

STANDARD 1

Declaration of Trades and Vocations

This Standard relates to the occupations that must be declared a trade or declared vocation in accordance with the *South Australian Skills Act 2008 (the SAS Act)* before they can be aligned to an apprenticeship (trade) or traineeship (declared vocation).

The purpose of this Standard is to outline the steps that must be taken in order to have an occupation declared as a trade or declared vocation, and the obligations on applicants who are looking to have their application assessed by the South Australian Skills Commission (the Commission).

Governance arrangements

The Minister for Education, Training and Skills (the Minister) has delegated the responsibility for declaring an occupation to be a trade or declared vocation to the Commission. The Commission maintains the Traineeship and Apprenticeship Pathways (TAP) Schedule, which lists all apprenticeships and traineeships available in South Australia.

The TAP Schedule can be accessed via the South Australian Skills Commission website www.skillscommission.sa.gov.au/regulations-and-standards/taps-schedule.

Compliance with the Standard

1.1 **Gazettal of declared trades and vocations (SAS Act, S6, S45, Regulation 4)**

- 1.1.1 Under Section 6 of the *SAS Act*, the Minister may, by notice in the South Australian Government Gazette (the Gazette) and on the recommendation of the Commission, declare an occupation to be a trade or declared vocation.
- 1.1.2 A declaration notice published in the Gazette must, in relation to each trade or vocation to which the notice relates:
 - a) identify the job or occupation, or class of job or occupation, to which the trade or vocation relates
 - b) identify any relevant pathways (including, where appropriate, pathways at a national level) to the trade or vocation
 - c) contain any information required by the *South Australian Skills Regulations 2021* (the *Regulations*).
- 1.1.3 A relevant pathway to a trade or vocation may, in addition to the primary qualification relating to that trade or vocation, include:
 - a) pre-apprenticeships or pre-traineeships
 - b) specified skill sets
 - c) higher qualifications
 - d) such other matters as the Minister thinks appropriate.
- 1.1.4 Apprenticeships and traineeships are established by the Commission to link Australian Quality Framework (AQF) approved primary qualifications to trades and declared vocations. Part 4 of the *SAS Act* confers regulatory requirements for the establishment of apprenticeships and traineeships on the Commission. Under Section 45(2), the Commission may, by notice in the Gazette:
 - a) determine a standard form contract for the purposes of this part
 - b) determine a probationary period for a Training Contract for a specified trade or declared vocation
 - c) determine standard conditions for a Training Contract for a specified trade or declared vocation including:
 - i. the term of the contract
 - ii. the qualifications available for a person in the trade or declared vocation
 - iii. any other condition considered necessary by the Commission.
- 1.1.5 Under Section 45(3), the Commission may, by further notice in the Gazette, vary or revoke a notice under Section 45(2).
- 1.1.6 Under Section 45A of the *SAS Act*, training in a trade must occur under a Training Contract, except in the further training or re-training of a person who has:
 - a) already completed the training required under a Training Contract; or
 - b) has an equivalent qualification; or
 - c) has been certified by the Commission as competent in relation to the relevant trade.

1.1.7 Under Section 45B of the *SAS Act*, training in a declared vocation may occur under a Training Contract.

1.2 Application process

1.2.1 An application to declare a trade or vocation must be in the approved form located at www.skills.sa.gov.au/business/forms and contain all the requested information.

1.2.2 The applicant is responsible for:

- a) Developing the application for declaring a trade or vocation, including providing information on the proposed apprenticeship(s) or traineeship(s) aligned to that trade or vocation, and relevant industry support for the proposed trade or vocation
- b) Nominating a contact person who can speak on the applicant's behalf in discussions with the Commission
- c) Ensuring the application is signed by the Chair, Chief Executive, or other delegate of the applicant, as approved by the Commission
- d) Submitting the application to the Commission (or its delegate) for an initial assessment of the application's completeness, accuracy and suitability. The Commission (or its delegate) may request amendments to the application to address any gaps in information or matters of concern.
- e) Attending a meeting of a subcommittee of the Commission to present their proposal as outlined in the application and to discuss any concerns or questions raised. Where applicable, the relevant Industry Skills Council Chair will also be invited to attend.
- f) Where required, addressing any queries or concerns raised by the subcommittee regarding the application. This may include amending and re-submitting the application, and/or attending a further meeting to discuss the amendments. The process by which an application, or responses to the subcommittee's questions should be re-submitted, will be determined on a case-by-case basis.

1.2.3 Upon receipt of all requested information, the subcommittee of the Commission will recommend whether to approve the application or not. The Commission will make the final determination.

1.2.4 In addition to applicant-driven applications, the Commission may of its own volition elect to declare occupations as trades or declared vocations.

1.3 Information required

1.3.1 In the application, the applicant must include the proposed:

- a) Occupational title of the trade or declared vocation
The applicant should use occupational titles listed on the Australian Apprenticeships Training Information Services (AATIS). For pre-apprenticeships and pre-traineeships, the term 'pre-apprenticeship' or 'pre-traineeship' may be appended to an existing occupational title, or a unique occupational title may be used. If the occupational title is not listed by AATIS or is not considered appropriate, a case will need to be made in the application for a new occupational title.
- b) Trade or declared vocation status
In determining the proposed status, the applicant should be aware the *SAS Act* prohibits employers from training a person in a trade except under a Training Contract, and that many industrial instruments prohibit the employment of juniors in declared trades other than through an apprenticeship. Pre-apprenticeships and pre-traineeships are declared vocations.
- c) Job or occupation, or class of job or occupation, to which the trade or vocation relates

In most instances, the job or trade title will be the same as the proposed occupational title. However, where the occupational title is broad (for example, Horticulture), the application should list the job or occupation, or class of job or occupation, to which the trade or vocation relates, to demonstrate the connection to an employment outcome.

- d) Training
- The application must demonstrate the alignment between the proposed trade or vocation and the associated AQF aligned qualification.
 - The qualification must be either:
 - a nationally recognised Vocational Education Training (VET) qualification approved by the Australian Skills Quality Authority (ASQA) and taken from a training package or existing accredited course
 - a higher education qualification approved by the Tertiary Education Quality and Standards Agency (TEQSA).
 - Applicants can check available training package qualifications and VET accredited courses through the National Register of VET.
- e) Industrial Arrangements
The application should include the relevant awards or other industrial arrangements, including enterprise level agreements.
- f) Nominal term of a Training Contract
The nominal term of a Training Contract will dictate the standard probationary period. For more information, applicants are referred to [Standard 8, Training Contract Conditions](#).
- g) Probationary period for a Training Contract
Standard probationary periods are 60 and 90 days, depending on the nominal term of the Training Contract. For more information, applicants are referred to [Standard 8, Training Contract Conditions](#). If the applicant is seeking a non-standard probationary period, a case will need to be made in the application.
- h) Level of supervision
The level of supervision may be Low, Medium, or High. The proposed level must comply with [Standard 5, Supervision](#).
- i) Supervisor requirements
The application should list the qualifications, experience, and/or licensing required of a person supervising an apprentice or trainee in the trade or vocation.
- j) Entry Requirements
Entry requirements may include minimum levels of training or experience, certification or licensing requirements, or a combination of these requirements.
- k) Conditions
In addition to any other relevant conditions, the application should indicate whether the proposed trade or vocation is suitable for school-based Training Contracts, people below a certain age, and new and existing workers.
- l) Identified pathways
The application should identify any relevant pathways to the trade or vocation, or, in the case of pre-apprenticeships or pre-traineeships, the trade or vocation to which the proposal is a pathway.
- m) Maintenance
Where a primary qualification is accompanied by non-accredited training, the application should indicate how the applicant will maintain the currency of the training and acknowledge the applicant will participate in any future review of the trade or declared vocation by the Commission.

- 1.3.2 In addition to the information required in Clause 1.3.1, applications for higher education qualification-aligned trades and vocations must include information on:
- a) Student tuition fees and wages
The applicant must provide the proposed arrangements regarding the payment of student tuition fees (HECS-HELP; FEE-HELP; tuition fees) and wages under the trade or vocation.
 - b) Commercial in confidence or intellectual property (IP)
Where there are commercial in confidence or IP matters arising as a result of the proposed pathway, the applicant must describe how these will be managed.
 - c) Work placements
Under training contract arrangements, work-based training (recorded in a Training Plan) replaces any 'work placement' requirements. Where the proposed qualification includes work placement requirements, the applicant must 1) list these, and 2) describe how the requirements will be satisfied under training contract arrangements.
 - d) Nominal term of a high education qualification-aligned training contract
In addition to providing the proposed nominal term, applicants must outline how the proposed term considers the Equivalent Full Time Study Load (EFTSL), AQF requirements for off-job training, and the expectations of employers and industry regarding hours of work and training contract hours.
 - e) Delivery providers
The applicant must list the provider/s or consortia that are approved to deliver the qualification or course.
 - f) Conditions
The applicant must list any proposed conditions or industry requirements associated with the declaration, including any requirements for endorsement by professional associations. The applicant should also note the following standard conditions will apply to all higher education qualification-aligned trades and vocations:
 - any material updates to the qualification/course must be agreed to by the professional associations and industry partners identified in the application; and
 - the higher education partner is required to notify the Department for Education of any material changes to the course/qualification during the term of the declaration; and
 - an employment contract and a training contract are both required as a condition of the declaration.

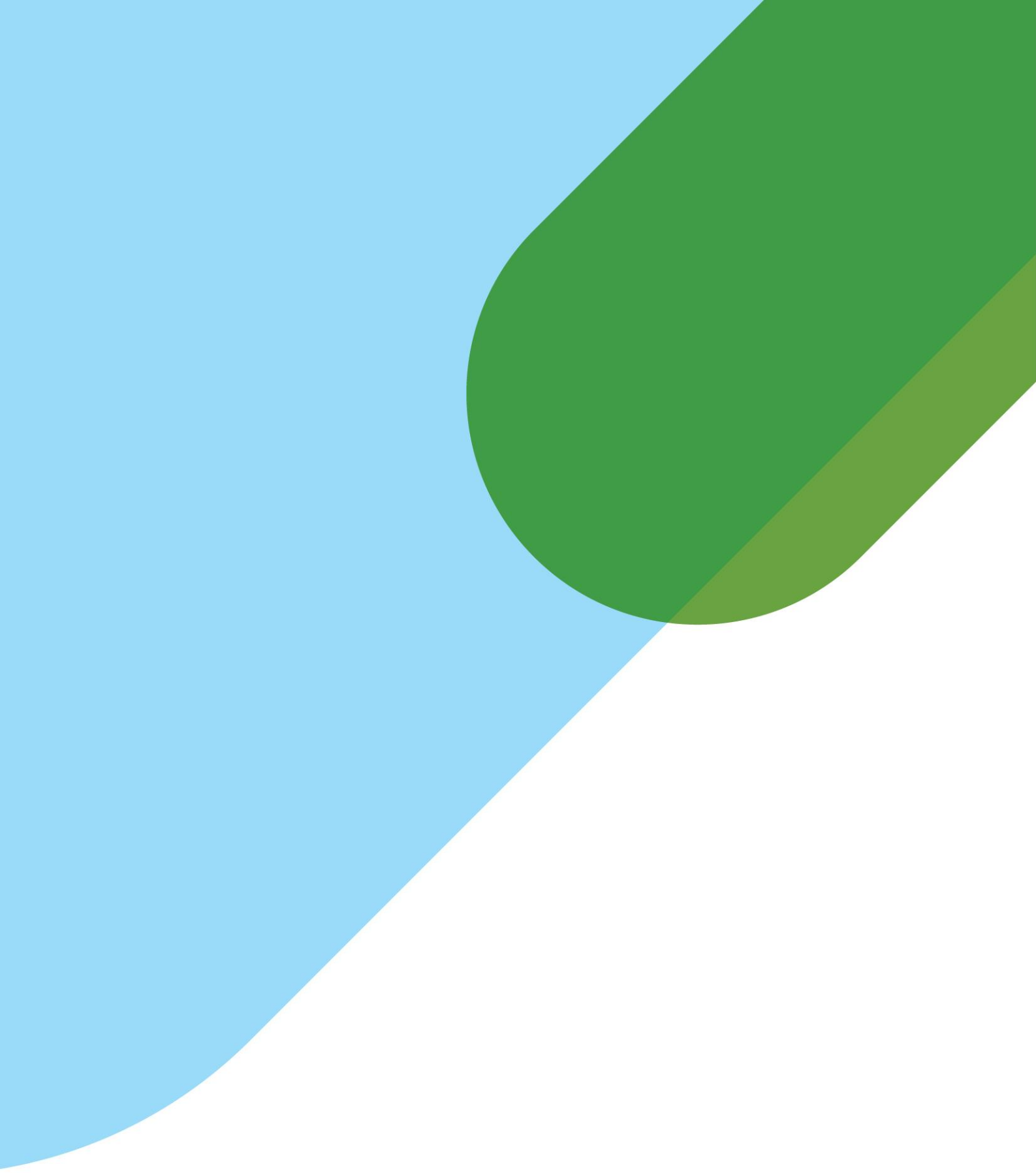
1.4 Consultation and evidence of demand and support for the trade or vocation

- 1.4.1 The applicant must consult with relevant stakeholders when developing the application, in order to provide evidence of:
- a) Industry demand in South Australia – where possible to include an estimate of annual commencements in the proposed trade or vocation.
 - b) Broad support for the trade or vocation – any alternative or dissenting views should be included in the application for the Commission's consideration.
- 1.4.2 At a minimum, consultation should be undertaken with the relevant:
- a) Industry Skills Council, where applicable
 - b) Industry and employer association(s)
 - c) Professional associations
 - d) Registering bodies
 - e) Employee representatives
 - f) Training organisations.

- 1.4.3 Evidence to support the application should include submissions from the relevant Industry Skills Council, industry and employer associations and employee representatives.
- 1.4.4 All submissions must be signed by the Chair, Chief Executive, or other delegate of the organisation, as approved by the Commission.
- 1.4.5 The submissions should reflect the unique perspective of the stakeholder and must confirm:
- a) Industry demand for the trade or vocation
 - b) Support for the proposed:
 - Occupational title
 - Trade or declared vocation status
 - Job or occupation, or class of job or occupation, to which the trade or vocation relates
 - Training
 - Industrial arrangements
 - Nominal term
 - Probationary period
 - Level of supervision
 - Supervisor requirements
 - Entry requirements
 - Conditions
 - Identified pathways.

1.5 Maintenance and review

- 1.5.1 Maintenance of the Traineeship and Apprenticeship Pathways (TAP) Schedule will be undertaken by the Commission.
- 1.5.2 Apprenticeships and traineeships listed on the TAP Schedule will be varied as required, by notice in the Gazette, to maintain the currency of the training associated with the trade or declared vocation.
- 1.5.3 Where an updated qualification is deemed by ASQA to be equivalent to the one it replaces, no consultation will be undertaken. Where an updated qualification is deemed to be non-equivalent, relevant stakeholders will be consulted prior to any update.
- 1.5.4 Where a primary qualification is accompanied by non-accredited training, the applicant must participate in any review of the trade or declared vocation undertaken by the Commission to maintain the currency of the training.
- 1.5.5 The Commission will review every new pathway approved after 1 July 2021, where there has been no take-up within 24 months, with the review to ideally include the original applicant.
- 1.5.6 More comprehensive reviews will be undertaken on an as needs basis as determined by the Commission.



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