

South Australian Skills Standards

# DEFINITIONS AND TERMINOLOGY

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## **Advocacy**

Speaking for and negotiating on behalf of education and training providers and students (and prospective students) of education and training providers in the resolution of any matters arising out of the delivery of education and training. Speaking for, and negotiating on behalf of, an employer or an apprentice or trainee in the resolution of any matters arising as defined by the *South Australian Skills Act 2008 (SAS Act)*.

## **Applicant (Trade or Vocation Declaration process)**

The sponsor or initiator of an application for the declaration of a trade or declared vocation.

## **Apprentice**

A person who has entered into a legally binding arrangement to work and undertake training in a trade (a Training Contract) that has been approved by the Commission. Note that apprentice plumbers, gasfitters and electricians are required to have an in-training licence with Consumer and Business Services.

## **Apprenticeship**

Training provided under a declared trade that meets the standard conditions for that trade as specified in the declaration, and as published by notice in the *Gazette*. An apprenticeship is undertaken through a Training Contract, which is underpinned by bona fide industrial arrangements.

## **Apprenticeship Network Provider (ANP)**

An organisation contracted by the Australian Government to deliver essential administrative support, payment processing, and other services to the parties to a Training Contract.

## **Australian Apprenticeship Support Network (AASN)**

The AASN delivers support services to the parties to the Training Contract. This may include lodgement of Training Contract applications with the Commission.

## **Australian Apprenticeships Training Information Services (AATIS)**

AATIS provides information for people considering training options, employers looking at recruitment and those providing support and advice.

## **Declared vocation**

An occupation declared under Section 6 of the *SAS Act* to be a declared vocation for the purposes of the *SAS Act*.

## **Delegate**

Under Section 8 of the *SAS Act*, the Minister may delegate a function or power of the Minister under the *SAS Act* to the:

- (a) Commission or any other particular person or body
- (b) person for the time being occupying a particular office or position.

Under Section 20 of the *SAS Act*, the Commission may, with the approval of the Minister, delegate any of its functions or powers under the *SAS Act* to a specified person or body.

A function or power delegated under Section 8 or Section 20 may, if the instrument of delegation so provides, be further delegated.

### **Direct supervision**

Direct supervision means that a person qualified or experienced in the trade or declared vocation is physically present in the workplace and within eyesight and earshot of the apprentice or trainee, working with them to provide training and instruction on any given task, and available to respond to their needs in accordance with the supervision ratios. Direct supervision cannot be provided by electronic means, including but not limited to, telephones, radios and webcams.

### **Dispute**

An argument or disagreement between people or groups relating to apprenticeships and traineeships, vocational education and training and international education.

### **Education and training provider**

An education and training services provider that is registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) to deliver to overseas students, or an organization that is registered on CRICOS and delivers English Language Intensive Courses for Overseas Students (ELICOS), or a higher education provider, or a school.

### **Employer**

The employer, usually an individual person, sole trader, a company, incorporated association, group training organisation or government agency, is the legal entity that has entered into a legally binding Training Contract that has been approved by the Commission.

### **Funded Activity Agreement (FAA)**

An agreement between a training provider and the South Australian Government wherein the training provider is subsidised to deliver training.

### **Former owner**

In relation to a change of owner of a business under Section 54M of the *SAS Act*, the person who owned the business before the change of ownership occurs.

### **Host employment arrangement**

An arrangement under a written agreement in which the employer of an apprentice or trainee places the apprentice or trainee with another person or body for particular training required under a Training Contract or the Training Plan.

### **Host employer**

An organisation that hosts, under a written agreement, an apprentice or trainee employed at that time by an employer.

### **Indirect supervision**

Indirect supervision occurs where an apprentice or trainee is undertaking a task that may reasonably be undertaken independently or for which the apprentice or trainee has

demonstrated a level of competence. The supervisor/on-job trainer will be readily available in the work area for the majority of the time and/or be readily available to communicate directly or by electronic means (i.e. telephone, radio, webcam) with the apprentice or trainee when required.

### **International student**

Classified as a person holding a visa type (categorised by the Department of Home Affairs (DHA)) that is recognised by the *Education Services for Overseas Students (ESOS) Act 2000 (Cth)*.

### **Junior**

An apprentice or trainee under the age of 18.

### **Jurisdictions**

The states and territories of Australia that make up the regional governments in Australia, distinct from the federal government and local governments.

### **Mediation**

A structured negotiation process in which an independent person, known as a mediator, assists the parties to identify and assess options and negotiate an agreement to resolve their dispute.

### **New owner**

In relation to a change of ownership of a business under Section 54MA of the *SAS Act*, the person who owns the business after the change of ownership occurs.

### **Nominated Training Organisation (NTO)**

Is a registered training organisation or registered higher education provider that accepts a nomination by an apprentice or trainee and an employer in relation to a Training Contract, to:

- deliver training to the apprentice or trainee in accordance with the Training Plan
- meet such other obligations as are required of it under the *SAS Act*.

### **Off-Job training**

Off-job training is the education and training in a nationally recognised qualification, delivered in a course provided by a Registered Training Organisation.

How and where off-job training is delivered is negotiated between the employer, the apprentice or trainee, and the Registered Training Organisation. Off-job training may be delivered in a variety of places and modes, including but not limited to:

- Face-to-face in the Registered Training Organisation's premises
- Face-to face in the employer's workplace
- Online.

No matter how and where it happens, employers must make sure that apprentices or trainees are withdrawn or released from their work duties to undertake off-job training.

### **On-Job training**

On-job training is the instruction, training and transfer of skills and knowledge to a person learning a trade/declared vocation in a workplace. On-job training must meet the requirements set out in these Standards.

### **Pastoral and monitoring support meetings**

Is a purposeful meeting with person to person contact between the employer of the trainee/apprentice or their delegate, and the trainee/apprentice, where the employer/delegate:

- determines competency-based training and wage progression
- ascertains any concerns and issues relating to the Training Contract or the safety, health and welfare of the apprentice or trainee
- addresses and resolves those concerns and issues
- provides encouragement, guidance and support to facilitate the successful completion of the Training Contract.

### **Parent/Guardian**

Where a person under the age of 18 years at the commencement of training enters into an apprenticeship or traineeship, a parent/guardian will usually sign and be a party to the Training Contract. Under a Training Contract, a parent/guardian is legally obliged to uphold the responsibilities for the apprentice or trainee until they are 18 years of age. The Training Plan must also be negotiated and agreed between the employer and the apprentice or trainee, and their parent/guardian where they are under the age of 18 years, in consultation with the NTO.

### **Prescribed person**

For the purposes of issuing compliance notices, under Section 63(5) of the *SAS Act*, a prescribed person is:

- a) an employer in relation to a Training Contract
- b) an NTO for an apprentice or trainee
- c) a host employer with whom an apprentice or trainees is or was placed:
- d) a supervisor of an apprentice or trainee under a Training Contract.

For the purposes of the Commission requiring production of information, under Section 70C of the *SAS Act*, a prescribed person is:

- a) a public sector agency (within the meaning of the *Public Sector Act 2009*)
- b) a registered employer, or an applicant for such registration
- c) an Nominated Training Organisation (NTO)
- d) a host employer with whom an apprentice or trainee is or was placed
- e) a former registered employer
- f) a supervisor of an apprentice or trainee under a Training Contract
- g) the ANP for the apprentice or trainee

### **Prohibited employer**

Is an employer with respect to whom a declaration is in force under Section 54B of the *SAS Act*.

**Proposed employer**

In relation to the substitution of an employer under Sections 54H, 54N and 54O of the *SAS Act*, the employer proposed to be substituted for the current or existing employer of the apprentice or trainee.

**Qualification**

Qualification means an Australian Qualifications Framework (AQF) qualification, achieved by completion of an accredited learning program, leading to formal certification that a graduate has achieved learning outcomes.

**Recognised higher education provider**

Is a body established and recognised as a higher education provider by or under the law of the State, or of the Commonwealth, or another state or territory.

**Registered employer**

An employer registered by the Commission under Section 54F of the *SAS Act*.

**Registered Training Organisation (RTO)**

The registered training organisation within the meaning of the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth.

**Regulations**

The *South Australian Skills Regulations 2021*.

**Remote supervision**

The supervisor is not on site at which the apprentice or trainee is working but must be readily available to communicate directly or by electronic means (i.e. telephone, radio, webcam) with the apprentice or trainee when required. The supervisor must be within such a distance as to be able to attend to the apprentice or trainee within a reasonable time if an issue arises.

**SAS Act**

The *South Australian Skills Act 2008*.

**Scope of the registration**

The declared trades or vocations in relation to which the employer may enter into a Training Contract, as determined by the conditions imposed on the registration.

**Serious and wilful misconduct**

Where an employer reasonably believes an employee is deliberately behaving in a way that is inconsistent with continuing their employment, including causing serious and imminent risk:

- to the health and safety of another person
- to the reputation or profits of their employer's business (theft, fraud or assault)
- by refusing to carry out a lawful and reasonable instruction that is part of their job.

### **South Australian Government Gazette (Gazette)**

The Gazette is the South Australia Government's official publication of weekly record of proceedings by the State and Local Government authorities.

### **South Australian Civil and Administrative Tribunal (SACAT)**

The SACAT is a state tribunal that helps South Australians resolve issues within specific areas of law, either through agreement at a conference, conciliation or mediation, or through a decision of the Tribunal at hearing. SACAT conducts reviews of Government decisions.

### **South Australian Employment Tribunal (SAET)**

The SAET is the South Australian forum for resolving workplace-related disputes and issues. SAET is a statutory independent tribunal that:

- hears and resolves return to work disputes
- hears and resolves employment and industrial disputes
- regulates South Australian industrial awards, agreements and registers
- hears and determines work, health and safety related prosecutions
- conducts hearings in relation to dust disease matters.

### **South Australian Skills Standards (Standards)**

The Standards as prepared under Section 26 of the *SAS Act*, as in force from time to time.

### **Student**

A person undertaking studies (either full-time or part-time) who is not classified as an international student or an apprentice or trainee.

### **Supervision**

Supervision is the oversight and coordination of work, safety, and on and off-job training provided to an apprentice or trainee. Employers must ensure every apprentice or trainee is supervised and receives on-job training by a skilled or qualified person in accordance with these Standards.

### **Supervisor**

Depending on the size and structure of the business or organisation, the supervisor may be:

- the employer
- a person employed by the employer
- an independent contractor engaged in work for the employer, or
- another employer who hosts the apprentice or trainee.

A supervisor is a person with the required skills, knowledge, qualifications and experience to train and instruct an apprentice or trainee in their chosen trade or declared vocation.

## **Tertiary Education Quality and Standards Agency (TEQSA)**

The agency established under the *Tertiary Education Quality and Standards Agency Act 2011* of the Commonwealth.

## **Trade**

Certain trades (for instance, automotive mechanic, cabinetmaker, cook, hairdresser, electrician, and plumber) declared by the Minister as trades governed by the *SAS Act*. To acquire the skills required to work in such trades, people must complete an apprenticeship. Apprenticeships generally take up to 4 years to complete. Upon successful completion of an apprenticeship in such trades, apprentices become qualified tradespersons.

## **Trade and Vocation Recognition Assessment Panels**

Panels established to assess applications for recognition and certification of a person's qualifications and experience in relation to a particular trade or declared vocation under Section 70A of the *SAS Act* and whose membership and operating procedures are endorsed by the Commission.

## **Trainee**

A person who has entered into a legally binding arrangement to work and undertake training in a declared vocation under a Training Contract that has been approved by the Commission.

## **Traineeship**

Training provided under a declared vocation that meets the standard conditions for that declared vocation as specified in the declaration, and as published by notice in in the *Gazette*. Traineeships undertaken through a Training Contract must be underpinned by bona fide industrial arrangements.

## **Traineeship and Apprenticeship Pathways (TAP) Schedule**

The Traineeship and Apprenticeship Pathways (TAP) Schedule lists all apprenticeships and traineeships available in South Australia.

## **Training Contract**

Is an agreement:

- approved under Section 48 of the *SAS Act* between an employer and an apprentice or trainee, through which the employer agrees to employ and train the apprentice or trainee in the qualification aligned to the trade or declared vocation; or
- a Training Contract transferred from another jurisdiction and recognised by the Commission as a Training Contract under Section 48A of the *SAS Act*.

## **Training Plan**

Is the plan that describes the content and delivery of training to be provided to an apprentice or trainee, as prepared and endorsed under Section 54Q of the *SAS Act*.

**Transfer fee**

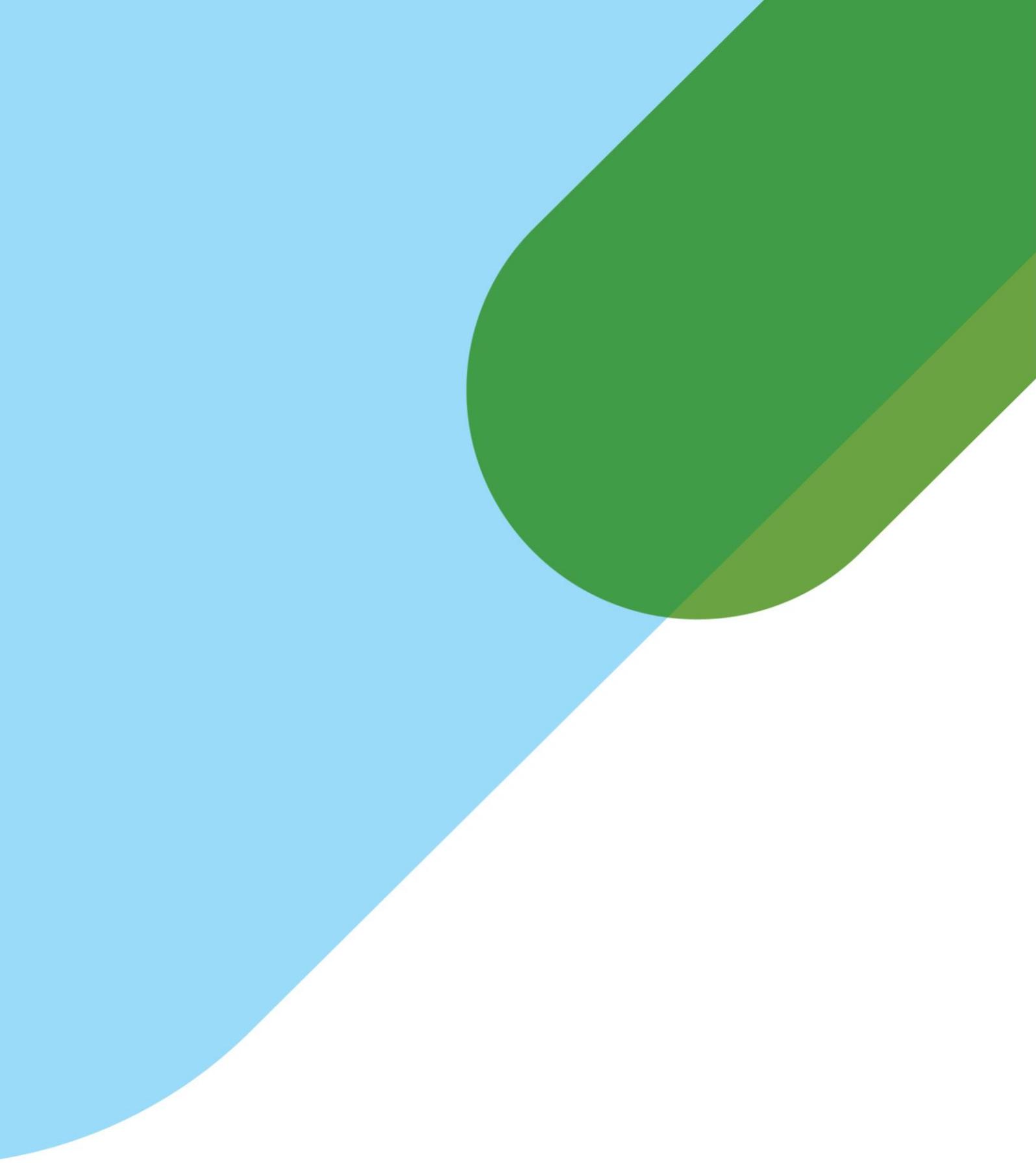
The fee payable by a proposed employer to the existing (current) employer under Section 54O of the *SAS Act*. The fee is determined according to the number of years served under the Training Contract and the business size.

**Vocational Education Training (VET)**

VET is education and training that focuses on providing skills for work. Designed to deliver workplace-specific skills and knowledge, VET covers a wide range of careers and industries, including trade and office work, retail, hospitality and technology.

**VET National Register**

Is the official national register of information on VET in Australia.



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