termination of the training contract if all parties mutually agree to not continue.

What is a probationary period?

The Commission has determined the standard probationary period for Training Contracts:

- up to and including 24 months duration is 60 days
- greater than 24 months duration is 90 days.

These standard probationary periods apply to full-time and part-time apprenticeships and traineeships.

Do you require an extension on the probationary period?

The probationary period may be extended by the Commission for a period of no more than 6 months in total or 25% of the term of the training contract, whichever is the lesser. Applications for an extension will be assessed on a case-by-case basis and must be in the best interests of the parties to the training contract.

Applications for an extension must be submitted at least 14 days before the expiry of the original probationary period using the probation period extension form available at [Skilled careers | Forms for Employers \(skills.sa.gov.au\)](https://skillscommission.sa.gov.au/legislative-framework/supervision-taps-schedule).

TAP Schedule

Every trade and declared vocation listed on the TAP Schedule has a nominal term assigned to it, and a corresponding standard probationary period based on the length of the term. Go to: <https://skillscommission.sa.gov.au/legislative-framework/supervision-taps-schedule>

What is a suspension?

A suspension is a temporary postponement of a training contract for a period of time (up to a maximum of 30 days) agreed by both the apprentice/trainee and the Employer with a view to all completing the training contract. The Traineeship and Apprenticeship Services will assess and either approve or decline an application for training contract suspension. It is important to know that a suspension must be the last resort.

What determines a suspension?

Examples of when a suspension may occur includes:

- For business related reasons such as re-structuring or re-location of the business
- For non -business related reasons where the application is mutually agreed, and the apprentice/trainee cannot be transferred to another Employer
- The business is sold or had experience significant downturn

How do you apply for a suspension?

To apply for a suspension an application form must be submitted along with any supporting information. You can find the form at [Skilled careers | Forms for Employers \(skills.sa.gov.au\)](https://skillscommission.sa.gov.au/legislative-framework/supervision-taps-schedule)

An application for a training contract suspension that is not mutually agreed to by those involved may require compulsory dispute resolution.

What if you need to change Employer?

A training contract can be transferred to a substitute Employer, where an application is made to substitute the current Employer of an apprentice or trainee with a different Employer part way through the training contract.

What is the process to transfer to another Employer?

Applications to transfer a training contract can be made by completing the Transfer to a New Employer application form - [Skilled careers | Forms for Employers \(skills.sa.gov.au\)](https://www.skills.sa.gov.au/forms-for-employers)

When assessing the application, we may seek the views of the current Employer and in the event of a dispute, ask applicants involved to undertake dispute resolution.

If an application is granted, we will advise:

- the substitution commencement date
- the transfer fee payable (unless waived or reduced) by the proposed Employer to the previous Employer
- confirmation of the substitution is subject to an application to register the proposed Employer being approved (if applicable).

What are transfer fees?

In recognition of the investment the original Employer has already made in the training of the apprentice or trainee a transfer fee is payable upon confirmation of the substitution being approved. The fees are provided in the South Australian Skills (Fees) Notice 2021. The transfer fee is paid directly from one Employer to the other and a record of the transaction must be retained by both the previous and proposed Employer.

Can the transfer fee be waived?

The transfer fee payable by a proposed Employer to the existing Employer may be waived or reduced where:

- the transfer is mutually agreed by the proposed and existing Employer, or
- it is unlikely that the existing Employer will be able to provide employment to the apprentice or trainee for the duration of the training contract, or
- it is unlikely that the existing Employer will be able to provide the scope of training or supervision for the apprentice or trainee to complete the training contract.
- any other reason that the Commission deems to be acceptable

What if there is a change of ownership?

If there is change in the ownership of the business with which an apprentice or trainee is employed the training contract continues with the new Employer and the rights, obligations and liabilities of the former owner/Employer transfer to the new owner/Employer. The employer must notify the Commission of a [Change of Ownership](#) within 21 days of the change occurring.

A decision of the Commission to approve the substitution of an Employer is reviewable by the South Australian Civil and Administrative Tribunal (SACAT).

How do I know when I have completed my training?

When is a training contract considered completed?

A training contract may be considered complete when the apprentice/trainee has achieved competency in the workplace and the Nominated Training Organisation (NTO) has certified that the qualification specified in the training contract has been completed by the apprentice/trainee.

It is the responsibility of all involved in the training contract to support completion of the apprenticeship or traineeship. A party to a training contract may apply to complete a traineeship or apprenticeship.

Traineeship and Apprenticeship Services will notify all parties to the training contract of its decision to certify that the apprentice or trainee has completed the training as required under the training contract.

If the training contract is not completed by the end of the nominal contract duration, an application to extend the term must be submitted before the nominal completion date has passed.

If required, an individual or their Employer may contact Traineeship and Apprenticeship Services or the South Australian Skills Commission for consideration of the matter where there is a dispute about whether:

- the apprentice/trainee has achieved competency in the workplace
- there is evidence that the apprentice/trainee has successfully completed the qualification specified in the training contract.

What is the process to finalise the completion of an apprenticeship or traineeships?

A training contract may be completed when:

- the parties have agreed that the apprentice or trainee has achieved competency in the workplace, and
- the NTO has certified that the qualification specified in the training contract has been completed.

An application form requesting completion of the training contract must be submitted to Traineeship and Apprenticeship Services for [assessment](#).

It must be accompanied by evidence that the training organisation has certified that the apprentice or trainee has completed the qualification specified in the Training Contract.

If the completion application is approved, Traineeship and Apprenticeship Services will:

- issue a completion notice to apprentices and trainees
- issue a Trade Certificate to apprentices

If a learner fails to complete their training contract by the nominal completion date, the parties must notify the Commission prior to the completion date. An [application](#) to extend the term of the training contract may be submitted to the Commission prior to the completion date if appropriate.

Can a training contract extension be given?

Employers have a responsibility to work with the apprentice or trainee and the NTO to ensure they obtain their qualification and achieve on-job competence within the contract term. An extension to the term of a training contract should only be necessary in exceptional circumstances, such as:

- if there are significant delays or interruptions to the training beyond the control of the Employer or the apprentice or trainee
- if both parties decide the apprentice or trainee needs more time to demonstrate competence in line with industry standards

Parties to the training contract must decide well in advance of the expiry date of the training contract that there is a need to extend the term, and then submit an application to do so. Please note that an application for extension cannot be accepted once the nominal completion date has passed.

How do we terminate a training contract?

Following the expiry of the probationary period, only the South Australian Skills Commission or the South Australian Employment Tribunal can terminate a training contract.

Generally, Traineeship and Apprenticeship Services will approve a termination if it is assured both parties have freely agreed to the termination. Parties to the contract must not be bullied or coerced into terminating a training contract. Contact the Skills Infoline on **1800 673 097** for advice if agreement cannot be reached.

A [termination application form](#) that has an agreed termination date and is signed by both parties must be submitted to Traineeship and Apprenticeship Services before the training contract can be finalised. However, the South Australian Employment Tribunal may also order the termination of a training contract following the lodgement of a dispute or grievance with them.

What if we need to withdraw from the training contract?

You may withdraw from the training contract during the probationary period through written notice between the Employer and the Employee. The Employer must notify Traineeship and Apprenticeship Services of the withdrawal within 7 days of withdrawing (terminating).

[Skilled careers | Forms for Employers \(skills.sa.gov.au\)](#)

What is a prohibited Employer?

A prohibited Employer is prevented from employing apprentices or trainees either directly or through a host Employer. The South Australian Skills Commission determine who is prohibited.

A prohibited Employer register can be found on the South Australian Skills Commission [website](#).

How do I know if I am prohibited?

The Commission will write to an Employer to let them know their intention to declare them prohibited and allow the Employer 14 days to respond as to why the declaration should not be made.

The Commission may vary, suspend or cancel the registration of the Employer without notice if it believes on reasonable grounds that an apprentice or trainee employed by the Employer is at imminent risk of harm.

The South Australian Civil and Administrative Tribunal (SACAT) has jurisdiction to review a decision of the Commission to prohibit an Employer. An application to the SACAT to review a decision must be made using the [application form](#).

It is important to keep accurate records during and post training

What records do I need to keep?

[Record keeping requirements](#) assist with this process by ensuring that a comprehensive record is available for regulatory purposes. Refer to the back of this guide for the full list of records Employers are required to keep.

Complaint Handling, Mediation, Dispute Resolution and Advocacy

The South Australian Skills Commission (the Commission) provides a range of complaint handling, mediation, and advocacy services. The services are provided free of charge and are confidential and impartial.

The following parties may raise a complaint or dispute with the Commission:

- Apprentices and Trainees
- Students (domestic or international)
- Employers
- Training and Education Providers
- Parents or Guardians (for apprentice and trainees under 18 years of age)

What are the services?

Those accessing the Commission's complaint handling, mediation and advocacy services are expected to:

- attempt to resolve the matter with the other party verbally or in writing
- provide full contact details including physical address, mobile number and email
- provide copies of relevant correspondence, documentation, and evidence to the Commission
- maintain appropriate contact with the Commission
- maintain confidentiality
- not disseminate information or advice provided by the Commission
- not misuse confidential information
- make and attend appointments, as required
- follow all reasonable instructions
- comply with any other reasonable requirement of the Commission in relation to the dispute resolution.

Complaints can be confidential, however the Commission will be limited in what action it can take in these circumstances.

Complaint handling

The Commission will provide an independent complaint handling service and investigate complaints relating to the provision of apprenticeships and traineeships, vocational education and training, higher education or international education.

The independent complaint handling process may include:

- the investigation of a complaint
- the negotiation and mediation of matters arising out of a complaint
- making recommendations in relation to complaints
- notifying the parties of the outcome of the complaint within a reasonable timeframe.

Advocacy

The majority of advocacy undertaken by the Commission involves speaking for and negotiating on behalf of individual students and apprentices or trainees.

The Commission may also provide advocacy for Employers and training organisations where the matters relate to delivery of education and training or training contracts, including by providing advocacy services for parties in proceedings before the [South Australian Employment Tribunal \(SAET\)](#).

Mediation

Mediation aims to resolve disputes in a timely manner and encourages all involved to act in good faith during discussions or negotiations to reach an outcome that is satisfactory for all involved.

Mediation services may arise from:

- a complaint
- training contract disputes (such as termination, suspension or substitution of an Employer)
- referral of a matter by an Employer where an apprentice or trainee has been suspended for wilful and serious misconduct
- disagreement between the parties in relation to a substitution of Employer transfer fee.

Dispute resolution

Before assessing an application for termination, suspension, or substitution of an Employer in relation to a training contract, those party to the training contract may be required to undertake dispute resolution.

Suspension for wilful and serious misconduct

To suspend an apprentice or trainee for serious and wilful misconduct, an Employer must have reason to believe that the apprentice or trainee under a training contract has undertaken misconduct of a serious and deliberate nature. The Employer may be required to produce information and/or evidence of the alleged misconduct undertaken by the apprentice or trainee.

Where the Employer has reason to believe there has been serious and wilful misconduct the Employer may immediately suspend the apprentice or trainee for no more than **seven working days**.

The Employer must:

- direct the matter to the South Australian Skills Commission (the Commission) for mediation
- notify the SAET that the matter has been referred
- notify the apprentice/trainee that the matter has been referred
- comply with any reasonable requirement of the Commission in relation to the mediation.

A referral for serious and wilful misconduct lodged with the Commission will be assessed in accordance with the requirements of the [SAS Act](#) and the SA [Skills Standards](#).

The Commission may require information and documentation from the parties to the training contract such as:

- referral form signed by the Employer (containing names of the parties, training contract details, address, email, phone number and business details)
- supporting evidence relating to the alleged serious and wilful misconduct by the apprentice or trainee
- written statement from the Employer with details of the matter
- training contract suspension dates
- evidence of notification to the apprentice/trainee that the matter has been referred to the Commission
- evidence of notification to the SAET that the matter has been referred to the Commission
- any other relevant documentation to support the application.

Mediation services may arise from referral of a matter by an Employer where an apprentice or trainee has been suspended for wilful and serious misconduct. The parties to the training contract may be requested to attend a mediation conference and are required to comply with any reasonable requirement of the Commission in relation to the mediation.

Mediation aims to resolve disputes in a timely manner and encourages all involved to act in good faith during discussions or negotiations to reach an outcome that is satisfactory for all involved.

Upon closure of the mediation and/or dispute resolution the Commission will provide written documentation to the parties to the training contract as to the agreement reached or the closure of the matter in the form of a mediation agreement.

If a matter cannot be resolved by mediation the Employer must within three days after the conclusion of the mediation refer the matter to the [South Australian Employment Tribunal](#) (SAET) for consideration. A matter lodged with the SAET may require the parties to undertake compulsory conciliation under the SAS Act.

An application form for training contract suspension can be found via the following link: www.skills.sa.gov.au/business/forms. The completed form can be lodged with the Commission.

In the interest of procedural fairness and natural justice the apprentice or trainee will be provided with the opportunity to be informed of and respond to the Employer's referral for serious and wilful misconduct. Where the apprentice/trainee is under the age of 18 and the parent and/or guardian is a party to the training contract, the parent/guardian will also be involved.

Complaints process and suggestions for improvement

Your complaints will help us to manage our performance and make continual improvements. We are committed to handling your complaints in a way that is customer-focused, fair, accessible, responsive, effective and accountable.

What is a complaint?

A complaint is an expression of dissatisfaction with any services about:

- a decision made in relation to your Training Contract
- legislation, policy, guidelines
- the conduct or behaviour of a Traineeship and Apprenticeship Services staff member
- programs
- customer service.

How can I make a complaint?

Phone **1800 673 097**
Email dis.skills@sa.gov.au

Your suggestions and feedback help us to improve our products and services. Suggestions or feedback can relate to Traineeship and Apprenticeship Services' policies, procedures, forms, information materials, processes or systems.

Suggestions or feedback can be made using the contact methods listed above.

Can I apply to the South Australian Employment Tribunal to consider a dispute or grievance?

When a dispute arises, the parties are encouraged to contact the Commission in the first instance. Those who wish to apply to the SAET for the consideration of a dispute or grievance must lodge an application by submitting form [A75 – Application to Resolve Dispute \(Training and Skills Development\)](#).

An application should be lodged within the term of the training contract or within six months of the completion, expiry, or termination of the relevant training contract.

It is in the interests of all parties that the application is made as soon as it is clear that the dispute or grievance is unable to be resolved in the workplace.

The completed application, along with any supporting documents, must be emailed to the SAET at saet@sa.gov.au

The original email must be available during proceedings. You should keep a copy of the application form for your records.

For more information, contact the SAET on **8207 0999**.

How will my grievance or dispute be handled by the SAET?

The SAET will hold compulsory conciliation conferences with the parties to see if it can get the parties in dispute to reach an agreement about how their differences could be resolved. In cases that cannot be settled by agreement, the applicant can choose to have the matter heard and determined by the SAET.

On receipt of the application form, the Registry staff, who provide administrative support to the SAET, will set a date for a conciliation conference, which will generally be within 14 calendar days of the date of filing the application. The Registry will provide parties with the details of the conference and will send a copy of the completed application and any attachments to the other party (the respondent).

At the conciliation conference, grievances and disputes will be dealt with quickly, informally and in a clear manner, with the aim of resolving them by agreement. The SAET will provide a fair, clear method for determining matters which aren't resolved by agreement. Refer to the Standard Complaint Handling, Mediation and Advocacy under the SA Skills Act, which provides information about the dispute resolution process.

Can I be represented by a lawyer or union officer at the SA Employment Tribunal?

All involved in the training contract can contact the SA Employment Tribunal for information about their rights to representation.

What is the role of the Fair Work Commission?

All involved in a Training Contract that is underpinned by a national system modern award or agreement, may use the Dispute Resolution provisions in modern awards and agreements. Go to www.fwc.gov.au where you will find information and application forms. The Fair Work Commission can only exercise the powers outlined in the dispute resolution procedure, or as agreed to by the parties.

The Fair Work Commission may assist with a dispute by mediation or conciliation, or by making a recommendation or expressing an opinion. The tribunal may arbitrate the dispute if the dispute resolution procedure allows it or the parties agree.

Allowances, Wages and Conditions

Apprentices and trainees are paid to attend work and training in accordance with their industrial agreement.

What if an apprentice or trainee suffers a work-related injury or illness?

In South Australia, there are Work Health and Safety laws to ensure the workplace is safe. These laws are the *Work Health and Safety Act 2012* and *Fair Work Act 2009*.

If injured or ill, an apprentice or trainee can have their training contract suspended until they are ready to return to work. If an apprentice or trainee is injured at work, or suffers a work-related illness, or dies in employment, the *Return to Work Act* can provide assistance and benefits, which can include:

- income maintenance
- medical expenses
- approved rehabilitation services
- lump sum payment for non-economic loss
- travel expenses for medical treatment and rehabilitation
- death benefits.

ReturnToWorkSA **13 18 55**

www.rtwsa.com

How are the legislative obligations communicated and enforced?

The Traineeship and Apprenticeship Services (TAS) is charged with protecting the integrity of the apprenticeship and traineeship system in the public interest. We provide information and advice to ensure that all involved in a training contract know their rights and obligations and help them to meet their obligations under the *SAS Act* and the [Standards](#).

TAS is committed to the education of the participants in the apprenticeship and traineeship system and makes every effort to encourage compliance with the legislation and training contract obligations. We conduct information sessions for apprentices, trainees, Employers and supervisors, and publish information on the website and in hard copy to assist Employers, apprentices and trainees. Information packages, information and advice can be obtained by calling us on **1800 673 097** or by emailing dis.skills@sa.gov.au

Where someone fails to comply with Part 4 of the *SAS Act*, they may be in breach of the *Act*. When a breach of the *Act* occurs, consideration will be given to the circumstances of each case. Matters will be investigated and may be dealt with through:

- issuing a Letter of Warning, identifying the area of non-compliance and the need to comply with legislative requirements
- issuing a Compliance Notice, requiring compliance within a specified timeframe
- issuing an Expiation Notice requiring payment of an expiation fee of \$315 to financially penalise those who remain non-compliant
- prosecution through the court system for more serious instances of non-compliance. A fine of up to \$10,000 may be imposed after successful prosecution
- cancelling, varying or suspending an Employer's registration, or placing conditions on an Employer's registration.

Provisions under modern awards

Many modern awards state that Employers of apprentices and trainees attending block release training as part of their off-job learning must pay for travel to and from training, including meals whilst travelling.

Employers can apply to Traineeship and Apprenticeship Services to receive the State Government travel and accommodation allowance on behalf of their apprentice/trainee (see below), which provides a contribution towards expenses incurred by the apprentice or trainee in travelling to attend training. An apprentice or trainee must be paid for time spent to attend training.

Many modern awards require Employers to pay for or reimburse apprentices for the cost of training fees and textbooks required for the apprenticeship or traineeship, as long as they make satisfactory progress. Where the award or industrial agreement does not state whether the apprentice/trainee or Employer is responsible for these costs, this should be negotiated between the parties.

Further information is available at [Fair Work apprentice entitlements](#). Enquiries on apprentice travel, accommodation and other related expenses under modern awards may be directed to the **Fair Work Infoline on 13 13 94**.

State Government travel and accommodation allowances

The travel and accommodation allowance is the State Government's contribution towards an apprentice's or trainee's travel and accommodation costs incurred while attending off-job training.

Apprentices or trainees who reside in a non-metropolitan area and travel a round trip distance in excess of 150km to attend training may be eligible. For more information on travel and accommodation allowances, call us on **1800 673 097** or go to www.skills.sa.gov.au

Wages and conditions

Wages and conditions of employment are determined as far as possible by the agreement of Employers and employees at the workplace or enterprise level and are based upon minimum standards set by the state and federal industrial relations systems. In South Australia, apprentices and trainees must be employed in accordance with the applicable industrial award or agreement, and the name of the award or agreement is specified on the Training Contract.

The National Workplace Relations System

All private sector employees, including those in the non-government community services sector, have minimum wages determined by the Fair Work Commission (FWC). The *Fair Work Act 2009* (Commonwealth) establishes the Fair Work Commission (FWC) as the independent tribunal for the national workplace relations system.

The FWC is an independent body responsible for:

- Hearing unfair dismissal and unlawful termination applications
- Approving registered agreements
- Making and changing modern awards
- Making changes to pay and entitlements in awards and registered agreements.

The Fair Work Ombudsman (FWO) is an independent statutory office which ensures compliance with the Fair Work Act 2009 (Commonwealth), awards and registered agreements. The FWO also provides advice and education on pay rates and workplace conditions, and can be contacted by calling the Fair Work Infoline on 13 13 94 or visiting www.fairwork.gov.au

The public sector, including almost all Government Business Enterprises (except TransAdelaide and SA Water) and local government, remain in the state industrial relations system and are subject to the *Fair Work Act 1994 (South Australia)*.

Modern awards

Modern awards are part of the national industrial relations system. Modern awards are industry or occupation-based enforceable minimum employment standards, which apply to most private sector employees, in addition to the National Employment Standards (NES).

The *Fair Work Act 2009* provides employees with a safety net of minimum terms and conditions of employment through ten minimum workplace entitlements in the National Employment Standards (NES). They include minimum entitlements relating to annual leave, personal leave, long service leave, paid public holidays, etc. A complete copy of the NES can be accessed at www.fairwork.gov.au

Modern awards are intended to cover all Employers and employees, who perform work in those industries or occupations covered by a particular modern award. However, some employees will be covered by enterprise agreements, or will be 'award free'.

Federal system Employers

If an Employer falls under the jurisdiction of the federal industrial relations system, the Employer and their apprentices or trainees will be covered for industrial purposes by the *Fair Work Act 2009* (Commonwealth). Rates of pay for apprentices will be contained in the relevant modern award or agreement, usually in the section on rates of pay or wages.

Rates of pay for full-time and part-time apprentices and trainees will generally be found in Schedule D of the relevant modern award. Schedule D contains the National Training Wage Schedule.

For information or advice on appropriate rates of pay or conditions of employment for work that is covered by federal industrial legislation and modern awards or agreements.

Fair Work Infoline **13 13 94**
Fair Work Ombudsman www.fairwork.gov.au

State Employers

If an Employer falls under the jurisdiction of the state industrial relations system, the Employer and their apprentices or trainees will be covered for industrial purposes by the state *Fair Work Act 1994*.

Rates of pay will be contained in the applicable industrial award or agreement for those under the state industrial relations system.

For information or advice on appropriate rates of pay or conditions of employment for work that is covered by state industrial legislation and state awards or agreements, please contact the SafeWork SA Help Centre.

1300 365 255
www.safework.sa.gov.au

Disputes about wages and conditions of employment

A party to the Training Contract, who has a dispute or grievance about wages and conditions of employment, can refer the matter to the **South Australian Employment Tribunal (SAET)** for consideration and resolution, irrespective of whether their Employer falls within state or federal industrial relations jurisdiction.

8207 0999

www.saet.sa.gov.au

A party to a Training Contract underpinned by a national system modern award or agreement may also use the Dispute Resolution provisions in modern awards. Go to www.fwc.gov.au for information and application forms.

A trainee or apprentice, who is in the **state** industrial relations system (that is, employed in the state public sector, including most Government Business Enterprises, and local government entities), and has a complaint about wages and conditions of employment (eg annual leave or sick leave), can seek advice from SafeWork SA.

SafeWork SA Help Centre **1300 365 255**

A trainee or apprentice, who is in the **federal** industrial relations system, and has a complaint about wages and conditions, may seek advice from the Fair Work Ombudsman.

Fair Work Infoline **13 13 94**

Fair Work Ombudsman website: www.fairwork.gov.au

Traineeship and Apprenticeship Services advises all Employers to seek advice from either the Fair Work Ombudsman or SafeWork SA if there is any doubt about the appropriate industrial instrument for the employment of any apprentice or trainee.

Workers' compensation and rehabilitation

Employers are responsible for the injuries or illnesses sustained by their apprentices or trainees while training, whether this training takes place at the workplace, at school or another site. Apprentices and trainees will generally be covered by their Employer's workers compensation insurance if they suffer a compensable injury or illness while attending training activities associated with the achievement of a qualification under a Training Contract arrangement.

Workers' compensation is a very complex area, and it is recommended that more specific advice be obtained from ReturnToWorkSA, or the relevant self-insured Employer's insurer in relation to individual circumstances.

A ReturnToWorkSA premium exemption is available to all Employers (including self-insured Employers) registered with ReturnToWorkSA who employ an eligible apprentice or trainee. The exemption applies in relation to remuneration of eligible trainees who commenced before 23 May 2013, and for apprentices regardless of their commencement date. There are also exemptions for eligible trainees of registered South Australian Group Training Organisations.

ReturnToWorkSA **13 18 55**

www.rtwsa.com

Employer & NTO Record Keeping Checklist

The following records are required to be retained by the Employer and Nominated Training Organisation (NTO) for **at least seven years after the completion, expiry or termination of the training contract.**

The Employer

| | Record | Check |
|----|--|-------|
| 1 | Employer Registration Declaration | |
| 2 | Evidence to support the Employer Registration Declaration | |
| 3 | Notifications and correspondence to and from the Commission in relation to the Employer's registration | |
| 4 | Training contract | |
| 5 | Training plan | |
| 6 | Letter of appointment (where required under the industrial arrangement) | |
| 7 | Induction records | |
| 8 | On-job training and competency assessments | |
| 9 | Records that identify the type of work performed by the apprentice or trainee | |
| 10 | Attendance and time records | |
| 11 | Disciplinary records | |
| 12 | Employment hours, where hours are averaged or otherwise changed | |
| 13 | Training costs where the training is identified in, or associated with, the training contract | |
| 14 | Pay records | |
| 15 | Transfer fee records | |
| 16 | Leave records | |
| 17 | Supervision-related records | |
| 18 | Host employment arrangements (where utilised) | |
| 19 | Appropriate business licenses and/or worker registrations | |
| 20 | South Australian Employment Tribunal (SAET) compliance orders | |
| 21 | Notifications and correspondence to and from the Commission in relation to a training contract | |

The NTO

| | Record | Check |
|---|--|-------|
| 1 | Nomination acceptance | |
| 2 | Third party arrangements (where utilised) | |
| 3 | Training plan development | |
| 4 | All training plan iterations | |
| 5 | Apprentice/trainee and Employer contact details | |
| 6 | Records of meetings with apprentices, trainees and Employers | |
| 7 | Notifications and correspondence to and from the Commission | |
| 8 | Records of the qualifications and statement of attainment issued | |

Refer to the [South Australian Skills Standards](#) for full details about record keeping.
For more detailed information, please contact **Skills Infoline on 1800 673 097**.

South Australian Skills Commission

The South Australian Skills Commission (SASC) provides independent industry-led advice to Government on workforce development priorities, provides oversight of the skills system, and promotes career pathways and lifelong learning.

The SASC is responsible for advising the Minister for Innovation and Skills on how the skills sector is performing and will engage directly with industry and Employers to deliver the skills they need for future jobs in South Australia.

The Commission is committed to supporting a skills system that is flexible and responsive to future work and supporting and skilling more South Australians for the opportunities that will come from the state's traditional and emerging industries.

Working under the new *South Australian Skills Act*, a key objective for the Commission is to make it easier for Employers to hire apprentices and trainees and to ensure that South Australia is supporting more apprentices and trainees to complete their qualifications.

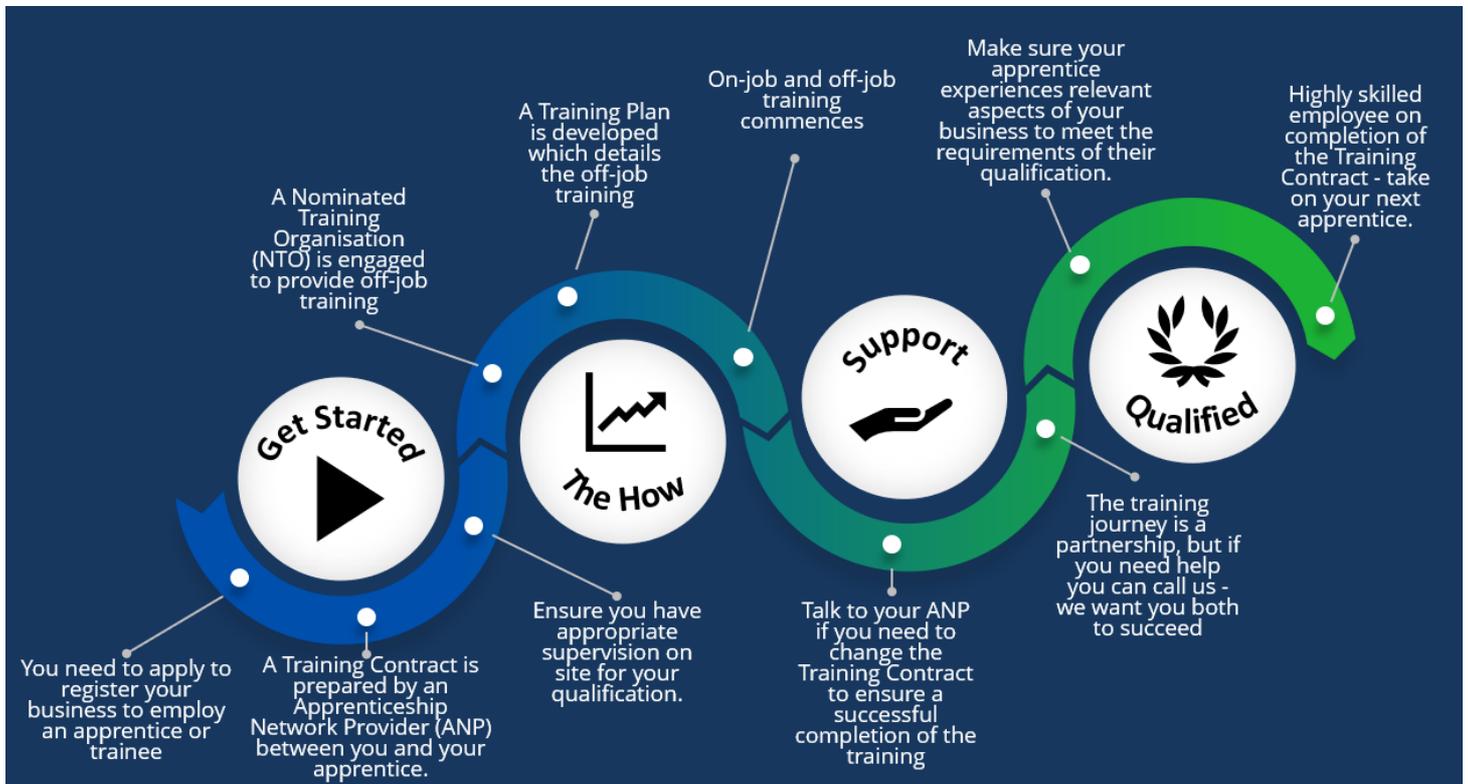
The Commission provides services to apprentices and trainees, international students, Employers and training providers, responding to complaints, advocating and mediating disputes, to resolve matters relating to training contracts.

1800 006 488

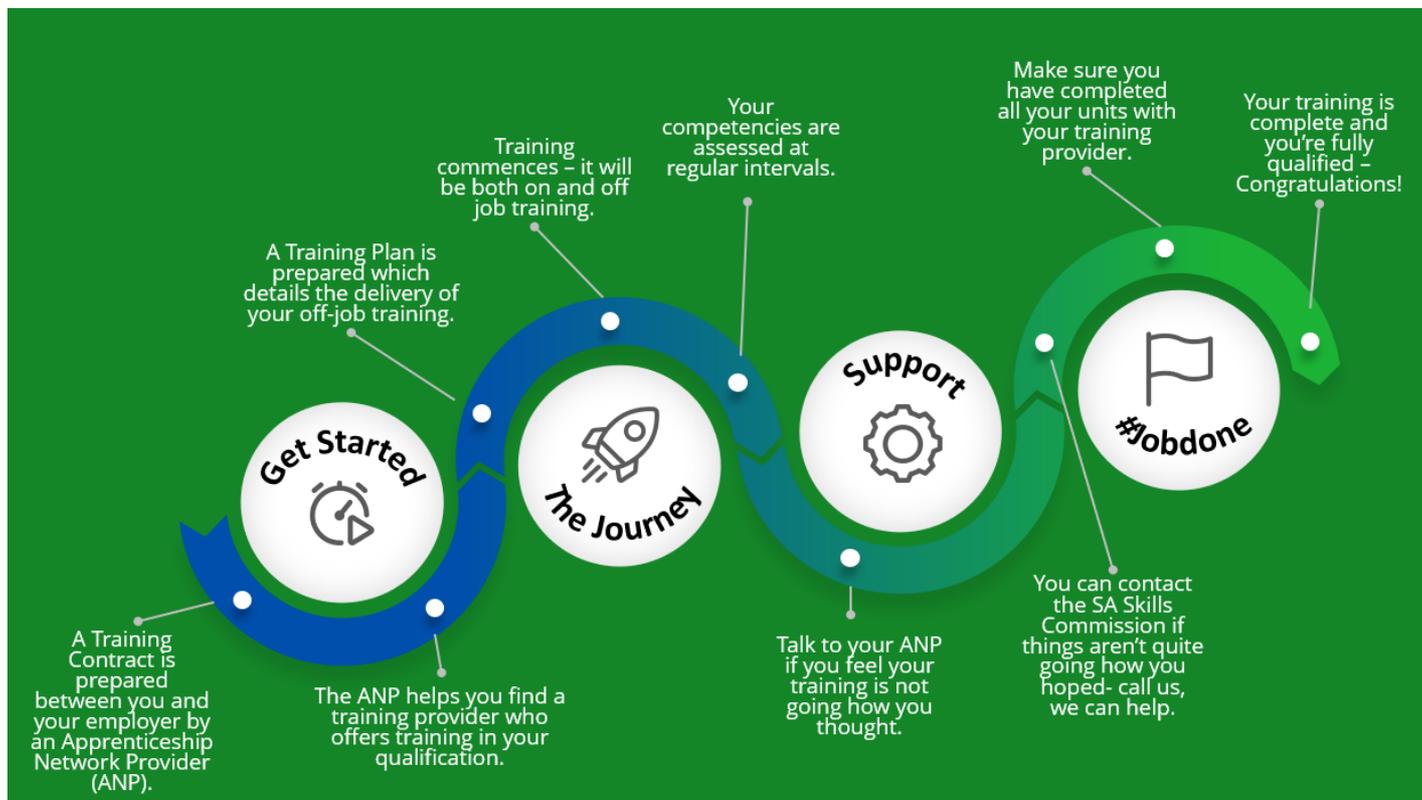
skillscommission@sa.gov

www.skillscommission.sa.gov.au

Employer journey for hiring an apprentice



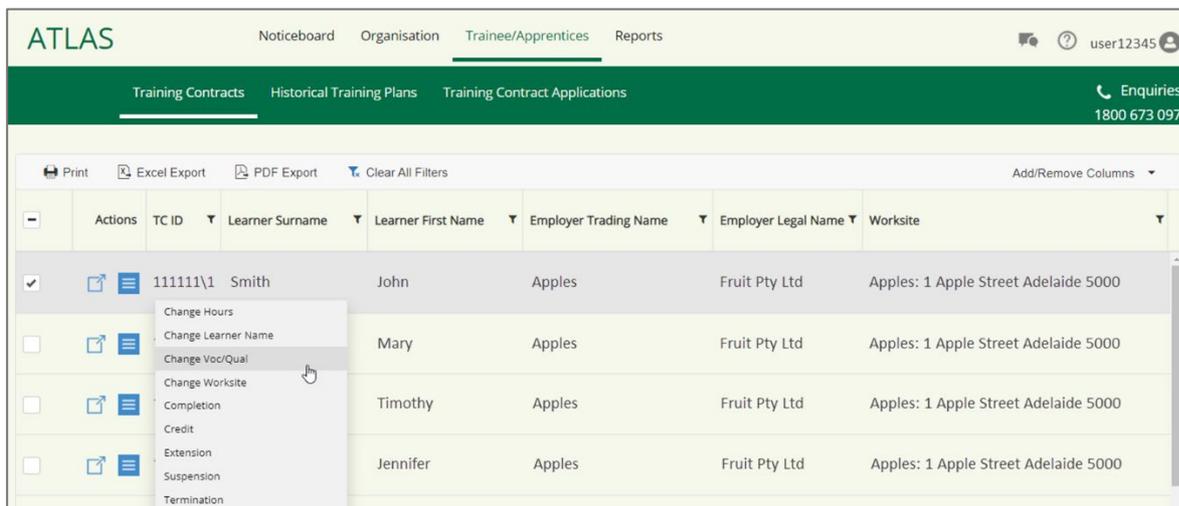
Student training journey



APPENDIX

ATLAS

The Apprenticeship and Traineeship online Application System (ATLAS) allows you to manage your employer registration details and monitor and manage your apprenticeship or traineeship training contracts online.



ATLAS capabilities

ATLAS is an online portal which provides you access to your employer registration details and apprenticeship or traineeship training contract details.

Using ATLAS, you can:

- Apply for a new employer registration
- Renew or make changes to an existing registration
- Update your information
- Submit or respond to applications to change your training contract(s)
- Submit training plans if you are the nominated training provider for apprentices or trainees.

If you submit an application to change a training contract via ATLAS, each of the other parties to the training contract (e.g. the employer, apprentice or trainee) will receive a notification to log in and respond to your application.

Access [ATLAS Portal](#).

Requesting access to ATLAS

If you are an apprentice, trainee, parent, guardian or employer, request access to the ATLAS Portal using this [Self Registration form](#).

If you are a representative of a Nominated Training Organisation or Apprenticeship Network Provider, request access to the ATLAS Portal using [Request for ATLAS Portal access \(PDF\)](#).

If you already have an account but forgot your password, visit [Forgot Password](#).

If you have an account but forgot your username, visit [Forgot Username](#).

Employer Registration

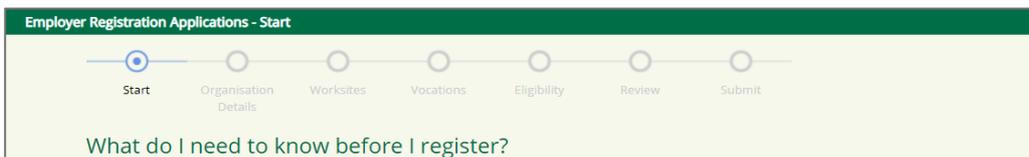
An employer must be registered before they can train apprentices and trainees under a training contract.

Employer registration applications include:

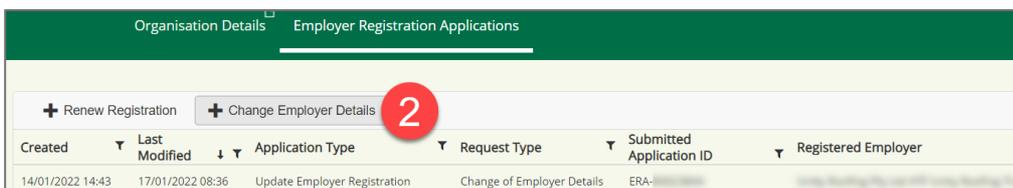
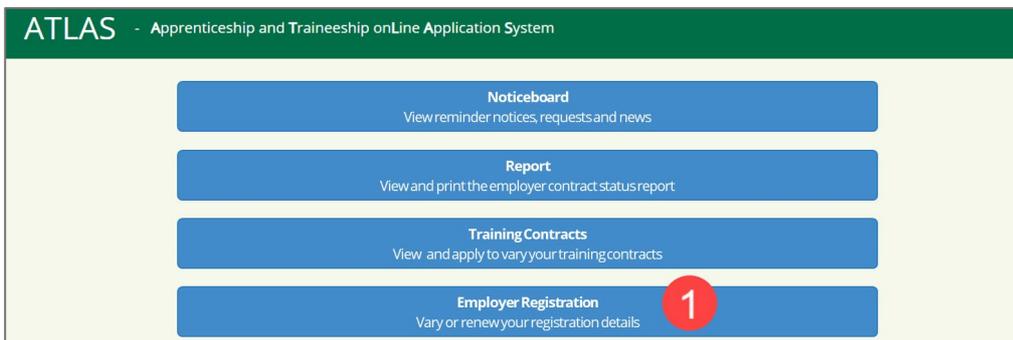
- New employer registration, if you haven't employed an apprentice before.
- Registration renewal, if your previous registration has expired. If you're unsure if your organisation is still registered, call us on 1800 673 097.
- Registration modification, to update or make changes to your current registration.

You can register or access your existing registration via ATLAS. To access ATLAS you require a username and password, please see [Requesting Access to ATLAS](#) above.

For **new employers**, simply log on and follow the prompts to complete your new registration.



For **existing employers**, once logged in, select the 'Employer Registration' option, 'Change Employer Details' and the relevant option.



Using ATLAS

To access ATLAS, go to atlas.skills.sa.gov.au

For more information on how to use ATLAS, see the following guides:

- [Navigating ATLAS](#)
- [Submitting an application via ATLAS](#)
- [Submitting a NTO nomination response via ATLAS](#)
- [Submitting Training Plan endorsements and extensions via ATLAS](#)
- [Frequently asked questions](#)

For further help, contact:

Traineeship and Apprenticeship Services



1800 673 097



skills@sa.gov.au



<https://atlas.skills.sa.gov.au>

Contact

Department for Education

Skills SA

Level 4, 11 Waymouth Street, Adelaide, SA 5000

GPO Box 320, Adelaide SA 5001

Phone: 1800 673 097

Email: skills@sa.gov.au

skills.sa.gov.au

Produced by the South Australian Department for Education © July 2022.
Content correct at time of publication.

