

GUIDELINES FOR COMPETENCY BASED TRAINEESHIP AND APPRENTICESHIP COMPLETIONS

PREAMBLE

Section 40(4) of the Training and Skills Development Act 2003 (the Act) authorises the Training and Skills Commission (the Commission) to approve the completion of a contract of training 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 contract of training and relieve the parties of their obligations under the contract.

Definitions

In these 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 contract of training are set out below.

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

The Commission may issue a Certificate of Competency 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 contract of training.

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 a Certificate of Competency without an application from one or both of the parties (under s 40(4))

- (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 it may refer the matter to the Grievances and Disputes Mediation Committee for determination.

3. The parties (both apprentice/trainee/guardian if under 18 years, and employer) must notify the Commission if the contract of training is not completed by the nominal term stated in the contract and will therefore continue beyond the nominal term.

4. Certificate of Competency

The Commission will issue the trainee or apprentice with a Certificate of Competency when completion of the contract of training has been approved.

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/mediators or referred to the Grievances and Disputes Mediation Committee.