



APPRENTICESHIP AND TRAINEESHIP POLICY

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1 POLICY STATEMENT

The [Vocational Education and Training Act 1996 \(the VET Act\)](#) provides for the

4 BACKGROUND

The intent of the VET Act and Regulations is to ensure and preserve the quality of the employment-based training arrangement in WA; and protect the rights and specify the obligations of the parties to the training contract.

5 DEFINITIONS

Apprentice – A person aged 15 years¹ or more who is undertaking an apprenticeship, traineeship, cadetship or internship that leads to a nationally recognised qualification. This term refers to apprentices, trainees, cadets and interns. Apprentices are employed under a training contract.

Apprenticeship – A structured employment-based training program that leads to apprentices gaining a nationally recognised qualification. Apprenticeships may be full time or part time (including school-based and elite athlete arrangements). Apprenticeship qualifications are listed on [the Public register of prescribed vocational education and training qualifications](#)

Apprenticeship Office – A branch of the WA Department of Training and Workforce Development which administers and regulates training contracts under Part 7 of the VET Act and related Regulations.

Australian Apprenticeship Support Network (AASN) provider – A service provider contracted by the Australian Government to provide support services to employers and apprentices/trainees including arranging for the signing and lodgement of the training contract, advising and administering Australian Government financial incentive payments, job matching and recruitment of apprentices/trainees, and support and mentoring

through recognition of prior learning for domestic students. These qualifications are identified on the public register.

Class C qualification s – Qualifications which can only be obtained via institutional training. These qualifications cannot be undertaken under a training contract.

Elite Athlete

Preferred provider panel – Registered training organisations which are contracted by the Department of Training and Workforce Development to deliver funded vocational education and training in WA.

Public register – The [*Public register of prescribed vocational education and training qualifications*](#) is required under legislation and provides a complete listing of all apprenticeship/traineeship qualifications recommended by industry and endorsed by the Minister, for delivery in WA.

Qualifications are listed as either Class A or Class B depending on industry's requirements for how training should be delivered. The public register also identifies any conditions that may be specified by the Minister.

Recognition of prior learning (RPL) – A competency-based assessment process used to determine the extent to which an individual's previous knowledge, skills and work experience is equivalent to the learning outcomes specified in a training package or accredited course. Registered training organisations offer recognition of prior learning to all students under the *Standards for registered training organisations 2015*.

School-based apprentice or trainee – A full time school student aged 15 years or more who is studying towards achievement of the Western Australian Certificate of Education (WACE) and undertaking a prescribed Class A or Class B qualification under a training contract. School-based apprentices and trainees are considered to be in part time training because they are also required to attend school.

Self employment – When an individual works for themselves rather than for an employer.

Trade certificate – Issued by the Department of Training and Workforce Development to eligible individuals who have achieved a Class A or Class B qualification with the training type 'apprentice'. A trade certificate is issued in addition to an Australian Qualifications Framework (AQF) certificate.

Trade skills recognition (TSR) – A process whereby individuals are assessed against the requirements of Class A or Class B apprenticeship qualifications for their eligibility to be issued a trade certificate.

Trainee – Under the VET Act the term 'apprentice' also refers to 'trainee'. Trainees are empl

Training packages – Specify the skills and knowledge required by industry to operate effectively in the workplace. They are made up of three components, including units of competency, a qualifications framework and assessment guidelines.

Training plan – Outlines the training delivery and assessment strategy to be undertaken throughout the training contract. It is developed by the nominated registered training organisation in negotiation with the employer and apprentice/trainee.

VET Quality Framework – Nationally agreed quality assurance arrangements for training and assessment services delivered by registered training organisations.

6 PROCEDURES

6.1 Public register of apprenticeship and traineeship qualifications

The [Public register of prescribed vocational education and training qualifications](#) provides a complete listing of all apprenticeship/traineeship qualifications recommended by industry and endorsed by the Minister, for delivery in WA. Qualifications are listed as Class A or Class B (including restricted Class B) depending on whether they can be obtained under a training contract.

Class A qualifications can only be obtained under a training contract.

Class B qualifications can be obtained either through a training contract or through institutional training.

Information is also provided on other requirements which may have been specified by the Minister. Specified training contract requirements include:

- the nominal duration of the apprenticeship/traineeship;
- whether the qualification is available via a school-based pathway or elite athlete arrangements;
- whether the qualification can be completed on a part time basis;
- where applicable, the minimum part time hours; and
- any other conditions.

6.1.1 Restricted Class B qualifications

To accommodate institutional training for international students in some trades, some qualifications have a condition restricting institutional training to international students only. These qualifications are identified as 'restricted Class B' qualifications on the public register.

Domestic students can only achieve these qualifications through a training contract.

6.2 Employment-based training arrangements

Employment-based training in Class A and Class B qualifications occurs under a training contract that has the format shown in Schedule 1 of the Regulations.

The training contract is a legally binding agreement between the employer and apprentice/trainee and sets out the obligations of both parties.

6.2.1 Eligibility for an apprenticeship /traineeship

A person wishing to undertake apprenticeship/traineeship training:

- should be at least 15 years of age (see exceptions below);
- must be an Australian citizen or hold an Australian visa that will support the employment and study arrangements specified in the training contract; and
- must be in or entering part time or full time employment with an employer (rather than being a casual employee or self employed).

6.2.1.1 Child under the age of 15

A child under the age of 15 may be employed as an apprentice/trainee under certain conditions. These conditions relate to the employment of a child and are set out in:

- the *Children and Community Services Act 2004*;
- the *School Education Act 1999*;
- the applicable industrial instrument; and
- any licensing requirements and/or other conditions of the qualification to be undertaken.

6.2.1.2 Temporary Work (Skilled) visa (subclass 457) and Temporary Skill Shortage visa (subclass 482) holders

The Australian Government issues primary 457 and 482 visas to allow approved businesses to employ skilled workers for a job that is identified on the list of eligible skilled occupations. It is a condition of the visa that the individual must have the skills required for the job as per the list of eligible skilled occupations. Given the Australian Government's visa conditions, the Department does not register training contracts for primary 457 and 482 visa holders.

Secondary 457 and 482 visa holders may be eligible to enter into an apprenticeship/traineeship if their visa is valid for the duration of the training contract.

Further information is provided in [the *Training contracts and visa holders fact sheet*](#) available from the Department's website.

For all other visa holders wishing to enter into a training contract please consult with an AASN provider or the Department's Apprenticeship Office.

6.2.1.3 Casual employees

The signing of a training contract entails a commitment by the employer and apprentice/trainee to a part time or full time employment arrangement for the duration of the training contract. This commitment is inconsistent with casual employment, therefore the Department is unable to register a casual employee as an apprentice/trainee.

Further information is provided in [the *Casual workers and apprenticeships fact sheet*](#) available from the Department's website.

6.2.1.4 Self employment

The employer and the apprentice/trainee in an employment-based training arrangement each has a distinct role and obligations, and both are required to reach agreement that the apprentice/trainee is competent before a training contract can be completed. For this reason the Depa222a (t)2 (i)6 (s)14 (un)10 (abl)6 (e)10 (t)2 (o)10 (t)2 before d emp

6.2.2 Lodgement of a training contract

AASN providers in WA are contracted by the Australian Government to provide support services for employers and apprentices/trainees, including providing assistance to complete the documentation required to lodge a training contract.

The AASN provider outlines the employer and apprentice/trainee obligations and responsibilities, can assist with choosing the appropriate qualification and a suitable RTO, and advises on Australian Government incentives (see 6.7.5).

The training contract needs to be lodged with the Department's Apprenticeship Office within 21 days of the start of the training contract.

Under the training contract, the employer agrees to release and pay the apprentice/trainee for the off the job training identified in the training plan.

Further information about training plans is provided in [the *Training plans fact sheet*](#) available from the Department's website.

6.2.5 Supervision requirements

An employer should provide appropriate facilities and qualified personnel to support the training and supervision of an apprentice/trainee in the workplace. The apprentice/trainee to tradesperson/qualified person ratio may be identified in the applicable industrial award and differs across trade and occupational areas. Where applicable the supervisor should hold a current occupational licence as required for their industry.

6.2.6 Probation period

Training contracts have an associated probation period, which begins on the
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The completion can be prior to the expiry date of the training contract (ie; the nominal term of the contract). A training contract may also be extended beyond the nominal term if both the employer and apprentice/trainee agree. Extension notices can only be considered by Apprenticeship Office before the expiry date of the training contract.

[Training contract forms and fact sheets are available from the Department's website,](#) including information about completing and extending a training contract.

6.2.9 Competency -based wage progression

Under some Modern Awards, an apprentice may advance to the next wage level based on their achievement of competency. In some cases, an apprentice may have completed the relevant units of competency in a prior qualification. If the qualification was completed through institutional study, the apprentice may be required to demonstrate competency on the job before advancing to the next wage level.

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When the training contract is signed, the employer will advise the apprentice which

6.3 School-based apprenticeship

6.5.2 Trade certificate

In addition to the AQF qualification issued by the RTO, the Department's Apprenticeship Office will issue a trade certificate to an individual who has achieved a Class A or Class B apprenticeship qualification via:

- a training contract registered in WA; or
- an apprenticeship pathway outside WA where the qualification has been achieved in an employment-based training arrangement.

While AQF certificates are nationally recognised, trade certificates issued for apprenticeship qualifications in

Concerns around unfair dismissal can be raised with the [Fair Work Commission](#) or the [WAIRC](#) depending upon award coverage.

7 RELATED POLICIES AND OTHER RELEVANT DOCUMENTS

Australian Qualifications Framework (second edition), Australian Qualifications Framework Council

Duty of Care for Public School Students Policy, Department of Education

General Direction – Learner Transition, Australian Skills Quality Authority

Guide to Western Australian school-based apprenticeships and traineeships, Department of Training and Workforce Development

Guidelines for the Establishment and Variation of Apprenticeships, WA State Training Board

Joint Ministerial Statement on Vocational Education and Training in Schools, Department of Training and Workforce Development and Department of Education
Out of School Learning and Training,