

# STANDARD 14

## Record Keeping

This Standard relates to the records that employers and Nominated Training Organisations (NTOs) must keep in accordance with the *South Australian Skills Act 2008 (SAS Act)*.

The primary purpose of the Training Contract system is to ensure the provision of quality training for apprentices and trainees while they undertake employment relevant to the trade or vocation.

Record keeping requirements assist with this process by ensuring that a comprehensive record is available for regulatory purposes.

To avoid duplication, where records are required to be kept for other reasons (for example, to meet workplace health and safety obligations under the *Workplace Health and Safety Act 2012*), these records can be utilised for the purposes of meeting this Standard.

## Governance arrangements

Under the *SAS Act*, the Commission (or its delegate) is responsible for the regulation of the apprenticeship and traineeship system.

## Compliance with the Standard

### 14.1 General record keeping requirements (*SAS Act*, S54L, S54U, Regulations 12 and 16)

- 14.1.1 An employer in relation to a Training Contract and an NTO under a Training Contract must keep such records as required by the *South Australian Skills Regulations 2021* (the *Regulations*). NTOs that were, but are no longer, the NTO under a Training Contract are also bound by the requirements contained in this Standard.
- 14.1.2 To avoid doubt, all record keeping requirements contained in the *Regulations* are consistent with this Standard.
- 14.1.3 An employer and an NTO must retain their records for at least 7 years after the completion, expiry, or termination (as the case requires) of the Training Contract to which the record relates.
- 14.1.4 Where an NTO has entered into a Funded Activity Agreement (FAA) with the Department for Education (DfE), any additional record keeping requirements contained in the FAA remain in force.
- 14.1.5 The maximum penalty for refusing or failing to comply with the record keeping requirements is \$5,000, with an expiation fee of \$315.

### 14.2 Employer-related record keeping requirements (*SAS Act*, S46, S54F, S54K, S54O, Regulation 12)

- 14.2.1 An employer must keep a copy of the Employer Registration Declaration, and evidence to support the declarations made as part of the employer registration process (for example, evidence of suitable equipment and safe methods to be used in training, evidence of supervisor suitability, and evidence of the employer's ability to deliver adequate scope of work to allow the apprentice or trainee to develop the skills and competencies required by the trade or vocation).
- 14.2.2 An employer, in relation to their registration, must keep records, including all correspondence to and from the Commission, regarding:
  - a) the scope of the employer's registration
  - b) any conditions placed on the employer's registration by the Commission
  - c) any variation, suspension, or cancellation of the employer's registration
  - d) the prohibition, or revocation of the prohibition, of the employer's registration
  - e) the substitution of an employer following the variation, suspension, or cancellation of registration
  - f) the renewal of the employer's registration
  - g) any other notifications or correspondence to and from the Commission regarding the employer's registration.
- 14.2.3 An employer in relation to a Training Contract is required to keep the following records:
  - (a) the Training Contract and Training Plan
  - (b) a letter of appointment (where required under the relevant industrial arrangement)
  - (c) induction records (for example, documented safe working practices and expectations of behaviour in the workplace which have been communicated to the apprentice or trainee)

## OFFICIAL

- (d) on-job training and competency assessments
- (e) records that identify the type of work performed by the apprentice or trainee. Examples include certificates of compliance in relation to work performed by apprentices under supervision (in electrical, plumbing, gas fitting or any other trade where a certificate of compliance is required to be issued for work done), e-profiling records, job log books, or job journals
- (f) attendance and time records for each apprentice or trainee for each day while at work or training (both on-job and off-job training), including start and finish work/training times, meal or other break times, and the location of any training (whether at the workplace or another specified location)
- (g) disciplinary records
- (h) where the employer and apprentice or trainee have agreed to average the hours of employment and training, or change a part-time working arrangement to full-time, or vice-versa, records of the agreements, which specify the pattern of employment and training, and are signed and dated by both parties
- (i) costs incurred by the employer and the apprentice or trainee for training identified in, or associated with, their Training Contract
- (j) records relating to the pay for apprentices and trainees as outlined in *Fair Work Act 2009 (Cth)* or the *Fair Work Act 1994 (SA)*, whichever applied to the apprentice or trainee employed. The records should include:
  - i. the rate of remuneration paid to the apprentice or trainee
  - ii. the gross and net amounts paid to the apprentice or trainee
  - iii. any deductions made from the gross amount paid to the apprentice or trainee
  - iv. any incentive-based payment, bonus, loading, penalty rate, monetary allowance or separately identifiable entitlement paid to the apprentice or trainee.
- (k) records of each payment of a transfer fee under Section 54O of the *SAS Act*
- (l) leave records for the apprentice or trainee, including leave taken and the balance of any outstanding leave (if any). This includes annual leave, personal/carer's and compassionate leave, parental leave, and community service leave
- (m) supervision-related records (for more detail see [Standard 5, Supervision](#)) including:
  - i. a record of the type of supervision the apprentice or trainee is under at any given time in their apprenticeship or traineeship
  - ii. records showing how the employer determined the appropriate supervision type
  - iii. any requests to, and correspondence from, the Commission to operate outside the specified supervision ratio or to provide remote supervision for the apprentice or trainee
  - iv. qualifications and/or evidence of relevant experience and skills in relation to the person(s) who supervise, or who are to supervise, the apprentice or trainee
  - v. a time record for the person(s) responsible for supervising each apprentice or trainee for each day while at work, while supervising the apprentice or trainee.
- (n) where host employment arrangements are utilised, host employment arrangement-related records (for more detail refer to [Standard 4, Host Employment Arrangements](#))

## OFFICIAL

- (o) appropriate business licenses and/or worker registrations, such as a building work contractor's licence, a plumbing contractor's licence, or an electrical worker's registration
- (p) records that confirm compliance with orders of the South Australian Employment Tribunal, where orders have been made
- (q) copies of any notifications the employer submits to the Commission in relation to Section 54K of the *SAS Act*, and any correspondence received from the Commission in return. Under Section 54K, an employer in relation to a Training Contract must notify the Commission if any of the following occurs:
  - i. there is a material change in any information provided to the Commission in relation to the employer's application for registration
  - ii. the employer sells, or offers for sale, the business to which the employer's registration relates
  - iii. the employer, or the business to which the employer's registration relates, becomes insolvent or bankrupt
  - iv. the employer is convicted of an indictable offence or a summary offence for which a term of imprisonment may be imposed
  - v. the failure of an apprentice or trainee in relation to a Training Contract to:
    - comply with the Standards
    - comply with any other obligation specified in the Training Contract or Training Plan that is applicable to the apprentice or trainee
    - as far as is reasonably practicable, participate in the development of their Training Plan, and contribute to the attainment of their development goals under the Training Contract and Training Plan.

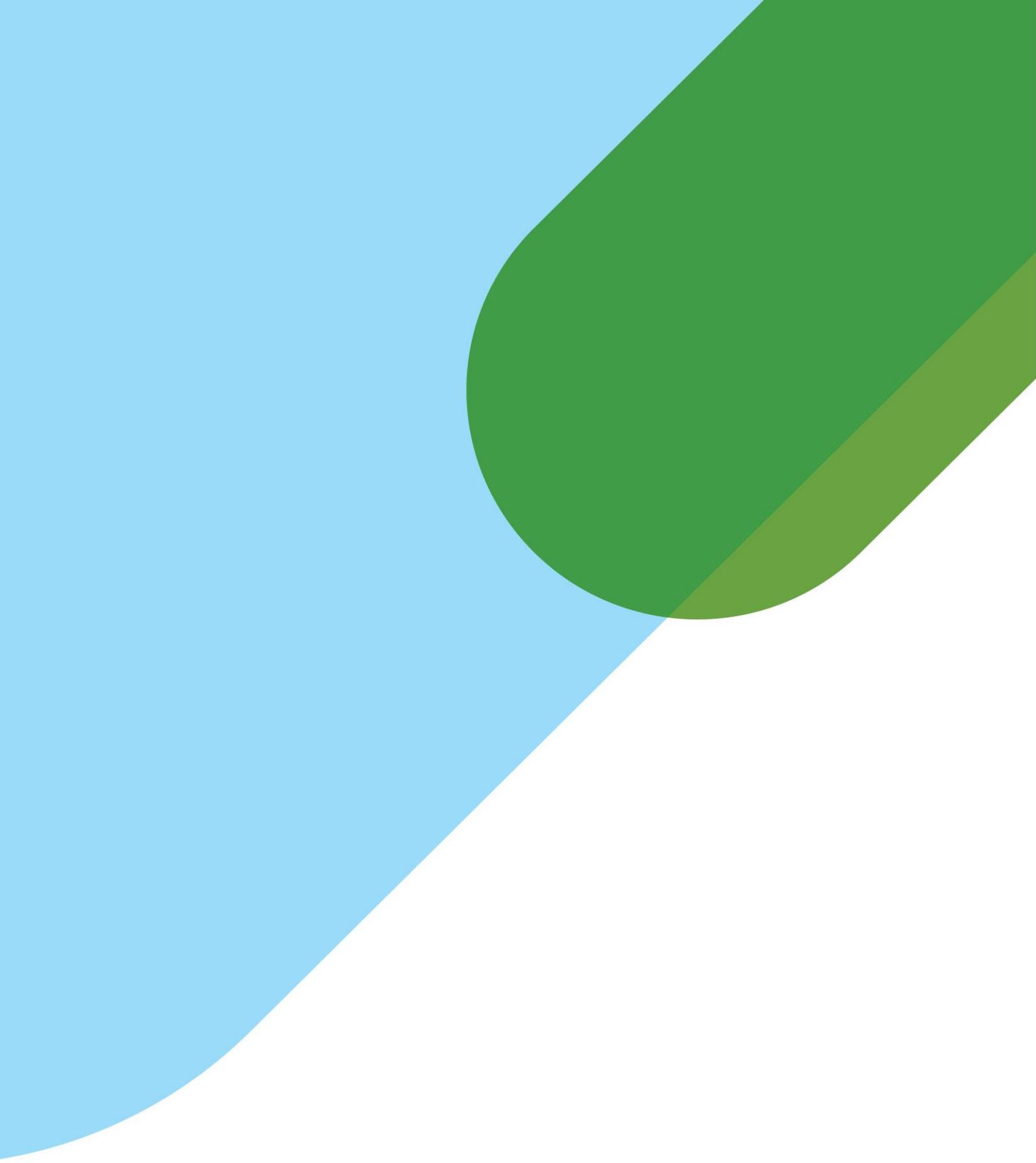
### **14.3 Nominated Training Organisation-related record keeping requirements (SAS Act, S54U, Regulation 16)**

14.3.1 An NTO under a Training Contract is required to keep the following records:

- (a) records of the NTO's acceptance of its nomination for each Training Contract for which they are the NTO
- (b) for NTOs utilising third party arrangements, records of these arrangements
- (c) records of discussions with the employer and the apprentice or trainee regarding the development of the Training Plan for a Training Contract, including any discussions on:
  - i. how, when and where the training will be delivered
  - ii. the units of competence or units of study that will be delivered
  - iii. who will assess the apprentice or trainee
  - iv. the types of assessments that will be conducted.
- (d) all iterations of a Training Plan for any apprentice and trainee for whom they are the NTO
- (e) the names and contact details of all apprentices, trainees, and employers under each Training Contract for which they are the NTO
- (f) records of meetings with apprentices, trainees, and employers under each Training Contract for which they are the NTO, and records of outcomes of those meetings, including:
  - i. records of any reviews of the Training Plan, including details of the revisions made as a result of the review
  - ii. the progress or lack of progress in training by an apprentice or trainee
  - iii. any agreed remedial action to address lack of progress in training by an apprentice or trainee

## OFFICIAL

- iv. supports provided by an employer to assist the apprentice or trainee to meet their training goals as set out in the Training Plan.
- (g) copies of any notifications the NTO submits to the Commission in relation to Section 54S of the *SAS Act*, and any correspondence received from the Commission in return. Under Section 54S, an NTO under a Training Contract must notify the Commission if any of the following occurs:
  - i. the NTO becomes aware that an apprentice or trainee under a Training Plan is not meeting the goals (however described) set out in the Training Plan
  - ii. the NTO becomes aware that an employer is not meeting its obligations under the Training Contract or Training Plan
  - iii. the NTO becomes aware that it may not be able to comply with any obligations applicable to the NTO under the Training Plan for an apprentice or trainee
  - iv. the NTO ceases to be the NTO under the Training Contract
  - v. if ASQA or TEQSA has made a decision in relation to the NTO:
    - suspending or cancelling their registration or recognition
    - cancelling a qualification or statement of attainment
    - rejecting an application for renewal of a registration or recognition.
  - vi. if, in relation to a qualification under a Training Contract in respect of which the NTO, ASQA or TEQSA has made a decision:
    - amending the NTO's scope of training
    - imposing a condition of the NTO's registration or recognition
    - allowing the NTO to enter into an enforceable undertaking.
- (h) records of the qualifications or statements of attainment issued for each Training Contract for which they are the NTO.



[skillscommission.sa.gov.au](http://skillscommission.sa.gov.au)

