

Enforcement of trade apprenticeships RTO Fact Sheet

Frequently Asked Questions (FAQs)

Registered Training Organisations (RTOs)

The South Australian Skills Commission (the Commission) has identified a growing reliance on institutional-based trade training that does not result in a recognised trade certificate issued by the Commission for learners. Beyond the potential breaches of Section 45A of the South Australian Skills Act 2008 (Act), this practice poses unacceptable risks to safety, quality, and the integrity of declared trades across South Australia.

Enforcement of the Act will ensure individuals enter the workforce from the commencement of their training through the proven 'earn and learn' apprenticeship pathway.

1. What are the penalties?

The Commission recognises the complexities involved in the administration of international students who are impacted by the enforcement of Section 45A. Due to impacted RTOs' reliance on Commonwealth-facilitated visa issuance processes, including the need for training providers to issue Student Confirmation of Enrolment (CoE) documentation to enable the Commonwealth's granting of the Subclass 500 Student Visa, a managed transition process will be adopted by the Commission.

Registered Training Organisations (RTOs) that continue to offer institutional training program enrolments aligned with a declared trade from 31 January 2026 (domestic) and from 1 July 2026 (international) will be subject to enforcement action.

This includes issuance of expiation notices of \$315 per non-compliant enrolment for minor or first-time breaches, and referral to the Magistrates Court for serious or continued breaches, with the potential for penalties of up to \$5,000.

RTOs that continue to offer institutional-based training for international learners until 30 June 2026 are required to submit a monthly report to the Commission declaring the student details of ongoing enrolments.

2. What are the grounds for being charged with the full penalty (\$5,000)?

This penalty will be determined by factors including:

- ongoing breach of the legislation
- number of affected learners

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- continuous enrolments in a qualification aligned to a trade that is delivered outside a training contract.

3. Does the South Australian Skills Commission have power to suspend RTOs?

No. Suspension of RTOs is not within the Commission's jurisdiction and is the responsibility of the VET regulator, the Australian Skills Quality Authority (ASQA). The Commission will be enforcing expiation fees and penalties, while working with RTOs and industry partners to ensure everyone is fully compliant.

4. Does this have an impact on a training provider's registration?

Section 45A covers expiation and penalty fees under the South Australian Skills Act 2008 but does not cover revoking an RTO's registration, which sits under the national VET regulation.

5. Will the training organisations who ran these institutional programs from 2021 to present be penalised? Or will the penalties apply after the cut-off date?

Penalties will apply to RTOs with new enrolments in institutional-based training programs aligned with a trade starting 31 January 2026 (domestic) and 1 July 2026 (international). Refer to the [Traineeship and Apprenticeship Pathways \(TAP\) Schedule](#) for qualifications aligned to a trade in South Australia.

6. When are you collecting the penalties from these RTOs and when will we receive the information on collections?

The Commission will start contacting RTOs who breach the Act and send out expiation fee notices from 31 January 2026 (domestic) and 1 July 2026 (international). Communication will be made directly between the Commission and the RTO.

7. What will be the action taken against the RTOs who continue to operate in this way?

- An expiation fee of \$315 will be charged per case
- Reporting to ASQA
- Referral to the Magistrates Court for serious or continued breaches, with the potential for penalties of up to \$5,000

8. What do we advise our students who have undergone non-apprenticeship training?

This depends on the learner's desired pathway. If an individual has already completed the training, they may be eligible to apply to the Commission for a skills assessment under

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the [Occupational Recognition Service](#). Where students meet the required standards, the Commission will issue an Occupational Certificate, which is recognised by industry.

If their training is still ongoing:

- [International students](#) can finish their training and then apply for their skills to be assessed by the Commission to potentially secure an Occupational Certificate. If all criteria can be met, this may improve their employability, pending visa conditions.
- [Domestic learners](#) are encouraged to transition to a formal apprenticeship program if their desired outcome is to acquire a trade certificate. Learners can talk to their RTO about entering into a training contract and whether there are subsidies to reduce the cost of the course.

9. Are there other compliance requirements for RTOs during the transition phase?

As part of the transitional arrangements, Registered Training Organisations (RTOs) must provide monthly records of identification and registration for all students undertaking an apprenticeship pathway outside of a training contract in South Australia. This mandated registration process applies to both fee-for-service domestic and international students.

Similar to the annual process you are required to follow with NCVER, you are required to provide monthly to the Commission through submission of the following AVETMISS NAT Files exported from your Student Management System (SMS):

- NAT00080
- NAT00085
- NAT00120
- NAT000130

Files to be submitted in the TXT format and do not require validation through the AVETMISS Validation Software.

The requested files are required to be provided electronically to sasc.compliance@sa.gov.au by 5:00 pm ACDT on the following dates:

- Friday, 20 February 2026
- Friday, 20 March 2026

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- Friday, 17 April 2026
- Friday, 15 May 2026
- Friday, 19 June 2026
- Friday, 17 July 2026

RTOs that have not enrolled any students in an apprenticeship pathway outside of a training contract in South Australia are still required to advise the Commission each month via email at sasc.compliance@sa.gov.au (NAT files are not required to be submitted for zero activity in a month).

Failure to provide the required information by the applicable due date will result in enforcement action being taken in accordance with the relevant provisions of the Act.

Further Information:

- Visit <https://skillscommission.sa.gov.au/trade-enforcement>
- Phone 1800 673 097