

**Tasmanian Traineeships
and Apprenticeships Committee**

Policies and Guidelines
for Traineeships and Apprenticeships
in Tasmania

October 2020

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Preamble

This document is based on the **Tasmanian Training Agreements Committee** Policies of October 2012. These policies were numbered 4 to 35, number 18 having been rescinded by TTAC in 2010.

Each of the policies in that document have been mapped against the *Training and Workforce Development Act 2013* and assigned 'policy' or 'guideline' status, according to the Act.

Where 'old' policies are not covered in the Act, they remain policies. Where the Act provides 'rules' for a particular matter (e.g. cancellation in s38), the associated TTAC policy becomes a guideline.

Throughout this document, 'training agreement' has been changed to 'training contract'. Any clauses which have been repealed from the original policies have been omitted in this document.

The 'new' policies and guidelines in this edition have been renumbered.



Statement of Intent

The intent of traineeships and apprenticeships is to provide the trainee or apprentice with a means of gaining a nationally-recognised qualification whilst being employed (and paid) to undertake tasks in a workplace that can provide the required levels of on-the-job training and instruction, supervision, support, encouragement, relevant resources and sufficient opportunities for skill development.

Trainees and apprentices are not required to perform tasks without supervision where they have not been deemed competent against the associated unit(s) in the qualification / accredited course UNLESS they are comfortable doing so and there is no risk to their safety, their colleagues' safety or the safety of any clients of the business they may be servicing.



TTAC Policies

Policy 1 Transfer to a New Registered Training Organisation

- 1.1 Where a transfer to a new registered training organisation (RTO) is requested:
 - 1.11 The application must be submitted to Skills Tasmania on an approved pro forma.
 - 1.12 The application must be signed by the employer, trainee or apprentice, the new RTO and the original RTO.
 - 1.13 If the training is funded by Skills Tasmania, training consultants should seek advice from the Manager, Apprenticeships and Traineeships regarding the implications of changing the RTO.
 - 1.14 Training consultants will provide a recommendation to TTAC or its delegate.
- 1.2 Parties will be notified of decision within 10 working days of receipt of application.

Original TTAC Policy 9 under the *Vocational Education and Training Act 1994*

Policy adopted by TTAC at a special meeting held on 7 June 2001.

Clause 9.103 was repealed by TTAC at its meeting held on 1 August 2006.



Policy 2 Extension of a Training contract

- 2.1 The nominal term of a training contract may be extended upon application to TTAC by the parties to the contract.
- 2.2 Application must be made on the approved proforma accompanied by reason(s) for extension.
- 2.3 A training consultant must, in exceptional circumstances, investigate the reasons for the extension prior to making a recommendation to TTAC or its delegate.
- 2.4 Parties will be notified of decision within 10 working days of receipt of application.

Original TTAC Policy 12 under the *Vocational Education and Training Act 1994*



Policy 3 Out of Hours Training

- 3.1 A trainee / apprentice must participate in any training required by the agreed training program.
- 3.2 If this training is undertaken outside normal working hours this time must be taken as time worked and he/she must be paid the rate prescribed in the relevant industrial agreement / award.

Original TTAC Policy 13 under the Vocational Education and Training Act 1994

Policy adopted by TTAC at a special meeting held on 7 June 2001.



Policy 4 Rostered Day Off

- 4.1 Where a trainee / apprentice is required to attend prescribed training on his/her rostered day off then the employer is required to give an alternative day off in lieu.

Original TTAC Policy 14 under the Vocational Education and Training Act 1994

Policy adopted by TTAC at a special meeting held on 7 June 2001.



Policy 5 Trainees / Apprentices and Industrial Disputes

- 5.1 The interruption of a trainee / apprentice's employment is subject to considerations entirely different from those applying in the case of other employees because of the existence of the training contract.
- 5.2 TTAC takes the view that during the currency of any dispute, trainees / apprentices should not be employed on work different to that on which they were engaged prior to the dispute. Where this is not practicable they may be allocated work at the employer's discretion, but employment may **not** be on work which would be considered 'strike breaking'.
- 5.3 The employer should see that trainees / apprentices are employed under supervision appropriate to the tasks on which they are being employed e.g. the opportunity could be taken to allow for additional structured training.

Original TTAC Policy 16 under the Vocational Education and Training Act 1994

Policy adopted by TTAC at a special meeting held on 7 June 2001.



Policy 6 Consultation: Trainee / Apprentice and Parent Involvement

- 6.1 The following policy guidelines re-affirms the approach to be adopted on the issue of trainee / apprentice and parent involvement when important conferences, counselling or other action such as transfer, reduction, suspension or cancellation of the training contract is contemplated.
- 6.2 Confidentiality must be maintained at all times and if a person in training insists that he/she wishes to proceed without parent involvement, then he/she has the right to do so.
- 6.3 However, as a part of the counselling function training consultants must ensure that trainees / apprentices are aware that:
- they need not sign any documents before having the opportunity to consult with their parents or other advisers; and
 - they should be actively encouraged to consult before proceeding.
- 6.4 TTAC recognises the importance of parent/guardian involvement in training, however, irrespective of the inclusion of a parent's/guardian's submission the 'right' of the trainee / apprentice to make his/her own determination is paramount.

Original TTAC Policy 17 under the *Vocational Education and Training Act 1994*

Policy adopted by TTAC at a special meeting held on 7 June 2001.



Policy 7, Recognition of Previous Training

was rescinded by TTAC at meeting 138 held on 10 June 2014.

Policy 8, Group Training Organisations

was rescinded by TTAC at meeting 133 held on 3 September 2013.



Policy 9 Minimum Age for Trainees and Apprentices

- 9.1 The minimum age for trainees and apprentices entering into a training contract shall be fifteen (15) years at the date of signing the training contract, **and:**
- 9.11 the trainee or apprentice has a formal exemption from school issued by the Secretary, Department of Education or delegate for that student to leave full-time education prior to completing year 10 and is approved by TTAC; **or**
- 9.12 the trainee or apprentice is undertaking a school-based traineeship or apprenticeship; **or**
- 9.13 the trainee or apprentice has completed year 10; **or**
- 9.14 the trainee or apprentice otherwise has the approval of TTAC.
- 9.2 Refer to Policy 11 for signatories to the training contract where the person is under the age of 18 years.

Original TTAC Policy 22 under the Vocational Education and Training Act 1994

Policy adopted by TTAC at meeting 67 held on 24 February 2004.

Amended at meeting 108 held on 16 June 2009.

Amended at meeting 133 held on 3 September 2013.



Policy 10 Relationship of Qualification to Occupation

- 10.1 Traineeships / apprenticeships combine practical work in the workplace with structured training to enable the trainee / apprentice to gain competencies required to achieve a nationally recognised qualification.
- 10.2 Training contracts can be approved only where the trainee's / apprentice's role in the workplace directly supports them obtaining the qualification named in the training contract.
- 10.3 The duties that the trainee / apprentice undertakes in the workplace should be such that the competencies required for the qualification can be gained from on and off-the-job training during the term of the training contract. Skills learned off-the-job should be able to be reinforced in the workplace.

Original TTAC Policy 23 under the Vocational Education and Training Act 1994

Policy adopted by TTAC at meeting 69 held on 4 May 2004.



Policy 11 Signatories to Training Contracts

- 11.1 A training contract cannot be approved where an employee has signed a training contract on behalf of the employer where their employer is the trainee / apprentice named in the training contract.
- 11.2 Where it has been established that a person is under the age of 18 years at the commencement date of the training contract, the training contract should also be signed by a parent or guardian.
- 11.3 If it has been established that the trainee / apprentice is not under the care of a parent/guardian and is unwilling or unable to obtain the parent/guardian signature, the training contract may be registered without the parent's details and signature. In these instances, the parent/guardian details should be left blank on the training contract and the trainee / apprentice will sign a parent/guardian waiver and submit it to Skills Tasmania with the training contract.

Original TTAC Policy 24 under the Vocational Education and Training Act 1994

Policy adopted by TTAC at meeting 72 held on 7 September 2004.

Amended at meeting 108 held on 16 June 2009.



Policy 12 School-based Traineeships and Apprenticeships

Clients:	trainees / apprentices, parents/guardians, employers, RTOs, ANPs.
Review timeframe:	as required
Introduction:	This Policy describes the conditions to be met for trainees / apprentices undertaking a school-based traineeship or apprenticeship.

- 12.1 A school-based trainee or apprentice must:
- 12.11 be a year 10, 11 or 12 school student as prescribed by relevant state legislation; and
- 12.12 [repealed]
- 12.13 be a party to an approved training contract; and

Schooling and Training

- 12.14 be undertaking between 600 and 800 hours (inclusive) per year of combined schooling and off-the-job training.

The 800 hours maximum may be exceeded if the parties and school consent. The school will monitor and amend the arrangement in consultation with the parties if necessary.

Schooling and off-the-job training incorporates:

- Tasmanian Curriculum (TC) or Tasmanian Certificate of Education (TCE) study, or equivalent as recognised by the Office of Tasmanian Assessment, Standards and Certification; and
- training and assessment necessary to achieve a qualification under the Australian Qualifications Framework; and

Employment

- 12.15 be engaged in paid employment for a minimum of 7.5 and a maximum of 15 hours (inclusive) per week during term time. Additional hours may be worked during school holiday periods; and
- 12.16 be engaged in paid employment:
- for Certificate II qualifications – a minimum of 390 hours per year; or
 - for Certificate III qualifications – a minimum of 600 hours per year;
- 12.2 The qualification must be recorded on the Tasmanian Curriculum Framework and/or Tasmanian Certificate of Education.
- 12.3 A student becoming a school-based trainee or apprentice in year 10 must commit to completing at least year 11.
- 12.4 The conditions outlined above may be varied on individual application.

Policy reviewed and approved by TTAC at meeting 157 held on 22 August 2017.

Notes:

1. Matters that may be taken into account by TTAC in considering proposed school-based arrangements include:

1. The suitability of the mode of employment, occupation and/or industry for school-based traineeships / apprenticeships.
2. The age of the proposed trainee / apprentice (refer TTAC Policy 9).
3. Occupational health, safety and welfare matters.
4. Suitability of proposed industrial relations provisions.
5. Support of the parent or guardian



Policy 13 Supervision of Trainees / Apprentices

13.1 The training contract requires that an employer provides appropriate facilities and experienced people to facilitate the training and to supervise the trainee / apprentice while at work. The number of workers able to demonstrate the relevant competencies available to supervise and train the trainee / apprentice in the workplace is also required to be stated on the training contract.

13.2 The supervisor of a trainee / apprentice should be either a person who holds a relevant qualification which is aligned to the occupation in which the trainee / apprentice is engaged or who has sufficient experience and skills in that occupational area to be able to meet the competencies required in that qualification, if assessed.

13.3 It is important that supervision is at a level that will facilitate the trainee's / apprentice's successful completion of competencies in the relevant qualification in accordance with the agreed training plan and to mitigate Occupational Health and Safety risks. What constitutes adequate supervision will generally need to be assessed on an individual basis and take into account factors such as occupational risk, the trainee's / apprentice's previous relevant work experience, age and stage of training as well as the structure of the workplace and the number of trainees / apprentices. Industry Codes of Practice regarding supervision need to be complied with.

13.4 Guidelines for adequate supervision

13.41 The supervisor of a trainee / apprentice should be either a person who holds a relevant qualification which is aligned to the occupation in which the trainee / apprentice is engaged or who has sufficient experience and skills in that occupational area to be able to meet the competencies required in that qualification, if assessed.

13.42 Industry Codes of Practice regarding supervision need to be complied with.

13.43 Supervision arrangements should take into account factors such as occupational risk, the trainee's / apprentice's previous relevant work experience, age and stage of training as well as the structure of the workplace and the number of trainees / apprentices.

13.5 New entrants

13.51 Minimum supervision requirements for new entrants to the workforce **or industry** should be that:

- A person who is competent in the occupation in which the trainee / apprentice is contracted is permanently engaged at the same workplace as the trainee / apprentice and accessible to the trainee / apprentice on site at all times during their hours of work.
- More experienced trainees / apprentices should have a supervisor in their immediate workplace for the majority of the time; be accessible to and contactable by the trainee / apprentice at all other times and the parties must be able to demonstrate to Skills Tasmania staff that the supervisory plan is adequate for the experience and age of the trainee / apprentice and the type of qualification.

13.6 Existing workers

13.61 Minimum supervision required for existing workers (who are either not new to the workforce or not new to the industry) should be that:

- A person who is competent in the occupation in which the trainee / apprentice is contracted is accessible to the trainee / apprentice at all times and the parties must be able to demonstrate to Skills Tasmania staff that the supervisory plan is adequate for the experience and age of the trainee / apprentice and the type of qualification.

13.62 Supervision arrangements for existing workers that do not meet the above requirements may be referred to the Tasmanian Traineeships and Apprenticeships Committee for consideration of individual circumstances.

Original TTAC Policy 27 under the Vocational Education and Training Act 1994

Amended out-of-session on 3 October 2005.

Amended at meeting 115 held on 3 August 2010.



Policy 14 Abandonment of Training Contract by Trainee / Apprentice

14.1 When advice is received that indicates that a trainee / apprentice has abandoned their training contract a training consultant will investigate and report to TTAC or its delegate.

14.2 After consideration of the circumstances and any reason(s) for the abandonment of the training contract and attempts made to resolve the situation prior to abandonment TTAC may, having followed its requirements under the Act:

- a. issue a direction to either or both parties;
- b. cancel the training contract;
- c. amend the training contract;
- d. transfer the training contract;
- e. suspend the training contract;
- f. temporarily release either or both parties from their obligations under the training contract;
- g. impose a condition in respect to the operation of the training contract;
- h. impose a penalty on either party;

- i. determine that an employer is not a fit and proper person for the purpose of entering into training contracts;
- j. consider if any condition should be placed on the approval of any future training contract.*

* e.g. In cases where an trainee or apprentice abandons his/her training contract in order to enter into a new training contract, TTAC may consider not approving a new training contract for a period not exceeding 12 months. (Refer to Guideline 4, Transfer of trainees / apprentices where there is not mutual consent).

Original TTAC Policy 28 under the Vocational Education and Training Act 1994

Policy adopted by TTAC at meeting 81 held on 13 December 2005.



Policy 15 Minimum Requirements for Training Plans

- 15.1 Registered Training Organisations (RTOs) must negotiate, develop and document a training plan between employers and trainees / apprentices within three months of the training contract registration date.
- 15.2 The training plan must contain, as a minimum:
 - 15.201 the qualification title and national code
 - 15.202 a list of all the units to be completed to satisfy the requirements of the qualification, both core and elective
 - 15.203 provision for recording where either national recognition, credit transfer or RPL has been granted for particular units
 - 15.204 support services to be provided (if required)
 - 15.205 dates and times for training and assessment for each unit or group of units (which should be negotiated and amended as required and agreed by the employee, employer and RTO*)
 - 15.206 the site where both training and assessment will occur for each unit or group of units (e.g. workplace, RTO boardroom etc.)
 - 15.207 the primary resources required for training and assessment for each unit or group of units (e.g. specific equipment and where this is located)
 - 15.208 the name of the responsible person for training and assessment for each unit or group of units (must also specify whether workplace representative or RTO staff member*)
 - 15.209 the specific methodology to be used for training and assessment for each unit or group of units (as negotiated by the employee, employer and RTO)
 - 15.210 negotiated reporting arrangements between the RTO, the employer and the employee (which includes the methodology and timeframes for providing feedback regarding progress and participation and dates for review of the training plan*)
 - 15.211 signatures of employee, employer and RTO representative.

15.3 Where the trainee / apprentice and the RTO believe that the trainee or apprentice is ready to be assessed against the qualification earlier than scheduled in the training plan, the employer must either support the trainee / apprentice to enable the assessment or provide evidence clearly identifying, in conjunction with the RTO, why assessment cannot occur.

* The RTO must review the training plan with the employee and the employer at least 3 times a year.

Original TTAC Policy 32 under the Vocational Education and Training Act 1994

Policy adopted by TTAC at meeting 114 held on 15 June 2010.

Amended at meeting 115 held on 3 August 2010.

Amended at meeting 133 held on 3 September 2013.



Policy 16 Change of a Training Contract Qualification

16.1 Where the parties to a training contract seek to change the qualification to a more appropriate or more up-to-date qualification, the following will apply:

16.11 An 'Application to Change a Training Contract Qualification' must be signed by the trainee / apprentice, the employer and the parent / guardian (if the trainee / apprentice is under 18 years of age).
This Application will not be considered unless it is submitted with a new training contract and training program outline.

16.2 A probation period will apply to the new training contract.

16.3 The 'change will take effect from date' is the date that the current training contract will cease, therefore, the commencement date on the new training contract will be the day after that date.

16.4 Exemptions from these requirements may be considered on application to Skills Tasmania.

Original TTAC Policy 33 under the Vocational Education and Training Act 1994

Policy adopted by TTAC at meeting 117 held on 7 December 2010.

Amended at meeting 119 held on 5 April 2011.



Policy 17 Competency-based Wage Progression in the Building Industry

Background

Section 15.9 of the *Building and Construction General On-site Award 2010* enables TTAC to require apprentices to demonstrate competency and any minimum necessary work experience for the purposes of progressing to the next apprentice wage level.

Students graduating with a Certificate II in a building-related trade may be significantly disadvantaged in attaining an apprenticeship as they would ordinarily be entitled to second year apprentice wages in their first year.

This policy is aimed at balancing the competency attainment of a student and the value placed on this attainment by a prospective employer by giving six months' time credit to a new apprentice in the first year of their apprenticeship.

This policy is aimed at supporting the notion of competency progression in the Award and does not cut across the functions and powers of the Fair Work Ombudsman in administering the provisions of the Award.

- 17.1 First year building apprentices who hold a relevant Certificate II qualification are eligible for six months' credit resulting in a nominal duration of 42 months for their apprenticeship, allowing them to progress to the second stage after six months.
- 17.2 An eligible apprentice must be able to provide documentary evidence of successful completion of the Certificate II qualification.
- 17.3 This policy does not limit other types of credit through credit transfer, recognition of prior learning or time served under a previous training contract.
- 17.4 The following table details the Certificate II qualifications and the related apprenticeship qualification:

National code and qualification	Apprenticeship	Amount of credit
CPC20112 Certificate II in Construction (or its replacement)	Any Certificate III construction qualification from the Construction, Plumbing and Services Training Package (CPC), approved as an apprenticeship in Tasmania.	6 months
CPC20211 Certificate II in Construction Pathways (or its replacement)		

Policy adopted by TTAC at meeting 139a held on 30 September 2014.

Policy amended by TTAC out-of-session on 28 September 2015.

Policy amended by TTAC at meeting 147 on 8 December 2015.



TTAC Guidelines

Guideline 1 Probation Under Training Contract

Section 21, *Training and Workforce Development Act 2013*

- 1.1 A probation period will apply to trainees / apprentices undertaking training under an approved training contract as follows:
- 1.11 For traineeships and apprenticeships with a nominal full-time duration of two years (24 months) or less, the probation period will be sixty (60) days. The probation period is based on the full-time nominal duration assigned to the qualification regardless of the individual training contract mode; full-time, part-time, school-based or where credit for time-served has been negotiated; and
- 1.12 For traineeships and apprenticeships with a nominal full-time duration of more than two years (24 + months), the probation period will be ninety (90) days. The probation period is based on the full-time nominal duration assigned to the qualification regardless of the individual training contract mode; full-time, part-time, school-based or where credit for time-served has been negotiated.

1.2 Extension of Probation Period

- 1.21 Any party to a training contract may apply for extension of the probation period.
- 1.22 An extension of the probation period must not exceed the original probation term.
- 1.23 An application to extend the probation period must be made prior to the expiry of the existing probation period and approved by TTAC.
- 1.24 The application will have no effect until approved by TTAC or its delegate.

1.3 Termination within the Probation Period under Section 21 of the *Training and Workforce Development Act 2013*

- 1.31 During the probation period, termination of the training contract can be initiated by either party.
- 1.32 Termination of employment must be in accordance with relevant industrial arrangements.
- 1.33 If both parties to a training contract consent to it being cancelled during the probation period, they may seek the TTAC's approval to cancel the contract.
- 1.34 If only one of the parties to a training contract seeks to have the contract cancelled during the probation period, that party may request that the TTAC cancel the contract and TTAC may cancel it if it is satisfied it is desirable to do so or that the contract does not comply with the Act.
- 1.35 Any party to a training contract seeking to terminate a training contract within the probation period, must notify TTAC through Skills Tasmania before probation has expired, such notification to be confirmed in writing within 14 days of termination.

Original TTAC Policy 5 under the Vocational Education and Training Act 1994

Policy adopted by TTAC at meeting 60 held on 1 April 2003.

Amended at meeting 100 held on 29 April 2008.

Amended at meeting 105 held on 2 December 2008.

Amended at meeting 112 held on 2 February 2010.

Amended at meeting 133 held on 3 September 2013.

Amended at meeting 136 held on 11 February 2014.

Amended at meeting 141 held on 10 December 2014.



Guideline 2 Cancellation of Training Contract

Section 38, *Training and Workforce Development Act 2013*

2.1 Mutual Consent

2.11 A training contract may be cancelled by the parties to the contract with the approval of TTAC or its delegate.

2.12 An application must be on an approved proforma and must be submitted to Skills Tasmania at least seven days prior to the proposed date of cancellation, unless exceptional circumstances exist (*).

2.13 All applications will be considered by a training consultant and where necessary, investigated prior to approval/rejection by TTAC or its delegate.

() Exceptional circumstances must be detailed in the application.*

2.2 Cancellation by order

2.21 On written application by a party to the training contract, TTAC requires a training consultant to inquire and report with a recommendation to TTAC or its delegate.

2.3 Cancellation due to inactivity

2.31 When advice received indicates that a training contract has been inactive for one month or more, a training consultant will investigate and report with a recommendation to TTAC or its delegate.

2.4 Abandonment

2.41 When advice received indicates that a party has abandoned the training contract, a training consultant will investigate and report with a recommendation to TTAC or its delegate.

2.5 Termination of Employment

2.51 Termination of employment of trainee / apprentice requires compliance with the terms and conditions of:

- the training contract; and
- relevant industrial arrangements.

2.6 Approval

- 2.61 In all circumstances, cancellation will not take effect until approval is granted by TTAC or its delegate.

Original TTAC Policy 6 under the Vocational Education and Training Act 1994
Adopted by TTAC at a special meeting held on 7 June 2001.



Guideline 3 Suspension of Training Contract

Section 36, *Training and Workforce Development Act 2013*

- 3.1 Prior to the commencement of any suspension period either the employer or trainee / apprentice must inform a Skills Tasmania training consultant of the intended suspension. This may be by phone, email or facsimile. A formal application on the approved proforma must be submitted to Skills Tasmania within 14 days of commencement of the suspension and preferably before the suspension period begins.
- 3.2 Where only one party to the training contract makes application for suspension, the request must outline why the other party has not signed or agreed to the suspension. In these cases, the other party will be contacted to advise of the intent to suspend the training contract, and allow a prescribed time for that party to respond and for a training consultant to investigate and verify circumstances. If no response is received then TTAC or its delegate will consider the matter on the available evidence.
- 3.3 TTAC may determine to suspend the training contract on its own motion. In these cases, the parties will be contacted to advise of the intent to suspend the training contract, and invited to respond within a prescribed period. A training consultant is required to investigate and verify circumstances.
- 3.4 Applications for suspension during the probation period will not be approved unless exceptional circumstances (*) exist.
- 3.5 The suspension period will have no effect unless approved by TTAC or its delegate.

3.6 Suspension due to work shortage

- 3.61 Applications must show that three alternative employers within the region have been approached to provide employment for the trainee / apprentice.
- 3.62 Arrangements to continue training during the suspension period must be investigated by the employer.
- 3.63 The maximum work shortage suspension period for each year of the term of the training contract is one month. However up to three months per year of the training contract may be approved for exceptional circumstances.

- 3.64 Unless exceptional circumstances (*) exist no suspensions will be approved during the first six months of a training contract.
- 3.65 Suspension does not apply to public holidays or scheduled training.

3.7 Group applications for suspension due to work shortage

- 3.71 TTAC delegates to Skills Tasmania the approval of applications for the suspension of five or more trainees / apprentices by one employer at the same time.
- 3.72 On receipt of such applications, TTAC members are to be immediately advised by email to allow members 24 hours to comment prior to approval.
- 3.73 The decision will be based on:
- TTAC's suspension policy on work shortage;
 - relevant information supporting the suspension application;
 - the history of the employer in relation to employment and training of trainees and apprentices;
 - information provided by the relevant training consultant; and
 - any other information considered relevant by the committee.

3.8 Suspension due to medical/personal reasons

- 3.81 Application must be made in writing, preferably on the approved proforma, stating reasons, and the period of suspension and the operative date requested.

3.9 Suspension due to disciplinary action

- 3.91 Application must be made in writing, stating reasons, period of suspension and operative date requested.
- 3.92 Where allegations are made of misconduct, the employer, after advising TTAC, may be given immediate approval to suspend the training contract for a period of up to three days. During this period the matter will be investigated by a training consultant and a report prepared for TTAC.

() Exceptional circumstances must be detailed in the application*

3.10 Extension of period

- 3.101 A training contract which has been suspended will be extended by the period of suspension unless TTAC determines otherwise.

Original TTAC Policy 7 under the Vocational Education and Training Act 1994

Amended at meeting 111 held on 1 December 2009.

Amended at meeting 121 held on 2 August 2011.

Amended at meeting 128 held on 9 October 2012.



Guideline 4 Transfer of Training Contract

Section 33, *Training and Workforce Development Act 2013*

- 4.1 Where the transfer of a training contract to another employer is sought by the parties to a training contract the following will apply:
- 4.11 If the transfer is permanent, an 'Application to Transfer a Training Contract' must be signed by the trainee / apprentice, the current employer, the new employer and the parent/guardian (if the trainee / apprentice is under 18 years of age). This application will not be considered unless it is submitted with a new training contract and training program outline for the remainder of the nominal duration.
- 4.12 Where a training contract is being transferred permanently a probation period of sixty (60) days will apply to a training contract with a nominal full-time duration of 2 years (24 months) or less and ninety (90) days to a training contract of more than 2 years (24 + months). The probation period is based on the full-time nominal duration assigned to the qualification regardless of the individual training contract mode, full-time, part-time, school-based or where credit for time-served has been negotiated.
Refer to Guideline 1 – Probation Under a Training Contract.
- 4.13 Parties may apply to transfer a training contract on a temporary basis. If at the end of the agreed temporary transfer period the new employer has no wish to proceed with a permanent transfer, then responsibility for the training contract reverts to the original employer.
- 4.2 The 'transfer date' is the date that the previous employer relinquishes their responsibility (referred to on the application as the 'current' employer). Therefore, the commencement date on the new training contract will be the next scheduled working day after that date.

Original TTAC Policy 8 under the *Vocational Education and Training Act 1994*

Amended at a special meeting held on 7 June 2001.

Amended at meeting 117 held on 7 December 2010.

Amended at meeting 136 held on 11 February 2014.

Amended at meeting 141 held on 10 December 2014.



Guideline 5, Early Completion of a Training Contract was rescinded by TTAC out-of-session on 13 December 2016.



Guideline 6 Employment Requirements for Training Contracts

Section 21(1)(b), *Training and Workforce Development Act 2013*

Essential employment requirements for all training contracts.

- 6.1 A training contract can only be approved by the Tasmanian Traineeships and Apprenticeships Committee (TTAC) if there is:
- 6.11 an employment arrangement/contract that guarantees employment for the nominal duration of the training contract;
 - 6.12 employment of sufficient hours per week to enable the trainee / apprentice to obtain the necessary skills over the duration of the training contract;
 - 6.13 a regular pattern of work that enables both on and off the job structured training to be planned, and implemented according to a training plan that is negotiated within three months of the training contract registration date;
 - 6.14 an employment arrangement that is in accordance with an appropriate industrial arrangement;
 - 6.15 an employment arrangement that is not casual; and
 - 6.16 all training is in paid time unless there is specific provision in a relevant industrial instrument which states that training is to be undertaken in unpaid time.

Additional conditions for part-time training contracts

- 6.2 A part-time training contract can only be approved by the Tasmanian Traineeships and Apprenticeships Committee (TTAC) if the following additional criteria are met:
- 6.21 the traineeship / apprenticeship has been approved by TTAC to be undertaken on a part-time basis;
 - 6.22 the minimum number of hours of employment is 15 hour per week averaged over a 4 week period unless otherwise agreed by TTAC;
 - 6.23 the maximum term of the training contract is no more than twice the nominal full time duration for the qualification;
 - 6.24 the minimum term is no less than one and a half times the nominal full time duration for the qualification;
 - 6.25 Industrial arrangements must allow for part-time employment; and
 - 6.26 all other conditions specific to the traineeship / apprenticeship must be fulfilled.

Additional conditions for approval of arrangements for seasonal workers

- 6.3 TTAC may approve arrangements for some traineeships or apprenticeships to be undertaken on a seasonal basis. Arrangements may be approved on an enterprise basis provided the following criteria are met:
- 6.31 an industrial arrangement exists that provides for a fixed term seasonal full-time or part-time workforce; and
 - 6.32 a method of training delivery that provides for seasonal part-time or full-time workers to complete the qualification in less than the usual nominal duration; or
 - 6.33 a model that provides for ongoing seasonal employment with a suspension period incorporated in the approval of the traineeship / apprenticeship as appropriate.

Original TTAC Policy 11 under the Vocational Education and Training Act 1994

Policy adopted by TTAC at meeting 68 held on 23 March 2004.

Amended at meeting 125A held on 10 May 2012.

Amended at meeting 133 held on 3 September 2013.



Guideline 7 Disputes Relating to Training Contracts

Sections 52 and 53 of the *Training and Workforce Development Act 2013*

- 7.1 Any party to an active training contract may apply to the TTAC to hear and determine any dispute relating to the terms, conditions, operations or obligations of a training contract.
- 7.2 A party lodging an application to hear a dispute must submit the dispute application in writing on the approved pro forma to the TTAC within 10 working days of receipt of the form. A respondent to the dispute application must submit in writing on the approved pro forma to the TTAC within 10 working days of receipt of the form.
- 7.3 Where the dispute involves a school aged learner, the parent/guardian will be notified and the school and/or Education Authority will be asked to provide a submission as part of the application process.
- 7.4 The TTAC can only hear matters relating to the training contract. Employment award or agreement related issues, issues of work, health & safety, and/or any other matters that fall outside the TTAC's jurisdiction must be referred to the appropriate authority.
- 7.5 The TTAC may assess that it is not appropriate to hear a dispute under Section 52 where a formal complaint or matter has been raised with the relevant authority, or for any other reason TTAC deems appropriate. The TTAC may instead cancel the training contract and/or issue a direction in accordance with Sections 38, 40 or 47 of the Act.
- 7.6 A party wishing to attend a hearing with one or more support person(s) must seek the approval of the TTAC. The request must be submitted at least three days prior to the hearing date and include the person(s) name, relationship and reason for attendance.
- 7.7 Dispute hearings that involve a party who is a school aged learner have the following attendance requirements:
- (a) it is strongly encouraged that the school aged learner is accompanied by a parent/guardian and/or a support person;
 - (b) if a support person is nominated by the school-aged learner in lieu of a parent/guardian, the support person must be at least 18 years of age; and
 - (c) with prior approval from the TTAC, the parent/guardian and/or support person may supplement the submission of a school-aged learner.
- 7.8 Where relevant, a representative from the school or relevant Education Authority or Registered Training Organisation or Australian Apprenticeship Support Network provider may be invited by the TTAC to be present at the dispute hearing, either in person or via communications technology.
- 7.9 In considering a dispute case, the TTAC is to be provided with:
- (a) the details of the dispute, as provided by the parties;
 - (b) advice from, or the findings of any investigation undertaken by Skills Tasmania officers, including Workforce Training Consultants;
 - (c) where appropriate, advice from or the findings of the FairWork Ombudsman, WorkSafe Tasmania, the relevant industry regulator, Tasmania Police or other

- relevant authority;
- (d) evidence of action(s) taken by either party to resolve the dispute;
- (e) the training plan;
- (f) submissions by the Education Authority and/or school, and Registered Training Provider and/or Australian Apprenticeship Support Network provider, where relevant;
- (g) the prior training history of the employer; and/or
- (h) other documents or evidence that is considered to be of relevance to the case.

- 7.10 In making a determination, the TTAC will take into account the following:
- (a) whether either or both parties have contravened the obligations of the training contract;
 - (b) whether the employer is a fit and proper person for purposes of training contracts or vocational placement agreements;;
 - (c) whether reasonable support has been provided to the apprentice or trainee by the employer;
 - (d) whether satisfactory progress has been made by the apprentice or trainee in the training contract; and
 - (e) whether and to what extent there are mitigating circumstances.

- 7.11 In considering a dispute case involving the training contract of a school aged learner, the TTAC will examine the schooling, training or employment arrangements, by taking into account:
- (a) whether an annual review of the arrangement has occurred,
 - (b) whether changes to the learner's schooling, training or employment arrangements were agreed by all parties to the training contract,
 - (c) whether the arrangements are in the interest of the learner and comply with the *Education Act 2016*,
 - (d) any other advice from the school and/or Education Authority, and
 - (e) the reasons for the cancellation of the training contract.

- 7.12 After hearing a dispute, the TTAC may determine to:
- (a) amend the training contract;
 - (b) transfer the training contract;
 - (c) suspend the training contract;
 - (d) terminate the training contract; or
 - (e) give any directions the TTAC considers appropriate to either party to a training contract.

Failure to comply with a direction may result in the application of a fine in accordance with Section 40 of the Act.

- 7.13 In determining a dispute, where it has been found that the obligations of a training contract have been contravened, the TTAC may impose a penalty, which may include:
- (a) refusing to approve a new training contract for some or all qualifications for a specified period of time not exceeding 12 months, except for school aged learners who are exempt from this penalty;
 - (b) additional reporting requirements for any training contracts;
 - (c) additional education and monitoring arrangements for any training contracts; and/or
 - (d) a determination that, under Section 48 of the *Training and Workforce Development Act 2013*, the employer is not a fit and proper person for purposes of training contracts or vocational placement agreements.

- 7.14 Parties will be formally advised of the TTAC's decision, including any penalty, in writing within 7 days of the date of the hearing. Where the TTAC decides to delay its

decision after a dispute hearing due to a requirement for further advice from an appropriate authority, parties will be advised regularly of progress.

- 7.15 In accordance with Section 53 of the Act, any person may apply to the Secretary to carry out an inquiry into the process followed by the TTAC in making a decision in relation to:
- (a) the approval of a training contract;
 - (b) the conditions to which the approval of a training contract is subject; or
 - (c) the amendment, transfer, suspension or termination of a training contract.

This includes the process followed by the TTAC in handling and hearing a dispute in relation to these matters.

- 7.16 An application for an inquiry may only relate to the process undertaken by the TTAC in making its determination. It cannot relate to the merit of the decision or determination.

Original TTAC Policy 15 under the *Vocational Education and Training Act 1994*

Amended by TTAC at meeting 116 held on 5 October 2010.

Amended by TTAC at meeting 141 held on 10 December 2014

Amended by TTAC at meeting 144 held on 9 June 2015.

Amended by TTAC at meeting 149 held on 5 April 2016.

Amended by TTAC at meetings 175 and 176 held on 25 August and 13 October 2020.



Guideline 8, Group Training Organisations was rescinded by TTAC at meeting 133 held on 3 September 2013.



Guideline 9 Transfer* of Trainees / Apprentices Where There Is Not Mutual Consent

Sections 33, *Training and Workforce Development Act 2013*

- 9.1 TTAC will not normally approve a transfer of a trainee / apprentice to another employer where there is not mutual consent unless there are extenuating circumstances as follows:
- 9.11 The employer has not complied with their obligations under the training contract
- 9.12 The employer has not complied with occupational health and safety legislation
- 9.13 The employer has not adhered to the appropriate industrial arrangement
- 9.14 The employer cannot support the trainee / apprentice completing the qualification
- 9.15 The employer has mistreated the trainee / apprentice
- 9.16 Serious issues in the workplace that are unable to be resolved
- 9.17 Other circumstances exist that seriously compromise successful completion of the training contract.
- 9.2 Where a trainee / apprentice abandons employment in order to enter into a new training contract, TTAC may consider not approving a new training contract for a period not exceeding 12 months.
- * This includes situations where a training contract is to be cancelled to enable a trainee / apprentice to sign a new training contract with another employer.

Original TTAC Policy 25 under the Vocational Education and Training Act 1994

Policy adopted by TTAC at meeting 76 held on 5 April 2005.



Guideline 10 Competency-Based Completion of Traineeships and Apprenticeships

Sections 37, *Training and Workforce Development Act 2013*

- 10.1 A nominal term, implying a nominal completion date, will be assigned to each training contract. The actual completion date will be the date on which all the competency-based requirements of the training contract have been met. Any training contract reaching the nominal completion date without the trainee / apprentice meeting competency-based completion requirements will be followed up by Skills Tasmania with a view to extending the duration of the training contract.
- 10.2 [incorporated into clause 10.1]
- 10.3 [incorporated into clause 10.1]
- 10.4 A registered training organisation (RTO) is to advise the employer and trainee / apprentice in writing of a date, with at least 21 days' notice of its intention to undertake a final assessment of a trainee's / apprentice's competence against a qualification.
- 10.5 Prior to the final assessment, the RTO is to provide the trainee / apprentice and the employer with notice, in writing, of the grievance processes if any party is not satisfied with the assessment outcome. (This written notice is additional to the NVR or AQTF standards requirement for information on grievance procedures.)
- 10.6 Where the trainee / apprentice and the RTO believe that the trainee or apprentice is ready to be assessed against the qualification earlier than scheduled in the training plan, the employer must either support the trainee / apprentice to enable the assessment or provide evidence clearly identifying, in conjunction with the RTO, why assessment cannot occur.
- 10.7 The RTO must ensure that the employer actively participates in the validation of the completion of each assessment, that the employer is made aware that the assessment is based on the training package evidence and is in a workplace context.
- 10.8 The RTO must ensure that the employer and trainee / apprentice are made aware that once all the competencies have been achieved that it means the successful completion of the traineeship or apprenticeship.
- 10.9 Once a trainee / apprentice has been assessed as competent against the requirements of the qualification by an RTO:
- 10.91 The RTO must inform TTAC of the date when the trainee / apprentice was assessed as competent as this is the 'completion date'. This completion notification must be received by Skills Tasmania within 14 days of this assessment unless the assessment outcome is being appealed under 10.5 of this guideline.
- 10.92 If any party has a grievance during this process, they must use the RTO's grievance procedure. Where the matter has not been successfully resolved, the aggrieved party may pursue the matter through TTAC as appropriate.

10.10 Transition arrangements

10.101 [rescinded]

10.102 [rescinded]

10.11 Exceptions

10.111 [rescinded]

10.112 [rescinded]

10.113 [rescinded]

Original TTAC Policy 29 under the *Vocational Education and Training Act 1994*

Policy adopted by TTAC at meeting 88 held on 17 October 2006, with effect from 1 January 2007.

Amended at meeting 95 held on 4 September 2007.

Amended at meeting 103 held on 2 September 2008.

Amended at meeting 116 held on 5 October 2010.

Amended at meeting 118 held on 1 February 2011.

Amended at meeting 121 held on 2 August 2011.

Amended at meeting 133 held on 3 September 2013.

Amended at meeting 150 held on 7 June 2016 (clause 10.111 rescinded).

Amended out-of-session on 13 December 2016 (clauses 10.112 and 10.113 rescinded).

Amended at meeting 154 held on 7 February [clause 10.2 amended and incorporated into clause 10.1; clause 10.3 incorporated into 10.1; clause 10.10 rescinded.]



Guideline 11, Backdating of Training Contracts was rescinded by TTAC at meeting 133 held on 3 September 2013.

Guideline 12, Time-served Apprenticeships was rescinded by TTAC out-of-session on 13 December 2016.



Guideline 13 Limits on Entering into a Training contract

Section 31, *Training and Workforce Development Act 2013*

- 13.1 Where the parties to a training contract seek to enter into a particular qualification, the following will apply:
- 13.11 The prospective trainee or apprentice must not already hold the same qualification or its equivalent. Regardless of whether the qualification was achieved through an traineeship or apprenticeship or by other means.

13.2 Exceptions

- 13.21 [rescinded]
- 13.22 Where TTAC determines that an exception to this policy should apply.

Original TTAC Policy 35 under the *Vocational Education and Training Act 1994*

Policy adopted by TTAC at meeting 122 held on 4 October 2011.

Guideline amended by TTAC out-of-session on 13 December 2016 (clause 13.21 rescinded)



Guideline 14 Training Contracts

Sections 29, 30 and 32, *Training and Workforce Development Act 2013*

- 14.1 A training contract is a legally binding agreement between an employer and employee for the purpose of providing accredited training that results in the employee gaining a qualification.
- 14.2 A training contract must:
- (1) be in a form as agreed between state, territory and Australian Governments
 - (2) contain the following information as a minimum:
 - (i) full name, address and contact details of the trainee/apprentice
 - (ii) legal name, ABN, trading name and contact details of the employer
 - (iii) title and code of the qualification
 - (iv) commencement date
 - (v) nominal term
 - (vi) probation period
 - (vii) obligations and declaration.
 - (3) be signed by the parties
 - (4) be submitted for approval by TTAC within twenty eight (28) days of:
 - (i) commencement of training in the case of an existing employee or
 - (ii) commencement of employment as a trainee or an apprentice in the case of a new employee.

Guideline approved by TTAC at meeting 145 held on 18 August 2015.



Guideline 15 Tasmanian Operational Requirements for Group Training Organisations

Section 14(1), *Training and Workforce Development Act 2013*

- 15.1 For an organisation to be registered, and continue to be registered, as a Group Training Organisation in Tasmania, it must:
- (1) be able to demonstrate at any time that it meets the National Standards for Group Training Organisations (January 2017)
 - (2) comply with any request for information from the Secretary of the Department of State Growth, through Skills Tasmania, for information on any element of their business that relates either to compliance with the National Standards for Group Training or the operations of the GTO, providing such requests and the response timeframes are reasonable.

Guideline approved by TTAC at meeting 151 held on 2 August 2016.

Guideline amended by TTAC at meeting 162 on 12 June 2018.



Guideline 16 Vocational Placements

Division 2, *Training and Workforce Development Act 2013*

1. Background

- 1.1 Vocational placements are a valuable part of training, providing students with the opportunity to apply theory and skills they have learnt through training in a real workplace.
- 1.2 Under vocational placement arrangements a student's workplace performance forms part of their assessment by a registered training organisation (RTO) to complete a qualification or unit/units of competency.
- 1.3 The *Tasmanian Workforce Development and Training Act 2013* gives TTAC the power to develop guidelines for vocational placements in Tasmania.
- 1.4 This guide is designed to assist RTOs and employers to meet their requirements under the Act and ensure quality vocational placements.

2. Scope

- 2.1 This guide applies to parties involved in a vocational placement as defined in the *Training and Workforce Development Act 2013* – (registered training organisation, employer and person undertaking the placement) and supports the Vocational Placement Policy.
- 2.2 This guide applies to:
 - all vocational placements that are mandated as part of a training package;
 - all vocational placements where a vocational placement forms part of a Skills Tasmania contract or grant; and
 - all vocational placements where a placement is required as part of assessment towards a qualification or unit of a qualification.
- 2.3 This guide applies to all vocational placements in Tasmania, whether or not the training is subsidised by the Tasmanian government.
- 2.4 The guide does not apply to:
 - apprentices and trainees;
 - work experience placements; and
 - any work placement that does not contribute to the assessment of the unit or qualification.

3. Vocational Placement Agreement

- 3.1 There must be a written agreement between an employer and a RTO in relation to a vocational placement for persons undertaking the training required for a qualification with the registered training organisation (s42 of the Act).
- 3.2 The written agreement must as a minimum set out the obligations and rights of:
 - (i) the employer (host business); and
 - (ii) the registered training organisation; and
 - (iii) the persons (students) who are provided with vocational placements with or by the employer;

- (iv) provisions determined by TTAC; and
- (v) have the approval of the relevant registered employee organisation (S43 of the Act).

3.3 Where a student is a school student under a VETiS program the vocational placement agreement must also be negotiated with, and approved by, an authorised school representative.

4. RTO responsibilities

4.1 Note: Where the following RTO responsibilities refer to a school student an authorised school representative must also be involved or informed as applicable.

4.2 The RTO must:

- 4.201 Negotiate a vocational placement program with an employer including the student selection process and the relevant skills that are required to be developed and practiced.
- 4.202 Prepare the Vocational Placement Agreement and ensure that the employer, student and guardian if applicable, sign the Agreement prior to the start of the placement.
- 4.203 Ensure that the vocational placement directly relates to the qualification being undertaken by the student. It is the RTO's responsibility to ensure that the learning to be obtained during the practical placement relates to the course outcomes at the appropriate skill level and to the competencies required for the qualification.
- 4.204 Provide clear information to the employer and student as to expectations of the vocational placement. A Vocational Placement Learning Plan should be developed with the student and the employer detailing tasks to be undertaken, how evidence is to be collected and how this relates to competencies to be assessed.
- 4.205 Ensure that the Vocational Placement Agreement and Learning Plan clearly specifies any requirement for the employer to contribute to assessment through, for example providing reports, completing checklists of tasks or confirming a work diary.
- 4.206 Ensure that the Vocational Placement Agreement clearly shows the location, date and times of the vocational placement and that the vocational placement is not more than 240 hours in a 12 month period.
- 4.207 Ensure that the Vocational Placement Agreement clearly shows a distinction between an unpaid or paid vocational placement. In the latter case payment arrangements need to be specified, noting that a paid placement requires the employer to provide workers compensation.
- 4.208 Keep the original copy of the Vocational Placement Agreement and provide the employer and student with a copy.
- 4.209 Monitor the student's progress and support and maintain contact with the employer during the placement.
- 4.210 Obtain feedback from the student and employer once the vocational placement is completed.

- 4.211 Ensure that records are kept of vocational placements including contact details of the workplace and supervisor and student for a period of seven years. These records may be accessed by TTAC for evaluation of vocational placements.
- 4.212 Ensure that the employer has their own public liability insurance and this is noted in Vocational Placement Agreement.
- 4.213 Ensure that the employer signs a declaration that their workplace complies with *Workplace Health and Safety Act 2012*.
- 4.214 Maintain appropriate liability insurance to cover the parties during the vocational placement.

5. Employer responsibilities

- 5.1 The employer must:
 - 5.101 Plan the proposed vocational placement with the RTO, including the selection process for students.
 - 5.102 Notify the RTO of any significant risks, restrictions or legislative requirements in the workplace.
 - 5.103 Ensure the workplace is compliant with the *Workplace Health and Safety Act 2012* and *Workplace Health and Safety Regulations 2012*.
 - 5.104 Maintain public liability insurance cover and list details of this in the Vocational Placement Agreement.
 - 5.105 Sign the Vocational Placement Agreement prior to commencement of the placement.
 - 5.106 Ensure the student receives appropriate induction into the workplace.
 - 5.107 Provide supervised training and relevant learning experiences as agreed in the student's Learning Plan.
 - 5.108 Provide the student with ongoing feedback and complete documentation agreed with the RTO regarding the student's placement.
 - 5.109 Ensure the student is in a safe working environment and is not subjected to any form of sexual harassment, victimisation or discrimination.
 - 5.110 Report all incidents to the RTO and complete incident reports as required.
 - 5.111 Complete an evaluation of the vocational placement.

6. Useful best practice guidelines include:

- TasTAFE Work Placement Resource Kit
- Tasmanian Disability Sector Vocational Placement Guidelines
- ACPET Vocational Placement Guide
- Work Placement Guide for CHC Community Services and HLT Health Training package.

7. Relevant legislation:

- *Training and Workforce Development Act 2013*
- *Work Health and Safety Act 2012*
- *Work Health and Safety Regulations 2012*
- Standards for NVR Registered Training Organisations
- *Fair Work Act 2009*.

Guideline approved by TTAC at meeting 153 held on 6 December 2016.

