

A complete guide to apprenticeships and traineeships in New South Wales



**Education
& Training**
State Training Services

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Abbreviations

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

NSW DET	=	NSW Department of Education and Training
TA	=	Training Advisor
AAC	=	Australian Apprenticeships Centre
RCC	=	Recognition of Current Competencies
RPL	=	Recognition of Prior Learning
RTO	=	Registered Training Organisation
VTO	=	Vocational Training Order
VTT	=	Vocational Training Tribunal
GTO	=	Group Training Organisation

1 Introduction and summary of important facts

This guide provides information on the apprenticeship and traineeship system in New South Wales and regulatory requirements of the NSW Department of Education and Training (DET). Topics covered include:

- how to establish an apprenticeship or traineeship
- national training contracts and registration with State Training Services, a directorate of the DET
- obligations of employers, apprentices and trainees
- financial assistance available
- the roles of Australian Apprenticeships Centres (AAC), registered training organisations (RTO) and group training organisations, and
- local services provided by State Training Services.

State Training Services administers and monitors apprenticeships and traineeships through its regional offices and acts in the interests of employers, apprentices and trainees in ensuring quality training is delivered with nationally recognised outcomes.

A list of NSW State Training Services regional offices appears at the end of this document or 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 State Training Services, a division of the DET
- **paid employment** under an appropriate industrial arrangement (for example, an award or enterprise agreement)
- **a training plan** endorsed by an RTO that meets the requirements of the relevant vocational training order for the apprenticeship or traineeship and specifies the training required to achieve the appropriate nationally recognised qualification.

The apprenticeship and traineeship system in NSW is regulated by the Apprenticeship and Traineeship Act 2001, which is administered by the DET. The department has nine State Training Services regional offices throughout NSW where employers, apprentices and trainees can obtain advice and assistance. The locations of these offices are listed at the end of this guide.

AACs assist employers, apprentices and trainees to establish apprenticeships and traineeships and apply for Australian and State Government financial incentives, subsidies and concessions. For a list of AACs, refer to the Australian Apprenticeships website (www.australianapprenticeships.gov.au) or phone the Australian Apprenticeships Referral Line on 13 38 73.

It is important that potential employers, apprentices and trainees read this guide carefully in order to understand their roles, rights and responsibilities under training contracts.

Training requirements

Apprentices and trainees must be provided with “hands on” work, appropriate facilities and 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.

Apprentices and trainees must be allowed paid work time to undertake their formal training with an RTO. 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 (if available) 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 State Training Services containing 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)
- the apprentice's or trainee's attendance details from the RTO
- results of formal training undertaken by the apprentice/trainee with the RTO
- a copy of the trainee apprentice's Progress Card, if applicable

Employers' responsibilities (Section 6)

Employers must:

- provide apprentices and trainees with workers' compensation insurance coverage
- provide annual and other leave entitlements and superannuation for apprentices and trainees in accordance with relevant legislation or as specified by the relevant industrial award or workplace agreement
- monitor the progress of each apprentice or trainee at work and the training he or she does with the RTO, and
- discharge his/her obligations as specified in the training contract.

Wages and awards (Section 5.5)

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

Transfer (Section 9)

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

Dismissal (Section 9)

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

Trainee apprenticeships can only be established where the relevant industrial award or agreement provides for them. A trainee apprenticeship may be terminated by either the employer or the trainee apprentice giving notice in accordance with the provisions of the industrial award or agreement under which the trainee apprentice is employed.



Mutual cancellation (Section 9.2)

An employer and their apprentice or trainee can apply to cancel the training contract at any time if both parties agree. They must then submit an application to cancel the training contract to State Training Services within 14 days of the cancellation date. AACs can assist employers in this process.

If either the employer or apprentice/trainee does not agree to the proposed cancellation, a Training Advisor at your local State Training Services regional office (ph 13 28 11) must be contacted immediately.

Mutual suspension (Section 9.3)

An employer and their apprentice or trainee can apply to mutually suspend the training contract in certain circumstances, such as if there is a lack of work or if the apprentice/trainee has to take a long time off work through injury or illness. Applications to suspend training contracts must be lodged with the State Training Services centre within 14 days of the date of suspension. AACs can assist employers in this process.

If either the employer or apprentice/trainee does not agree to the proposed suspension, a Training Advisor from the local State Training Services 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 traineeship will also apply to the existing worker trainee.

Employers of existing worker trainees do not receive State Government financial incentives but may be eligible for State Government assistance to pay the cost of the training and may be eligible for Australian Government incentives. Contact your AAC for information on eligibility and application forms.

For a definition of existing worker trainees see key terms in Section 15.



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 their Australian Apprenticeships Centre (AAC). AACs are funded by the Australian Government and services provided by AACs are free to employers
- A summary training plan 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 summary training plan
- 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 State Training Services
- The RTO will charge an administration fee and possibly a fee for materials. The fee is payable by the apprentice, trainee or the employer. Check with the RTO for exemptions. See section 4.2.2 of this guide for more detail
- The AAC checks the training contract and training plan and then submits them to State Training Services for approval of the apprenticeship/traineeship
- For some applications additional information or pre-requisites are required to employ a person in the industry or establish an apprenticeship or traineeship e.g.
 - » licence to work in the security industry
 - » Working With Children Checks for trainees undertaking child-related employment
 - » evidence of relevant previous work and/or training to obtain credit for a shortened term
 - » citizenship, permanent residency or specific Visa categories.

AACs can advise employers about State Training Services requirements for any additional information

- Apprentices/trainees commence enrolment procedures with the selected RTO.

After Approval

- The employer and apprentice/trainee receive an approval letter from State Training Services.
- 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 AACs regarding eligibility for incentive payments from the Australian Government.
- Apprentices/trainees should also check with the AAC 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 formal off-the-job training (where appropriate) and is making satisfactory progress towards achieving their qualification.
- Employers and their apprentice/ trainee must notify State Training Services directly or through their Australian Apprenticeships Centre, if they wish to make changes to the training arrangements (e.g. mutual 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:

- State Training Services will send a completion letter to the employer.
- The employer must sign the letter and return it to State Training Services, confirming whether or not the apprentice/trainee has successfully completed the on-the-job and formal training. The letter must be accompanied by a copy of the Certificate, Statement of Attainment or transcript of results issued to the apprentice/trainee by the registered training organisation. If the apprentice/trainee did not successfully complete formal training, the letter must be returned to State Training Services without attachments. If more time is needed to complete the apprenticeship or traineeship the employer and learner should contact State Training Services immediately to arrange an extension.
- The employer and apprentice/trainee may jointly apply for completion of the apprenticeship or traineeship before the scheduled completion date providing that the apprentice or 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:

- Ensure that the apprentice/trainee receives his/her certificate.
- 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 10.4.
- Check with their AAC to see if they are entitled to any incentive payments that may be available at the completion of the apprenticeship/traineeship.

3 Establishment of an apprenticeship or traineeship

Once the training contract has been received, approved and registered by State Training Services, the employer will be sent an approval letter confirming that training arrangements are in place. 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.

The Australian Apprenticeship Centre (AAC) should provide both the employer and the apprentice/trainee with a copy of the signed training contract. The contract sets out employer, apprentice or trainee responsibilities and obligations during the course of the training arrangement. If either party does not have a signed copy of the training contract, they should contact their AAC.

The original contract is retained by the employer's nominated AAC after approval.

The registered training organisation (RTO) is required to develop a full training plan, in consultation with the employer and the apprentice or trainee, within 6-12 weeks of commencement 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 or 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 full training plan.

For school-based apprenticeships and school-based traineeships, the full training plan must be prepared prior to lodgement of the application and provided to State Training Services with the training contract by the AAC.

More information on training plans is available in Section 4.2.5

When the employer or apprentice/trainee telephones or writes to their nominated AAC or local State Training Services office, they should quote their training contract identity number (usually referred to as the TCID).



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 On-the-job training and supervision

4.1.1 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.

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.

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
- 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

4.1.2 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 State Training Services (ph 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 State Training Services (ph 13 28 11) for assistance.

4.2 Formal training

4.2.1 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 appropriate 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 NSW DET's website at: <http://www.training.nsw.gov.au>

4.2.2 Delivery of training by registered training organisations

Formal training for apprentices and trainees is delivered by both public and private RTOs. In NSW, the Vocational Education and Training Accreditation Board (VETAB) is the registering body. To become registered, a registered training organisation has to meet national standards. The scope of registration defines the nationally recognised qualifications a registered training organisation can deliver. Contact VETAB (ph 9244 5335 or www.vetab.nsw.gov.au) for more information.

RTOs deliver vocational education and training and/or assessment services. They include TAFE colleges, private and community training organisations, schools, higher education institutions and some large employers.

The formal training RTOs provide is paid for by the NSW Government through State Training Services for most apprentices and new entrant trainees. Employers must pay for the recognition, training and assessment services delivered by RTOs to existing worker trainees.

Fees

The RTO will charge a fee for the apprentice or trainee at enrolment and at the beginning of each additional year of training. Participants in pre-apprenticeship or pre-traineeship training will also be charged an enrolment fee. The fees are currently set in line with those being charged by TAFE NSW, see <http://www.tafensw.edu.au/about/money.htm>. The fees are to be paid by either the learner or the employer. Some industrial awards state that the employer is responsible for the payment of fees. The training organisation may require a contribution from employers and/or industry for training delivery to an apprentice or trainee, but not for pre-apprenticeship and pre-traineeship training, nor school based apprenticeships and school based traineeships.

School based apprentices, school based trainees and their employers do not pay any fees 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.

Apprentices or 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 the TAFE NSW “money matters” website at <http://www.tafensw.edu.au/about/money.htm>.

4.2.3 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. 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 standards. Applications for competency-based completion should be made to your State Training Services regional office.

4.2.4 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 State Training Services and receipt of the approval letter by the employer, the RTO is required to develop a full training plan in consultation with the employer and the apprentice or trainee.

The full training plan must be prepared within the following timeframes:

- ***within 6 weeks of the apprentice/trainee commencing training with the RTO if the term of the training arrangement is less than 12 months;***
- ***within 12 weeks of the apprentice/trainee commencing training with the RTO if the term of the training arrangement is 12 months or longer.***

The full training plan 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 within 6 or 12 weeks of commencement (depending on the term of the training contract) to confirm a start date for the apprentice’s or trainee’s formal training, contact your local State Training Services regional office on 13 28 11.

4.2.5 Preparation of training plans

The RTO must prepare a summary training plan for all apprenticeships and traineeships (apart from school-based apprenticeships and traineeships which require a full training plan). The summary training plan and the training contract are lodged together with State Training Services by the Australian Apprenticeships Centre (AAC). When the training contract is being assessed, the summary training plan 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 full training plan is submitted with the training contract and any other required information such as risk assessment forms.

The full training plan should be negotiated and agreed by the employer, the RTO and the learner. In the case of school based arrangements, a representative of the school and the learner's parent or guardian will also be consulted.

A training plan specifies the training that must be delivered to apprentice or trainee by both the employer for on-the-job training and a RTO for off-the-job training. 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:

- the qualification to be issued on completion of the training plan
- all skills required by the apprentice or trainee to perform the job competently
- the training / tasks to be delivered by the employer
- the training to be delivered by the registered training organisation and where and when that training will occur
- the end date of the apprenticeship / traineeship
- units of competency that the apprentice / trainee must achieve together with the expected completion date for each
- any units of competency that the apprentice / trainee has already completed that are of relevance (recognition of prior learning)
- 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 on those days to ensure the minimum number of workdays are completed within the HSC period.

When preparing the full 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.

4.2.6 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 full training plan that the RTO develops for that apprentice/trainee.

However, the RTO has to 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, but it does not automatically affect the term of the training contract.

If an apprentice or trainee wants the term of their apprenticeship or traineeship to be reduced because the RTO has granted them RPL/RCC, they should seek their employer's support for a variation of the training contract and then apply in writing to State Training Services, through their local office. The employer's nominated AAC can assist in this process.

For more information about training contract variations, please refer to Section 9.

4.2.7 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.

Any problems with the RTO should be reported to State Training Services (ph 13 28 11).

4.2.8 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 regarding completion requirements see Section 10.

Note: 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 the State Training Services 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 arrangement or approved workplace agreement.

5.1 Age

There is no minimum or maximum age limit under the Apprenticeship and Traineeship Act 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 under 18 must obtain clearance from the NSW Office of Liquor, Gaming and Racing (www.olgr.nsw.gov.au).

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

From 2010 new legislation requires students to complete school to Year 10 and then to continue in either education and training, full-time paid employment, or a combination of education/training and employment until at least age 17.

Under exceptional circumstances, TAFE NSW will offer Certificate II vocational courses for a small number of young people who are under 17 years of age and have not completed Year 10. Special permission is required from the parent/caregiver, school and from TAFE NSW. The decision will be based on the learner's ability and skills to study in an adult learning environment and interest in specific vocational qualifications.

Students who are still at school and participating in a part-time school-based apprenticeship or traineeship do not require a Certificate of Exemption. Participation in school-based apprenticeships and traineeships requires 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 supervision arrangements comply with the relevant industrial award or agreement and the employer provides adequate supervision and training for each apprentice or trainee. This will vary according to the industry, the type of workplace, the nature of the work and the skills of the apprentices and trainees employed. For advice about what constitutes adequate supervision and on-the-job training, employers should contact their local State Training Services regional office (ph 13 28 11).

A supervisor must be able to demonstrate that they have the relevant competencies in the apprentice's/trainee's trade or traineeship vocation.

5.3 Duration of training contract

The nominal term of an apprenticeship or traineeship is specified in the training contract and indicates a 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 State Training Services to the apprentice/trainee and the employer. Refer to Section 4.2.3 for more information regarding competency-based training and Section 10 for the completion process.



The nominal term of an apprenticeship is generally three or four years. This includes two to three years of formal training delivered by a registered training organisation (RTO), usually either one day per week or in blocks of several days during the year. The final year is usually spent on the job full-time.

Traineeships generally range from six months to three years. In some industries part-time traineeships with proportionately longer training terms are available

providing that there is coverage under the relevant industrial award or workplace agreement.

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.

5.4 Probationary period

All apprenticeships and traineeships (with the exception of trainee apprenticeships) 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 date on which the probationary period ends 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 State Training Services 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 State Training Services (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

All apprentices and trainees must be employed under an appropriate industrial arrangement. Under the Industrial Relations (Child Employment) Act 2006 employers must comply with the "No net detriment principles" when employing young people. See www.industrialrelations.nsw.gov.au for more information about young people's rights.

cancelled or transferred by mutual consent or, where there is no agreement, by means of an application lodged with State Training Services. See Section 9 or contact your local State Training Services regional office (ph 13 28 11) for more information.

5.5 Wages and awards

Employers are required by law to have a copy of the relevant award or industrial agreement on file in the workplace.

Each apprentice/trainee must be paid at least the wage rate set out in the State or Federal 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.

State and Federal awards are increasingly being varied to accommodate part-time traineeships and school-based apprenticeships and traineeships.

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.

For information about NSW State Training Wage Awards and industrial arrangements covering apprentices and trainees, contact the NSW Office of Industrial Relations (ph 13 16 28 or visit www.industrialrelations.nsw.gov.au).

For information about Federal awards and agreements, contact the Australian Department of Education, Employment and Workplace Relations (ph 02 6121 6000 or visit www.workplace.gov.au/workplace). For the full text

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.

of Australian Federal awards and agreements visit the Australian Government Workplace Authority website: www.workplaceauthority.gov.au.

Assistance with information about industrial awards and conditions of employment can also be obtained from employer associations and trade unions.

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 relevant State or Federal Government Industrial Relations authority.



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 in the workplace.

For more information on occupational health and safety contact NSW WorkCover on Ph 13 10 50 or visit: www.workcover.nsw.gov.au

For more information on discrimination in the workplace contact the Anti-Discrimination Board on (02) 9268 5555 or 1800 670 812 or use the website: www.lawlink.nsw.gov.au/ADB

5.7 Workers' compensation

Apprentices, trainees, trainee apprentices and existing worker trainees are all employees and should be covered by the employer's workers compensation insurance policy for the duration of their employment. From 1 January 2007 employers of apprentices are exempt from paying workers compensation premiums although apprentices must be registered on the employer's workers compensation policy. See www.workcover.nsw.gov.au 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 their 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 advice and information about GTOs or referral to a GTO contact Group Training NSW (ph 1800 819 747 or 9746 9333 or visit www.nswgrouptraining.com.au).

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) and by liaising 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 through his/her training.

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 employment of the apprentice or trainee. (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 - for more information visit the Commission's website at: <http://www.kids.nsw.gov.au>.

6.2.4 Obligation to notify State Training Services of various matters

An employer of an apprentice or trainee must notify the Commissioner for Vocational Training (through State Training Services - ph 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 Apprenticeship and Traineeship Act 2001.
- 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 to State Training Services 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 State Training Services (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 of the training contract or requests to a change the qualification
- training plan variations such as change of RTO or a change to the mode of delivery

Changes to the training plan must be endorsed with the consent of the relevant RTO. Section 9 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 of 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 State Training Services

Apprentices and trainees should contact their local State Training Services centre on 13 28 11 or log onto www.training.nsw.gov.au to notify any changes to their personal details such as name, home address or postal address, or 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 arrangements must be made to the Commissioner for Vocational Training through State Training Services (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 of the training contract or requests for a change of qualification
- training plan variations such as a change of RTO or change to the mode of delivery

Changes to the training plan must be endorsed with the consent of 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. This denotes 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's 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, State Training Services should be contacted immediately - ph. 13 28 11



8 Resolving problems

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

8.1 Problems that can lead to disputes

Disputes can arise as a result of:

- claims that the employer is not fulfilling their obligations 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 or 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.

8.2 Communication between apprentice or trainee and employers

A large number of problems can be resolved before involvement of State Training Services. It is important for problems to be addressed by either party through direct communication. State Training Services have created several resources that can assist the employer and their apprentice or trainee. A guide for workplace supervisors 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 State Training Services regional office on 13 28 11.

Clear communication means that before involving of organisations such as unions or employer groups, the apprentice or trainee and their employer should attempt to discuss the issue and seek a solution. Where a solution cannot be found, State Training Services must be advised.

8.3 Help available through the State Training Services

State Training Services staff (ph 13 28 11) can be contacted to seek confidential advice about training arrangements. Employers, apprentices and trainees can request assistance in resolving the dispute. State Training Services staff are trained in mediation and dispute resolution and can discuss the issue with each of the parties to diffuse the situation and to seek a resolution that allows the continuation of the training contract. The Training Advisor may visit the workplace or arrange a meeting to try and resolve the dispute.

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

8.4 Disputes may be referred to the Vocational Training Tribunal

If the Training Advisor is not able to resolve the dispute, the matter must be formalised. It will then be referred to the NSW Vocational Training Tribunal (VTT) for resolution. The Tribunal 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 VTT will make a determination that may result in the complaint being dismissed or in variation, suspension or cancellation of the apprenticeship or traineeship. The VTT also has the power under the Apprenticeship and Traineeship Act 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 certain decisions by the Commissioner or the VTT, to be appealed. Information on this process can be obtained from your local State Training Services regional office (ph 13 28 11).

An appeal will be heard by the Vocational Training Appeal Panel, at which new evidence or information may be given. A final appeal can be made to the NSW Industrial Relations Commission. This can only occur through an application to the Commission for leave to appeal. Such applications must be made within six months of the Appeal Panel's determination unless otherwise allowed by the Commissioner.

9 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 is available on the Apprenticeships and Traineeships website for this purpose. (<http://www.training.nsw.gov.au>).

In all cases where changes to the training contract are required, the employer's nominated Australian Apprenticeships Centre (AAC) can be consulted for advice in the first instance.

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

9.1 Transfer

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

A transfer application form (VT8) is available on the Apprenticeships and Traineeships website for this purpose at <http://www.training.nsw.gov.au>. The form must be signed by all parties, including the new employer. 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 State Training Services by an AAC. 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.

9.2 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 (VT13) is available for this purpose at <http://www.training.nsw.gov.au>. The form should be submitted to the State Training Centre 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 request to suspend the training contract. The cooling-off period commences on the day on which the application for suspension is lodged with State Training Services.

If either party does not agree to the proposed suspension, or if consent is withdrawn within the cooling-off period, a Training Advisor from the local State Training Services regional office (ph 13 28 11) should be contacted immediately.

Any request to vary a training contract or training plan should be undertaken in conjunction with the employer's nominated Australian Apprenticeships Centre 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 AAC will then forward the request to State Training Services.

9.3 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. 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 may include 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 State Training Services (ph 13 28 11) or, in some cases, referred to the Vocational Training Tribunal (VTT).

Any request to vary a training contract or training plan should be undertaken in conjunction with the employer's nominated Australian Apprenticeships Centre 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 Australian Apprenticeships Centre will then forward the request to State Training Services.

9.3.1 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 (because the apprentice or trainee will not attain the relevant competencies before the expected completion date of the contract) or reduce the term (because the parties believe that the apprentice/trainee has attained all the relevant competencies before the expected completion date of the contract).

Applications for variations to the term of the contract must be submitted to State Training Services before the expected completion date. The applications should specify the reason(s) for the request. Where competency-based (or early) completion is being sought, a copy of the qualification issued by the RTO to the apprentice or trainee should be attached.

Requests for a reduced term of training (because the apprentice/trainee has already undertaken previous study or has relevant experience) should generally be made at the time the training contract is first prepared and submitted through the AAC. However it may not be practical 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.

9.3.2 Request for changes to the type of apprenticeship/traineeship

In NSW there are two types of apprenticeships: full apprenticeships and trainee apprenticeships. Trainee apprenticeships are only available where there is appropriate industrial coverage. Currently some apprenticeships in the building and construction and furnishing trades can be undertaken as trainee apprenticeships.

There are also two types of traineeships: new entrant traineeships (where the training costs are paid by NSW DET) and existing worker traineeships, where the employer meets the training costs (although employers of existing worker trainees may be eligible for Australian Government incentives).

An application for a change to the type of apprenticeship or traineeship can only be approved if the parties can demonstrate that there is a good reason for the request and the eligibility requirements are met.

9.3.3 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 State Training Services through the AAC.

Requests for the vocation and qualification being undertaken by an apprentice or trainee to be varied mid-contract may be submitted through the AAC but will only be approved by State Training Services 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 as well as a capacity to attain competence in the new trade or traineeship vocation within the remaining term of the contract. The support of the nominated RTO is also required in these cases.

9.3.4 Nomination of a new registered training organisation

Parties to a training contract may request a change in RTO. The RTO being replaced should be advised by the parties 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.

9.3.5 Request for an amended type of training delivery

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

9.4 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.

Apprenticeships and traineeships can be cancelled by mutual agreement of the employer and the apprentice or trainee. A cancellation application form (VT16) is available for this purpose at <http://training.nsw.gov.au/>. The form should be submitted to State Training Services 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 minds and withdraw their request to cancel the training contract. The cooling-off period commences on the day on which the application for cancellation is lodged with State Training Services.

If either party does not agree to the proposed cancellation, or if consent is withdrawn within the cooling-off period, a training advisor from the local State Training Services centre (ph 13 28 11) should be contacted immediately. (See Section 8, Resolving Conflict.)

Trainee apprenticeships (which are available under some awards) can be terminated by either the employer or apprentice simply giving notice to the other party and to State Training Services in accordance with the provisions of the industrial award or workplace agreement under which the apprentice is employed. Similarly, the employment of existing worker traineeships 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.



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 the local State Training Services centre immediately – ph. 13 28 11.

10 Completion of the apprenticeship or traineeship

10.1 Successful completion

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

State Training Services will send a letter to the employer when the apprentice/trainee is nearing the end of his/her training contract. The letter will ask the employer to confirm that the apprentice/trainee will successfully complete the training contract.

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 the term of their on-the-job training.

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 State Training Services and the employer's nominated Australian Apprenticeships Centre (AAC) should be notified. The AAC 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, a transcript of results or letter from the RTO stating that the apprentice or trainee has successfully completed the training program and is eligible to be issued with the qualification will be accepted by State Training Services.

10.2 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 should notify State Training Services (ph 13 28 11). If appropriate, the employer should send a written request for cancellation of the training contract to their local State Training Services centre.

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 seeks to have their trade skills recognised by the Vocational Training Tribunal.

10.3 Certification

Upon completion of the term of the training contract, the apprentice or trainee is eligible to receive one or more of the following certificates issued by State Training Services.

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 State Training Services when the appropriate qualification has been awarded by an 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 State Training Services when the appropriate qualification has been successfully completed.

10.4 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 contact your local office of the NSW Department of Fair Trading or visit its website at <http://www.dft.nsw.gov.au>. The Department of 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, gasfitting and draining.

For information about licensing in the aircraft trades contact the Aircraft Maintenance Engineering Licensing Section, Civil Aviation Safety Authority on 13 17 57 or visit their website at <http://www.casa.gov.au>

The Business Licence Information Service <http://blis.fairtrading.nsw.gov.au> is an on-line service offered by the NSW Office of Fair Trading and its partner agencies, designed to help people who wish to start or operate a business or undertake a regulated occupation in New South Wales. It will help you find information about licences, permits and other NSW and Federal Government regulations that you need in order to run a business in NSW.

11 Financial and other assistance

The New South Wales and Australian Governments provide financial incentives and assistance to employers, apprentices and trainees. See http://www.training.nsw.gov.au/businesses/apprenticeships_traineeships/funding/ for the current list of NSW incentives and <http://www.australianapprenticeships.gov.au/employer/incentives.asp> for Australian Government incentives.

11.1 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 new entrant trainees who are Australian citizens or permanent residents
- provides employers with payroll tax rebates for new entrant trainees and apprentices
- provides workers compensation insurance premium exemptions for employers of apprentices
- has a scholarship program available for apprentices in country NSW who are facing hardship.

The Australian Government provides:

- financial incentives – which may be paid at various points of the training contract (i.e. commencement, re-commencement and completion)
- additional incentives – which assist apprentices and trainees working in skills shortage and ‘disadvantaged’ areas, group training, as well as locality incentives for people working in non-metropolitan or ‘drought declared’ regional and rural areas
- 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 Australian Apprenticeships Centres (AACs).

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

11.2 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 AAC or your local State Training Services centre (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

The Australian Government provides:

- 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
- Financial support for mid-career Australians (aged 30 years or more) to upgrade their skills through an Australian Apprenticeship in a trade experiencing a skill shortage
- A Tools for Your Trade allowance for apprentices and trainees in identified skill shortage areas
- Apprenticeship Training (Fee) Vouchers valued at up to \$500 may be available to eligible first and second year apprentices undertaking an Australian Apprenticeship in a skills shortage area.
- Trade learning scholarships to Australian Apprentices employed by a small or medium employer (companies having fewer than 500 employees) or a Group Training Organisation listed on the Group Training National Register who commence their first or second year of training at the Certificate III or IV level in a trade experiencing a skills shortage may be eligible for tax-free payments of \$1000 paid in two \$500 instalments.

Apprentices and trainees must satisfy relevant eligibility criteria, including time limits for applying, to be eligible for Australian Government and NSW Government concessions and allowances.

Eligibility requirements and application forms can be obtained from an AAC.

12 The NSW Department of Education and Training

12.1 Role in administering apprenticeships and traineeships

The NSW Department of Education and Training (DET) through State Training Services administers the apprenticeship and traineeship system in NSW 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 in relation to 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.

12.2 NSW State Training Services

DET operates nine State Training Services regional offices in NSW. Through these offices and its head office in the city, State Training Services 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
- funding of industry, enterprise and community based education and training initiatives
- registering and accrediting training organisations and courses
- 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 Education and Training on vocational education and training matters
- administering the legislation relating to apprenticeships, traineeships and RTOs.

Customer service staff and training advisors at your local State Training Services 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. A list of these offices is available at Section 16.

Information regarding State Training Services can be obtained through www.training.nsw.gov.au.

12.3 NSW Vocational Training Tribunal

The NSW Vocational Training Tribunal (VTT) is a statutory body established by the Apprenticeship and Traineeship Act 2001. The Tribunal's functions include:

- the determination of disputes
- recognition of trade skills acquired outside the NSW apprenticeship/ traineeship system
- administering contracts of training
- considering applications for transfers, cancellations or suspensions of apprenticeships and traineeships and variations to training contracts (such as early completion or extensions of term)
- other regulatory requirements in relation to apprenticeships and traineeships in NSW.

12.4 Trade skills recognition

Trade skills recognition is a service offered by the VTT to people who have had experience working in a particular trade vocation (generally for at least 4 years) but do not have formal qualifications in that vocation. 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 by the VTT and, if successful, will receive a certificate issued by DET.

For further information, contact a training advisor at your local State Training Centre ph 13 28 11 or telephone the VTT on (02) 9266 8450.

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 Australian Apprenticeships Centre can provide advice to employers about this. For a definition of existing worker trainees see section 15 – Key Terms.

12.5 NSW Training Awards

The NSW Training Awards are conducted each year by the NSW Department of Education and Training to recognise outstanding achievements in the vocational education and training sector. The Awards attract considerable sponsorship from industry and government and are presented at a gala dinner in Sydney by the NSW Minister for Education and Training.

The Awards reward and honour the achievements of students, training organisations and employers. There are two main categories: student awards and organisation awards. Student awards include Apprentice of the Year and Trainee of the Year. These awards are open to apprentices and trainees who are in their final year of training or have recently completed their apprenticeship or traineeship. Apprentices and trainees must be nominated by their employer or registered training organisation.

Other individual awards include Aboriginal and Torres Straight Islander Student of the Year; School Based Apprentice/ Trainee of the Year; Vocational Student of the Year; VET in Schools Student of the Year and VET Training/Teacher of the Year.

Organisation awards include Large Employer of the Year (for enterprises with 40 or more employees); Small Employer of the Year (for enterprises with fewer than 40 employees); Large Training Provider of the Year; Small Training Provider of the Year, VET in Schools Excellence Award; and the NSW Industry Collaboration Award.

Winners of all categories (except the VET in Schools Student of the Year and VET in Schools Excellence Award) represent New South Wales in the annual Australian Training Awards.

For information about eligibility requirements and selection criteria for all award categories, please phone 1800 306 999 (toll free) or visit the training awards website: www.trainingawards.nsw.gov.au

12.6 NSW Vocational Education and Training Accreditation Board

The NSW Vocational Education and Training Accreditation Board (VETAB) has the statutory powers to register training organisations that provide vocational education and training in NSW and to accredit courses in the vocational education and training sector.

VETAB's other functions include monitoring registered training organisations to ensure that they comply with national standards and approving organisations that provide education services to overseas students.

The Board is firmly committed to fostering quality in the vocational education and training sector and to supporting national standards for the regulation of training organisations and the accreditation of courses. For more information phone (02) 9244 5335 or visit the website at: www.vetab.nsw.gov.au

13 Australian Apprenticeships Centres

Australian Apprenticeships Centres (AACs) are funded by the Australian Government to provide information and support services to employers, apprentices and trainees. A complete list of Australian Apprenticeships Centres in NSW can be found at www.australianapprenticeships.gov.au or phone the Australian Apprenticeships Referral Line on 13 38 73.

All employers wishing to employ an apprentice or trainee must nominate an Australian Apprenticeships Centre to act on their behalf in representations to the State and Australian Governments. Australian Apprenticeships Centre services to employers are free of charge.

Australian Apprenticeships Centres:

- help employers and apprentices/ trainees complete a training contract and lodge it on their behalf with State Training Services
- 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, responsibilities and the administrative requirements of entering into 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 on and/or off the job
- provide an ongoing monitoring service to the employer and the apprentice/ trainee throughout the course of the training contract
- provide advice on training options
- provide appropriate referrals to employers seeking assistance with recruitment of an apprentice or trainee.



14 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 the NSW Department of Education and Training)

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 Tribunal and group training organisations.

Vocational Education and Training Accreditation Act 1990

(administered by the NSW Department of Education and Training)

This Act sets out the constitution, roles and functions of the NSW Vocational Education and Training Accreditation Board (VETAB), including those relating to the registration of training organisations and accreditation of courses.

Board of Vocational Education and Training Act 1994

(administered by the NSW Department of Education and Training)

This Act sets out the constitution, roles and functions of the NSW Board of Vocational Education and Training (BVET), including those relating to the appointment of advisory committees and delegation of authority to other parties.

Industrial Relations Act 1996

(administered by the Office of Industrial Relations, NSW Department of Commerce ph 13 16 28)

This Act regulates industrial relations in New South Wales. It provides for a centralised, award-based arbitration system with provision for enterprise bargaining. The Act provides for the regulation of industrial matters, including the provision that employers maintain records of time worked by apprentices and/or trainees and the wages they are paid.

Occupational Health and Safety Act 2000

(administered by the NSW WorkCover Authority)

The Occupational Health and Safety (OH&S) 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 tests of substances used in the workplace.

Child Protection (Prohibited Employment) Act 1998

(administered by the NSW Commission for Children and Young People: www.kids.nsw.gov.au)

This Act prohibits convicted sex offenders from working with children and young people under 18 years of age and provides for pre-employment checks for those who want to work with children and young people.

The Industrial Relations (Child Employment) Act 2006

(administered by the NSW Office of Industrial Relations)

Employers operating under the federal Work Choices industrial relations system must comply with the No Net Detriment Principles of the Act, as set down by the NSW Industrial Relations Commission (IRC).

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:

- Anti-Discrimination Act 1997 (New South Wales) (administered by the NSW Anti- Discrimination Board)
- Racial Discrimination Act 1975 (Commonwealth) (administered by the Australian Human Rights and Equal Opportunity Commission)
- Sex Discrimination Act 1984 (Commonwealth) (administered by the Australian Human Rights and Equal Opportunity Commission)

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.

Freedom of Information Act 1989

The Freedom of Information Act 1989, gives the public the right to request access to documents held by most NSW government departments and agencies including the NSW Department of Education and Training. The public are also able to ensure that records held by the Government concerning their personal affairs are not incomplete, incorrect, out of date or misleading.



15 Key terms

Apprenticeship and Traineeship Act 2001 – the legislation which 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.

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

Australian Apprenticeships Centres (AACs) – 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 NSW DET through an Australian Apprenticeships Centre.

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 Education and Training (NSW DET) – the NSW Government department responsible for the administration of vocational education and training. Acting in this capacity, NSW DET 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 which the training costs are met by the employer. NSW Government financial incentives do not apply to existing worker traineeships although the employer may still attract Australian Government incentive payments which can be used by the employer 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 each year. GTOs can place apprentices or trainees with one or several 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 Australian Apprenticeships Centre 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. (Note: Also referred to as the appropriate term or nominal duration in the national training contract.)

Registered Training Organisation (RTO) – a training organisation registered to provide vocational education and training and/or assessment services and issue nationally recognised qualifications. Registered training organisations are registered in NSW by the Vocational Education and Training Accreditation Board (VETAB). There are equivalent registering bodies in the other states and territories. 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 Education and Training.

State Training Services – the division of NSW DET responsible for the administration and quality assurance of vocational education and training in NSW. State Training Services manages registration of training organisations and training courses in NSW and funds and administers a range of vocational education and training programs throughout NSW, including apprenticeships and traineeships. State Training Services has nine offices in metropolitan and regional

areas of the State from which services are delivered. Your local State Training Services centre can be contacted by phoning 13 28 11.

Trainee – an employee 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 under which the 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 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, mainly in the construction and furnishing industries, in which the training contract can be broken by either party simply by giving notice as required under the relevant industrial award or agreement. Trainee apprenticeships are restricted to those trades in which the relevant industrial award or agreement makes specific provision for them. Rates of pay for trainee apprentices may be slightly more than for other apprentices employed under the same award or agreement.

Training contract – a contract which 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 recording details of on-the-job training. The training plan (or a summary of it) is attached to the national training contract when applying to establish an apprenticeship or traineeship.

NB If a summary is provided initially, a full training plan must be developed by the registered training organisation, in consultation with the employer and apprentice /trainee, within 6-12 weeks of the apprentice / trainee commencing work with the employer.

VETAB – the Vocational Education and Training Accreditation Board (or VETAB as it is usually known) is the statutory authority responsible for accrediting vocational education and training courses and registering training organisations that provide vocational education and training in New South Wales.

Vocational Training Tribunal (VTT) – the statutory body established under the provisions of the Apprenticeship and Traineeship Act 2001. The Tribunal'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 – is 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.

16 NSW DET State Training Services regional offices

Ph 13 28 11 to be connected to your nearest centre (local call cost)

Central and Northern Sydney

Level 13, 12 Help Street
Chatswood NSW 2067

Phone: (02) 9242 1700
Fax: (02) 9415 3979

Southern and South Western Sydney

Level 2, 41-45 Rickard Road
Bankstown NSW 2200

(PO Box 1214
Bankstown NSW 2200)

Phone: (02) 8707 9600
Fax: (02) 9709 5356

Western Sydney & Blue Mountains,

Ground Floor 16-18 Wentworth Street
Parramatta NSW 2150

(PO Box 1007
Parramatta NSW 2124)

Phone: (02) 9685 7100
Fax: (02) 9635 9775

Hunter and Central Coast

State Office Block Level 1,
117 Bull Street
Newcastle West NSW 2302

(PO Box 509
Newcastle West NSW 2302)

Phone: (02) 4974 8570
Fax: (02) 4925 2139

Illawarra and South East NSW

State Office Block Level 1, Block E,
84 Crown Street
Wollongong East NSW 2520

(PO Box 469
Wollongong East NSW 2520)

Phone: (02) 4224 9300
Fax: (02) 4224 9334

New England

Level 2, Noel Park House
155-157 Marius Street
Tamworth NSW 2340

(PO Box 399
Tamworth NSW 2340)

Phone: (02) 6755 5099
Fax: (02) 6766 4120

North Coast and Mid North Coast

Level 4, Suite 3 29 Molesworth Street
Lismore NSW 2480

(PO Box 575
Lismore NSW 2480)

Phone: (02) 6627 8400
Fax: (02) 6621 9994

Riverina

87 Forsyth Street
Wagga Wagga NSW 2650

(PO Box 2304
Wagga Wagga NSW 2650)

Phone: (02) 6937 7600
Fax: (02) 6921 0724

Western New South Wales

Level 1, State Office Building
NSW Government Offices
Cnr. Anson & Kite Streets
Orange NSW 2800

(PO Box 53
Orange NSW 2800)

Phone: (02) 6392 8500
Fax: (02) 6392 8539

Useful Links

DET State Training Services - Apprenticeships and Traineeships

13 28 11

<http://www.training.nsw.gov.au>

Australian Apprenticeships Centres

13 38 73

<http://australianapprenticeships.gov.au>

Commonwealth Department of Employment and Workplace Relations

1300 363 264

<http://www.workplace.gov.au>

NSW Department of Commerce, Office of Industrial Relations

13 16 28

<http://www.industrialrelations.nsw.gov.au>

WorkCover NSW

13 10 50

<http://www.workcover.nsw.gov.au>

Group Training Australia

<http://www.grouptraining.com.au>

Group Training Association of NSW

02 9746 9333

<http://www.nswgrouptraining.com.au>

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