



Terms of Reference for the review of the *Training and Skills Development Act 2008 (SA)*

Background

The Government is reviewing the Training and Skills Development Act 2008 (SA) (the T&SD Act) to ensure it meets the needs of industry, employers, apprentices and other trainees into the future.

The review responds to the community-wide input to the Training and Skills Commission's review of the South Australian apprenticeships and traineeships system, and is intended to result in draft legislation that supports future jobs and aligns with contemporary legislative language and approaches.

The review is guided by a four member independent advisory panel which has extensive experience in vocational education and training (VET), industry and dual sector training delivery and skills delivery.

There will be broad public consultation including with the key statutory bodies established by the Act, namely, the Training and Skills Commission and the Training Advocate.

Terms of Reference

The Advisory Panel is asked to provide advice and recommendations to the Department for Innovation and Skills on how the Act can more effectively support South Australia's current and future training needs (including under apprenticeships and traineeships) and workforce development. The review will canvass:

1. Governance and regulatory arrangements that build on the strengths of the current apprenticeship and traineeship system; and balance regulatory protection with simplicity, quality outcomes, protections for apprentices and trainees and labour market needs.
2. A legislative framework best suited to modern apprenticeships and traineeships, state-based course development and course accreditation.
3. The legislative remit, and roles and responsibilities of the Training and Skills Commission ("the Commission") and the Training Advocate, including the potential for broadening the Commission's role to encompass skilled migration as part of the skills mix needed to meet industry demand in South Australia.
4. Streamlining or removing overlapping state and Commonwealth legislative requirements in relation to apprenticeships and traineeships and related processes, and minimising unjustifiable administrative costs incurred by parties to apprenticeships and traineeships.
5. Reviewing penalties under the Act and how compliance can be better incentivised through a risk managed framework.
6. Ensuring the Act contributes to high quality training outcomes that lead to jobs, based on best practice and knowledge around on-job training, institutional delivered training, training that incorporates elements of the higher education training model; and evidence-based, best practice pathways to trade recognition.
7. Ensuring the Act supports quality training outcomes and meets workforce development needs in light of technological disruption, automation, high level qualifications and untraditional forms of training.
8. A legislative framework for increasing training participation, and pathways into training, including for hard-to-reach sections of the community.
9. Whether and how the Act should recognise pathways into apprenticeships and traineeships that sit outside mainstream and traditional apprenticeship and trade pathways.

Terms of Reference (cont.)

10. The Act's role and function in relation to gatekeeping quality, for example, through employer registration and re-approval, regulating risk through balanced intervention in the affairs of employers and training organisations; and amending the Act to reflect the current Commonwealth regulation of training providers and accreditation processes.
11. The Act's role and function in relation to the declaration of trades and declared vocations and consideration of streamlined employer-led alternatives.
12. Constraints or incompatibilities between the State's apprenticeship and traineeships system and other legislation affecting apprentices and trainees, including Commonwealth legislation.
13. Any other issues the panel consider are vital to underpinning improvements identified by end-users through the Commission's Futureproofing the South Australian Apprenticeship and Traineeship system review or other fora.