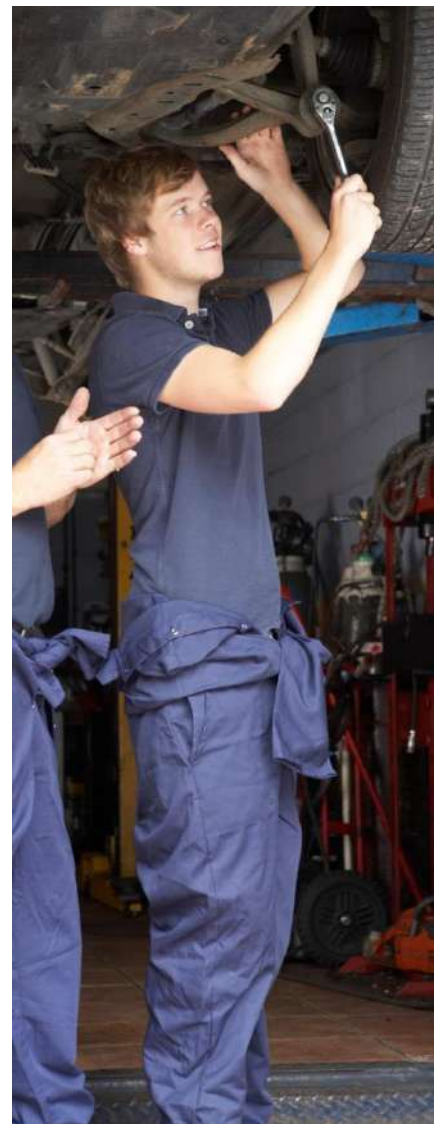




Department
of Industry



A GUIDE TO APPRENTICESHIPS AND TRAINEESHIPS IN NEW SOUTH WALES



September 2015

Abbreviations

For ease of reading, the most commonly used terms are abbreviated as follows:

ANP	=	Apprenticeship Network Provider
RCC	=	Recognition of Current Competencies
RPL	=	Recognition of Prior Learning
RTO	=	Registered Training Organisation
VTO	=	Vocational Training Order
VTRP	=	Vocational Training Review Panel
GTO	=	Group Training Organisation

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1. Introduction and summary of important facts

This guide provides information about apprenticeships and traineeships in New South Wales and the regulatory requirements of the NSW Department of Industry. It is important that employers, apprentices and trainees read this guide carefully in order to understand their roles, rights and responsibilities under training contracts.

Topics covered include:

- how to establish an apprenticeship or traineeship
- national training contracts and registration with Training Services NSW
- obligations of employers, apprentices and trainees
- financial assistance
- the roles of Apprenticeship Network Providers (ANPs), registered training organisations (RTOs) and Group Training Organisations (GTOs)
- support provided by Training Services NSW

The apprenticeship and traineeship system in NSW is regulated by the *Apprenticeship and Traineeship Act 2001*. Training Services NSW administers this Act and registers and monitors apprenticeships and traineeships in NSW. It acts in the interests of employers, apprentices and trainees in ensuring quality training is delivered with nationally recognised outcomes.

There are nine Training Services NSW regional offices throughout NSW where employers, apprentices and trainees can obtain advice and assistance. NSW Training Services NSW regional offices are listed at the end of this document. Phone 13 28 11 to be connected to your nearest centre (local call cost).

All apprenticeships and traineeships require:

- **a training contract** that is signed by both the employer and apprentice or trainee and approved by Training Services NSW
- **paid employment** under an appropriate industrial arrangement (for example, an award or enterprise agreement)
- **a training plan** endorsed by an RTO that specifies the training required to achieve the appropriate nationally recognised qualification.

Apprenticeship Network Providers (ANPs) assist employers, apprentices and trainees to establish apprenticeships and traineeships and apply for Australian and State Government financial incentives, subsidies and concessions. ANPs are funded by the Australian Government and services provided by ANPs are free to employers. For a list of ANPs, refer to the Australian Apprenticeships website www.australianapprenticeships.gov.au or phone the Australian Apprenticeships referral line on 13 38 73.

Training requirements

Apprentices and trainees must be provided with “hands on” work, access to appropriate tools and equipment, and supervised training at work to acquire the knowledge and skills they need to complete the apprenticeship or traineeship.

Apprentices and trainees must be enrolled in an approved course of formal training with an RTO. They must be allowed paid work time to undertake their formal training. This may involve attendance at a training institution, formal training in the workplace or self-paced learning.

Employers must sign the apprentice’s/trainee’s competency record book or work evidence guide which supports formal training.

Employers must liaise with the RTO regarding the apprentice’s/trainee’s attendance and their participation and progress in formal training. Section 4 gives more detail on the training of apprentices and trainees.

Keeping Records

It is important for an employer to retain:

- the approval letter from Training Services NSW that specifies the Training Contract ID (TCID) number
- their copy of the Training Contract
- records of time worked and wages paid to the apprentice/trainee
- a copy of the industrial award or workplace agreement under which the apprentice/trainee is employed
- their copy of the training plan (as agreed with the RTO)
- records of the apprentice's or trainee's attendance at off-site training with the RTO
- results of formal training undertaken by the apprentice/trainee with the RTO

Wages and awards (Section 5.5)

Apprentices and trainees must be paid at least the minimum or training wage as set out in the award or workplace agreement under which they have been employed.

Employers' responsibilities (Section 6)

Employers must:

- discharge his/her obligations as specified in the Training Contract
- monitor the progress of each apprentice or trainee at work and the training he or she does with the RTO
- ensure that wages and working conditions provided to apprentices and trainees, including annual and other leave entitlements and superannuation, are in accordance with relevant legislation or as specified by the relevant industrial award or workplace agreement, and
- provide apprentices and trainees with workers' compensation insurance coverage.



Transfer (Section 10.1)

An apprentice or trainee can be transferred to another employer providing that all parties are in agreement. Applications to transfer must be lodged with Training Services NSW within 14 days of the transfer. ANPs assist employers in this process.

Dismissal

An apprentice (other than a trainee apprentice) or trainee cannot be dismissed once a binding Training Contract is in place (that is, after the training contract has been approved by Training Services NSW and the probationary period has elapsed). However a Training Contract can be cancelled by the mutual agreement of the parties (see section 9.2).

Mutual cancellation (Section 10.4)

An employer and their apprentice or trainee can apply to cancel the Training Contract at any time if both parties agree. They must submit an application to cancel the training contract to Training Services NSW within 14 days of the cancellation date. If either the employer or apprentice/trainee does not agree to the proposed cancellation, a Training Advisor at your local Training Services NSW regional office (ph 13 28 11) must be contacted immediately.

Mutual suspension (Section 10.2)

An employer and their apprentice or trainee can apply to suspend the Training Contract in certain circumstances, such as lack of work or if the apprentice/trainee is taking a long time off work because of injury or illness. Applications to suspend Training Contracts must be lodged with Training Services NSW within 14 days of the date of suspension. If either the employer or apprentice/trainee does not agree to the proposed suspension, a Training Advisor from the local Training Services NSW regional office (ph 13 28 11) must be contacted immediately.

Existing worker traineeships - industrial arrangements and financial incentives

The rights and working conditions of an existing employee are not affected because they are undertaking an existing worker traineeship under an approved training contract. Existing worker trainees continue their employment under the same industrial award or workplace agreement that applied prior to the commencement of the traineeship. Any changes to the award or agreement during the course of the traineeship will also apply to the existing worker trainee.

Employers of existing worker trainees do not receive State Government financial incentives. Training for existing worker traineeships must be employer-funded. Australian Government incentives are payable to eligible employers, and may be used to offset training costs. Contact your ANP for information about eligibility and application forms.

For a definition of existing worker trainees see **key terms** in Section 16.



2. Checklist for employers

This checklist covers the important steps that occur during the apprenticeship or traineeship.

Application and Approval

- The employer and proposed apprentice or trainee complete and sign the Training Contract with the assistance of their Apprenticeship Network Provider (ANP). ANPs are funded by the Australian Government and services provided by ANPs are free to employers.
- A training plan proposal must be prepared for all apprenticeships and traineeships except school-based apprenticeships and traineeships. The employer's nominated registered training organisation (RTO) must endorse the training plan proposal.
- For school-based apprenticeships and traineeships, a full Training Plan must be prepared by the RTO in consultation with the employer, apprentice / trainee and school and lodged with Training Services NSW.
- The RTO will charge an enrolment fee that is payable by the apprentice/trainee or the employer. Some categories of apprentices and trainees may be entitled to a fee exemption - check with the RTO for details.
- The RTO may also charge an employer contribution fee for training delivery - see section 4.2.2 of this guide for more details.
- The ANP checks the training contract and training plan proposal and then submits them to Training Services NSW for approval.
- For some applications where specific industry requirements or pre-requisites apply, additional information must be provided to support the training contract application – for example:
 - licence to work in the security industry
 - Working with Children Checks for trainees undertaking child-related employment
 - evidence of previous relevant work and/or training to obtain credit for a reduced term
 - documentation relating to citizenship, permanent residency or specific visa categoriesANPs can advise employers about Training Services NSW' requirements for any additional information
- Apprentices/trainees enrol with the selected RTO

After Approval

- The employer and apprentice/trainee receive an approval letter from Training Services NSW
- The date the Training Contract becomes binding is specified in the approval letter
- The Registered Training Organisation will develop a full Training Plan in consultation with the employer and apprentice/trainee and provide them with a copy
- Employers should check with their ANPs regarding eligibility for incentive payments from the Australian Government
- Apprentices/trainees should also check with the ANP regarding their eligibility for travel and/or accommodation allowances to attend off-the-job training and other financial incentives

Ongoing

- Employers should check regularly with their Registered Training Organisation to make sure that the apprentice/trainee is attending off-the-job training (where appropriate) and is making satisfactory progress towards achieving their qualification. The Training Plan should be reviewed with the RTO every six months.
- Employers and their apprentice/trainee must notify Training Services NSW directly or through their Apprenticeship Network Provider if they wish to make changes to the training arrangements (e.g. cancellation, transfer or suspension) or vary the training contract or training plan (e.g. change of completion date, change of registered training organisation, change of qualification or change in mode of training delivery).

Completion

When the apprenticeship/traineeship is nearing completion:

- Once the apprentice/trainee has been notified that they have completed their formal training, Training Services NSW will send a letter to all parties. The parties then have the option of applying for Competency Based Completion and should contact Training Services NSW to advise a mutually agreed completion date of the apprenticeship/traineeship.
- If however, the apprentice/trainee has not successfully completed the formal training, the employer must notify Training Services NSW prior to the expected completion date of the training arrangement. If more time is needed to complete the apprenticeship/traineeship the employer must contact Training Services NSW immediately to arrange an extension (prior to the expected completion date).
- The employer and apprentice/trainee may jointly apply for Competency Based Completion of the apprenticeship/traineeship before the nominal term indicated in the Vocational Training Order (VTO) providing that the apprentice/trainee has been issued with their qualification by the RTO and the employer considers that they are competent to industry standard.

After Completion

Employers must:

- Advise their apprentice to apply for a licence if required by the industry in which they work. More information regarding licensing is available in Section 11.4
- Check with their ANP to see if they are eligible to receive any incentive payments that may be available after completion of the apprenticeship/traineeship.

3. Establishment of an apprenticeship or traineeship

Once the training contract has been received, approved and registered by Training Services NSW, the employer will be sent an approval letter confirming the training arrangements. The approval letter specifies the date the Training Contract has or will become binding. The apprentice or trainee is also sent a copy of the approval letter. Every apprentice and trainee is issued with a Training Contract identity number (TCID) which should be quoted when making inquiries. The TCID can be found on all correspondence sent from TRAINING SERVICES NSW regarding the Training Contract

The Apprenticeship Network Provider (ANP) must provide both the employer and the apprentice/trainee with a copy of the signed training contract and training plan proposal. The contract sets out employer and apprentice/trainee responsibilities and obligations. The original contract is retained by the employer's nominated ANP after approval. If either party does not have a signed copy of the training contract, they should contact their ANP.

The Registered Training Organisation (RTO) is required to develop a full training plan, in consultation with the employer and the apprentice/trainee, within 12 weeks of approval of the apprenticeship or traineeship. The Training Plan will set out details of how, when and by whom the training and assessment will be conducted. If the RTO requires the employer to maintain records of the apprentice/trainee's on-the-job training or skills development in the workplace, this should also be specified in the Training Plan. The RTO must provide both the employer and the apprentice/trainee with a copy of the Training Plan.

For school-based apprenticeships and school-based traineeships, the Training Plan must be prepared prior to lodgement of the application and provided to Training Services NSW by the ANP with the Training Contract.

More information on Training Plans is available at Section 4.3.4.

When the employer or apprentice/trainee contacts their nominated ANP or local Training Services NSW office, they should quote their TCID number which is found on all correspondence sent from Training Services NSW regarding the Training Contract.



4. Training for apprentices and trainees

The key principle of apprenticeships and traineeships is that of learning and developing skills through a combination of hands-on experience and formal training.

The primary responsibility for providing apprentices and trainees with relevant instruction and practical experience rests with the employer.

This is supplemented by formal training delivered by a Registered Training Organisation (RTO). Apprentices and trainees who successfully complete their formal training will receive a nationally recognised qualification from their training organisation.

4.1 Vocational Training Orders

The training requirements for each vocation are set out in a Vocational Training Order (VTO). VTOs are developed in consultation with employer groups, unions and industry, and include information about:

- the term of the apprenticeship or traineeship and the probationary period for that vocation
- the title and level of the qualification the apprentice or trainee must undertake and complete as part of the apprenticeship or traineeship
- other requirements relating to the training of apprentices and trainees in that vocation

Copies of VTOs (grouped by industry) are available as attachments to Commissioner's Information Bulletins on the Training Services NSW website at www.training.nsw.gov.au/cib_vto.

4.2 On-the-job training and supervision

4.2.1 Employer responsibilities for on-the-job training

The employer is responsible for ensuring that the apprentice/trainee receives the instruction, practice and support they need to develop skills in all aspects of their vocation, in accordance with the requirements of the training plan.

In meeting their obligations to train an apprentice or trainee, employers must ensure that:

- the apprentice or trainee has access to the full range of work required to develop competencies in all aspects of the vocation
- they are in regular communication with the RTO, confirming competence in the workplace in alignment with the formal training
- the apprentice or trainee has access to the full range of tools and equipment commonly used by skilled workers in that industry
- the apprentice or trainee will be instructed and supervised by a suitably qualified or experienced person

The Registered Training Organisation (RTO) should provide the apprentice/trainee with a competency record book or work evidence guide outlining the competencies they are expected to develop within the term of the training contract. The RTO may require the employer to complete or sign entries in the competency record book.

4.2.2 Workplace training difficulties

If circumstances change and the employer's capacity to provide his/her apprentice or trainee with the necessary on-the-job training is affected, the employer must notify Training Services NSW phone 13 28 11 within 14 days. Options that may be available in these circumstances include transferring the apprentice or trainee to another employer or temporarily suspending the apprenticeship or traineeship. The apprenticeship or traineeship can be suspended part time or full time for a limited duration.

Where problems relating to training in the workplace cannot be resolved by the parties, the employer or his/her apprentice or trainee should immediately contact Training Services NSW phone 13 28 11 for assistance.

4.3 Formal training

4.3.1 Delivery of training by registered training organisations

Registered Training Organisations deliver vocational education and training and/or assessment services. Formal training for apprentices and trainees is delivered by both public and private RTOs. They include TAFE colleges, private and community training organisations, schools, higher education institutions and some large employers. All RTOs are required to meet national standards and must be registered through the Australian Skills Quality Authority (ASQA).

Employers are free to use the RTO of their choice, providing that the RTO has the relevant qualification on its scope of registration. However, not all RTOs are funded by the NSW Government to provide training for all apprenticeships and traineeships. Training delivered by TAFE NSW to NSW-registered apprentices is funded by TAFE. In some regions and in selected trades, Training Services NSW funds selected private RTOs to deliver apprenticeship training. Most, but not all training delivered to new entrant trainees is funded by the State Government through Training Services NSW - restrictions apply to funding of Certificate II new entrant traineeships, and to traineeships at Diploma level and higher. Employers must pay for the recognition, training and assessment services delivered by RTOs for existing worker trainees.

Qualifications available to be undertaken as an apprenticeship or traineeship are listed on the [Training Services NSW](#) website and follow the links to **Looking for Training?** The entry for each apprenticeship or traineeship specifies the funding arrangements and the training organisations that can deliver the training.

Existing worker trainees are not entitled to NSW Government financial assistance. However, employers of existing worker trainees may be eligible to receive Australian Government incentives. The employer's nominated Apprenticeship Network Provider can provide advice to employers about this. For a definition of existing worker trainees see section 15 – Key Terms.

Fees

The RTO will charge an enrolment fee on commencement of training and at the beginning of each additional year of training. The fees are currently set in line with those being charged by TAFE NSW – see [TAFE NSW Fees](#). The fees are to be paid by either the apprentice/trainee or the employer. Some industrial awards state that the employer is responsible for the payment of fees.

Some apprentices and trainees may be eligible for exemption from payment of the enrolment fee. Similarly students may be eligible for a refund of fees under certain circumstances. For more information, see [TAFE NSW Fees](#).

The training organisation may also require a financial contribution from employers, over and above the training subsidy paid to the RTO by Training Services NSW, for any agreed training and assessment which is in **addition** to the training and assessment required (and specified in the Training Plan) for the approved apprenticeship or traineeships. However, they may not levy an employer fee on school based apprenticeships and traineeships.

School based apprentices, school based trainees and their employers do not pay any fees directly to the RTO in relation to any aspect of the delivery of the training. This includes any fees for administration or learning resource materials such as textbooks, workbooks, safety equipment or other equipment such as tools and uniforms required for the training. Any fees applicable to school based programs will be charged to the school and may be included in the student's school fees.

Tuition fees for delivery of training to existing worker trainees are subject to a commercial agreement between training organisations and employers. Existing worker trainees should not be charged an enrolment fee - any administration costs should be incorporated in the commercial fee levied on the employer by the RTO.

4.3.2 Competency-based training

Formal training for apprenticeships and traineeships in NSW is 'competency-based'. This means that apprentices and trainees are assessed on the skills they can demonstrate, the tasks they can perform and the underpinning knowledge they have gained that allows them to effectively perform their work. Employers can progress their apprentice or trainee through the apprenticeship or traineeship as they reach milestones in their competence. In some industries, industrial awards link rates of pay for apprentices to achievement of competencies rather than time served. This is known as competency-based progression.

Employers, apprentices and trainees can finalise and complete the apprenticeships and traineeships when the formal qualification has been issued by the RTO and the employer considers the apprentice or trainee competent to industry standard. Applications for competency-based completion should be made to your Training Services NSW regional office.

4.3.3 Flexible training arrangements

The training programs apprentices and trainees undertake through a RTO are now more flexible. Training can often be customised to meet the needs of the employer and their apprentice or trainee. Although apprentices and trainees are often required to attend classes off the job, sometimes formal training may be delivered in the workplace or by means of a self-paced learning program. The RTO may also use a combination of training styles (often called mixed-mode delivery).



Following approval of the Training Contract by Training Services NSW, the RTO is required to develop a Training Plan in consultation with the employer and the apprentice or trainee.

The Training Plan must be prepared within 12 weeks of approval of the apprenticeship or traineeship. It must be signed by the employer, the apprentice/trainee and a representative from the RTO. Copies must be kept by all parties and should be updated where necessary during the Training Contract.

If the nominated RTO has not contacted the employer shortly after the Training Contract has been approved to confirm a start date for the apprentice's or trainee's formal training, contact Training Services NSW phone 13 28 11.

4.3.4 Preparation of training plans

The RTO must prepare a Training Plan Proposal for all apprenticeships and traineeships (except school-based apprenticeships and traineeships which require a full Training Plan). The Training Plan Proposal and the Training Contract are lodged together with Training Services NSW by the Apprenticeship Network Provider (ANP). When the Training Contract is being assessed, the Training Plan Proposal is checked to ensure that it meets the requirements of the Vocational Training Order.

For school-based apprenticeships and traineeships, the RTO must develop a full Training Plan in consultation with the employer, apprentice or trainee and school. The Training Plan is submitted with the Training Contract.

The Training Plan should be negotiated and agreed by the employer, the RTO and the apprentice or trainee. In the case of school based arrangements, a representative of the school and the student's parent or guardian will also be consulted.

A Training Plan specifies the training that must be delivered to an apprentice or trainee by both the employer and the RTO. In the case of the employer, the on-the-job training may be documented as a range of work tasks involving levels of responsibility or the use of specific equipment.

The Training Plan should specify:

- units of competency that the apprentice/trainee must achieve - these should cover all the skills required by the apprentice or trainee to perform the job competently
- any units of competency that the apprentice/trainee has already completed that are of relevance (recognition of prior learning)
- the qualification to be issued on successful completion of training
- the training to be delivered by the employer
- the training to be delivered by the registered training organisation and details of where and when that training will occur
- learning resources that will be provided to the apprentice/trainee
- any additional support the apprentice/trainee may require if there are identified barriers to learning, for example poor literacy and numeracy skills
- how and when the RTO plans to monitor and assess the apprentice/trainee's progress
- arrangements the RTO will use to report back to the employer and apprentice/trainee on progress with the training
- (for school based arrangements) a timetable of work days (and the number of hours worked on those days) to ensure the minimum number of work days are completed within the HSC period

When preparing the Training Plan, the Registered Training Organisation must consider whether the apprentice/trainee should be assessed for recognition of prior learning (RPL) and recognition of current competencies (RCC).

The Training Plan should be reviewed regularly by the workplace supervisor, the apprentice/trainee and the RTO and adjusted where necessary.

Procedures for the development and maintenance of the Training Plan are available on the Training Services NSW website at [Training Plan Guidelines](#).

4.3.5 Recognition of prior learning and current competencies

Apprentices or trainees who can show that they already have relevant knowledge or skills (which they have obtained through previous study or work) can apply to have their knowledge and skills formally recognised by the registered training organisation at the commencement of their training program. This is known as recognition of current competencies (RCC) or recognition of prior learning (RPL). The RTO should then assess those competencies at the commencement of the training program to determine if they are relevant and if they can be formally recognised.

An apprentice/trainee assessed by an RTO as having relevant competencies at the outset of the training program should not be required to repeat that part of the training. This should be reflected in the Training

Plan that the RTO develops for that apprentice/trainee. Recognition or credit may also be granted for lower level qualifications, part qualifications or pre-vocational courses.

However, the RTO must gather evidence to support its assessment of the apprentice's/trainee's competence, so the apprentice/trainee must be able to demonstrate that they have the relevant knowledge or skills.

Any RCC or RPL determined by an RTO can reduce the time the apprentice/trainee spends undertaking formal training and may reduce the term of the Training Contract. If the RTO has granted RPL/RCC and the employer and the apprentice/trainee agree to support a reduction in the nominal term of the apprenticeship or traineeship, they should apply in writing to Training Services NSW. The employer's nominated ANP can assist in this process. For more information about Training Contract variations, please refer to Section 10.

4.3.6 Using the training plan to monitor progress

The Training Plan can be used as a tool to monitor the apprentice's/trainee's progress during the course of the training contract. The employer should contact the RTO regularly to ensure that the apprentice/trainee is attending off-the-job training, completing assignments or assessment tasks, and is making satisfactory progress.

The employer and apprentice/trainee must contact the RTO if they wish to discuss any concerns they have about the formal training. The RTO is also required to notify Training Services NSW if the apprentice/trainee is at risk of not successfully completing the formal training within the term of the training contract. Any problems with the RTO should be reported to Training Services NSW (ph 13 28 11).

4.3.7 Successful completion of formal training

When the registered training organisation has gathered sufficient evidence of competence in all required competency units, it will issue the apprentice or trainee with the appropriate qualification. All qualifications issued to apprentices and trainees are nationally recognised under the Australian Quality Training Framework (AQTF). For more information about completing the apprenticeship or traineeship see Section 11.

Successful completion of the formal training and attainment of a qualification from the RTO does not mean that the training contract has been completed.

Employers, apprentices and trainees may apply to Training Services NSW for completion of the training contract prior to the expected completion date (as indicated on the approval letter) if the RTO has issued the formal qualification and the employer considers the apprentice / trainee competent to industry standard.



5. Conditions of employment

Apprenticeships and traineeships are administered in accordance with the provisions of the *Apprenticeship and Traineeship Act 2001*. Under this Act, all apprentices and trainees must be employed under an appropriate industrial award or approved workplace agreement.

5.1 Age

There is no minimum or maximum age limit for apprentices or trainees. However minimum age requirements may apply to some vocations, such as those requiring a security licence. Apprentices or trainees working in licensed premises or gambling service areas must be at least 18 years of age, although this does not apply to apprentices/trainees working in the office, housekeeping or kitchen areas of such premises. Any gaming industry employer intending to hire someone younger than 18 years of age must obtain clearance from the [NSW Office of Liquor, Gaming and Racing](#).

In some industries, in accordance with the requirements of the *Occupational Health and Safety Act 2001*, apprentices and trainees may need to be at least 16 years old if they are required to work on or near dangerous machinery.

The *NSW Education Act* requires students to attend school until they complete Year 10 and then to continue in education and training, full-time paid employment, or a combination of education/training and employment until at least age 17. Under exceptional circumstances, young people who are under 17 years of age and have not completed Year 10 may be able to enrol in Certificate II or III vocational courses as an alternative to undertaking the School Certificate. Similarly, they may be exempted from school attendance in order to undertake a full-time apprenticeship or traineeship. Requests for exemption from school attendance on these grounds must be supported by the parent/caregiver and approved by the school principal. The decision will be based on the school's assessment of the student's capacity to study in an adult learning environment and career interests.

Students who are still at school and participating in a part-time school-based apprenticeship or traineeship do not require a Certificate of Exemption from school attendance. Participation in school-based apprenticeships and traineeships does require the consent of the parent or guardian and the school.

School students of any age who want to undertake a part-time traineeship separate from the school curriculum will need to demonstrate that they can comply with the required number of on-the-job training hours each week.

5.2 Number of apprentices or trainees

There is no limit to the number of apprentices or trainees who can be employed in any one workplace providing that the employer provides adequate supervision and training for each apprentice or trainee. "Adequate supervision" will vary according to the industry, the type of workplace, the nature of the work and the skills of the apprentices and trainees. A supervisor must be able to demonstrate that they have the relevant competencies in the apprentice's/trainee's trade or traineeship vocation. Note that in some industries minimum supervision arrangements may be specified in the relevant industrial award or agreement.

For advice about what constitutes adequate supervision and on-the-job training, employers should contact their local Training Services NSW regional office (ph 13 28 11).

5.3 Duration of training contract

The nominal term of an apprenticeship or traineeship is specified in the Training Contract and indicates the period in which the apprenticeship or traineeship is expected to be completed. As all apprenticeships and traineeships are competency based, the actual completion date may be significantly earlier than the expected completion date indicated in the approval letter sent by Training Services NSW to the apprentice/trainee and the employer. Refer to Section 4.2.3 for more information regarding competency-based training and Section 11 for the completion process.

The nominal term of an apprenticeship is generally three or four years. Traineeships generally range from six

months to three years. In some industries part-time apprenticeships and traineeships with proportionately longer training terms are available. The nominal terms of part time apprenticeships and traineeships can be found in the [policy and procedure section](#) of the Training Services NSW website (www.training.nsw.gov.au). School students can undertake an apprenticeship or traineeship as part of their HSC. Part-time school-based apprenticeships and traineeships include all the requirements of full-time apprenticeships and traineeships. Information on school-based apprenticeships and traineeships can also be found on the [Training Services NSW website](#).

5.4 Probationary period

All full apprenticeships and traineeships have a probationary period. The probationary period is specified in the relevant Vocational Training Order and varies from 1 to 3 months, depending on the term of the Training Contract. The duration of the probationary period is specified in the approval letters sent to the employer and apprentice/ trainee.

The probationary period can be extended by up to three months on application by the employer, apprentice/trainee or both, providing that the extension request is lodged with Training Services NSW before the original probationary period elapses.

While the apprentice/trainee is 'on probation', the employer or apprentice/trainee can withdraw from the training contract simply by giving the appropriate period of notice (as per the award or workplace agreement) to the other party. The employer must notify Training Services NSW (ph 13 28 11) within 14 days of withdrawal.

Once the probationary period has elapsed, the Training Contract becomes binding on both parties. It can only be cancelled or transferred by mutual consent or, where there is no agreement, through an application lodged with Training Services NSW. See Section 10 or contact Training Services NSW (ph 13 28 11) for more information.

All apprentices and trainees must be employed under an appropriate industrial arrangement. With each pay they should receive a pay slip that identifies the employer's name and ABN, the pay period, the gross pay (including overtime, bonus payments or other allowances), the net pay, and details of any deductions. Details of superannuation payments should also be included on pay slips where applicable. For further information and to download relevant fact sheet, please see the [Fair Work Ombudsman website](#).

5.5 Wages and awards

NSW private sector employers are covered under the federal industrial relation system. Employers covered under federal "modern awards" who were previously under a NSW industrial award may have access to transition arrangements for wage rates and other conditions of employment. Employers, apprentices and trainees are encouraged to go to the [Fair Work Ombudsman](#) website or ring 13 13 94 for more information. Information about industrial awards and conditions of employment can also be obtained from employer associations and trade unions.

Each apprentice/trainee must be paid at least the wage set out in the industrial award or workplace agreement under which they have been employed. Wages vary according to the industry in which the apprentice/trainee is employed and may depend on the type of apprenticeship or traineeship, the stage they have reached, their age, and the number of years since they left school. Many awards include provisions to cover part-time and school-based apprenticeships and traineeships and mature aged apprentices.

Like other employees, apprentices and trainees are eligible to receive entitlements such as leave (sick leave, annual leave, parental leave, bereavement leave) and allowances (tool allowance, uniform or laundry allowance, travel allowance) as set out in the relevant legislation, industrial award or agreement.

Employers are obliged by law to keep records of times worked by each apprentice/trainee (including attendance at off-the-job training) and his/her wages. They are also obliged to provide employees with a pay slip which includes details such as the period of employment to which the pay relates, hours worked (including overtime), gross pay, tax deducted, other deductions and net pay. Employers are required by law to have a copy of the relevant award or industrial agreement available in the workplace.

5.6 Other conditions of employment

Mandatory employer superannuation contributions apply to apprentices and trainees, as for other employees. Claims against employers for non-payment of wages or wage-related entitlements should be directed to the [Fair Work Ombudsman](#).

Apprentices and trainees are also covered by State legislation such as the *Occupational Health and Safety Act 2000*, which deals with safety in the workplace, and the *Anti-Discrimination Act 1997*, which prohibits discrimination and harassment. For more information on occupational health and safety contact [WorkCover Authority NSW](#) or call 13 10 50. For more information on discrimination in the workplace contact the [Anti-Discrimination Board](#) or call (02) 9268 5555 or 1800 670 812.

5.7 Workers' compensation

All apprentices and trainees should be covered by the employer's workers compensation insurance policy for the duration of their employment. Employers of apprentices are exempt from paying workers compensation premiums although apprentices must be registered on the employer's workers compensation policy. See [WorkCover Authority NSW](#) for details of this exemption.

5.8 Group training organisations

Group training organisations (GTOs) employ apprentices and/or trainees and place them with 'host employers' to undertake the required on-the-job work experience and training. They arrange the apprentices' and/or trainees' off-the-job training and provide mentoring, advice and support throughout the life of the Training Contract.

For further information about GTOs visit the Training Services NSW [website](#) or for advice and referral to a GTO contact [Group Training Association of NSW and ACT](#) or call (02) 9746 9333.



6. Rights and responsibilities of employers

6.1 Employers' rights

Employers should expect that their apprentice or trainee will:

- make every effort to learn the skills required in their apprenticeship or traineeship
- follow all lawful instructions of their employer or workplace supervisor
- make every effort to abide by the policies and procedures that apply in the workplace and become a valuable employee with a commitment to the business for which they work

6.2 Employers' responsibilities

Employers of apprentices and trainees have obligations under each of the following:

- the *Apprenticeship and Traineeship Act 2001*
- the industrial award or agreement under which their apprentice or trainee is employed
- other legislation relating to conditions of employment

These obligations are summarised below.

An employer, including a group training organisation, that places an apprentice or trainee with a host employer, must ensure that the host employer is also able to discharge these obligations.

6.2.1 Training obligations

An employer of an apprentice or trainee must:

- ensure that the apprentice or trainee receives the work-based training by providing appropriate supervision and all necessary facilities, resources and opportunities to acquire the skills of the vocation
- ensure that the apprentice or trainee is given every opportunity to obtain the appropriate qualification for the vocation by releasing him/her to attend training delivered by the relevant registered training organisation (RTO) or to undertake work-based or self-paced learning or assessments set by the RTO
- liaise with the RTO regarding the apprentice or trainee's progress in their formal training

Competency record books and work evidence guides are available, in most vocations, to support the delivery of training to apprentices and trainees. These booklets are provided by the RTO and should be used to monitor the apprentice's/trainee's progress.

6.2.2 Industrial relations obligations

An employer must meet the minimum requirements for pay, leave and other conditions of employment set out in the industrial award or agreement under which the apprentice or trainee is employed.

6.2.3 Other obligations as an employer

An employer of an apprentice or trainee must ensure that the provisions of relevant *Occupational Health and Safety regulations* or other relevant legislation are applied in the workplace - see *Section 5* for details.

An employer of a trainee working in child-related employment must comply with NSW child protection legislation administered by the [NSW Commission For Children and Young People](#).

6.2.4 Obligation to notify Training Services NSW of various matters

An employer of an apprentice or trainee must notify the Commissioner for Vocational Training (through Training Services NSW - phone 13 28 11) within 14 days of the following matters:

- any injury to the apprentice or trainee that will affect his/her ability to continue with or complete the apprenticeship or traineeship
- failure by the apprentice or trainee to make satisfactory progress in his/her on-the-job training or in the training provided by the RTO
- any change in the business name or business address
- any change in the nature of the business that could affect the employer's ability to deliver the on-the-job training or comply with his/her obligations under the training contract
- withdrawal of a training contract within the probationary period
- termination of the employment of an existing worker trainee or a trainee apprentice

6.2.5 Obligation to apply for changes to training arrangements

Applications for changes to the training contract or training plan must be made to the Commissioner for Vocational Training through Training Services NSW (ph 13 28 11) by the employer and the apprentice or trainee, or by either of them alone. Changes could include:

- transfer of the Training Contract to another employer
- suspension of the Training Contract
- cancellation of the Training Contract
- contract variations such as requests for a change in the completion date or requests to a change the qualification
- Training Plan variations such as change of RTO or a change to the mode of training delivery

Changes to the training plan must be endorsed by the relevant RTO. Section 10 provides more detail regarding changes to the Training Contract or Training Plan.



7. Rights and responsibilities of apprentices and trainees

7.1 Apprentices' and trainees' rights

Apprentices and trainees are entitled to have the opportunity to learn all the skills of their trade or traineeship through their on-the-job training in the workplace. They should expect to be trained by a suitably qualified or experienced person and to have the chance to learn how to use the tools and equipment commonly found in that industry.

Apprentices and trainees should expect to receive training and have hands-on experience in a wide range of relevant tasks that cover all the competencies set out in the Training Plan.

Apprentices and trainees are also entitled to be given every opportunity to complete the formal training specified in the Training Plan and delivered by the Registered Training Organisation (RTO).

Apprentices and trainees are entitled to receive payment for their work in accordance with the relevant industrial award or agreement and to work in a healthy and safe working environment free from any form of harassment.

7.2 Apprentices' and trainees' responsibilities

Apprentices and trainees have obligations under the *Apprenticeship and Traineeship Act 2001* and the training contract. These are summarised below.

7.2.1 Training obligations

Apprentices and trainees must make every effort to acquire the skills and knowledge they need to successfully complete their apprenticeship or traineeship by:

- accepting instruction and training in the vocation given by the employer or by a workplace supervisor
- attending scheduled training delivered by the RTO
- completing assignments and other assessment tasks set by the RTO
- maintaining the competency record book or work evidence guide if one has been issued

7.2.2 Obligations to the employer

An apprentice or trainee must make all reasonable efforts to discharge his or her obligations as an employee. This includes following all lawful instructions of the employer or his/her representative, making every effort to abide by the policies and procedures that apply in the workplace and demonstrating a commitment to the business for which they work.

7.2.3 Obligation to notify Training Services NSW

Apprentices and trainees should contact their local Training Services NSW regional office on phone 13 28 11 or download the form on the Training Services NSW [website](#) to notify any changes to their personal details such as name, home address or postal address. They should also contact Training Services NSW if they have any concerns about successfully completing their apprenticeship or traineeship.

7.2.4 Obligation to apply for changes to training arrangements

Applications for changes to the training contract must be made to the Commissioner for Vocational Training through Training Services NSW (ph 13 28 11) by the employer and the apprentice or trainee, or by either of them alone. Changes could include:

- transfer of the Training Contract to another employer
- suspension of the Training Contract
- cancellation of the Training Contract
- contract variations such as requests for a change in the completion date or requests for a change of qualification
- Training Plan variations such as a change of RTO or change to the mode of training delivery

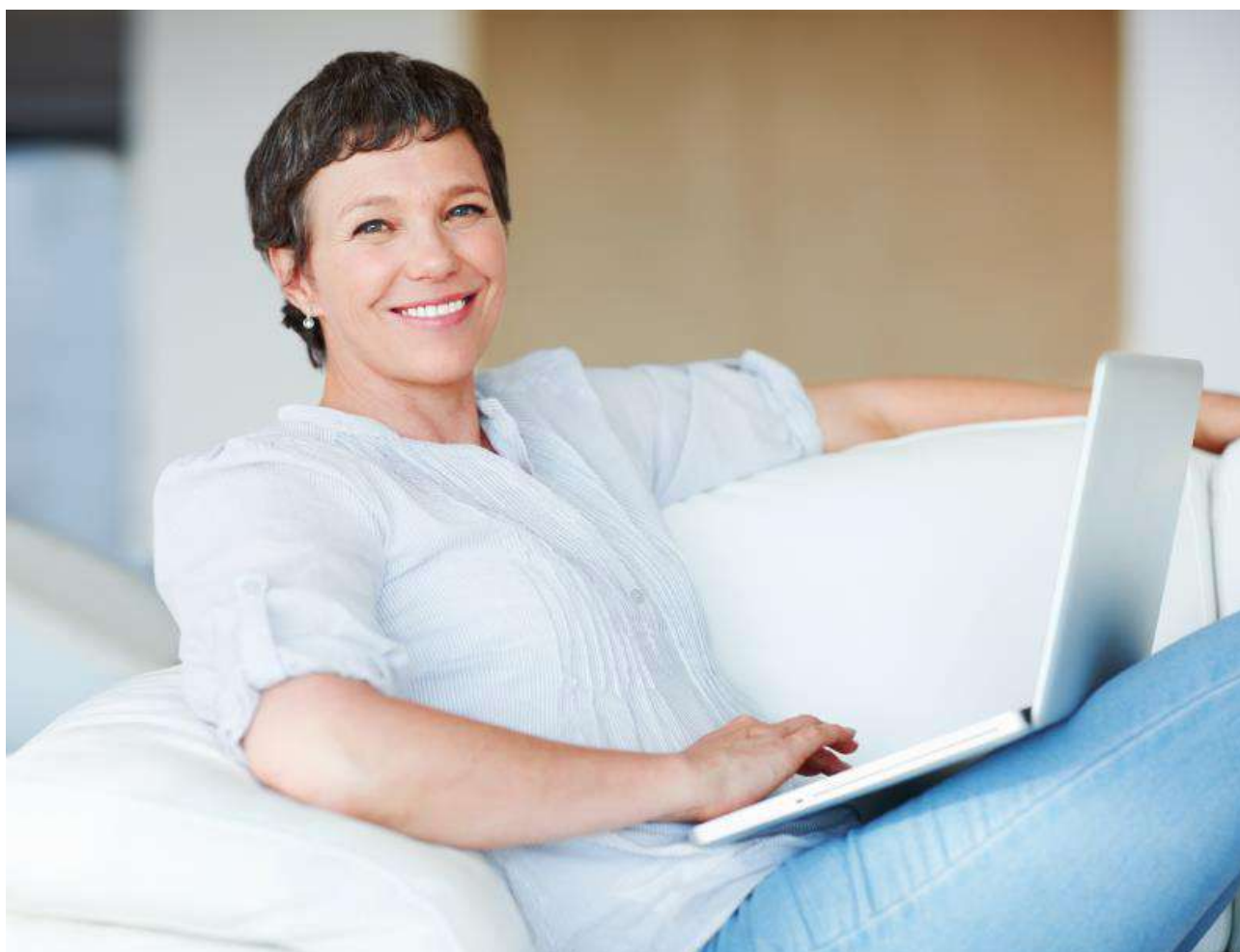
Changes to the Training Plan must be endorsed by the relevant RTO.

7.3 Apprentices and trainees under 18 years of age

If an apprentice or trainee is under 18 years of age, their parent or guardian must sign the Training Contract. Their signature confirms that the parent or guardian is assuming legal responsibility on behalf of the apprentice or trainee for entering into the training contract and upholding the legal obligations under that contract until he/she turns 18.

If a parent or guardian's signature cannot be obtained, the apprentice or trainee can provide a statutory declaration explaining why it is unobtainable and confirming that they understand and accept their obligations under the training contract.

If difficulties arise between apprentices/trainees and their employers, Training Services NSW should be contacted immediately phone 13 28 11.



8. Responsibilities of RTOs

An RTO that accepts a nomination from the employer and the apprentice/trainee to provide training for an apprenticeship or traineeship must advise Training Services NSW regional offices, within 21 days of any matter that affects their capacity to implement the training plan by delivering training and assessment services, or any matter that may affect the capacity of the apprentice/trainee to successfully complete the training. These matters may include:

- any failure by the apprentice or trainee to make satisfactory progress towards achieving the qualification as a result of non-attendance, failure to complete assessment tasks or failure to achieve competence within a reasonable period after delivery of training
- any failure by the employer to allow the apprentice or trainee the opportunity to complete the training specified in the Training Plan
- if the RTO is denied access to the apprentice or trainee to deliver training or conduct assessment
- if the apprentice or trainee's role in the employer's business does not enable the RTO to undertake workplace assessment of the competencies specified in the Training Plan
- any changes in the nature of the employer's business that adversely affects the employer's capacity to provide the workplace facilities needed for the RTO to assess competency in the workplace
- if training cannot be completed within the nominal term of the apprenticeship or traineeship
- variations to the Training Plan
- if training cannot continue to be delivered because the RTO's circumstances have changed or the employer selects a new RTO
- notification of completion of formal training i.e. when the apprentice or trainee is eligible to receive or has completed their training. RTOs must notify within 28 days of eligibility to receive the qualification.



9. Resolving problems

Help is available if problems arise between an employer and their apprentice or trainee.

9.1 Problems that can lead to disputes

Disputes can arise as a result of:

- claims that the employer is not fulfilling their obligation to provide on-the-job training and supervision
- claims that the employer is not fulfilling their obligation to release an apprentice or trainee for off-the-job training, or to provide support for formal training through the Registered Training Organisation (RTO)
- claims that the employer is not fulfilling their other responsibilities, such as meeting the conditions of the industrial award or workplace agreement, or providing a workplace that is safe and free of harassment
- claims that the apprentice or trainee is not making satisfactory progress in developing their skills
- claims that the apprentice or trainee is not making satisfactory progress in their formal training through the RTO
- claims that the apprentice or trainee is not meeting their obligation to follow the instructions of their employer
- personal differences between the apprentice/trainee and their employer or other employees
- failure of the parties to agree about a request to transfer, suspend, cancel or vary the training contract.

9.2 Communication between employers and apprentices or trainees

Many workplace problems can be resolved through direct communication between the employer and the apprentice or trainee. Although employers and apprentices and trainees have a right to seek support and assistance from organisations such as employer groups or trade unions, the apprentice or trainee and their employer should first attempt to discuss the issue and seek a solution. Where a solution cannot be reached, Training Services NSW must be advised phone 13 28 11 to consult with a training advisor.

Supervising your apprentice or trainee is a Training Services NSW resource that provides an outline of what is expected of the supervisor, and what the supervisor can expect of the apprentice or trainee. If you would like a copy of this booklet, please contact your nearest Training Services NSW regional office on 13 28 11 or download a copy of [Supervising your Apprentice or Trainee](#).



9.3 Help available through the Training Services NSW

If difficulties arise between apprentices/trainees and their employers, Training Services NSW should be contacted immediately - phone 13 28 11.

Training Services NSW can be contacted for confidential advice about workplace or training problems. Employers, apprentices and trainees can request advice or assistance in resolving a dispute. Training Services NSW Training Advisors are trained in mediation and dispute resolution and will talk to both parties to seek a resolution that allows the continuation of the Training Contract. The Training Advisor may visit the workplace or arrange a meeting away from work in an effort to resolve the dispute.

9.4 Disputes may be referred to the Vocational Training Review Panel

If a Training Advisor is not able to resolve the dispute, the matter must be referred to the NSW Vocational Training Review Panel (VTRP) for resolution. The Review Panel will convene a hearing at which it will attempt to reach a settlement that is acceptable to all parties.

In the event that the dispute cannot be resolved, the VTRP will make a determination that may result in the complaint being dismissed or in variation, suspension or cancellation of the apprenticeship or traineeship. The VTRP also has the power under the *Apprenticeship and Traineeship Act 2001* to caution or reprimand either one or both of the parties, and to order a party to a training contract to redress the situation as it sees fit.

The *Apprenticeship and Traineeship Act 2001* makes provision for decision by the Commissioner to be referred to the VTRP for review.

Appeals from decisions of the Review Panel may be made to the NSW Civil and Administrative Tribunal (NCAT). New evidence or information may be heard at the appeal.

Appeals from decisions of NCAT may only be made to the NSW Supreme Court by leave of the Court.



10. Changes to training arrangements

The training contract can be transferred, suspended, cancelled or varied by mutual agreement between the employer and the apprentice or trainee. In the case of a transfer, the written agreement of the proposed employer is also required. A selection of [forms](#) are available on the Training Services NSW website for this purpose.

If the employer or the apprentice/trainee wants to transfer, suspend, cancel or vary the training contract and the other party does not agree, then either party must contact Training Services NSW immediately – phone 13 28 11.

10.1 Transfer

Subject to approval by Training Services NSW, an apprentice's or trainee's training contract can be transferred from one employer to another providing that all parties agree.

A [transfer application form](#) is available from the Training Services NSW website for this purpose. The form must be signed by all parties, including the new employer. In most cases the new employer must also complete a training contract in which they provide additional information required for assessment of the transfer application. The transfer application form and new Training Contract should be submitted to Training Services NSW by an ANP. Signed copies must also be kept by the parties.

The Registered Training Organisation (RTO) responsible for providing the formal training for the apprenticeship or traineeship should be contacted regarding the transfer. The RTO should provide the new employer with a copy of the Training Plan and discuss the apprentice's/trainees' progress to date. If the RTO is not in a position to continue to deliver the formal training as a result of the transfer, a new RTO must be selected and a new Training Plan submitted.

10.2 Suspension

Apprenticeships and traineeships can be suspended or partially suspended to reduce the working hours, providing that the employer and the apprentice/trainee agree. Suspensions may be necessary due to lack of work or the need for either party to take an extended period of time off as a result of injury or illness. A suspension or partial suspension is generally for a period of three months but may be extended or reduced.

A [suspension application form](#) is available from the Training Services NSW website for this purpose. The form should be submitted to Training Services NSW within 14 days of commencement of the suspension period. Signed copies must also be kept by the parties.

An apprentice/trainee cannot be forced to suspend a Training Contract with their employer. The *Apprenticeship and Traineeship Act 2001* stipulates that suspensions will not be approved if undue influence has been exerted on the apprentice/trainee by any party. Similarly, the apprentice/trainee cannot simply cease work without the consent of their employer.

There is a seven-day 'cooling off' period during which either party may elect to change their minds and withdraw their consent to suspension of the training contract. The cooling-off period commences on the day on which the application for suspension is lodged with Training Services NSW.

If either party does not agree to the proposed suspension, or if consent is withdrawn within the cooling-off period, Training Services NSW must be contacted immediately.

Any request to suspend a training contract should be undertaken in conjunction with the employer's nominated Apprenticeship Network Provider (ANP), as changes may impact on eligibility for incentives from the Australian Government. The request needs to be made in writing and signed by all parties. The ANP will then forward the request to Training Services NSW.

10.3 Variations to the training contract or training plan

The employer and apprentice/trainee can apply to have their Training Contract or Training Plan varied, providing that there is agreement between the parties. A [contract variation form](#) is available from the Training Services NSW website for this purpose.

Variations to the Training Contract may include requests for:

- an amendment to the term of the contract
- changes to the type of apprenticeship/traineeship
- a different qualification
- a change to the type of employment arrangement

Variations to the training plan that must be submitted to Training Services NSW are requests for:

- a different RTO
- a different type of training delivery

Where a variation to the Training Plan is sought, the application must be endorsed by the relevant RTO.

Applications for variation of the Training Contract or Training Plan will be dealt with by Training Services NSW phone 13 28 11 or, in some cases, referred to the Vocational Training Review Panel (VTRP).

Any request to vary A Training Contract or Training Plan should be undertaken in conjunction with the employer's nominated Apprenticeship Network Provider as changes may impact on the employer or learner's eligibility for incentives from the Australian Government.

The request needs to be made in writing and signed by all parties. The Apprenticeship Network Provider will then forward the request to Training Services NSW.

10.3.1 Request for an amended term

An application to amend the term of the Training Contract may be made if the parties want to extend the term (e.g. because the apprentice or trainee will not attain the relevant competencies before the expected completion date of the contract) or reduce the term (e.g. because the apprentice/trainee has gained skills or experience through previous employment or training that will result in them completing their training in a shorter time).

Requests for a reduced term of training should generally be made at the time the training contract is first prepared and submitted to Training Services NSW for approval through the ANP. However it may not be appropriate to request a reduced term until the RTO has assessed the apprentice's or trainee's existing skills and granted RPL or RCC as part of the process of developing a full training plan. In these instances, if the parties agree, a request to reduce the term of training may be made after the Training Contract has been lodged and approved.

Applications for variations to the term of the contract must be submitted to Training Services NSW before the expected completion date. The applications should specify the reason(s) for the request.

Although applications for competency-based completion will have the effect of reducing the training term, more information about competency-based completion is included in the completions chapter (Section 11) of this document.

10.3.2 Request for a change to the type of apprenticeship/traineeship

The *Apprenticeship and Traineeship Act 2001* provides for two types of apprenticeships: full apprenticeships and trainee apprenticeships. Full apprenticeships bind the employer and the apprentice from the end of the probationary period. After the apprenticeship becomes binding, it can only be cancelled, suspended, transferred or varied with the consent of both parties.

Trainee apprenticeships can be cancelled by either party by simply giving notice to the other party, as provided for in the relevant award or workplace agreement. Trainee apprenticeships are only available where there is appropriate industrial coverage.

There are also two types of traineeships in NSW: new entrant traineeships and existing worker traineeships. Definitions of these two types of traineeships can be found in Section 16 Key Terms.

An application for a change to the type of apprenticeship or traineeship is subject to assessment and approval by Training Services NSW.

10.3.3 Request for an amended qualification or vocation

Apprenticeship and traineeship vocations in NSW are linked to a specific qualification through the Vocational Training Order. Any request for an apprentice or trainee to undertake a qualification other than that specified in the vocational training order should be made at the time the Training Contract application is submitted to Training Services NSW through the ANP.

Requests for the vocation and qualification being undertaken by an apprentice or trainee to be varied mid-contract may be submitted but will only be approved by Training Services NSW if the proposed changes are considered appropriate. The apprentice or trainee will need to demonstrate that the on-the-job training undertaken to date is relevant to the amended vocation. They will also need to demonstrate the capacity to attain competence in the new trade or traineeship vocation and to complete the relevant qualification within the remaining term of the contract. The support of the RTO is required for applications to vary the vocation and/or qualification.

10.3.4 Nomination of a new registered training organisation

Parties to a Training Contract may apply to change the nominated RTO. The RTO being replaced should be advised by the employer that their services are no longer required. They should be asked to provide a Statement of Attainment listing the competencies that the apprentice or trainee has achieved to date.

10.3.5 Request for an amended type of training delivery

A request to change the type of training delivery must be supported by the relevant RTO. The request should be submitted to Training Services NSW and will only be approved if the proposed mode of training delivery is considered suitable in the circumstances.



10.4 Cancellation

An apprentice/trainee cannot be forced to cancel a training contract with their employer. The Apprenticeship and Traineeship Act 2001 stipulates that cancellations will not be approved if undue influence has been exerted on the apprentice/trainee by any party. Similarly, the apprentice/trainee cannot simply resign or leave their employment without the consent of their employer. If the employer or the apprentice / trainee wants to transfer, suspend, cancel or vary the training contract and the other party does not agree, then either party must contact Training Services NSW immediately – phone 13 28 11.

Apprenticeships and traineeships can be cancelled by mutual agreement of the employer and the apprentice or trainee. A [cancellation application form](#) is available for this purpose from the Training Services NSW website. The form should be submitted to Training Services NSW as soon as possible after the decision to cancel has been made and within 14 days of the cancellation. Signed copies must also be kept by the parties. There is a seven-day 'cooling off' period during which either party may elect to change their mind and withdraw their consent to cancellation of the training contract. The cooling-off period commences when the application for cancellation is lodged with Training Services NSW.

If either party does not agree to the proposed cancellation, or if consent is withdrawn within the cooling-off period, they should contact a Training Services NSW training advisor immediately (ph 13 28 11). (See Section 9, Resolving Problems).

Trainee apprenticeships (which are available in some industries where there is provision for them in the industrial award) can be terminated by either the employer or apprentice simply giving notice to the other party and to Training Services NSW in accordance with the provisions of the industrial award or workplace agreement under which the apprentice is employed. Similarly, the employment of existing worker trainees can be terminated by either party in accordance with the provisions of the industrial award or agreement that applied prior to the commencement of the traineeship.



11. Completion of the apprenticeship or traineeship

11.1 Successful completion

For successful completion of the apprenticeship or traineeship, two things are required:

- the RTO must confirm that the apprentice or trainee has successfully completed their formal training and is eligible to receive their nationally recognised qualification, and
- the employer must verify that the apprentice or trainee has successfully completed their on-the-job training.

Training Services NSW will contact the parties when the RTO has notified that the apprentice/trainee has completed their formal training. Letters will be issued to the employer and apprentice/trainee to confirm they have successfully completed the training contract.

To confirm successful completion, the employer should sign the completion letter and attach a copy of the qualification issued to the apprentice or trainee by the RTO. These two documents should be sent to Training Services NSW and the employer's nominated Apprenticeship Network Provider (ANP) should be notified. The ANP will process any completion incentive payments for which the employer may be eligible.

If the training has been successfully completed but a qualification has not yet been issued, Training Services NSW will accept a transcript of results from the RTO stating that the apprentice or trainee has successfully completed the training program and is eligible to be issued with the qualification.

If the apprentice or trainee will not complete the qualification before the end of the apprenticeship or traineeship, both parties may apply to extend the term of the Training Contract. Such requests must be submitted to Training Services NSW prior to the expected completion date.

Employers, apprentices and trainees may apply to Training Services NSW for completion of the Training Contract prior to the expected completion date if the Registered Training Organisation (RTO) has issued the formal qualification and the employer considers the apprentice or trainee competent to industry standard.

11.2 Non-completion

If an apprentice or trainee leaves their employer before completing his/her training, or wishes to discontinue the apprenticeship or traineeship, the employer must notify Training Services NSW within 14 days phone 13 28 11. If appropriate, the employer should send a written request for cancellation of the Training Contract to their local Training Services NSW office.

Where apprenticeships or traineeships have not been completed, both the employer and apprentice/trainee should maintain records of the partly completed apprenticeship/traineeship. Records may include personnel management records, pay slips, references, certificates from RTOs or partly completed competency record books. Such documentation can be used if the apprenticeship or traineeship is re-established with the same or a different employer. It is also useful if a person seeks recognition for this or another qualification in the future or if an apprentice applies to the Vocational Training Review Panel to have their trade skills recognised.

After the completion date elapses, the apprenticeship or traineeship is no longer in effect and the parties to the Training Contract are no longer bound by its provisions, even if the formal training with the RTO has not been completed.

11.3 Certification

When the term of the training contract has been completed, the apprentice or trainee is eligible to receive one or more of the following certificates issued by Training Services NSW:

Certificate of Proficiency

This certificate is awarded to apprentices and trainees who successfully complete the term of their Training Contract and have been awarded the appropriate qualification by an RTO.

Craft Certificate

This certificate is awarded to *apprentices* who complete the term of their Training Contract but not their formal training through a Registered Training Organisation. It can be upgraded to a Certificate of Proficiency on request to Training Services NSW when the appropriate qualification has been awarded by the RTO.

Certificate of Completion

This certificate is awarded to *trainees* who successfully complete the term of their Training Contract but have not been awarded the appropriate qualification by an RTO. It can be upgraded to a Certificate of Proficiency on request to Training Services NSW when the appropriate qualification has been successfully completed.

11.4 Licensing

Licensing requirements apply in some industries. On successful completion of a Training Contract, the apprentice or trainee should apply for any licence that is required to work in the industry. For further information about licensing in the construction, automotive and electrical industries visit the [NSW Fair Trading](#) website. NSW Fair Trading administers licensing for the following trades:

- air conditioning and refrigeration
- electrical
- carpentry and joinery
- bricklaying
- floor and wall tiling
- glazing
- painting and decorating
- landscaping
- plumbing, gas-fitting and draining.

For information about licensing in the aircraft trades contact the Aircraft Maintenance Engineering Licensing Section, visit the [Civil Aviation Safety Authority](#) or call 13 17 57.

The [Australian Business Licence Information Service](#) is a national service delivered by a partnership of Australian, State and Territory Governments and assists business operators and people considering starting a business. ABLIS can identify relevant state, territory, local and Australian Government licences, permits, approvals, regulations and codes of practice, allowing you to obtain detailed information and manage compliance obligations.



12. Financial and other assistance

The New South Wales and Australian Governments provide financial incentives and assistance to employers, apprentices and trainees. Follow the links from the Training Services NSW website for information about NSW Government [financial assistance for employers](#) and [financial assistance for apprentices and trainees](#). See the Australian Government's [Australian Apprenticeships website](#) for information about Australian Government employer, apprentice and trainee incentives.

12.1 Financial and other assistance available to employers

The NSW Government:

- meets all or part of the cost of formal training delivered by Registered Training Organisations (RTOs) for apprentices and most new entrant trainees
- provides employers with payroll tax rebates for new entrant trainees and apprentices
- provides workers compensation insurance premium exemptions for employers of apprentices

The Australian Government provides:

- financial incentives – paid at various points of the training contract (i.e. commencement, re-commencement and completion)
- additional incentives – for employing apprentices and trainees working in skills shortage industries, in non-metropolitan or 'drought declared' regional and rural areas, mature-aged apprentices and trainees or school-based apprentices or trainees
- disability incentives – for employers of apprentices and trainees with a disability. Assistance includes Disabled Australian Apprentice Wage Support (DAAWS), workplace modifications, tutorial assistance and mentor/interpreter assistance.

An employer must satisfy relevant eligibility criteria, including time limits for applying, to be eligible for incentives. Details of eligibility requirements and up-to-date information on financial incentives can be obtained from Apprenticeship Network Providers (ANPs).

Note: The employer of an existing worker trainee may be eligible for Australian Government financial incentives but is not entitled to NSW Government subsidies and rebates.

12.2 Financial assistance available to apprentices and trainees

The NSW Government provides:

- Payments under the Vocational Training Assistance Scheme (VTAS) to apprentices and new entrant trainees who need to travel more than 120km (round trip) to attend day or block release training with an RTO. Assistance is in the form of an accommodation payment per day and a travel payment per kilometre that applies to both public and private means of transport. Check current rates with an ANP or Training Services NSW (ph 13 28 11).
- Public transport concessions for travel on NSW Government buses, ferries and trains for new entrant trainees and for 1st, 2nd and 3rd year apprentices.
- A \$100 rebate on the cost of car registration for first and second year apprentices
- NSW Country Apprentice Scholarships is a NSW scholarship program for apprentices in country NSW who are facing hardship.

The Australian Government provides:

- support for adult apprentices (25 or older) undertaking training in a skills shortage industry
- a Living Away From Home Allowance (LAFHA) for first, second and third year trainees and apprentices who need to live away from home for employment purposes
- A Tools for Your Trade allowance for apprentices and trainees in identified skill shortage areas
- Support for low-paid workers, including apprentices and trainees, through Youth Allowance, Austudy and ABSTUDY

Contact an Apprenticeship Network Provider (ANP) for more information about eligibility requirements for Australian Government financial incentives.

13. The NSW Department of Industry

13.1 Role in administering apprenticeships and traineeships

The NSW Department of Industry through Training Services NSW administers apprenticeships and traineeships in NSW. Regulation of apprenticeships and traineeships comes under the *Apprenticeship and Traineeship Act 2001*.

The Department is responsible for:

- ensuring that the best quality education and training standards for apprentices and trainees are maintained throughout the State
- advising and assisting employers, apprentices and trainees about their apprenticeships and traineeships
- assessing, approving, registering and administering Training Contracts between employers and their apprentices/trainees
- approving Registered Training Organisations (RTOs) to deliver quality training to apprentices and trainees
- monitoring apprenticeship and traineeship training arrangements
- issuing certificates to apprentices and trainees who successfully complete their apprenticeship or traineeship.

13.2 Training Services NSW

Training Services NSW operates nine Training Services NSW regional offices in NSW. Through these offices and its city office, Training Services NSW delivers a diverse range of services to clients in the vocational education and training sector. These services include:

- marketing and administering apprenticeships and traineeships in NSW
- recognition of trade skills acquired outside the NSW apprenticeship/ traineeship system
- funding industry, enterprise and community based education and training initiatives
- engaging and partnering with industry to develop and implement strategies to address skills needs
- improving the availability of and access to quality training for individuals and industry
- advising the NSW Minister for Skills, regional development and small business on vocational education and training matters
- administering the legislation relating to apprenticeships, traineeships and RTOs
- making Vocational Training Orders to provide apprenticeships and traineeships in NSW
- developing training programs that target specific industries and industry needs, equity groups, jobseekers and existing workers
- focusing on NSW economic priorities and strategies e.g., skills shortage areas, green skills
- ensuring the quality of the VET industry through professional development workshops and regulation of registered training organisations

Customer service staff and training advisors at your local Training Services NSW regional office provide information, assistance and advice about apprenticeships and traineeships over the phone or in person at the office or at your workplace. Training advisors help if difficulties or disputes arise between an employer and their apprentice or trainee. These offices are listed in Section 16.

Go to the [Training Services NSW website](#) for more information.

13.3 NSW Vocational Training Review Panel

The NSW Vocational Training Review Panel (VTRP) is a statutory body established under the *Apprenticeship and Traineeship Act 2001*. The Review Panel's functions include:

- determination of disputes
- considering applications for transfer, cancellation or suspension of apprenticeships and traineeships and variations to training contracts (such as competency-based completion or extensions of term)
- other regulatory requirements in relation to apprenticeships and traineeships in NSW

13.4 Trade skills recognition

Trade skills recognition is a service offered through Training Services NSW to people who have experience working in a particular trade vocation (generally for at least 4 years) but may not have formal qualifications in that industry. The service also assists people who have gained vocational skills through formal training and/or on-the-job experience either in Australia or overseas. These people can apply to have their vocational skills formally assessed and recognised and, if successful, will receive a certificate issued by the Commissioner.

For further information, contact a training advisor at your local Training Services NSW office (phone 13 28 11) or the Vocational Training Review Panel on (02) 9244 5505.

13.5 NSW Training Awards

NSW Training Awards are conducted annually by the NSW Department of Industry to recognise outstanding achievement in the vocational education and training sector. The Awards honour and reward the achievements of students, training organisations, employers and small businesses. NSW winners in most categories will compete with winners from all states and territories for the Australian Training Awards.

The individual awards are:

- Apprentice of the Year
- Trainee of the Year
- Vocational Student of the Year
- Aboriginal and Torres Strait Islander Student of the Year
- School Based Apprentice/Trainee of the Year
- VET Trainer/Teacher of the Year

The VET in Schools Awards are:

- VET in Schools Student of the Year

The Organisation Awards are:

- Large Training Provider of the Year
- Small Training Provider of the Year
- Industry Collaboration Award
- Large Employer of the Year
- Small Employer of the Year

For information about eligibility requirements and selection criteria for all award categories, please phone 1800 306 999 (toll free) or visit the [NSW Training Awards](#) website.



14. Apprenticeship Network Providers

Apprenticeship Network Providers (ANPs) are contracted and funded by the Australian Government to provide information and support services to employers, apprentices and trainees. All employers wishing to employ an apprentice or trainee must nominate an Apprenticeship Network Provider to act on their behalf. Apprenticeship Network Provider services are free of charge. A complete list of Apprenticeship Network Providers in NSW can be found at www.australianapprenticeships.gov.au or phone the Australian Apprenticeships Referral Line on 13 38 73.

Apprenticeship Network Providers:

- help employers and apprentices/trainees complete a training contract application and lodge it on their behalf with Training Services NSW
- assist employers and apprentices/trainees to apply for Australian and State Government financial incentives, subsidies and other financial assistance, and provide advice on eligibility
- advise employers and apprentices/trainees about their rights and responsibilities under a training contract
- provide advice on the range of apprenticeships/traineeships available and the qualifications apprentices and trainees will gain on successful completion of their training
- assist the employer and the apprentice/trainee in the selection of a suitable registered training organisation to deliver formal training to the apprentice or trainee
- provide an ongoing monitoring service to the employer and the apprentice/ trainee throughout the course of the training contract
- provide appropriate referrals to employers seeking assistance with recruitment of an apprentice or trainee



15. Legislation

A number of Australian and State Government Acts of Parliament relate to the administration of apprenticeships and traineeships and the training of apprentices and trainees.

[Apprenticeship and Traineeship Act 2001](#)

(administered by Training Services NSW, phone 13 28 11)

This Act relates directly to the administration of apprenticeships and traineeships in NSW and sets out the roles and responsibilities of the Commissioner for Vocational Training, employers, apprentices and trainees, as well as other bodies involved in the apprenticeship and traineeship system in NSW such as the Vocational Training Review Panel and group training organisations.

[Australian Skills Quality Authority \(ASQA\)](#)

ASQA is the National VET Regulator. It came into effect from 1 July 2011. ASQA has assumed the authority of State-based accreditation agencies, such as VETAB in NSW, to register and manage quality assurance of training organisations and accredit VET courses.

[NSW Skills Board Act 20103](#)

The NSW Skills Board advises the NSW Government on how best to meet the skills and training needs individuals, industry, regions and the economy in NSW. The Board provides independent, high level, strategic advice on the vocational education and training system in NSW.

The Board is also responsible for overseeing major reform of the vocational education and training system in NSW, including the shift to a more contestable training market, funding allocations, training outcomes, quality assurance and budget sustainability under Smart and Skilled.

The NSW Skills Board was established in November 2013. It replaces the Board of Vocational Education and Training (BVET).

[Fair Work Act 2009](#)

(administered by [Fair Work Australia](#) - phone 13 13 94)

This Act sets national standards for conditions of employment and establishes a national system of modern awards that implement these standards and cover all industries. All NSW private sector employers and employees, including existing businesses and their employees, have come under federal industrial relations coverage (modern awards) since 1 January 2011.

[Industrial Relations Act 1996](#)

(administered by [NSW Industrial Relations](#) - phone 13 16 28).

This Act regulated industrial relations in New South Wales. From 1 January 2011 all NSW private sector employers have been covered by the federal industrial relations system (modern awards).

[Work Health and Safety Act 2011](#)

(administered by the [WorkCover Authority of NSW](#) – phone 13 10 50)

The *Work Health and Safety Act* outlines the general health and safety requirements of workplaces in NSW. Under the provisions of the Act, an employer must ensure the health, safety and welfare of employees by:

- providing and maintaining safe systems of work
- providing and maintaining safe equipment
- ensuring the safe use, handling, storage and transport of equipment and substances
- providing any information, instruction, training and supervision that is needed to ensure the health and safety of employees
- maintaining workplaces in a safe condition
- providing and maintaining safe entrances and exits
- making adequate information available to employees about research and relevant Training Services NSW of substances used in the workplace.

[Commission for Children and Young People Act 1998](#)

(administered by the [NSW Commission for Children and Young People](#): ph 02 9286 7276)

This Act established the NSW Commission for Children and Young People which provides advice, information and referral services to ensure that the safety, welfare and well-being of children and young people in NSW are protected.

The Commission also administers the [Working With Children Check](#), under which employers working in an industry identified as “child-related employment” must apply for background checks for their employees to ensure that they are not prohibited from working in child-related employment under the [Child Protection \(Offenders Registration\) Act. 2000](#).

Anti-Discrimination Legislation

The following Acts make it illegal to discriminate against people in the area of employment on the basis of gender, gender preference, race, skin colour, disabilities and religious beliefs:

- [NSW Anti-Discrimination Act 1997](#) (administered by the NSW Anti-Discrimination Board, www.lawlink.nsw.gov.au/adb, ph 02 9268 5544)
- [Racial Discrimination Act 1975](#) (Commonwealth) (administered by the Australian Human Rights and Equal Opportunity Commission, www.hreoc.gov.au, ph 1300 369 711)
- [Sex Discrimination Act 1984](#) (Commonwealth) (administered by the Australian Human Rights and Equal Opportunity Commission, www.hreoc.gov.au, ph 1300 369 711)

More information about legislation listed above can be obtained from the department or authority administering the legislation.

[Privacy and Personal Information Protection Act 1998](#)

The Act provides safeguards relating to the release of “personal information” held by NSW public sector agencies.

[Government Information \(Public Access\) Act 2009](#)

The *Government Information (Public Access) Act 2009* gives members of the public the right to request access to documents held by most NSW government departments and agencies including the NSW Department of Industry. Individuals are also able to ensure that records held by the Government concerning their personal affairs are not incomplete, incorrect, out of date or misleading.



16. Key terms

Apprenticeship and Traineeship Act 2001 – the legislation that governs the apprenticeship and traineeship system in NSW.

Apprentice – a person who has been employed in a recognised trade vocation and who has entered into a training contract with his/her employer under the *Apprenticeship and Traineeship Act 2001*.

Apprenticeship – a training arrangement between an employer and a person employed in a recognised trade vocation that has been formalised in a training contract registered by Training Services NSW.

Australian Apprentices – the national term used to describe both apprentices and trainees collectively.

Apprenticeship Network Providers (ANPs) – organisations that are funded by the Australian Government to promote apprenticeships and traineeships and provide advisory services and administrative support to employers, apprentices and trainees. All applications to establish an apprenticeship or traineeship must be lodged with Training Services NSW through an Apprenticeship Network Provider.

Australian Skills Quality Authority (ASQA) - the national regulator for Australia's vocational education and training sector. ASQA regulates courses and training providers to ensure nationally approved quality standards are met.

Competency standard – a specification of knowledge and skill and the application of that knowledge and skill to the standard of performance required in the workplace.

Competency record book – a log book that provides evidence that an apprentice or trainee has completed specific tasks and gained knowledge and skills on the job. The competency record book supports formal training being delivered by the registered training organisation, and may be used by the registered training organisation in making an assessment of competency.

Department of Industry – the NSW Government department responsible for the administration of vocational education and training. Acting in this capacity, TRAINING SERVICES NSW may also be referred to as the state training authority.

Existing worker trainee – a person who has been employed continuously by their current employer for more than 3 months full-time or 12 months casual or part-time, or a combination of both, immediately prior to commencing a traineeship.

Existing worker traineeship – a traineeship for employees classified as existing workers (see above). In most existing worker traineeships, training costs are met by the employer. NSW Government financial incentives do not apply to existing worker traineeships although eligible employers may still attract Australian Government incentive payments which can be used to offset training costs.

Full apprenticeship – an apprenticeship under which the training contract binds the employer and the apprentice from the end of the probationary period until the completion of the term of the apprenticeship. (See also trainee apprenticeship.)

Group training organisations (GTOs) – organisations that employ large numbers of trainees and apprentices and place them with host employers so that the apprentice/trainee can develop a range of skills and work experience with different companies or businesses. Group Training Organisations may be registered under the *Apprenticeship and Traineeship Act 2001*.

National training contract – a nationally consistent form developed and adopted by all states/territories, in conjunction with the Australian Government, for use by the employer, the apprentice/trainee and their nominated Apprenticeship Network Provider when applying to establish an apprenticeship or traineeship. (See also training contract.)

New entrant trainee – a person employed within an enterprise for less than three months full-time or 12 months part-time or casually, or any combination of the above, prior to commencing a traineeship. To be considered a new entrant trainee the person must not have been employed at all by their current employer for at least six months prior to such full-time employment or twelve months prior to such part-time or casual employment.

Nominal term – the term of training specified for an apprenticeship or traineeship under the relevant

Vocational Training Order. The nominal term entered on a training contract application should be adjusted to allow for any credit sought for previous relevant employment or training.

Registered Training Organisation (RTO) – a training organisation registered to provide vocational education and training and/or assessment services and issue nationally recognised qualifications. All registered training organisations are required to meet the standards of the Australian Quality Training Framework (AQTF). The nationally recognised qualifications a registered training organisation can issue are defined by its scope of registration.

State Training Authority – see Department of Industry

Training Services NSW – the division of Training Services NSW responsible for the administration and quality assurance of vocational education and training in NSW. Training Services NSW funds and administers a range of vocational education and training programs throughout NSW, including apprenticeships and traineeships. Training Services NSW has nine offices in metropolitan and regional areas of the State from which services are delivered. Your local Training Services NSW office can be contacted by phoning 13 28 11.

Trainee – a person who has been employed in a recognised traineeship vocation and who has entered into a training contract with his/her employer under the *Apprenticeship and Traineeship Act 2001*.

Traineeship – a training arrangement between an employer and a person employed in a recognised traineeship vocation that has been formalised in a training contract registered by Training Services NSW. The traineeship training contract binds the employer and the trainee from the end of the probationary period until the completion of the term of the traineeship.

Trainee apprentice – a person employed in a trainee apprenticeship (see below) under the *Apprenticeship and Traineeship Act 2001*. Trainee apprentices receive the same on-the-job and formal training and are eligible to gain the same qualifications and certificates as other apprentices.

Trainee apprenticeship – an apprenticeship in which the training contract can be cancelled by either party simply by giving notice as required under the relevant industrial award or agreement. Trainee apprenticeships are restricted to those trades covered by industrial awards or agreements that include trainee apprenticeship provisions.

Training contract – a contract that establishes an apprenticeship or traineeship under the *Apprenticeship and Traineeship Act 2001*. (See also national training contract.)

Training packages – comprehensive publications developed by industry to support the national vocational education and training system. Training packages are made up of endorsed components (national competency standards, assessment guidelines and qualifications) and non-endorsed components (which may include learning and assessment resources).

Training plan – outlines the course of formal training the apprentice/ trainee will undertake with a registered training organisation to gain a nationally recognised qualification. It includes information on the mode and dates of delivery of the training, the units of competency that will make up the qualification, details of any RPL or RCC that will be applied and information about the role the employer will play in supporting the training. The Training Plan (or a training plan proposal) is attached to the national Training Contract when applying to establish an apprenticeship or traineeship.

NB If a proposal is provided initially, a full training plan must be developed by the registered training organisation, in consultation with the employer and apprentice /trainee, within 12 weeks of approval of the training contract.

Vocational Training Review Panel (VTRP) – the statutory body established under the provisions of the *Apprenticeship and Traineeship Act 2001*. The Review Panel's functions include resolving complaints, recognition of trade skills acquired outside the NSW apprenticeship and traineeship system, administering training contracts, and considering applications for the transfer, suspension, cancellation and variation of apprenticeships and traineeships.

Work evidence guide – another name for a competency record book - a log book that provides evidence that an apprentice or trainee has completed specific tasks and gained knowledge and skills on the job. The log book supports formal training being delivered by the Registered Training Organisation, and may be used by the Registered Training Organisation in making an assessment of competency.

17. Training Services NSW regional offices

Phone 13 28 11 to be connected to your nearest centre (local call cost – NSW only)

Central and Northern Sydney

Level 13, 67 Albert Avenue
Chatswood NSW 2067
Phone: (02) 9242 1700
Fax: (02) 9415 3979
Email: STS.Chatswood@industry.nsw.gov.au

Southern and South Western Sydney

Level 2, 41-45 Rickard Road
Bankstown NSW 2200
Phone: (02) 8707 9600
Fax: (02) 9709 5356
Email: STS.Bankstown@industry.nsw.gov.au

Western Sydney & Blue Mountains

Ground Floor, 16-18 Wentworth Street
Parramatta NSW 2150
Phone: (02) 9204 7400
Fax: (02) 9635 9775
Email: STS.Parramatta@industry.nsw.gov.au

New England

Level 2, 155-157 Marius Street
Tamworth NSW 2340
Phone: (02) 6755 5099
Fax: (02) 6766 4120
Email: STS.Tamworth@industry.nsw.gov.au

North Coast and Mid North Coast

Level 4, Suite 3
29 Molesworth Street
Lismore NSW 2480
Phone: (02) 6627 8400
Fax: (02) 6621 9994
Email: STS.Lismore@industry.nsw.gov.au

Hunter and Central Coast

Level 1, 117 Bull Street
Newcastle West NSW 2302
Phone: (02) 4974 8570
Fax: (02) 4925 2139
Email: STS.Newcastle@industry.nsw.gov.au

Illawarra and South East NSW

Level 1, Block E, 84 Crown Street
Wollongong East NSW 2520
Phone: (02) 4224 9300
Fax: (02) 4224 9334
Email: STS.Wollongong@industry.nsw.gov.au

Riverina

87 Forsyth Street
Wagga Wagga NSW 2650
Phone: (02) 6937 7600
Fax: (02) 6921 0724
Email: STS.WaggaWagga@industry.nsw.gov.au

Western New South Wales

161 Kite Street
Orange NSW 2800
Phone: (02) 6392 8500
Fax: (02) 6392 8539
Email: STS.Orange@industry.nsw.gov.au

18. Links

Training Services NSW

(including Apprenticeships and Traineeships)

phone 13 28 11

www.training.nsw.gov.au

Apprenticeship Network Providers

phone 13 38 73

australianapprenticeships.gov.au

Commonwealth Department of Industry, Innovation, Science, Research and Tertiary Education

phone 1300 363 264

www.innovation.gov.au

Fair Work Online

phone 13 13 94

www.fairwork.gov.au

NSW Industrial Relations

phone 13 16 28

www.industrialrelations.nsw.gov.au

WorkCover NSW

phone 13 10 50

www.workcover.nsw.gov.au

Group Training Australia

phone 1800 819 747

www.grouptraining.com.au

Group Training Association of NSW

phone (02) 9746 9333

www.nswgrouptraining.com.au