TWD/D25/0088346

Guidelines for the establishment and variation of apprenticeships

These guidelines replace all previous versions and are effective for proposals lodged with the State Training Board from 28 April 2025.

Version 2.5

Endorsed 28 April 2025

TITLE

Guidelines for the establishment and variation of apprenticeships (Version 2.5)

Published by the WA State Training Board 2025
Endorsed 28 April 2025

For further information:

Office of the State Training Board
Department of Training and Workforce Development
Level 2, 16 Parkland Road, Osborne Park WA 6017
Telephone: 08 6551 5593

Email: ostb@dtwd.wa.gov.au

Website: www.wa.gov.au/stb

Contents

PART 1: INTRODUCTION 6
1. How to use these guidelines 6
1.2 Context 7
1.3 Definitions 7
1.4 Roles and responsibilities 9
PART 2: ADMINISTRATION OF SUBMISSIONS 12
2.1 Providing notice of intent 12
2.2 Registration 13
2.3 Referral 13
2.4 Proposal status 13
2.5 Timelines and extensions 14
2.6 Submission must meet criteria 14
2.7 Department reporting 15
2.8 Consideration and recommendation by EVAC 15
2.9 Referral to the Minister for decision 16
2.10 Publishing the Minister's decision and stakeholder notification 16
2.11 Withdrawing a proposal 16
2.12 Lapsed proposals 16
PART 3: CONSULTATIONS 17
3.1 Proponent must be included in consultation 17
3.2 Industry Training Councils' Board of Management 17
3.3 Industry working groups or sub-committees of industry training councils 17
3.4 Employers 18
3.5 Broader industry groups and/or associations 18
3.6 Relevant unions or associations representing employees' interests 18
3.7 Information on delivery patterns in other jurisdictions 18
3.8 National bodies 18
3.9 Regulatory authorities and other associated agencies 18
3.10 Other industry training councils 19
3.11 Education sector and schools 19
Contact information for the education sector and schools 19
3.12 Consultation with training providers 20

3.13 Providing evidence 20
Data and data cubes 20
Use of surveys 21
Letters of support 21
Supporting emails 21
Social media 21
Petitions 22
Example petition 22
PART 4: ESTABLISHING AN APPRENTICESHIP 23
4.1 Determining classification: Class A or Class B 23
Classification must consider delivery to onshore international students 23
4.2 Mandatory submission requirements 23
Industry consultation 24
Background to the proposal 24
Qualification 24
Apprenticeship title and occupation outcome 25
Training contract nomenclature 25
Nominal duration 25
Modern Award prevails – an example 25
Part time arrangements 26
School-based arrangements 26
Pre-requisites and credit arrangements 26
Industrial relations 27
Licensing or regulatory matters 27
Existing apprenticeships already in place 27
Target audience for the apprenticeship 28
4.3 Recommendation 28
Example recommendation 29
Figure 1: Process for establishing an apprenticeship through the State Training Board 30
PART 5: VARIATION TO AN EXISTING APPRENTICESHIP 31
5.1 Submissions must meet criteria 31
Industry training council recommendation 31
5.2 Variation to the classification of the qualification 32
Class A to Class B 32
Class B to Class A 33

5.3 Variation relating to matters about the qualification (as defined by Regulation 37 of the VET Regulations) 33

Nominal duration 33

Nomenclature under training contract (ie; apprentice, trainee etc) 33

Apprenticeship/Traineeship title 34

Part time arrangements 34

School-based arrangements 34

5.4 Variations relating to training package updates 34

Expedited EVAC Process 35

Replacement qualifications deemed equivalent 35

Replacement qualifications deemed 'non-equivalent' but with the same occupational outcome 35

Removal of qualifications from the Class A/B register 36

Figure 2: Process for variations to existing apprenticeships (excludes variations due to training package updates) 37

PART 6: MANAGEMENT REVIEWS AND AUDITS 38

6.1 Monitoring and evaluation of apprenticeships 38

6.2 Removal of established qualifications from the public register 38

APPENDIX A: LEGISLATION 39

Vocational Education and Training Act 1996 39

Part 3 – The State Training Board 39

Part 7 – Obtaining prescribed VET qualifications and approved VET qualifications 39

Vocational Education and Training (general) Regulations 2009 41

Division 2 — Classifying prescribed VET qualifications 41

CHECKLIST – ESTABLISHMENT OF APPRENTICESHIPS IN WESTERN AUSTRALIA 42

CHECKLIST – VARIATIONS OF APPRENTICESHIPS IN WESTERN AUSTRALIA 43

Changes from the previous version 44

PART 1: INTRODUCTION

The *Guidelines for the establishment and variation of apprenticeships* provide information on the submission process for the classification of prescribed vocational education and training (VET) qualifications in accordance with section 60C of the *Vocational Education and Training Act 1996* (the VET Act) in Western Australia.

The guidelines outline how the process is managed to ensure that:

- the State Training Board (the Board) provides advice and recommendations to the Minister for Skills and TAFE in accordance with section 60C of the VET Act;
- the Board meets its obligations under Regulations 36 and 37 of the Vocational Education and Training (General) Regulations 2009 (VET Regulations); and
- the Industry Training Councils (ITCs) meet requirements under sections 21(1)(b) and (c) of the VET Act.

1. How to use these guidelines

The guidelines have been divided into parts. Parts 1 to 3 relate to all submissions and should be read in that context.

PART 1 Introduction
Provides general information regarding the various stakeholders involved in the establishment and variation of apprenticeships process, and their roles and responsibilities.

PART 2 Administration of submissions
Provides information about giving notice, registration, referral, status and withdrawal of proposals.

PART 3 Consultation
Outlines the level of consultation that must be undertaken in relation to submissions to the State Training Board.

PART 4 Establishment of an apprenticeship
Relates specifically to the process and requirements for submissions to establish a new apprenticeship in Western Australia.

PART 5 Variation of an existing apprenticeship
Relates to the process and requirements for submissions to vary existing apprenticeships in Western Australia.

PART 6 Management reviews and audits
Relates to the State Training Board's management, review and audit of apprenticeships established through this process.

These guidelines replace all previous versions and are effective for proposals lodged with the Office of the State Training Board (OSTB) from 28 April 2025.

1.2 Context

Section 60C of the VET Act requires the Minister to receive advice and recommendations from the State Training Board on the classification of prescribed VET qualifications to enable the qualification to be delivered through a training contract with an employer.

The Board will recommend a classification for a qualification of Class A or Class B as it relates to the delivery of the qualification through a training contract. Qualifications that are not classified as either Class A or Class B are by default a 'Class C'; meaning that the qualification cannot be delivered through a training contract with an employer.

> **Class A** is a qualification that can only be achieved by fulfilling the obligations of an apprentice under a training contract (commonly referred to as an 'apprenticeship)'.
>
> **Class B** is a qualification that can be obtained by fulfilling the obligations of an apprentice with conditions where applicable under a training contract OR through an institutional learning pathway.
>
> **Class C** is a qualification that can only be obtained through an institutional learning pathway. Please note that Class C qualifications are not classified by the Minister for Skills and TAFE and do not fall within the scope of these guidelines.

The classification of a qualification does not limit the operation of section 60I of the *Vocational Education and Training Act 1996* ('VET Act') which enables a qualification to be conferred on a person by a training provider in recognition of prior learning received from an employer and/or other learning, if the training provider is satisfied the person has the skills and competencies required for the qualification following an assessment process.

1.3 Definitions

The following definitions are used in these guidelines.

ANZSCO is the *Australian and New Zealand Standard Classification of Occupations.* From January 2025, the Occupation Standard Classification for Australia (OSCA) replaces ANZSCO in Australia.

Apprenticeship means a structured employment-based training program that leads to a person (an apprentice) gaining a nationally recognised qualification. The training program may be delivered through full time, part time or school-based arrangements. The term 'apprenticeship' is used as an umbrella term to refer to apprenticeships, traineeships, cadetships and internships.

The Department of Training and Workforce Development (the Department) is the lead WA government agency and State Training Authority responsible for managing the investment of public resources in the WA VET system; including planning, funding and monitoring services. It funds training delivered by a state-wide network of TAFEs and private training providers, and is also responsible for administering and monitoring the State's apprenticeship system. In addition to its vital training role, it has the broader responsibility of workforce development.

Establishment and Variation of Apprenticeship Committee (EVAC) refers to the committee established by the State Training Board in accordance with section 23 of the VET Act with delegated authority to consider proposals and make recommendations to the Minister for Skills and TAFE on the establishment and variation of apprenticeship qualifications in accordance with section 60C of the VET Act. The EVAC is chaired by the Chair of the State Training Board.

Existing worker means a person employed with the same employer for more than three months full time or 12 months part time immediately prior to the commencement date of an apprenticeship. This term is used by the Department for the purposes of funding.

Government Gazette is the publication produced by the State Law Publisher and is the lodgement point for the advertising of statutory and other notices. The Gazette is published at 12:00 noon on

Tuesday and Friday each week. Decisions made by the Minister under section 60C of the Act must be done in writing and must be published in the Government Gazette.

Industry training councils (ITC) means the industry training advisory bodies recognised by the State Training Board under section 21(1)(b) of the VET Act and are the bodies from which the Board must seek advice and recommendations before providing any advice or recommendation to the Minister under section 60C of the *Vocational Education and Training Act 1996*.

Institutional pathway means a classroom-based training pathway that enables students to undertake a nationally recognised qualification without a formal employment arrangement. The training may involve simulation and/or work experience as part of the training program.

International student means a person who is temporarily living in Australia on a student visa issued by the Department of Home Affairs for the purposes of studying a vocational education and training qualification with a registered training organisation.

Modern Award means an industry or occupation-based industrial instrument created by the *Fair Work Act 2009* (Cwlth) that commenced on 1 January 2010. Section 26(1) of the *Fair Work Act 2009* (FWA) provides that the Fair Work Act is intended to apply to the exclusion of all state or territory industrial laws as far as they would otherwise apply in relation to a national system employee or a national system employer. For the purposes of s.26 of the FWA, the VET Act can be viewed as a State industrial law as it relates to the employment arrangements of apprentices in Western Australia, accordingly any inconsistent nominal term set under the provisions of the VET Act and the *Vocational Education and Training (General) Regulations 2009* will be of no effect.

Nominal duration means the anticipated period of time (in months) that it would take a full time apprentice to achieve competence in a qualification under a training contract with an employer.

Notice of intent means a written document that describes a person's or organisation's intent to prepare a written submission for the State Training Board on a proposal to establish an apprenticeship or vary an existing apprenticeship in WA. The registration of a *Notice of intent* is considered the start of the process to establish or vary an apprenticeship in WA.

OSCA is the *Occupation Standard Classification for Australia (replacing the Australian and New Zealand Standard Classification of Occupations)*. The structure of OSCA has five hierarchical levels; major group, sub-major group, minor group, unit group and occupation. One, two, three, four and six-digit codes are assigned to the major, sub-major, minor, unit groups, and occupations respectively. To search the OSCA, please visit the Australian Bureau of Statistics website: OSCA - Occupation Standard Classification for Australia, 2024, Version 1.0 | Australian Bureau of Statistics

Proponent means an individual business/employer, employer or industry group, union, registered training provider, industry training council, the Department, Minister, or other stakeholder that advocates establishing or varying an apprenticeship in Western Australia.

Public register means the register of prescribed VET qualifications (Class A and Class B qualifications) maintained by the Chief Executive Officer of the Department of Training and Workforce Development as required by section 60C(7) of the VET Act.

Recognition of prior learning (RPL) means an assessment process that assesses the competency of an individual that may have been acquired through formal, non-formal and informal learning to determine the extent to which that individual meets the requirements specified in the training package or VET accredited courses.

Registered training organisation is a public or private organisation registered by the regulator (Training Accreditation Council for providers delivering training solely in WA or the Australian Skills Quality Authority) to deliver training and/or conduct assessments and issue nationally recognised qualifications in accordance with the *Standards for Registered Training Organisations 2015.*

Standards for Registered Training Organisations 2015 refers to the standards that form part of the VET Quality Framework, a system which ensures the integrity of nationally recognised qualifications. The purpose of these Standards is to:

1. set out the requirements that an organisation must meet in order to be an RTO;
2. ensure that training products delivered by RTOs meet the requirements of training packages or VET accredited courses, and have integrity for employment and further study; and
3. ensure RTOs operate ethically with due consideration of learners' and enterprise needs. In addition to these standards, RTOs are also required to comply with National Vocational Education and Training Regulator Act 2011 or equivalent legislation covering VET regulation in a non-referring state as the case requires; and the VET Quality Framework.

1.4 Roles and responsibilities

The process for the establishment and variation of apprenticeships (Class A and Class B qualifications) is overseen and endorsed by the State Training Board. The Board, the Department, the Minister and industry training councils all play key roles in the establishment and variation of apprenticeships.

State Training Board (the Board): The Board is responsible for considering proposals for new apprenticeships or variations to existing ones. In making its recommendation to the Minister, the Board ensures consultation has been undertaken with relevant industry training councils, employer groups and unions. The functions of the Board in the VET Act associated with these matters, Section 21(1)(ca), are delegated to the Establishment and Variation of Apprenticeships Committee (EVAC).

Minister for Skills and TAFE (the Minister): The Minister will consider the Board's advice and recommendations and either approve or not approve the establishment or variation application. The Minister may also initiate the establishment or variation of an apprenticeship, however, the Minister must seek the advice of the Board who will make a recommendation following consultation in accordance with the Regulations.

Proponent: A proponent identifies a skill in demand and initiates a request to either establish or vary an apprenticeship or traineeship by lodging a formal application known as the *Notice of intent*. A proponent must work with the relevant industry training council to progress the proposal.

Office of the State Training Board ('the OSTB'): The OSTB manages the EVAC process on behalf of the State Training Board.

- The OSTB is the first point of contact for proponents who would like the State Training Board to give consideration to either the establishment or variation of apprenticeships. It can assist proponents by providing information on how a *Notice of intent* can be lodged. Once the OSTB receives the *Notice of intent* from the proponent, it will register the request and send a receipt of acknowledgement to the proponent.
- The OSTB will refer the *Notice of intent* to the appropriate ITC and request that it must work with the proponent to prepare a submission on the merits of allowing the proposed establishment or variation request. It will also advise the Board and the Department of Training and Workforce Development that it is in receipt of a *Notice of intent*.
- On receipt of the written submission from the ITC/proponent, the OSTB will review and quality assure the submission to ensure compliance with the Board's guidelines.

Submissions that do not provide the required information to enable the Board to evaluate the request and provide a recommendation to the

Minister will be returned to the ITC/proponent to address any information gaps.

- The OSTB will refer the written submission to the Department to finalise its report and identify any risks and implications of allowing the establishment/variation proposal.
- On receipt of the Department's report, the OSTB will prepare documentation for the EVAC including providing copies of the ITC/proponent written submission and Department report to the committee members.
- If the matter is considered contentious, the OSTB will arrange for the proponent, the ITC and the Department representative to meet with EVAC to address issues and enable it to prepare its advice and recommendations to the Minister.
- The OSTB will prepare the EVAC's advice and recommendations to the Minister.
- On return of the Minister's decision on the proposal, the OSTB will prepare notification to stakeholders and arrange for the publication of the Minister's decision in the *Government Gazette*. The OSTB will liaise with the Department to update the *Classification of Prescribed Vocational Education and Training Qualifications (Register of Class A and B qualifications*).
- The OSTB will also monitor, analyse and report to the Board on qualifications established or varied through this process.
- The OSTB reviews all Class A and B apprenticeships once every 24 months, and those with minimal or no enrolments consistently over a period of five years may be deleted from the public register in consultation with the relevant ITC and the Department of Training and Workforce Development.

Industry training council (ITC): The ITC is required to provide a submission to the Board on the merits of allowing the application and whether industry employers and other stakeholders see a need for the proposed establishment/variation. An ITC must undertake stakeholder consultation and analysis for all proposals to establish or vary an apprenticeship. The consultation process must be in accordance with these guidelines and ensure that relevant employer groups and unions are included in the consultation process and evidence of support is provided with the training council's submission to the Board.

The ITC must undertake the following.

- Where a proponent contacts the ITC for information on establishing or varying an apprenticeship, the ITC clarifies the proponent's needs, and assists the proponent with lodging a *Notice of intent* if this has not already been done so.
- On receipt of the *Notice of intent*, it must inform the Board through the OSTB if there are any significant reasons why the proposal should not proceed to the consultation and submission preparation phase, such as duplication, licensing or legal barriers. If the ITC is not the proponent of the submission, it must work with the proponent to resolve these issues.
- Make a factual submission to the EVAC on the merits of either establishing or varying an apprenticeship or traineeship based on consultation with

employers and industry and other stakeholders within six weeks of receiving the *Notice of intent* or within ten weeks of receiving the *Notice of intent* if it relates to multiple industry areas.

- Where a proposed qualification affects several industries, the ITC with responsibility for the qualification (training package coverage) will take a lead role in negotiating with other ITCs and co-ordinate the submission of the report to the Board.

The lead ITC must incorporate the views/feedback from the other ITCs in their final submission to the Board including whether there is support or not for the proposal.

- Liaise with the Department of Training and Workforce Development's Policy, Planning and Research Branch during the development of its submission to identify potential risks or implications associated with the proposal. The Department is required to provide a report on the risks and implications of allowing the proposal. This information will assist the EVAC with its advice and recommendations to the Minister.
- Undertake extensive stakeholder consultation and analysis for each proposal ensuring industry stakeholders are adequately consulted and advice/evidence from employers, peak industry associations and unions are included in the submission to the State Training Board.
- If there are submissions relating to licensed occupations, the ITC must provide evidence from the relevant licensing body that the proposed apprenticeship or variation to an existing apprenticeship will meet licensing requirements.
- The submission must include a recommendation from the ITC Board of Management (BoM) to support or not support the proposal.
- If the ITC BoM does not support a proposal, it must provide its reasons.
- If the ITC's BoM is not able to reach a consensus recommendation, it should still provide a factual submission based on an analysis of industry feedback to the State Training Board and note in its letter that the ITC Board is divided in its views on the proposal and explain the reasons.
- Inform the OSTB at the earliest possible opportunity of any issues or delays in the provision of the submission. Extensions can be granted for the submission by making a request in writing to the Director, OSTB via email: ostb@dtwd.wa.gov.au.

Department of Training and Workforce Development (the Department): The Department is required to provide advice to the Board regarding any risks or implications associated with establishing or varying an apprenticeship. The Department will also assist ITCs in the research and preparation of reports to the EVAC. The Department is also responsible for the maintenance of the public register.

PART 2: ADMINISTRATION OF SUBMISSIONS

To establish an apprenticeship or vary an existing apprenticeship in Western Australia, a proponent will need to submit a Notice of intent to the State Training Board. The proponent may be an individual business/employer, employer or industry group, union, RTO, industry training council, the Board, the Minister, or other stakeholder.

A proponent will be referred to the relevant ITC for the purposes of undertaking consultation on any proposal and to lodge a written submission to the Board. Individual proponents are encouraged to work with the relevant ITC in the preparation of the submission and in identifying and providing supporting evidence for the proposal from stakeholders within industry.

This Part provides information about the administration of submissions by the OSTB including providing *Notice of intent* to submit a proposal, registration and referral. It also provides information about the different stages a proposal will go through to meet the Board's legislative requirements.

2.1 Providing notice of intent

A proponent is required to notify the Board that it intends to lodge a written submission on the establishment or variation of an apprenticeship in WA. To do this, the proponent must lodge a *Notice of intent* with the OSTB.

A *Notice of intent* can be provided by filling out the online form available from the Board's website at Step 1: Proposal to establish and/or vary an apprenticeship. The online form captures the required information and facilitates faster processing.

Alternatively, a *Notice of intent* can be provided by email to ostb@dtwd.wa.gov.au or by letter sent to the following address:

Office of the State Training Board

c/o Department of Training and Workforce Development

Locked Bag 16

Osborne Park Delivery Centre WA 6916

If sent as an email or letter, the *Notice of intent* must contain the following information.

Proponent details	Title, name, address, email and telephone number
Proposal type	Establish a new apprenticeship *(see Part 3)* OR Vary an existing apprenticeship *(see Part 4)*
Classification	Class A OR Class B
Qualification	Identify the training package qualification name and code or accredited course name and code
Industry information	Identify the main industry area of the apprenticeship
Occupation outcome	Identify the occupation outcome of the apprenticeship
Reason for proposal	Briefly outline the reason for the submission such as industry identified need or changes to regulations

2.2 Registration

The OSTB will register the *Notice of intent* and publish details of the proposal on the Board's website at proposals to establish or vary apprenticeships – current and completed . The proposal will be assigned the status "Consultation underway". On registration of the *Notice of intent*, the OSTB will send a general notification email that a proposal has been received to advise interested parties; including all industry training councils and the Department of Training and Workforce Development. Interested parties may contact the lead ITC to register their interest in the proposal.

2.3 Referral

Once registered, the OSTB will refer the *Notice of intent* in the following manner.

Industry Training Council: The ITC with industry scope (ie; training package coverage) will receive a copy of the *Notice of intent* and be asked to work with the proponent to develop their proposal, including undertaking stakeholder consultation to ascertain industry/employer support and preparing a submission in line with the proposed timeline.

For submissions that relate to an occupation outcome that applies to many industry areas (for example workplace health and safety officer), the OSTB will refer the submission to the ITC with responsibility for the qualification/training package and require the ITC to lead consultations with other ITCs and stakeholders. The lead ITC will be asked to work with the other relevant ITCs to ensure that all views are identified and managed accordingly. In this scenario, the other ITCs will be expected to provide their Board of Management's view on the proposal. An extended timeline for these proposals applies (eight to ten weeks) for the stakeholder consultation process.

Department of Training and Workforce Development: The Department will also receive a copy of the *Notice of intent* so that it can work closely with the relevant ITC as they develop their submission and start work on its own report.

The referral of the *Notice of intent* can be viewed as the trigger for communication to begin between various stakeholders regarding the proposal.

2.4 Proposal status

The State Training Board website records the progress or stages of the proposal to provide stakeholders with information on the progress of proposals. The stages of the proposal are explained as follows.

Date lodged refers to the date the *Notice of intent* was lodged with the Office of the State Training Board.

Consultation underway means that the proponent and the relevant ITC(s) are consulting with stakeholders on the proposal and developing their submission for lodgement with the Board. Submissions must meet the criteria outlined in these guidelines.

Department response means that the submission has been received from the ITC and has been referred to the Department to finalise its own report to the Board on the implications and risks relating to the proponent's proposal.

Review by the Office of the State Training Board (OSTB) means the written submission(s) are being reviewed by the OSTB to ensure that they comply with the guidelines and that all relevant information is available for the EVAC to consider.

Consideration by EVAC means that the reports from the ITC/proponent and the Department are currently being considered by EVAC. The EVAC will consider the advice and recommendations of the ITC, the proponent and the Department before making its own recommendations to the Minister for Skills and TAFE.

Awaiting Decision by Minister means that the proposal has been considered by EVAC and it has provided its advice and recommendations to the Minister. The Minister will consider the advice

and recommendation and make a decision in accordance with section 60C of the *Vocational Education and Training Act 1996*.

Completed proposal is when the proposal has been completed. If the Minister has supported the application to establish or vary an apprenticeship, that decision will be published in the Government Gazette. The proponent will be notified of the outcome using the contact details provided in the *Notice of intent* form. The Department will be advised of the outcome to enable a funding decision to be made (if applicable) and to ensure that the proposed apprenticeship/traineeship is updated on the *Register of Class A and B qualifications*.

Withdrawn means that the proposal has been withdrawn by the proponent/ITC. The details will appear on the *Completed proposals* section of the Board's website. A new *Notice of intent* will need to be lodged to reinstate the submission process.

On hold means the proposal has been put on hold by the proponent/ITC, but not withdrawn. A proposal can be on hold for a maximum period of four months before it will lapse. If a proposal lapses, a new *Notice of intent* must be lodged with the OSTB to reinstate the submission process.

2.5 Timelines and extensions

On registration of the Notice of intent, the OSTB will provide the proponent, ITC and the Department with the proposed timeline for the submission.

> An establishment of a new apprenticeship process takes approximately **13 weeks** from the *Notice of intent* to the time the EVAC provides its recommendation to the Minister.
>
> A variation of an existing apprenticeship takes approximately **8 weeks** from the *Notice of intent* to the time the EVAC provides its recommendation to the Minister.

This timeframe **excludes** the time the Minister may require to approve a proposal and for the decision to be published in the Government Gazette. The OSTB is not able to provide an indication on the time required by the Minister to approve an establishment/variation proposal.

From time to time, the existing timeline may be insufficient for the training council to consult with key stakeholders and provide its submission to the Board or for the Department to provide its report; especially if the proposal is considered contentious. If an extension is required, the request must be made in writing to the Director OSTB outlining the reasons for the request.

The Director OSTB shall consider the request and if an extension is to be granted it will advise the relevant stakeholders in writing of the request. All requests for extensions will be recorded and reported to the State Training Board. It is expected that only one extension request will be granted per submission. If additional time is required, an extension of between two to four weeks can be provided at the discretion of the Director OSTB. Proponents can monitor the Board website's EVAC page, under *Current proposals*, to track how the proposal is progressing: proposals-establish-or-vary-apprenticeship-current-and-completed.

2.6 Submission must meet criteria

Submissions are expected to satisfy the criteria set out in these guidelines. When a submission does not satisfy the criteria set out in these guidelines, the OSTB will return the submission to the ITC and request for it to address the missing information or provide further advice/information to satisfy the criteria. The purpose of seeking additional information is to provide the proponent with the best possible chance of having the submission endorsed by EVAC and a supportive recommendation provided to the Minister.

The OSTB shall make the request in writing and clearly specify the additional information sought and the date by which the additional information is due.

The OSTB will negotiate with the proponent/ITC to ensure that the additional information is received by the due date. If the proponent has difficulty in meeting the due date for the provision of additional information, a request for an extension can be made by the proponent in writing to the OSTB prior to the due date. The OSTB shall consider the request; and if an extension is negotiated or granted, will advise the proponent in writing. Extensions for additional information shall be limited to one extension per submission. If additional time is required, the submission may be put on hold.

Following the extension, if the requested information is not received by the OSTB by the revised due date, the OSTB will notify the proponent that the additional information has not been received. The submission will not progress until the information is provided. If the requested information is not received within four months, the proposal will lapse.

2.7 Department reporting

The Department shall provide a report to the State Training Board on the implications and risks associated with the proponent's proposal including:

- the content of the proposal;
- the extent of consultation undertaken by the ITC and the proponent and the extent of support given to the proposal by industry groups, employee and employer groups;
- whether part time or school-based arrangements are appropriate;
- industrial relations implications including wage progression;
- licensing implications;
- provision and analysis of relevant apprenticeship statistics;
- identify any courses or pathways (including pre-apprenticeships, apprenticeships or qualifications) relevant to the proposed qualification and credit in months that may apply;
- analysis of other State and Territory apprenticeship delivery arrangements, and any implications relating to mutual recognition; and
- the number of training providers capable of delivering the qualification in Western Australia.

This report is to be submitted to the Board **within four weeks** of the ITC's submission being made available to the Department. In some cases, due to the complex and contentious nature of some submissions, the Department may request additional time to prepare its report (see 2.5).

2.8 Consideration and recommendation by EVAC

On receipt of the reports from the ITC and the Department, the EVAC will:

- consider the proposal and submissions, pertaining to the establishment or variation of an apprenticeship, and make a recommendation according to the provisions of the Board outlined in the VET Act;
- consider and make recommendations to the Minister within two weeks of receiving the Department's report;
- ensure that each submission only deals with matters under Section 60C of the VET Act on the establishment or variation of an apprenticeship and in particular the matters outlined in the VET Regulations Section 37(4);
- ensure that the ITC(s) and the Department have followed the process outlined in the *Guidelines for the establishment and variation of apprenticeships* and have responded to the required criteria;
- ensure advice and recommendation(s) to the Minister comply with requirements of s21(1)(ca) of the VET Act;
- through the Chair of the Board, inform the Minister in writing of each submission and seek his/her endorsement of the EVAC's recommendation; and
- report to the Board on the submissions under consideration and subsequent recommendations made to the Minister.

Where EVAC is unable to reach a decision on a submission, or if the decision would potentially

have a significant negative impact on the domestic skills market for a particular trade and industry, the EVAC can refer the matter to the next meeting of the Board for determination and recommendation to the Minister.

2.9 Referral to the Minister for decision

The Minister:

- may seek further advice from the proponent, ITC, Board or the Department on matters pertaining to the proposal;
- will make the final determination on all proposals as stipulated in Section 60C of the VET Act;
- will authorise the publishing of his/her decision in the *Government Gazette*, where required; and
- may postpone the decision if he/she determines it appropriate for that particular application.

2.10 Publishing the Minister's decision and stakeholder notification

Where the process **has** resulted in the establishment of an apprenticeship or variation to an existing apprenticeship, the OSTB will:

- request the State Law Publisher to publish the Minister's decision in the *Government Gazette* (the Gazette Notice);
- notify the proponent, relevant ITC(s), EVAC and the Department of the Minister's decision within **one week** of the gazettal date;
- ensure the Register of Class A and B qualifications is updated;
- update the Board's website within **one week** of the gazettal date;
- advise the Board of the Minister's decision.

Where the process **has not** resulted in the establishment or variation of an apprenticeship, the OSTB will:

- notify the Department, the ITC(s), and/or the original proponent within **one week** of receipt of the Minister's decision;
- update the Board's website within **one week** of the Minister's decision; and
- advise the Board of the Minister's decision.

2.11 Withdrawing a proposal

A proposal may be withdrawn at any time. Only the original proponent has the ability to withdraw a proposal. To withdraw a submission, a written request must be made to the Director, OSTB. The written request must outline the reasons for the withdrawal.

The Director OSTB shall acknowledge the request for withdrawal in writing and notify all stakeholders of the request.

2.12 Lapsed proposals

A proposal will be considered to have lapsed, if:

- no submission has been received by the OSTB from the proponent or ITC for four (4) months after the *Notice of intent* was lodged; and/or
- there has been no communication from the proponent or ITC seeking an extension for the submission; and/or
- a submission has been "on hold" for more than 4 months.

The same proposal may be resubmitted at a later date with a new *Notice of intent*, for which the OSTB will specify a new timeline.

PART 3: CONSULTATIONS

A key component of the State training system in Western Australia is consultation with industry, especially in relation to the establishment or variation of apprenticeships. The State Training Board must be satisfied that the views of all stakeholders have been considered as part of an industry-wide consultation.

It is expected that any consultation done in relation to any proposal to establish or vary an apprenticeship will be recorded and listed in the submission. This may include a record of telephone conversations, emails, meetings, surveys or other forms of communication used to determine industry's level of support for the establishment or variation of an apprenticeship.

3.1 Proponent must be included in consultation

The ITC and proponent are expected to work together in the development of the submission to the Board. A proponent is expected to assist the ITC in the preparation of the submission by:

- participating in meetings/consultation sessions (either in person or through other means of communication);
- gathering evidence of support for the proposal;
- undertaking research and other supporting activities; and
- recording any activity undertaken by the proponent relating to consultation on the proposal.

3.2 Industry Training Councils' Board of Management

An ITC will have to demonstrate that its Board of Management (BoM) has been consulted about the proposal and that the BoM supports the submission and the recommendations being presented to the Board. **The Chair of the ITC will be expected to endorse and sign the submission to the Board.** If the Chair is outside the State of WA for an extended period of time, the Deputy Chair may sign the proposal and forward it to the Board. In addition, BoM meeting minutes noting support for the application from the Board is required to be attached with the training council's submission.

All BoM members must declare any or pecuniary or other conflicts of interests in the proposal and abstain from voting on the decision if an endorsement is sought on the proposal. Where several BoM members have pecuniary interests in a proposal, or if the Board is not able to come to a consensus recommendation, the Chair can opt not to seek a vote on the proposal, but should still forward a factual submission incorporating the views of industry and other stakeholders consulted on the proposal. In these instances, the Chair of the training council's board should provide a covering letter on the reasons why the Board will not be providing a recommendation on the proposal.

3.3 Industry working groups or sub-committees of industry training councils

ITCs may appoint sub-committees or industry working groups to assist the BoM in carrying out its functions. The BoM may appoint any members of those working groups to liaise with, provide advice, report to and make submissions to the BoM on any matters relating to the objects of the ITC. It is expected that sub-committee or industry working group members will be identified in the submission and their deliberations recorded as evidence in the proposal (ie; copy of minutes). Industry working group members will be expected to consult with their industry members to determine the level of support for the proposal. All industry working group members must declare any or perceived pecuniary interest in the proposal.

Where an industry working group is used, it is expected that the working group's submission and recommendations will be presented to the BoM for final endorsement. The Chair of the ITC will be expected to endorse and sign the submission to the Board. If the Chair is outside the State of Western Australia for an extended period of time, the Deputy Chair may sign the proposal.

3.4 Employers

The State Training Board must be satisfied that employers have been consulted, particularly where the proposal will have a significant impact on their training arrangements or business. The ITC may consult with employer associations that represent the interests of employers in a particular industry area. It will be expected that any employers or employer associations contacted as part of the consultation will be recorded in the submission and their support (or otherwise) for the proposal recorded as evidence in the submission.

3.5 Broader industry groups and/or associations

The State Training Board must be satisfied that industry supports the establishment or variation of an apprenticeship in Western Australia. Gathering the views and support of broader industry groups and/or associations will assist the Board in determining whether there is sufficient industry support for the proposal to establish or vary an apprenticeship.

Representatives from broader industry groups and/or associations may be asked to consult (ie; through the use of surveys, petitions etc.) with their individual group/association members to determine the level of support for the proposal.

3.6 Relevant unions or associations representing employees' interests

The State Training Board must be satisfied that relevant unions or associations representing employees' interests have been consulted as part of the submission process. The written submission must clearly indicate the appropriate industrial relations arrangements that are in place for the employment of an apprentice, trainee, intern or cadet and whether there are any restrictions (ie; full time only) contained in either the Modern Awards or the State-based industrial awards. Unions or associations representing employees' interests may provide advice/comments on aspects of the apprenticeship (ie; nominal duration, part time or school-based arrangements) and whether these arrangements are appropriate for the industry area.

3.7 Information on delivery patterns in other jurisdictions

The ITC's submission must clearly provide information on the delivery patterns of the proposed apprenticeship/traineeship in other jurisdictions, such as nominal duration, and whether part time and school-based delivery options are allowed.

> ITCs can access the Australian Government's Explore Your Career | Your Career website for some delivery information in other jurisdictions and access each state and territory training authority websites.

3.8 National bodies

At the national level, Jobs and Skills Councils (JSC) are responsible for training product development in line with standards set by Skills Ministers to improve the quality, speed to market and responsiveness of training products. JSCs are industry owned and industry led. They:

- align effort across industries to improve VET system responsiveness
- build stakeholder confidence
- drive high-quality outcomes for the VET sector, learners and business.

Where possible, letters of support can be provided in support of an application from JSCs.

3.9 Regulatory authorities and other associated agencies

The proposal must state clearly whether the proposed apprenticeship/traineeship will lead to a licensed outcome and whether an apprentice is required to hold a training licence for the duration of the apprenticeship. If so, the State Training Board must be satisfied that the qualification will meet the licensing requirements. ITCs will be expected to seek advice from the relevant regulatory

authority and provide evidence as part of the submission (eg; a written letter from the regulator) confirming that the apprenticeship will meet the requirements for licensing for that occupation.

If the proposal varies an existing licenced occupation, the Board must be satisfied that the variation will not have any implications for the licenced occupation outcome. ITCs will be expected to seek advice from the relevant regulatory authority and provide evidence (eg; a written letter from the regulator) confirming that the proposed changes to the apprenticeship/traineeship will not impact on licensing for that occupation.

The EVAC will not be able to make a recommendation to the Minister on either an establishment or variation proposal until the evidence from the regulator is provided confirming that the requirements for licensing for that occupation will be met.

3.10 Other industry training councils

All ITCs will be notified when a *Notice of intent* has been lodged with the OSTB. In cases where this relates to more than one industry area, the OSTB will notify all ITCs that they can provide comment to the lead ITC. In this situation, the advice and recommendations should be coordinated and submitted by the lead ITC and must demonstrate consultation with all the relevant ITCs.

3.11 Education sector and schools

In order to recommend school-based delivery for an apprenticeship, ITCS are required to ensure that the training package for the qualification supports delivery through school-based apprenticeships. Where a submission recommends school-based delivery for an apprenticeship/traineeship, evidence will need to be provided that the school sectors (Department of Education, School Curriculum and Standards Authority (SCSA), Association of Independent Schools of Western Australia and the Catholic Education Office of Western Australia) have been consulted as part of the proposal.

Evidence is required to be provided from the Department of Education that there are no risks or adverse implications of delivering the units in the proposed qualification in schools, and if that is not the case, to identify those units that should be exempt for delivery in schools.

School-based apprenticeships and traineeships may contribute towards the Western Australian Certificate of Education (WACE). The SCSA must be consulted and should be asked to provide advice on whether the proposal will have any implications for the WACE. It is not expected that individual schools would need to be consulted as part of the proposal.

Contact information for the education sector and schools

Department of Education

secondarydhs.enquiries@education.wa.edu.au

T: (08) 6206 2027

Association of Independent Schools of Western Australia
Wade McLeod, VET Consultant
T: 08 9441 1621 or M: 0417 907 440
E: wmcleod@ais.wa.edu.au

Catholic Education Western Australia
T: (08) 6380 5200
E: ceowa@ceo.wa.edu.au

School Curriculum and Standards Authority (SCSA)
General enquiries T: 08 9273 6300 or email info@scsa.wa.edu.au.
Sarah King Principal Consultant – Vocational Education and Training
T: 08 9273 6391 or E: sarah.king@scsa.wa.edu.au

Navdeep Kaur, Principal Consultant – Vocational Education and Training
T: 08 9273 6330 or E: navdeep.kaur@scsa.wa.edu.au

3.12 Consultation with training providers

The State Training Board will need to be satisfied that at least one registered training provider is willing and able to deliver the qualification under apprenticeship arrangements in Western Australia.

ITCs will be expected to identify all training providers with the qualification on scope and provide written evidence (eg; a letter or email from the registered training organisation) that at least one is willing and able to deliver the qualification under an apprenticeship arrangement. The evidence must indicate whether the training provider is located in WA, or if located interstate how delivery will be administered and delivered for apprentices in WA.

Where a proposal is to establish or vary a Class A qualification the training provider must indicate whether institutional delivery in the qualification is currently occurring, including whether onshore international students are undertaking the qualification in WA. This will impact the classification for the apprenticeship (see item 4.1).

If there are no training providers scoped to deliver the qualification in WA, it will make it difficult for apprentices to be trained. Under these circumstances, the proposal may be put on hold until the required evidence is provided as the Board needs to be certain that there is interest in the delivery of the qualification from at least one RTO, and that there will be take-up of the proposed apprenticeship/traineeship with minimal delay.

3.13 Providing evidence

Data and data cubes

ITCs are encouraged to use data from the Department on apprenticeship and traineeship delivery and institutional based delivery to support their submission to the State Training Board.

With regard to data and data cubes provided by the Department, the ITC should ensure that it complies with the requirements set out in their service agreements, including that it:

- uses the information only for the purposes of statistical analysis and research;
- restricts access to data to ITC staff and Board, or contractors working for the ITC and involved in statistical analysis and research on its behalf;
- does not disclose information on any particular organisation referred to within the data to any other person or organisation without their written permission and the written permission of the Department;
- does not attempt to match the data with information from other sources for the purpose of identifying individuals, nor should any other attempt to identify individuals be made;
- does not use the data to identify the training activity of an individual training provider or attempt to use the data to take commercial advantage, through utilising or passing on commercially confidential information derived from the data to another party;
- does not use the information as a basis for any legal, administrative, or other actions that could affect any particular individual or organisation;
- makes clear that all interpretations and conclusions drawn from the data are referred to as the ITCs interpretations and conclusions of the data, and not the Department's; and

> All data provided by the Department to the ITC will remain the property of the Department.

It is the ITC's responsibility to manipulate data files into data files / formats that address the ITC's individual needs. For more complex data requests, the ITC may submit a data request using the email address programs.data.requests@dtwd.wa.gov.au.

Use of surveys

ITCs are encouraged to seek advice from the OSTB and the Department when developing survey instruments, to ensure that the proposed methodology is robust enough for statistical analysis and the content is unbiased.

Survey questions must be based around the industry support for an apprenticeship arrangement including classification, nominal duration, part time arrangements or school-based delivery. **Questions relating to public funding are not appropriate and should not be included in a survey instrument.**

It is appropriate to use online survey tools.

> It should be noted that surveys may not always generate a good response/return rate, and if a limited response is received from industry participants, this could signify a lack of industry interest, engagement and support for the establishment or variation of an apprenticeship/traineeship. If this method does not adequately demonstrate support, the ITC needs to explore other methods to demonstrate evidence of industry support (eg; petitions, letters of support from industry stakeholders etc) for the proposal; otherwise the EVAC may not support the proposal.

If using a survey instrument as evidence of industry support, a copy of the instrument must be included in the submission along with a summary of comments, results, sample size and analysis of responses.

Letters of support

It is appropriate to include letters of support from employers that are willing and able to support an apprentice under the proposed arrangements in the workplace.

Letters should be unique and written from the point of view of the author, and specifically outline the employer's support for the apprenticeship including whether they are committed to employing any apprentices under the proposed new apprenticeship. Letters of support should be printed on the company's letterhead and include the author's original signature. Pro-forma letters of support will not be acceptable. If this is the preferred method of indicating support for a proposal, the ITC is encouraged to use a petition format.

Supporting emails

It is appropriate to include emails of support from employers that are willing and able to support an apprentice under the proposed arrangements in the workplace. The email should identify the author, business name, business location and date and time the email was sent.

Social media

ITCs can use also use various social media platforms to provide information on an proposal and to gauge support from industry stakeholders. However, the method used must clearly reflect strong and verifiable evidence of support from industry and employers.

Petitions

A petition is an appropriate tool to demonstrate industry support for a particular proposal through the gathering of signatures. Petitions must be clear and concise, and provide no doubt about the subject and action required.

The petition author (ie; the proponent or ITC) must be clearly evident on the petition and provide an address or contact details for further information. A petition for the purposes of establishing an apprenticeship in Western Australia should be addressed to the Chair of the State Training Board. The petition should be worded as if you were speaking directly to the Chair.

Only original signatures will be considered as suitable evidence (a scanned version of the original signatures may be included in your submission). If using an online petition, the ITC must be able to verify the signatories as authentic (ie; does not include fictitious characters). If this is not done, the petition cannot be included as evidence.

Example petition

To the Chair of the State Training Board

We, the undersigned, support the establishment of an apprenticeship in Western Australia with the following details:

Completed by author

Class: x

Qualification: xxxxxxxxx xxxxxx

Apprenticeship name: xxxxxxxxx xxxxxxxx

Nominal duration: xxxxxx

Part time arrangements: xxxx

School-based arrangements: xxx

Conditions: xxxxxx xxxxx xxxxxx xxxx xx

We respectfully request that the State Training Board supports the proposal and provides a supporting recommendation to the Minister for Skills and TAFE.

Completed by author

Name	Title	Business name	Email/Contact	Signature
xxx	xxx	xxx	xx@xxxx.com	
xxx	xxx	xxx	xx@xxxx.com	

PART 4: ESTABLISHING AN APPRENTICESHIP

This Part outlines the criteria required for written submissions to the State Training Board to create a new classification for a VET qualification for the purposes of delivering through an apprenticeship arrangement ie; through a training contract with an employer). This is referred to as 'establishing an apprenticeship' in Western Australia.

> A flowchart of the process for establishing an apprenticeship in Western Australia is provided at page 31 of this document.

To prepare a submission for the establishment of an apprenticeship in WA, the proponent must first provide notice to the OSTB (please refer to section 2.1.).

4.1 Determining classification: Class A or Class B

When establishing an apprenticeship in WA, the proponent must decide whether the qualification should be delivered exclusively under a training contract with an employer or whether institutional delivery is appropriate.

> **Class A:** A qualification that can only be achieved by entering into a training contract with an employer. Traditionally, Class A qualifications are known as apprenticeships and lead to a trade occupation. These qualifications have longer nominal durations of between 36 and 48 months.
>
> **Class B:** A qualification that can be achieved either through a training contract with an employer OR through an institutional learning pathway.

Under the VET Act, penalties may apply to a registered training provider or an employer who does not comply with the classification of a qualification.

The written submission must clearly indicate what classification is being sought.

Classification must consider delivery to onshore international students

In choosing the classification, the proponent/ITC must consider whether the qualification is being delivered to onshore international students in WA. Onshore international students are prevented from entering into a training contract with an employer due to visa restrictions, and their only option is to complete a qualification through an institutional learning pathway.

If industry wants a qualification to be delivered exclusively through a training contract and the qualification is already being delivered through an institutional learning pathway to onshore international students, the classification being sought **must** be a 'Class B with condition'. The condition allows the qualification to continue to be delivered through an institutional pathway to international students and also be delivered exclusively through a training contract to domestic apprentices.

The written submission must provide advice to the State Training Board on the current delivery patterns for the VET qualification including whether the qualification is currently being delivered to onshore international students in Western Australia. This can be achieved by checking the *Commonwealth Register of Institutions and Courses for Overseas Students* at **cricos.education.gov.au**.

4.2 Mandatory submission requirements

To establish an apprenticeship in WA, the submission to the Board will need to provide the following information.

Industry consultation

For the purposes of establishing an apprenticeship in WA, industry consultation is **mandatory** and must include all of the following:

- the proponent (if an individual or group other than the ITC);
- membership of the ITC's Board of Management;
- broader industry groups and/or associations;
- employers outside the membership of the ITC and its BoM;
- relevant unions and/or associations representing employees' interests;
- relevant industry skills councils with particular reference to delivery in other Australian jurisdictions;
- registered training providers;
- regulatory authorities and other associated agencies where applicable;
- the education and schools sector if the apprenticeship is intended to be available for school students;
- industries and other stakeholders the proposal may affect;
- the Department of Training and Workforce Development; and
- other industry training councils.

The proponent and the ITC must satisfy the requirements set out in Part 3 of these guidelines.

Background to the proposal

A background to the proposal will provide the State Training Board, the Department and the Minister with context for the submission. The background should:

- identify the proponent and the relevant industry training council;
- identify the industry area and the occupation outcome of the proposed apprenticeship (preferably using the 6 digit OSCA code);
- identify any regulatory requirements for the occupation;
- provide an explanation on the reasons for establishing a new apprenticeship in Western Australia;
- provide information about potential career pathways for the new apprenticeship; and
- evidence to demonstrate how the need to establish the apprenticeship was determined.

> Proponents and ITCs are encouraged to provide as much factual information in the written submission as possible, to provide a clear argument about why the new apprenticeship is important to industry and why the Board should be recommending to the Minister to support the proposal.
>
> For example; if the apprenticeship is a strategy to address an ageing workforce, provide information about the average age of workers in that occupation. If the apprenticeship is to address an emerging skill need, provide information about the new developments within industry.

Qualification

The submission must identify the qualification that will be awarded under the apprenticeship arrangement. This will need to include the qualification code and title and the relevant training package. If the qualification is an accredited course, the submission will need to identify the course name and code and the current expiry date of the course.

The packaging rules that apply for the qualification should also be included in the submission. This should include the core units of competency and elective units required to meet the occupational outcome of the apprenticeship. It is not expected that the submission will include the full packaging rules, but provide enough information to demonstrate the core requirements of the apprenticeship.

Apprenticeship title and occupation outcome

The written submission must provide advice to the State Training Board on the proposed title of the apprenticeship in Western Australia.

The apprenticeship title should reflect the occupation outcome of the qualification as it will be used to promote the apprenticeship within industry and through career programs. The apprenticeship title is also used on the trade certificate for trade occupations.

At the time of publishing these Guidelines, the occupation outcome of the qualification is published on training.gov.au website at a six digit ANZSCO level. If industry in WA does not agree with the occupation outcome listed on the training.gov.au website, it may provide an alternative OSCA occupation outcome for Western Australian industry in consultation with the Department's State Workforce Planning Economic and Labour Market Analysis team. This information will be used for Department planning purposes.

Training contract nomenclature

The *Vocational Education and Training Act 1996* provides flexibility for how industry chooses to identify a person undertaking training through a training contract.

The written submission should provide advice to the Board whether a person under a training contract shall be called an apprentice, a trainee, an intern or a cadet.

It is important to note that there may be industrial relations implications for a particular qualification (eg; an industrial instrument does not allow an apprenticeship that is less than two years in duration).

Nominal duration

The nominal duration (also referred to as nominal term or nominal length) of the apprenticeship is the anticipated period of time (in months) that a full time apprentice will take to achieve competence in a particular qualification under a training contract with an employer. The nominal duration for all fulltime apprenticeships is recorded on the public register.

> A nominal term must be consistent with the industrial instrument that the apprentice will be employed under. Legal advice obtained by the Board regarding the Modern Award and State Awards states that where there are inconsistencies between the Modern Award and a State Act dealing with training arrangements (ie; the VET Act), the Modern Award prevails.

The written submission to the Board must include advice on the nominal duration for the same apprenticeship in other states and territories. An explanation must be provided if the proposed nominal duration in WA for the qualification differs from other jurisdictions. For example; the industry composition in WA may be significantly different to the industry composition in NSW or Victoria and the industry in WA has recommended a nominal duration that is different those states.

The nominal duration recommended by the proponent/ITC in the written submission must be consistent with the industrial instrument that the apprentice will be employed under. Any nominal term proposed under the VET Act that is inconsistent with a term set out in the Modern Award will have no effect.

Modern Award prevails – an example

At the time of publishing these guidelines, the *Plumbing and Fire Sprinklers Award 2010* states:

> *"15.3 Contract of apprenticeship/training agreement/indenture*
>
> *Apprentices will be contracted to the employer to learn the trade of plumber or fire sprinkler fitter* ***on a full time basis for a term of four years*** *(emphasis added) comprising of off-the-job and on-the-job training to complete the plumbing or fire sprinkler fitting apprenticeship, subject to a training agreement."*.

In this case, the State Training Board can only recommend to the Minister for Skills and TAFE for any qualification that leads to the occupation outcome of plumber or fire sprinkler fitter that the training contract would be 48 months in duration and that part time would not be allowed.

Part time arrangements

The submission must indicate whether an apprenticeship will be available on a part time basis. Part time apprenticeship arrangements can only be approved where part time employment is supported by an appropriate industrial award or agreement, specifically the Modern Award that applies to the industry area. For instance; some Modern Awards do not allow part time apprenticeships and for those occupations it cannot be recommended under the EVAC process.

In WA, the default minimum for part time apprentices working under a training contract is 15 hours per week (inclusive of employment and supervised training). For some industries, the minimum for part time apprentices under a training contract is 20 hours per week and this is recorded on the public register. The submission must state whether the minimum part time hours should be the default 15 hours per week, or 20 hours per week. The submission must provide advice on the part time arrangements available in other states and territories. If WA's part time arrangements differ to other jurisdictions, an explanation needs to be provided.

School-based arrangements

The proposal will need to indicate whether the apprenticeship is suitable for school-based delivery. School-based apprenticeships are paid employment based training programs for full time school students generally 15 years of age and over. Under these arrangements, the student is both a full time student and a part time employee with the same employment and training privileges and responsibilities as other apprentices. These apprenticeships must fulfil certain requirements including:

- entry into a training contract with an employer to complete an apprenticeship;
- the school's agreement to undertake the school-based apprenticeship; and
- have the completed units of competency of their apprenticeship included on the Western Australian Certificate of Education (WACE).
- For school-based arrangements, evidence will need to be provided that the school sectors have been consulted as part of the proposal. (See section 3.1)
- When assessing whether school-based apprenticeship is appropriate, the proponent/ITC must consider and provide advice in the written submission on:
- evidence of support by Education Sector and Schools;
- evidence of support by employers including whether a minimum of one day per week of employment and/or structured learning is appropriate for the industry sector;
- whether the qualification should commence in Year 10, Year 11 or Year 12;
- whether the units of competency in the qualification are appropriate for school-aged apprentices including if restrictions should be listed on the Public Register for school-aged apprentices for some units of competency (e.g. handling hazardous material);
- whether the industrial instrument for the occupation supports part time apprenticeships;
- whether school-based delivery is available in other states and territories; and
- any other risks or implications associated with a school-based apprentice.

Pre-requisites and credit arrangements

Pre-requisites that apply for entry into the apprenticeship will need to be identified as these will be published as part of the *Government Gazette* and recorded on the public register. Where industry recognises that a lower level qualification is an appropriate or preferred pathway for a higher level qualification, it may specify that "credit" be given in the form of a shorter nominal duration. It is possible to record two or more nominal durations for the same apprenticeship arrangement.

For example; a new entrant into a Certificate IV qualification may require 48 months to complete the qualification with an employer. However; a person with a related and relevant Certificate III may only require 12 months to complete the same qualification as they have already achieved the same competencies in the Certificate IV as shown in the following table.

CLASS A QUALIFICATIONS: BEING QUALIFICATIONS THAT A PERSON CANNOT OBTAIN EXCEPT BY FULFILLING THE OBLIGATIONS OF AN APPRENTICE UNDER A TRAINING CONTRACT.							
Qualification	**Conditions**	**Training contract requirements**					
		Title on contract	Nominal duration (months)	Part time	School-based	Other requirements	Apprenticeship title
Certificate IV in XYZ		Apprentice	48	Y	Y	Part time is defined as a minimum of 20 hours per week.	XYZ APPRENTICE (LEVEL 4)
Certificate IV in XYZ	Prior to entry into a 12 month training contract a person must possess the Certificate III in XYZ.	Apprentice	12	Y	Y	Part time is defined as a minimum of 20 hours per week.	XYZ APPRENTICE (LEVEL 4)

Industrial relations

All apprentices and trainees must be employed under an appropriate industrial arrangement. Apprentice (and trainee) wages are determined by awards and industrial arrangements some of which can apply to a specific workplace.

The written submission must state the industrial award or enterprise agreement the new apprentice would be employed under.

> These websites provide information on Federal and State industrial relations relating to apprentices and trainees.
>
> Fair Work Ombudsman: fairwork.gov.au/find-help-for/apprentices-and-trainees
>
> WA Industrial Relations Commission (WAIRC): Home » Western Australian Industrial Relations Commission

Licensing or regulatory matters

The written submission must provide information on any licensing or regulatory matters relating to the occupation. For example, if an apprentice is required to have a training licence for the occupation or whether the employer must hold certain qualifications to be able to train the apprentice. If the qualification has a licensed occupation outcome, evidence must be provided in the written submission that the proposed apprenticeship arrangements will meet the licensing outcome.

Existing apprenticeships already in place

Where applicable, the submission should provide advice regarding any existing apprenticeship arrangements in the industry area that relate to the new apprenticeship. The submission should provide clear and concise reasons why the existing apprenticeship(s) do not meet the specific industry requirements. If the proposal is to replace an existing apprenticeship, the recommendation must provide a clear indication that the new apprenticeship replaces an existing apprenticeship. (See also section 5.4)

Target audience for the apprenticeship

The written submission should indicate the target audience for the apprenticeship.

A submission may provide that the apprenticeship is specifically designed for a person of a particular race within the meaning of section 50 of the *Equal Opportunity Act 1984*.

In these circumstances a condition may be placed on the public register. The submission should also identify whether the new apprenticeship is designed for new entrants and/or existing workers. For example, new entrants may be targeted for a new apprenticeship due to an ageing workforce or as part of an attraction strategy for the industry.

There may be funding implications for existing workers undertaking a traineeship in Western Australia. An existing worker is defined as a person employed with the same employer continuously for more than three months full time or 12 months casual or part time, or a combination of both, immediately prior to the commencement date of a training contract.

> Funding decisions on apprenticeships and traineeships are undertaken by the Department of Training and Workforce Development, independent of the EVAC process. The State Training Board has no influence in funding determinations.

4.3 Recommendation

The ITC must provide a recommendation to the State Training Board indicating whether it supports or does not support the proposal.

The recommendation will need to be signed by the Chair of the ITC. If the Chair is outside Western Australia for an extended period of time, the Deputy Chair may sign the recommendation.

The recommendation should be listed in the format shown on the following page. If there are several apprenticeships being established out of the process, a separate recommendation table must be completed for each.

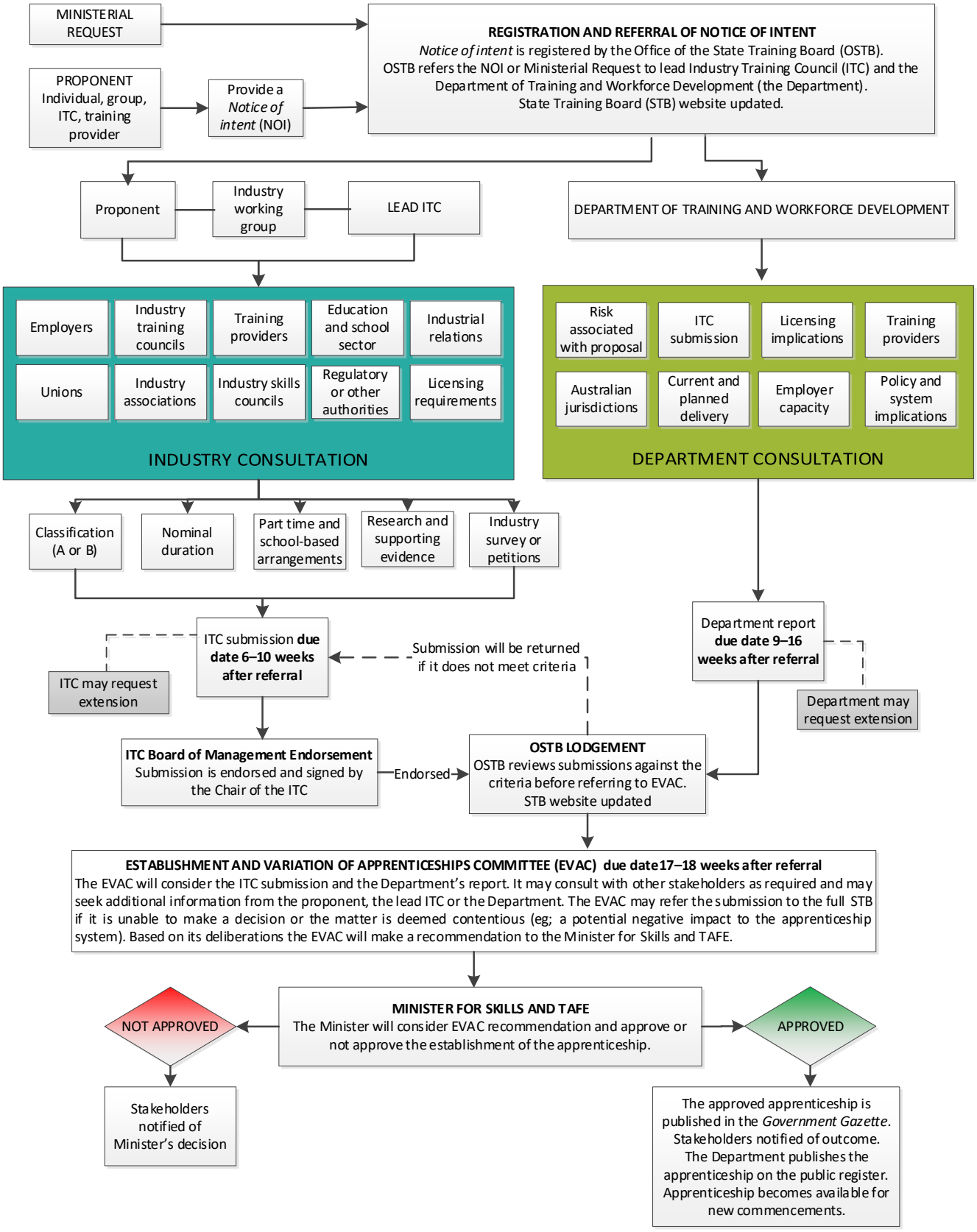
An example recommendation is provided on the following page.

Example recommendation

The *[name of ITC(s)]* recommends the establishment of an apprenticeship pathway in Western Australia with the following details.

CLASSIFICATION	*Class A or Class B*
QUALIFICATION NAME	*Qualification name and code*
TITLE OF APPRENTICESHIP	*Eg; Civil construction (Level 2)*
OCCUPATION OUTCOME	*OSCA / ANZSCO occupation outcome*
LICENSED OCCUPATION OUTCOME	*Yes or No*
APPRENTICESHIP TYPE	*Apprentice OR trainee OR intern OR cadet*
NOMINAL DURATION (Full time)	*Listed in months*
PART TIME ARRANGEMENTS	*Yes or No* *The minimum part time hours in WA for a training contract is 15 hours per week. If industry wants to increase the minimum part time hours to 20 hours per week this must be included in the recommendation.*
INDUSTRIAL AWARD	*List the relevant industrial award(s) that the apprentice will be hired under. State if part time arrangements are consistent with the relevant award*
SCHOOL-BASED:	*Yes or No* *Are all units of the qualification suitable for delivery in schools? If not, list which units are exempted.*
PRE-REQUISITES	*List any pre-requisites*
CREDIT ARRANGEMENTS	*List any credit arrangements*
TRAINING CONTRACT REQUIREMENTS	*List any requirements specifically relating to the training contract*

Figure 1: Process for establishing an apprenticeship through the State Training Board



PART 5: VARIATION TO AN EXISTING APPRENTICESHIP

This Part outlines the process for varying an existing apprenticeship in Western Australia. A full variation process involves making changes to an established qualification's delivery such as nominal duration, adding or removing part time or school-based arrangements, conditions relating to the delivery under a training contract or credit arrangements (Refer to Parts 5.1–5.3 of these guidelines). An expedited variation process relates to the re-classification of qualifications due to national training package updates that can result in new qualifications, replacement qualifications and deleted qualifications (refer to Part 5.4).

A flowchart of the process to vary an existing apprenticeship in Western Australia is provided at page 38 of this document.

5.1 Submissions must meet criteria

Written submissions relating to the variation of an existing apprenticeship must meet the following criteria.

1. A background to the variation request is provided in the submission including:
   - the reason(s) for the variation request; and
   - possible implications if the variation is not implemented.
2. Statistical data must be provided on the number of apprentices and/or students that may be impacted by the variation. Data should be sourced from the Department of Training and Workforce Development's Performance Evaluation and Statistics branch, by making a request through the OSTB.
3. The industry training council must undertake consultation and provide evidence (i.e. letters of support, survey or petition) with the following stakeholders:
   - any registered training provider directly affected by the variation;
   - employers of existing apprentices in the qualification;
   - unions or employee associations;
   - other industry training councils and industry skills councils;
   - licensing or regulatory authorities with specific advice relating to the variation and implications on the licence for the occupation;
   - the Department of Training and Workforce Development relating to:
     - international students (TAFE International),
     - apprentices (Apprenticeship Office; and
     - any possible policy implications (Policy, Planning and Research branch).
4. Industrial relations arrangements have been considered, particularly the applicable Modern Award, and advice provided on any possible implications for the variation.
5. Delivery patterns in other Australian jurisdictions have been researched and reasons provided in the submission if what is recommended for WA differs from other jurisdictions.
6. Transitional arrangements for existing apprentices and/or students with particular reference to teach out provisions.
7. Effective date for the variation (subject to Ministerial approval) for any new enrolments/ commencements relating to the qualification which will be recorded in the Gazette notice.
8. Specific advice or requirements set out in this Part, based on the type of variation.

Industry training council recommendation

All variations must be considered by the ITC's Board of Management. The variation may be considered as part of a formal BoM meeting or through an out-of-session item. The written submission must provide evidence of BoM consultation, such as recording the names of BoM members present at a meeting, the discussions held and whether the proposal is supported unanimously, by a majority of members or by a minority of members.

If the Board is not able to reach a consensus recommendation, it should still provide a factual submission and the reasons why the Board was divided in its supporting the submission. The Chair of the ITC must endorse the BoM's recommendation and sign the written submission before presenting it to the Board.

5.2 Variation to the classification of the qualification

A variation to the classification of the qualification will change the delivery pattern for the qualification. Submissions relating to the variation of classification will need to satisfy the following criteria.

Variations relating to the delivery of the qualification to onshore international students will need to comply with the State's policy position on international students.

Variations relating to restricting the delivery of a qualification must consider transitional arrangements for students impacted by the classification change.

Class A to Class B

A variation request to amend the classification of a qualification from Class A to Class B will mean that the qualification can be delivered through an employment-based pathway and an institutional pathway. A variation request from Class A to Class B relates to broadening the delivery of the qualification beyond domestic apprentices/trainees (through an employment-based pathway) to institutional delivery, perhaps to onshore international students or others not able to commit to employment-based training.

The State policy position relating to international students must be adhered to; that is, any new submissions varying Class A to Class B trade qualifications for onshore international students must be considered only where there is **demonstrated industry support**.

The ITC will need to gather evidence from industry, including employer and union groups that the proposed delivery pattern for onshore international students will not have a negative impact on the apprenticeship delivery. In gathering letters of support for the proposal, it is expected that the views of employers/employer groups and unions will be included in the submission.

Employers who are willing to support work placement for international students should indicate whether they currently employ an apprentice and whether they will continue to employ apprentices as well as providing work placement for international students.

If the proposed variation from Class A to Class B is only to add an institutional pathway for onshore international students, and where industry does not support the delivery of the qualification through an institutional pathway to domestic students, a condition can be placed on the qualification that states:

> "This qualification can only be obtained by fulfilling the obligations of an apprentice under a training contract except—
>
> (a) a person who is temporarily living in Australia on a student visa may obtain the qualification through a registered training provider approved to deliver a course for the qualification; or
>
> (b) a person seeking recognition of prior learning under s60I of the VET Act."

The condition will require all other persons to enter into a training contract with an employer to obtain the qualification.

If the variation does not specifically relate to onshore international students and there is industry support to vary the delivery pattern of the qualification to include an institutional based pathway, the ITC will need to provide supporting evidence from all affected parties. The submission will need to provide the reasons for the variation.

Class B to Class A

A variation request to amend the classification of a qualification from Class B to Class A will mean that the qualification will no longer be delivered through an institutional pathway and will impact on students already enrolled in an institutional learning pathway.

The submission must identify the number of students (based on the most recently available data obtained from the Department's Performance Evaluation and Statistics branch) that are likely to be impacted by the variation. The ITC must confirm that students already enrolled in the institutional pathway will be provided 'teach out' arrangements.

If the qualification is being delivered to onshore international students in Western Australia, the variation will be disallowed as it contravenes the State's policy position relating to international students.

If the qualification is no longer being delivered to international students, the ITC must provide evidence from training providers and the Department that there are no plans to deliver the qualification to onshore international students again.

The submission will need to provide reasons for the variation request; the likely impact the variation will have on the domestic market and demonstrate commitment from industry and employers to an employment-based pathway.

5.3 Variation relating to matters about the qualification (as defined by Regulation 37 of the VET Regulations)

A variation relating to the matters about the qualification will impact the delivery pattern for the qualification. For variations to nomenclature, duration of nominal term, part time or school-based arrangements and/or conditions, the submission must include the following information.

Nominal duration

Variations to the nominal duration of the qualification may be due to the following reasons:

- policy change such as national harmonisation;
- industrial relations advice (ie; Modern Awards); or
- industry supports the change due to the pattern of delivery (ie; more than 50% of apprentices/trainees complete the training contract early (reduce nominal duration) or require an extension (increase nominal duration).

Evidence must be provided supporting the reason for the variation. Evidence on the completion rate can be sourced from the Department's Performance Evaluation and Statistics branch. The variation submission will need to demonstrate industry support for the proposal (ie; survey instrument, petitions, letters of support) and include the views of employers, union groups and RTOs.

Any variation request to change the nominal duration will need to provide advice about those apprentices currently in training contracts with employers and what impact the variation will have on their training arrangements.

It is advisable that variations should only apply to new contracts signed on or after a particular date to reduce confusion for existing apprentices and their employers.

Nomenclature under training contract (ie; apprentice, trainee etc)

A variation request to change the nomenclature of how a person is to be identified on a training contract (ie; apprentice, trainee, cadet or intern) must provide reasons for the request. The ITC must provide evidence that the name on the training contract will comply with industrial relations arrangements.

Apprenticeship/Traineeship title

The written submission must provide advice to the Board on the proposed title of the apprenticeship in WA and reasons for the variation. For example; the qualification may be replaced and the terminology has been updated to reflect modern industry practices.

The apprenticeship title should reflect the occupation outcome of the qualification as it will be used to promote the apprenticeship within industry and through career programs. The apprenticeship title is also used on the trade certificate for trade occupations. The ITC must provide evidence that the title is consistent with relevant Industrial Relations arrangements and/or licensing requirements.

Part time arrangements

Variations to add or remove part time arrangements for an established apprenticeship must provide the following evidence.

- If adding part time arrangements, the ITC must provide evidence that the variation is supported under the relevant industrial relations award (ie; Modern Award);
- If removing part time arrangements, the ITC must provide supporting data (sourced from the Department's Performance Evaluation and Statistics branch) of the number of apprentices that will be impacted by the variation and the transitional arrangements that will be put in place to assist those apprentices to complete their apprenticeship.

The minimum part time hours of employment per week (inclusive of any off the job training) for an apprentice in WA is either 15 or 20 hours per week. Following consultation with industry stakeholders, the ITC has the option to specify part time as a minimum of 20 hours per week.

If no specification is provided, the default option of a minimum of 15 hours per week will apply. If industry supports varying part time arrangements from a minimum of 20 hours per week to a minimum of 15 hours per week, the ITC must provide supporting evidence from employers and union groups that this arrangement will not frustrate the training outcome.

School-based arrangements

Variations to add or remove school-based arrangements for an established apprenticeship must provide the following evidence.

- Engagement with the education and schools sector as set out in Part 3 of these guidelines.
- Industry support, including employers willing to employ school-based apprentices.
- If removal of school-based arrangements is being sought, the ITC must provide supporting data (sourced from the Department's Performance Evaluation and Statistics branch through a request to OSTB) of the number of school students that will be impacted by the variation and provide advice about the transitional arrangements for existing school-based apprentices.

If a school-based variation is sought and approved, this information will be provided to the Department for inclusion in the Department's VET in Schools register.

5.4 Variations relating to training package updates

National training package updates can result in new qualifications, replacement qualifications and deleted qualifications. Replacement qualifications can be deemed to be either 'equivalent' or 'non-equivalent' nationally to those preceding them. All new and/or updated qualifications must have their classification reconfirmed by the Minister for Skills and TAFE if they are to be made available as either Class A or B apprenticeships/traineeships.

Newly created qualifications, and non-equivalent replacement qualifications with different occupational outcomes from the qualifications preceding them that are proposed to be delivered as Class A or Class B apprenticeships and traineeships will need to go through the full establishment process described in Part 4 of these guidelines.

For replacement qualifications deemed 'equivalent', or qualifications deemed 'non-equivalent' but with the same broad occupational outcome as the qualifications they replaced, the State Training Board has adopted a streamlined, expedited Establishment and Variation of Apprenticeships Committee (EVAC) process. This process is detailed on page 38 at Figure 2.

> It is important to note that new and replacement qualifications that do not go through either the full EVAC process or the expedited EVAC process will default to a Class C. Class C qualifications cannot be delivered under a training contract. All qualifications not classified as A or B are automatically classified as Class C.

Expedited EVAC Process

This process is designed to expedite the classification of new qualifications due to training package updates whilst still meeting the legislative requirements under the VET Act and associated Regulations in that:

- a full EVAC would have been completed and approved for the establishment of the initial apprenticeship or traineeship for that qualification;
- the replacement qualification is equivalent, and/or has the same occupational outcome as the original qualification, and therefore does not require full re-consideration of all details;
- the process is industry driven, where training councils notify industry stakeholders of the training package changes and collect and retain evidence of industry confirming support for the replacement qualifications to continue as a Class A or B qualification under the same conditions; and
- unions are consulted by training councils to meet the legislative requirements.

Replacement qualifications deemed equivalent

Replacement qualifications deemed equivalent mean that the structure and outcomes of the qualification are identical to the superseded qualification. These are considered direct replacements. The expedited EVAC process requires the ITC BoM to confirm:

- that the replacement qualification is equivalent and leads to the same occupation outcome;
- that there are no licensing or regulatory implications with the new qualification; that the apprenticeship is still relevant and supported by industry, employers and unions;
- that the conditions relating to the qualification (eg; nominal duration, part time and school-based arrangements and other requirements etc) are the same; and
- the apprenticeships/traineeships that are no longer required following the national updates and those qualifications that have been split or merged into one.

The ITC BoM confirms that the replacement qualification requires classification by the Minister by returning the "Expedited EVAC spreadsheet" to the OSTB for processing signed by the ITC Chief Executive Officer. The list will be provided to EVAC for consideration and then forwarded to the Minister for a final determination on the matter. The Minister's decision is published in the Government Gazette as per any other EVAC process.

Replacement qualifications deemed 'non-equivalent' but practically equivalent

Replacement qualifications deemed non-equivalent means that the qualification may have different packaging rules (such as a change of core units or electives) and the outcomes of the old and new units are not equivalent.

If the new qualification is practically equivalent to the replaced qualification, it also is eligible to undergo an expedited EVAC process. If the new qualification is not practically equivalent, it cannot go through an expedited EVAC process.

The expedited EVAC process requires the ITC BoM to confirm that the non-equivalent qualification is practically equivalent if:

- the replacement qualification leads to the same learning outcome and broad Job-Role as the previous qualification. Broad job role means that industry considers the updated qualification continues to meet their requirements and leads to the same job or occupation (this replaces the requirement for ITC's to confirm that the ANZSCO classification of the occupational outcome for the replacement qualification is the same as the previous qualification);
- there are no licensing or regulatory implications with the replacement qualification;
- the apprenticeship is still relevant and supported by industry, employers and unions; and
- the conditions relating to the replacement qualification (eg; nominal duration, part time and school based arrangements, conditions and other requirements etc) remain the same as the previous qualification.

The OSTB will send the ITC's list of proposed expedited EVAC applications to the Department's Apprenticeship and Traineeship Policy Team.

If supported by the Department, a list of expedited EVACs will be presented to the EVAC of the State Training Board for consideration. The EVAC reviews the ITC's recommendations and provides its recommendations to the Minister for Skills and TAFE. If the Minister approves the classification of the replacement qualifications, the Minister's decision is gazetted.

If an expedited EVAC is not supported for apprenticeship/traineeship delivery by either the Training Councils; the Department; the EVAC; or the Minister, a full EVAC process will be required if a proponent wishes for the qualification to be delivered as either Class A or B apprenticeship or traineeship.

Removal of qualifications from the Class A/B register

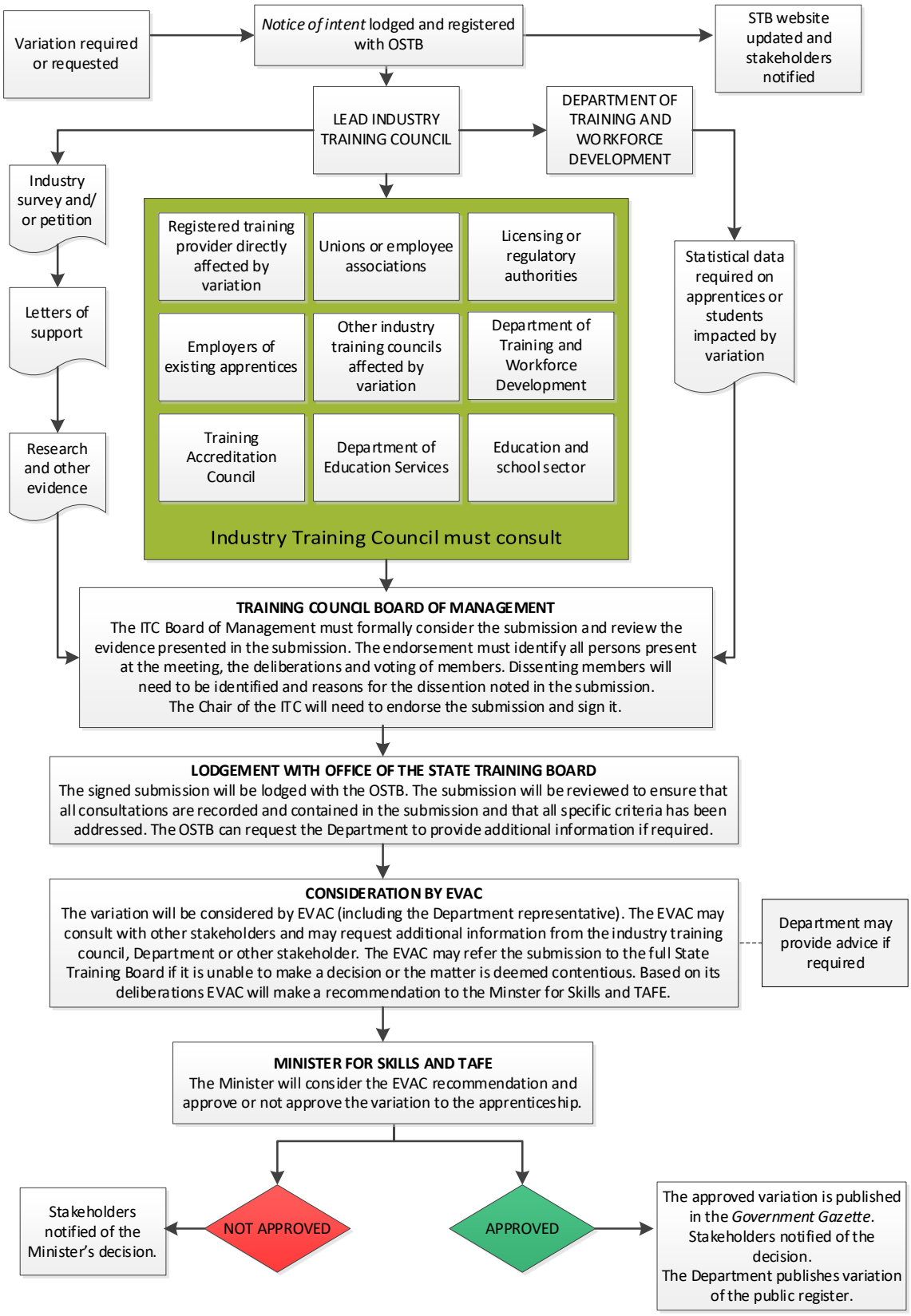
The replaced qualifications will not be immediately removed from the *Public register of prescribed VET qualifications* (the Class A/B register) as training package rules allow teach-out periods ranging from 12 to 18 months. The new qualifications will be registered beside the replaced qualifications to enable effective transition for training providers, students and industry.

Once the new qualification is published on the public register it is expected that new training contracts will be registered with the new qualification and not the superseded qualification, in line with RTO transition and teach out requirements and once the WA nominal hours guide has been published and the RTO has amended their scope with the regulator as required.

Deleted qualifications will be removed from the prescribed VET qualifications (Class A/B register). These qualifications will default to a Class C and can no longer be delivered under a training contract.

The expedited EVAC process enables ITCs to request for apprenticeships/traineeships to be removed from the Class A/B register by indicating on the "Expedited EVAC spreadsheet" that an EVAC is not required, and if supported by EVAC and approved by the Minister for Skills and TAFE, these will be removed from the register.

Figure 2: Process for variations to existing apprenticeships (excludes variations due to training package updates)



PART 6: MANAGEMENT REVIEWS AND AUDITS

6.1 Monitoring and evaluation of apprenticeships

The State Training Board, in consultation with the Department and the relevant ITC, will review all apprenticeships once every 24 months after the gazettal date and monitor enrolments in the prescribed list of VET qualifications. If there are limited or no enrolments in the qualifications, the Board will raise this with the ITC.

If established apprenticeship/traineeships continues to have limited or no enrolments for a period of five years, the Board may choose to delete these qualifications from the prescribed list. The Board will consult with the Department and the relevant ITC before the qualifications are deleted.

The Director Office of the State Training Board will monitor and report to the Board on processes associated with the establishment and variation of apprenticeships to ensure a best practice approach.

6.2 Removal of established qualifications from the public register

A request by a proponent to remove an established qualification from the public register must be made in writing to the OSTB. This request must include the:

- name and contact details of the proponent;
- training package qualification title or the accredited course name;
- classification of the apprenticeship, that is Class A or Class B;
- industry area of the qualification; and
- reasons for the request.

Prior to the removal of an established qualification from the public register, the qualification must have had no enrolments or activity for the previous three years. Evidence to support this should be sourced from the Department's Performance Evaluation and Statistics branch through the OSTB.

If there has been little or no activity, the OSTB will consider removing the qualification from the public register and work with the Department and the relevant ITC to progress the removal.

EVAC will provide a recommendation to delete the qualification to the Minister for Skills and TAFE. If the Minister approves the recommendation, the Minister's decision will be published in the Government Gazette. Deleted qualifications will be removed from the prescribed VET qualifications (Class A/B Register). These will default to a Class C and can no longer be delivered under a training contract.

APPENDIX A: LEGISLATION

Vocational Education and Training Act 1996

Excerpts related to establishment of apprenticeships

Part 3 – The State Training Board

21. Functions of the Board

(1) The functions of the Board are as follows —

(a) to give the Minister a draft State Training Plan as and when required by the Minister;

(b) to recognise various industry training advisory bodies as bodies from which the Board takes advice for the purpose of drafting a State Training Plan or making recommendations to the Minister under Part 7; and

(c) to make recommendations that are required or permitted to be made by it to the Minister under Part 7;

23. Committees of the Board

(1) The Board may appoint committees to assist it to perform its functions, and may abolish or alter any committee it has appointed.

(2) A committee may include people who are not members of the Board but must include at least one member of the Board.

(3) The Board may by resolution delegate to a committee, either generally or as otherwise provided in the resolution, any of the Board's functions under this Act other than this power of delegation.

(4) A committee may determine its own procedures but they must be consistent with any directions of the Board and the terms of any delegation under which the committee is acting.

Part 7 – Obtaining prescribed VET qualifications and approved VET qualifications

60C. Classification of prescribed VET qualifications

(1) The Minister must not act under this section without having received and considered the Board's advice and recommendation given after it has consulted in accordance with the regulations.
(2) Any act done by the Minister under this section must be done in writing and be published in the Gazette.
(3) The Minister must classify each prescribed VET qualification that it is possible to confer in respect of occupations, businesses, employment or trades into one of these 3 classes –
   (a) class A qualifications, being qualifications that a person cannot obtain except by fulfilling the obligations of an apprentice under a training contract;
   (b) class B qualifications, being qualifications that a person may, but need not, obtain by fulfilling the obligations of an apprentice under a training contract;
   (c) class C qualifications, being qualifications that a person cannot obtain by fulfilling the obligations of an apprentice under a training contract.
(4) The classification of a prescribed VET qualification does not limit the operation of Division 3.

(5) The Minister may –
  (a) classify a prescribed VET qualification on any condition the Minister decides; and
  (b) in relation to a class A or class B qualification, impose any requirement for training contracts for the qualification the Minister decides, including but not limited to –
    (i) pre-conditions to be satisfied before training contracts for the qualification can be entered into; and
    (ii) the period and terms of the contracts.

(6) The Minister may vary the classification of a prescribed VET qualification and vary or cancel any condition or requirement imposed under subsection (5).

(7) The chief executive must keep and make available to the public a register of this information –
  (a) class A and class B qualifications;
  (b) any conditions applicable to those qualifications;
  (c) any requirements applicable to training contracts for those qualifications.

Vocational Education and Training (general) Regulations 2009

Excerpts related to establishment of apprenticeships

Division 2 — Classifying prescribed VET qualifications

36. Who Board must consult (Act s. 60C)

(1) This regulation does not limit who the Board may consult before giving the Minister advice or a recommendation about a decision the Minister may make under section 60C of the Act.

(2) For the purposes of section 60C(1) of the Act, the Board, before giving the Minister any advice or recommendation about a decision the Minister may make under section 60C of the Act, must —

(a) seek advice and recommendations from any industry training advisory body that —

(i) is recognised by the Board under the Act; and

(ii) is conversant with and capable of giving advice in relation to the requirements of any industry that might be affected by the Minister's decision;

and

(b) ensure that any union representing workers, and any body representing employers, who are involved in any industry that might be affected by the Minister's decision, have been consulted.

37. Board's advice and recommendations to Minister (Act s. 60C)

(1) This regulation does not limit the advice or recommendations that the Board may give the Minister for the purposes of section 60C of the Act.

(2) The Board must ensure that any advice or recommendation it gives the Minister for the purposes of section 60C of the Act is consistent with the AQF Implementation Handbook.

(3) For the purposes of section 60C of the Act, the Board, in relation to a prescribed VET qualification, must give the Minister its advice and recommendations as to the class the qualification should be given under section 60C(3) of the Act.

(4) If the Board recommends a qualification should be classified under section 60C(3) of the Act as a class A qualification or a class B qualification, it must give the Minister advice and recommendations on these matters about the qualification —

(a) whether an apprentice under a training contract for the qualification should be called an apprentice, a trainee, an intern, a cadet or some other term;

(b) the nominal period of a training contract for the qualification;

(c) whether an apprentice under a training contract for the qualification should be able to work part time under the contract;

(d) whether a person at school should be able to enter into a training contract for the qualification;

(e) any condition that should apply to the classification of the qualification; and

(f) any requirement there should be for a training contract for the qualification.

CHECKLIST – ESTABLISHMENT OF APPRENTICESHIPS IN WESTERN AUSTRALIA	Checklist	
Has the Chair of the relevant industry training council signed the submission?	Y	N
Have you used an industry working group or sub-committee of your ITC to prepare the submission?	Y	N
Has the proponent's details been included in the submission?	Y	N
Have you included a recommendation about the classification (Class A or Class B) of the qualification? (See Item 4.1)	Y	N
Have you included advice about whether the qualification will be available to onshore international students? (See Classification must consider delivery to onshore international students)	Y	N
Does the submission identify the qualification that will be awarded under the apprenticeship arrangement? (See qualification)	Y	N
Does the submission include advice about existing apprenticeships? (See Existing apprenticeships already in place)	Y	N
Have you included advice about delivery patterns in other states and territories?	Y	N
Have you included a background to the proposal including relevant data that demonstrates demand for the occupation outcome? (see Background to the proposal)	Y	N
Will the apprenticeship lead to a licensed occupation outcome?	Y	N
Does the submission include a recommendation for the nominal duration for the apprenticeship in WA? (See Nominal duration)	Y	N
Have you specified if credit is to be applied for prior qualifications to reduce the nominal duration? (See Credit arrangements)	Y	N
Are there any pre-requisites that apply for entry into the apprenticeship? (See Pre-requisites)	Y	N
Does the submission include a recommendation about part time arrangements with supporting evidence? (See Part time arrangements)	Y	N
Does the submission include a recommendation about school-based arrangements with supporting evidence? (See School-based arrangements)	Y	N
Does the submission provide advice about which industrial relation award or agreement the new apprentice will be employed under? (See Industrial relations)	Y	N
Does the submission include advice about the target audience for the new apprenticeship? (See Target audience)	Y	N
Does the submission provide information about the potential career pathway the new apprenticeship provides?	Y	N
DOES THE SUBMISSION INCLUDE THE RECOMMENDATION OF THE INDUSTRY TRAINING COUNCIL?	Y	N
HAVE YOU INCLUDED SUPPORTING EVIDENCE? (see 3.12 Providing evidence)	Y	N
Have you included the ITC Board of Management meeting minutes when the proposal was discussed and the Board's recommendation endorsed?	Y	N
Have you included the industry working group/sub-Board minutes of meeting where the proposal was discussed, including any action items?	Y	N
Have you consulted with employers and attached evidence of their support for the establishment proposal (eg; surveys, petitions and letters of support)?	Y	N
Have you consulted with broader industry associations and attached evidence of their support for the proposal?	Y	N
Have you consulted with relevant unions and attached evidence of their support for the proposal?	Y	N
Have you consulted with national bodies relevant to your industry and attached evidence of their support for the proposal?	Y	N
Have you consulted with regulatory authorities (where the qualification leads to a licensed outcome) and attached evidence of their support for the proposal?	Y	N
Have you consulted with other industry training councils about this proposal (if this is applicable)?	Y	N
Have you consulted with the Education sector and attached evidence of their support for the proposal, including information on any units within the qualification that are to be exempted for delivery in schools?	Y	N
Have you consulted with training providers and provided evidence that at least one provider is willing and able to deliver the qualification in Western Australia?	Y	N

CHECKLIST – VARIATIONS OF APPRENTICESHIPS IN WESTERN AUSTRALIA	Checklist	
Has the Chair of the relevant industry training council signed the submission?	Y	N
Have you used an industry working group or sub-committee of your industry training council to prepare the submission?	Y	N
Has the proponent's details been included in the submission?	Y	N
Have you included a background to the variation request including the reasons for the variation and any possible risks/implications if the variation is not implemented?	Y	N
Have you included statistical data on the number of apprentices/students that may be impacted by the variation?	Y	N
Have you included industrial relations arrangements for the apprenticeships and included advice that the proposed variation will not impact on conditions in the applicable Modern Award or any State-based award or agreement?	Y	N
Have you included advice about delivery patterns in other states and territories?	Y	N
Have you included advice about transitional arrangements for existing apprentices/students?	Y	N
Have you included advice about teach-out provisions (if relevant)?	Y	N
Have you included a recommendation about the effective date of the variation for any new enrolments/commencements?	Y	N
Have you addressed the specific requirements set out in Part 5 of the Guidelines?		
• Part 5.2 – relating to the variation of the classification of the qualification?	Y	N
• Part 5.3 – relating to matters about the qualification (nominal duration, name under training contract, title of apprenticeship/traineeship, part time arrangements, or school-based arrangements)?	Y	N
• Part 5.4 – relating to training package updates?	Y	N
DOES THE SUBMISSION INCLUDE THE RECOMMENDATION OF THE INDUSTRY TRAINING COUNCIL?	Y	N
HAVE YOU INCLUDED SUPPORTING EVIDENCE? (see 3.12 Providing evidence)	Y	N
Have you included the ITC Board of Management meeting minutes when the variation proposal was discussed and the Board's recommendation endorsed?	Y	N
Have you included the industry working group/sub-Board minutes of meeting where the variation proposal was discussed, including any action items?	Y	N
Have you consulted with employers and attached evidence of their support for the proposed changes?	Y	N
Have you consulted with broader industry associations and attached evidence of their support for the variation proposal?	Y	N
Have you consulted with relevant unions and attached evidence of their support for the variation proposal?	Y	N
Have you consulted with national bodies relevant to your industry and attached evidence of their support for the variation proposal?	Y	N
Have you consulted with regulatory authorities (where the qualification leads to a licensed outcome) and attached evidence of their support for the variation proposal?	Y	N
Have you consulted with other industry training councils about this variation proposal (if applicable)?	Y	N
Have you consulted with the education sector and attached evidence of their support for the proposed changes in the variation proposal?	Y	N
Have you consulted with training providers and provided evidence that at least one provider is willing and able to deliver the qualification in Western Australia?	Y	N

Changes from the previous version

Date	Section	Details of change
18 March 2014	Use of surveys	Industry training councils are encouraged to seek advice from the Office of the State Training Board when developing survey instruments to ensure that the proposed methodology is robust enough for statistical analysis and the content is unbiased.
18 March 2014	Qualification is fully replaced and occupation outcome remains the same	Add the following – In some cases formal advice from the industry training council may be sought.
18 March 2014	Qualification is superseded but the new qualification is not deemed equivalent under packaging rules	Provide copy of advice from relevant the national industry skills council or regulatory body about why the qualification was not deemed equivalent.
18 March 2014	New section	CHECKLIST FOR ESTABLISHMENT OF APPRENTICESHIPS IN WESTERN AUSTRALIA CHECKLIST FOR VARIATIONS OF APPRENTICESHIPS IN WESTERN AUSTRALIA
27 October 2016	Text changes and updates throughout the document	Text changes and updating of information throughout the document Significant changes to variations due to training package updates Contact details for stakeholders in the education sector
25 May 2017	Throughout document	Changed Minister's title (following change of government)
4 July 2017	Throughout document	Minor edits for consistency (no content changes), updated document style and formatting to suit new State Training Board website
18 August 2022	5.4 Variations relating to training package updates	Amend Expedited EVACs – Replacement qualifications deemed 'non-equivalent but with same occupational outcome' Eligibility criteria for determining if a replacement qualification has the same occupational outcome as the original is amended to remove reference to ANZSCO codes and replace with 'practical equivalence'
28 April 2025	Throughout document	Text changes and updating of information throughout the document

		• Changed Minister's title • Changed national industry skills councils • Changed ANZSCO and addition of OSCA • Changed details for school sector contacts • Changed website links • Added status 'Review by the Office of the State Training Board' • Updated text on delivery patterns in other jurisdictions and national bodies