

GUIDELINES FOR THE APPROVAL OF APPLICATIONS FOR THE DECLARATION OF TRADES AND VOCATIONS UNDER *THE TRAINING AND SKILLS DEVELOPMENT ACT 2008*

PREAMBLE

The Training and Skills Development Act 2008 (the Act) provides the legislative basis for the traineeship and apprenticeship system in South Australia. It can be accessed at <http://www.legislation.sa.gov.au/>

Under section 6 of the Act, the Minister for Innovation and Skills may, on the recommendation of the Training and Skills Commission (the Commission), declare an occupation to be a trade or a declared vocation.

The Minister has delegated the responsibility for declaring an occupation to be a trade or a declared vocation to the Commission.

These trades and declared vocations are published in the South Australian Government Gazette (the Gazette).

Apprenticeship and traineeship pathways are established by the Commission to link declared trades and vocations to relevant Australian Qualifications Framework (AQF) qualifications.

All apprenticeship and traineeship pathways are included on the Traineeship and Apprenticeship Schedule. This can be viewed at <https://www.skills.sa.gov.au/uploads/Traineeship-and-Apprenticeship-Pathways-Schedule.pdf>

Part 4 of the Act confers other regulatory requirements for the establishment of apprenticeships and traineeships on the Commission. Under Section 45 (2), the Commission may, by notice in the Gazette:

- a) determine a standard form of contract for the purposes of this Part;
- b) determine a probationary period for a training contract for a specified trade or declared vocation;
- c) determine standard conditions for a training contract for a specified trade or declared vocation, including –
 - i. the term of the contract; and
 - ii. the qualifications available for a person in the trade or declared vocation; and
 - iii. any other condition considered necessary by the Commission.

The Commission may vary or revoke a notice in the Gazette.

The TAP Schedule is regularly updated. It is recommended that interested persons visit the website for the current Schedule.

Definitions

In these guidelines:

- A **trade** means an occupation declared under section 6 to be a trade for the purposes of this Act; a trade occupation is usually achieved through an apprenticeship, integrating on-the-job training with an employer and off-the-job training with a registered training organisation. In South Australia, apprenticeships must be undertaken through training contracts, which are underpinned by bona fide industrial arrangements. Apprenticeships commonly lead to a nationally recognised Certificate III or IV level qualification.
- A **declared vocation** means an occupation declared under section 6 to be a declared vocation for the purposes of this Act; a declared vocation is a non-trade occupation, and may be achieved through a traineeship, involving fully on-the-job training by an employer or the integration of on-the-job training with an employer and off-the-job training with a registered training organisation. In South Australia, traineeships undertaken through a training contract must be underpinned by bona fide industrial arrangements. Traineeships lead to a wide range of nationally recognised qualifications, from Certificate I to Diploma level.
- An **apprentice** is a person who is being, or will be trained by his/her employer under a training contract in an occupation declared to be a trade under section 6 of the Act;
- The **Commission** means the Training and Skills Commission, and includes, except where otherwise indicated, a reference to a duly authorised delegate of the Training and Skills Commission.
- A **trainee** is a person who is or will be trained by his/her employer under a training contract in an occupation which is a declared vocation under section 6 of the Act.
- A **training contract** is an agreement approved under Part 4 of the Act between a registered employer and an apprentice/trainee, through which the employer agrees to employ and train the apprentice/trainee in the qualification aligned to the particular trade or declared vocation. The Commission has approved a standard form of contract for this purpose.
- A **proponent** is the sponsor or initiator of an application for the establishment of a trade or declared vocation. A proponent could include an Industry Skills Council, industry body/association (state or national), union (state or national), employer or public sector agency.
- The **Traineeship and Apprenticeship Subcommittee (TAC)** advises the Commission in relation to the performance of functions assigned to the Commission under Part 4 of the Act. This includes providing advice to the Commission in relation to occupations that should constitute trades or declared vocations.

GUIDELINES FOR THE APPROVAL OF APPLICATIONS FOR THE DECLARATION OF TRADES AND VOCATIONS UNDER THE TRAINING AND SKILLS DEVELOPMENT ACT 2008

1. Any application for the establishment of a trade or declared vocation must have the support of the relevant employer organisations and employee organisations and, where applicable, the relevant Industry Skills Council (ISC). These organisations must confirm their support in writing. All letters of support must be signed by the Chair, Chief Executive, or other delegate of the organisation as approved by the Commission.
2. The application must be signed by the Chair, Chief Executive, or other delegate of the proponent as approved by the Commission.
3. The application must be in the approved form and contain the information requested in the proforma. For the purposes of this Guideline, the Commission has approved a standard proforma to be used for applications. A copy of this proforma is attached to this document.
4. The application must demonstrate the alignment between the proposed trade or declared vocation and any associated Training Package qualification/s.
5. The proponent must consult with relevant state and national stakeholders in order to provide acceptable evidence of industry demand for the trade or vocation. Evidence presented as part of the application must include (at a minimum) support letters from relevant industry and employer organisations, and unions. In addition to confirming industry demand for the new trade or vocation, these letters must confirm support for the proposed:
 - a) occupational title;
 - b) qualification code and title;
 - c) nominal hours of training;
 - d) duration of training; and
 - e) probationary period of the training.
6. The application will be assessed for completeness, accuracy and suitability, in accordance with these Guidelines.
7. The proponent will be required to attend a meeting of the TAC to present their proposal and to address any concerns or questions raised by TAC members. Where applicable, the relevant Industry Skills Council Chair will also be invited to attend.
8. The TAC will forward the application, with its advice, to the Commission. The Commission will make a determination.
9. New trades and declared vocations will be published in the South Australian Government Gazette, and will be included in the Traineeship and Apprenticeship Pathways Schedule.

PROFORMA

Application for an occupation to be declared a trade or vocation under the Training and Skills Development Act 2008

Industry Skills Councils, industry bodies and associations, employers and public sector agencies may identify a need for an occupation to be declared to be a trade or vocation. The Traineeship and Apprenticeship Pathways Schedule includes all current AQF qualifications leading to declared vocations and trades for which there are traineeship and apprenticeship pathways.

The Commission has the authority to declare an occupation to be a trade or a declared vocation under the Act. It has established guidelines to determine whether to accept an application for the declaration of new trades or vocations.

Proponents are required to complete this proforma for each proposed declaration of a trade or vocation they seek, and provide this application to the Commission. Applicants must demonstrate they have undertaken relevant state and national consultation in the preparation of the application, through the inclusion (at a minimum) of support letters from relevant industry and employer organisations, and unions. Queries regarding this proforma should be directed to the Senior Policy Officer, Traineeship and Apprenticeship Services Directorate, Department for Innovation and Skills, Phone: (08) 8226 3460.

SECTION 1

Name of proponent (Industry Skills Council, industry body/association, employer organisation or union):

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Note: Please attach the relevant Industry Skills Council endorsement of this application.

Industry sector

Relevant Industry Skills Council

Contact person for proponent:

Name.....

Relationship to proponent:.....

Phone: Mobile:

Email.....

Proposed new trade OR Proposed new vocation

Proposed Occupational Title:.....

Is an Apprenticeship or Traineeship Pathway being proposed for this trade or vocation? Yes OR No

Note: If this application is for the declaration of a new trade, the proponent should be aware that the Act prohibits employers from undertaking to train a person in a trade except under a training contract, and that many industrial instruments prohibit the employment of juniors in an occupation that is declared to be a trade other than by apprenticeship.

SECTION 2

Training Package Title: Training Package Code:

Qualification Title: Code:

Nominal hours: Nominal term:

Has this qualification already been gazetted under a different occupation on the South Australian Traineeship and Apprenticeship Pathways Schedule?

Yes OR No

Note: The proponent should use occupational titles listed on the Australian Apprenticeships Training Information Service website www.aatinfo.com.au. If the occupation is not listed, or is not considered appropriate, a case will need to be made for the addition of another appropriate occupational title.

SECTION 3

Provide evidence of the need for the proposed trade or vocation

No.	Issues to be addressed	Industry Response
1.	Please explain the need for this proposed new trade or vocation in SA, and provide an estimate of likely demand.	
2.	Please describe the relevant state and national consultation undertaken in support of this application. Support letters from relevant industry and employer organisations and unions must be attached to the application.	
3.	Do the relevant industry parties unanimously support the declaration of this new trade or vocation? Are there any alternative views that the Commission needs to take into account?	
4.	What industrial arrangements are in place to support this proposed new trade or vocation?	

	Please list the awards that are applicable.	
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SECTION 4

No.	Issues to be addressed	Industry Response
1.	Please suggest the nominal duration of apprenticeship or traineeship for the qualification linked to this proposed trade or vocation.	
2.	Should the apprenticeship or traineeship pathway be available as a school based pathway? Please provide reasons.	
3.	What qualifications, experience and/or licensing does the person supervising the employment and learning of the apprentice/trainee require? Consider the age and competence of prospective apprentices/trainees; the ratio requirements, the safety of workplace location/s, equipment, etc.	
4.	Should an Apprenticeship or Traineeship Pathway be available for up-skilling or re-skilling existing workers in the proposed trade or vocation? Please provide reasons.	

Note: if there is insufficient room for your response, please attach a separate sheet.

I declare that the information contained in this application is correct and that I am authorised to make this application on behalf of the proponent.

Signature: Date:

Please attach any additional documentation in support of this application, and forward the entire application to:

The Director, Traineeship and Apprenticeship Services

Department for Innovation and Skills

GPO Box 320

Adelaide SA 5001