

## GUIDELINES FOR COMPETENCY BASED TRAINEESHIP AND APPRENTICESHIP COMPLETIONS

***These Guidelines supersede the Guidelines for the approval of early completion of contracts of training approved 7 October 2003.***

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Section 49(5) of the Training and Skills Development Act 2008 (the Act) authorises the Training and Skills Commission (the Commission) to approve the completion of a training contract prior to the nominal completion date of the contract term subject to the Commission being satisfied of the competency of the trainee or apprentice in order to approve the completion of the training contract and relieve the parties of their obligations under the contract.

In the following guidelines:

- “unit of competency” means the specification of knowledge and skill and the application of that knowledge and skill in a job or occupation, to the standard of performance required in employment.
- “competency” or “competence” means satisfying the requirements specified in the unit of competency for the demonstration of knowledge and skill and the application of knowledge and skill in a job or occupation.

The conditions under which the Commission may approve the completion of a training contract are set out below.

### **1. The parties may apply to complete a traineeship or apprenticeship**

The Commission may issue confirmation of completion (a Trade Certificate or letter) under the following conditions:

- (i) the parties to the contract have certified that they have fulfilled their obligations under the contract;
- (ii) the employer has certified that the apprentice/trainee has been provided with relevant on job training and support consistent with the competency requirements of the qualification and that the employer is satisfied that the requirements of the qualification have been met.
- (iii) the RTO has certified that the qualification specified in the contract has been achieved; and

- (iv) the request for completion is supported and signed by both parties to the training contract.

The Commission reserves the right to take such steps as it deems necessary to verify that the obligations of the parties under the contract have been fulfilled.

**2. The Commission may issue confirmation of completion without an application from one or both of the parties (under s. 49(5))**

- (i) The Commission may make a determination to relieve the trainee or apprentice of his or her obligations under the contract provided that it is satisfied of the competence of the trainee or apprentice in the declared vocation, trade or occupation.
  - (ii) Where the contractual parties are in dispute, and the employer or trainee/apprentice does not accept that the trainee/apprentice is competent, or the employer cannot be found, the Commission may obtain independent industry advice in regard to the competency of the trainee or apprentice, or the parties may refer the matter to the South Australian Industrial Relations Commission.
3. The parties (both apprentice/trainee/guardian if under 18 years, and employer) must notify the Commission if the training contract is not completed by the nominal term stated in the contract and will therefore continue beyond the nominal term.

**4. Trade Certificate/ Confirmation of completion**

The Commission will issue the apprentice with a Trade Certificate when completion of the apprenticeship has been approved. Trainees will be issued with a letter confirming completion of their traineeship.

**5. Grievances and Disputes Mediation Process**

Any disputes involving employers, trainees/apprentices or RTOs relating to the completion of a traineeship or apprenticeship may be resolved with the assistance of Traineeship and Apprenticeship Services consultants, or the parties may refer the matter to the South Australian Industrial Relations Commission.

(Updated June 2009)