

Energy Skills Australia

Submission to the NSW Apprenticeship and Traineeship ACT (2001) Review

For the NSW Department of Education

16 October 2025

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Introduction

Established by industry for industry in 1995, Energy Skills Australia (ESA), has been representing the energy sector for over 30 years as an independent, not for profit, bipartite company committed to supporting high quality training and workforce development within and beyond the energy industries.

Providing industry stewardship, we ensure Australia's energy sectors have access to a highly skilled and effective workforce across the following energy related industry sectors:

- Electrotechnology
- Electricity Supply Industry - Generation
- Electricity Supply Industry -Transmission, Distribution and Rail
- Gas

We provide advice and expertise to industry and government bodies such as electrical regulatory bodies. Additionally, we oversee a suite of learning and assessment resources, and accredited courses designed to provide quality and consistent outcomes for apprenticeship and post-trade training.

Our membership and board are made up of various industry bodies such as the National Electrical and Communications Association (NECA), Master Electricians Australia (MEA), the Electrical Trades Union of Australia (ETU) and the Australian Services Union (ASU). Our highly experienced board provides ESA with the necessary direction, governance and oversight required to ensure ESA represent the collective voice of industry.

ESA has established strong working relationships with key industry stakeholders, Governments, the vocational education and training (VET) sector and regulatory authorities both in Australia and internationally.

Critically, it is these relationships and our deep industry connection that enable us to support employers and workers as they navigate the significant and growing challenges associated with workforce capacity, licensing complexity, and regulatory fragmentation — particularly as Australia continues its transition to a clean economy driven by renewable energy and storage, advanced infrastructure, and emerging technologies.

We appreciate the opportunity to contribute to the *NSW Apprenticeship and Traineeship Act (2001) Review*. This review provides an important opportunity to strengthen training quality, improve system efficiency, and ensure apprenticeships and traineeships remain a trusted and effective pathway to skilled employment in NSW. We look forward to ongoing engagement with the NSW Government as this review progresses.

Overview

Energy Skills Australia (ESA) welcomes the opportunity to provide feedback to the review of the NSW Apprenticeship and Traineeship Act 2001. This review is timely, as the apprenticeship and traineeship system must evolve to remain relevant, trusted, and effective in meeting the skills needs of a rapidly changing economy.

Our submission responds directly to the consultation questions and reflects extensive engagement with industry stakeholders across the energy sector. Overall, we support reforms that:

- Strengthen enforcement and quality safeguards by giving the Commissioner clearer and more flexible powers to intervene where safety or training quality is at risk, while ensuring transparency, proportionality, and fairness in how these powers are applied.
- Clarify employer responsibilities through clearer definitions of supervision ratios, training obligations, and probation arrangements, supported by plain-language guidance, CPD opportunities, and recognition schemes that encourage best practice across both large and small businesses.
- Expand pathways and flexibility while maintaining rigor, with more support for regional and mature-aged apprentices, greater emphasis on “time on tools,” and industry readiness programs embedded in schools. We do not support stackable credentials in apprenticeships, as they are not valued in electrical trades, but recognise their place in some post-trade and higher education contexts.
- Support improved completions by balancing competency-based approaches with safeguards in high-risk trades, addressing licensing delays, and strengthening oversight of RTO practices to prevent premature sign-offs.
- Modernise oversight and reduce red tape through digital platforms, statutory declarations, and better alignment with national systems to streamline processes and improve accountability.
- Enhance Trade Skills Recognition (TSR) by embedding a nationally consistent OTSR–gap training–workplace evidence model, aligning TSR with licensing and migration frameworks, and retaining industry-led decision-making to ensure rigor and trust.

ESA strongly advocates for a nationally consistent approach across all elements of the apprenticeship and traineeship system. Nationally harmonised licensing, skills recognition, and regulatory settings will improve workforce mobility, reduce duplication, and provide greater certainty for employers and apprentices alike.

Through this review, NSW has an opportunity to set a benchmark for reform and to ensure apprenticeships and traineeships remain a cornerstone of workforce development in both traditional and emerging industries. ESA looks forward to continuing to work with government, industry, and unions to achieve these outcomes.

Response to Consultation Questions

3.1 Strengthen enforcement and quality safeguards

A) Do you support stronger enforcement powers to improve training quality and safety for apprentices and trainees.

We support stronger enforcement powers, particularly where they enhance training quality and safeguard apprentice and trainee safety. High-risk industries, such as electrotechnology, require consistent oversight to protect workers, employers, and the community. We support stronger enforcement but urge the establishment of clearer guidelines on the application and scope of these powers to ensure transparency and fairness.

B) In what situations should the Commissioner be able to direct an employer to take corrective action.

The Commissioner should be able to direct corrective action where supervision levels are unsafe or non-compliant, where training delivery does not align with the approved Training Plan, or where employers fail to provide necessary workplace experience or equipment. Corrective action should also apply in cases of systemic breaches of employment or safety obligations. We also highlight the importance of employer resource assessments to raise awareness of employers and apprentices' obligations regarding a contract of training. Current notice periods under the Act, such as 21 days, should be applied consistently, and apprentices should be made aware of the Commissioner's powers to ensure fairness and accountability.

C) What safeguards are needed to ensure enforcement powers are applied fairly and transparently?

Enforcement powers should be applied fairly and transparently through clear evidence of standards, proportionality in penalties, and a right of appeal for employers. Public reporting of enforcement actions is essential to drive industry improvement and confidence in the system.

D) Are there other ways to strengthen system-wide quality assurance while keeping processes proportionate and practical?

Additional quality assurance measures could include:

- Stronger industry advisory involvement from employer associations and unions.
- Positive incentives (e.g., reduced audit/retape burden for high-performing employers).

3.2 Clarify and enforce employer responsibilities

A) What types of supervision and support should be clearly defined in the Act or its instruments

The Act should clearly define supervision and support to ensure apprentices are adequately guided and safe. This includes consideration of a 12-month 1:1 supervision ratio for new apprentices and a minimum supervision level to prevent unsafe or unsupervised tasks. While there may be more apprentices than supervisors in some contexts, strong supervision is still beneficial for ensuring learning outcomes and workplace safety. Wraparound support services, such as drug and mental health support, financial literacy programs and literacy and numeracy assistance, should also be included where required. Training contracts where possible should specify the apprentice's place of work. Employers should make reasonable efforts to place apprentices close to home or work, and reimbursement for textbooks or training costs should be clarified. The Act should distinguish electrical apprenticeships from the Home Building Act, reflecting industry-specific requirements.

B) How can we ensure employers understand and meet their responsibilities while avoiding unnecessary burden?

Employer resource assessments that use plain language should be developed to ensure awareness of obligations under a training contract including apprentice supervision, scope of work and training requirements. Employers and apprentices would be required to sign off confirming their understanding of responsibilities. A short CPD course for trade supervisors should cover supervision, safety, and wraparound support services, including mental health and literacy and numeracy assistance.

C) Would a public recognition scheme for high-performing employers (e.g. 'Employer of Choice') help support better outcomes?

Yes. A public recognition scheme such as 'Employer of Choice' could encourage better outcomes. It must, however, remain accessible to small businesses and provide opportunities for learning and growth rather than penalising those with limited resources.

D) Are there additional supports or tools that would help employers, especially small businesses, meet their obligations?

Employers and Registered Training Organisations (RTOs) in NSW should use workplace evidence gathering tools such as Exemplar Profiling, to ensure apprentices are receiving the appropriate scope of work and experience to become highly skilled qualified electricians.

Employer Associations such as Master Electricians Australia and the National Electrical and Communications Association are often best place to provide advice and supports that assist small businesses to operate safely and productively while reducing administrative burdens.

3.3 Expand student pathways and flexibility

A) What types of flexible or modular training options would help more people access and complete apprenticeships and traineeships?

Time spent on tools is a critical factor in apprenticeship completions for the electrical industry. Flexible options could be promoted such as block-release programs for learners in regional or remote areas. Adult learners transitioning into trades require targeted support, including wage subsidies to close the gap between the adult rate of pay compared with a junior apprentice. School-based apprenticeships should be further promoted if supported by the apprentice and employer.

B) Should the Act explicitly support emerging models like degree apprenticeships and stackable credentials?

There is a general view in the electrical industry that stackable credentials are not generally valued and are not considered useful within the electrical trade context. Similarly, degree apprenticeships have been trailed with minimal success – They are not considered relevant to much of the electrical industry. Any consideration of emerging models should therefore be informed by ongoing engagement with industry stakeholders to ensure relevance, practicality, and alignment with workplace needs.

C) What safeguards are needed to ensure flexible pathways maintain quality and industry relevance?

Stronger RTO compliance oversight is essential to maintain quality, ensure industry relevance, and safeguard apprentices. Industry is aware of several repeat offender RTOs that continually deliver qualifications that do not meet the requirements of industry, the training package or licensing outcomes.

D) How can the system better support learners entering from school, community programs or other non-traditional starting points?

School-based apprenticeships are less popular compared to the usual full-time pathway. However, options such as delivery of Certificate II in schools' programs can provide exposure. Wraparound

services, mentoring, literacy, numeracy, and wellbeing support should be available for all learners. Working-with-children checks should be considered for employers taking on school-based apprentices.

3.4 Support improved completions and simplify processes

- A) Do you support a shift to a competency-based completion model, where apprentices and trainees complete once they have finished formal training and are confirmed as competent in the workplace, rather than serving a set period of time?**

ESA supports competency-based completions in principle but urges caution in high-risk trades. Nominal time periods remain an important and industry supported safeguard for the electrical trades. There should be provisions in place to ensure earlier completion of around 3 months, provided the on and off-the-job obligations have been met.

While we support alignment with a national occupation license framework, delays in licensing are causing RTOs to rush processes. TAFE maintains a strict RPL process, whereas loopholes exist with some private RTOs, which can compromise outcomes. Industry benchmarks should continue to guide competency confirmation.

- B) Are there specific administrative or contractual steps in the completion process that create unnecessary delays or confusion?**
- C) What role should the Act play in supporting successful outcomes for apprentices and trainees?**

The Act should play a central role in supporting completions by ensuring apprentices and trainees have access to wraparound services including mentoring, literacy and numeracy support, and wellbeing programs. It should guarantee certain rights and protections for apprentices and trainees throughout their training. In addition, the Act should provide clearer advice for overseas workers on the correct pathways into apprenticeships and traineeships. Finally, it should avoid creating unnecessary official forums or bodies that lack accountability, instead focusing on practical measures that deliver tangible outcomes.

3.5 Modernise oversight and reduce red tape

- A) What administrative or compliance processes create the most burden or delay for participants in the system?**

A key burden for participants is the difficulty in keeping track of training documents. Apprentices, employers, and RTOs often face delays and confusion when paperwork is misplaced or duplicated, creating unnecessary administrative pressure and slowing progress.

B) How could digital tools improve quality, transparency or efficiency across the apprenticeship and traineeship system?

Digital tools could significantly improve efficiency by enabling a system to track progress and documentation in real time. Exemplar Profiling provides a strong example, as it effectively tracks apprentices' off-the-job training and workplace experience, giving employers, RTOs, and apprentices a shared record of progress. Expanding the use of such tools, supported by an online departmental portal for training contracts accessible at any time, would improve transparency, reduce errors, and ensure all parties have clear and up-to-date records of obligations and achievements.

C) Should the Act set clearer timeframes and documentation rules for transactions such as contract backdating or cancellation?

Common guidelines and principles should be developed to ensure a consistent approach is taken towards training contracts.

D) What else could help modernise oversight and reduce unnecessary red tape?

3.6 Enhance Trade Skills Recognition (TSR) to improve outcomes

A) Would a more formalised approach, such as an approved provider list for RTOs issuing trade qualifications prior to TSR, help improve trust and consistency in the system, particularly for applicants coming through RPL or gap training pathways?

Yes. A formalised and approved provider list would improve trust and consistency across TSR outcomes, particularly for candidates entering through RPL or gap training pathways. At present, standards can vary between providers, which creates uncertainty and risk undermining confidence in the system.

By ensuring only approved RTOs with demonstrated capability deliver training and assessment prior to TSR, we can maintain rigor, guarantee quality, and strengthen alignment with industry expectations.

B) Should the Act consider alternatives to the current unanimous decision requirement- such as a majority or scoring-based model- to help reduce pressure on individual industry representatives and support more timely decision-making?

ESA recommends retaining the unanimous decision-making requirement to protect the integrity and confidence of the system. However, we acknowledge that delays and bottlenecks can arise. A solution

could be to expand the pool of industry representative or appoint additional assessors hereby reducing pressure on individual members while still ensuring that every decision reflects full industry consensus.

C) Would clearer expectations around the skills, experience or support required for industry representatives help strengthen the TSR process and provide greater protection for those involved in decision-making, particularly where there may be accountability or liability considerations?

Yes, Clearer expectations would strengthen the TSR process and ensure fairness for both representatives and applicants. Industry stakeholders should provide oversight and direction to the Department, ensuring that the recognition process reflects real-world trade standards. In turn, the Department should articulate clear advice to candidates and employers about pathways to licensed outcomes, with these pathways anchored in industry standards. High risk trades, such as electrotechnology, require rigor throughout both migration and RPL process. Only industry-endorsed pathways should be used, with clear expectations set for the role of industry assessors and the evidence required. This approach would preserve trust, reduce inconsistencies, and protect safety while also giving industry representatives confidence that their input is properly recognised and safeguarded.

D) Would strengthening the role of the Commissioner, including enabling decisions where consensus is not reached, support more efficient TSR processes?

No. The Commissioner does not hold the necessary industry qualifications or expertise to make TSR determinations. Decisions must remain industry-led to preserve the integrity and rigor of the system. Allowing the Commissioner to overrule industry consensus would risk undermining both trust and quality in the recognition process. Efficiency should instead be improved by increasing assessor capacity and clarifying processes, not by transferring authority away from industry.

E) How could TSR be more effectively aligned with licensing or skilled migration processes, and what benefits or risks might this create?

TSR should be aligned with licensing and skilled migration processes under a nationally consistent framework. This framework must maintain rigor through three essential components:

1. The Offshore Technical Skills Record (OTSR) provides an initial benchmark of technical competency.
2. Nationally endorsed gap training to address any skills differences between overseas and Australian qualifications.
3. Structured workplace evidence collection to demonstrate competence in an Australian context before an electrical license is granted.

This model ensures that overseas-qualified workers are recognised fairly while maintaining safety and quality. The Electrotechnology Trades Assistant Upskilling Program (ETAUP), delivered by ESA and ETU NSW through the NSW Department of Education's Trade Pathway Innovation Fund, demonstrated the success of this approach. ETAUP used an Australian Technical Competencies Statement (ATCS), equivalent to the OTSR, combined with gap training and workplace experience, to provide direct licensing outcomes and maintain industry confidence. Aligning TSR with licensing and migration would reduce duplication, improve efficiency, and ensure consistency for all applicants.

F) How could TSR be better aligned with Commonwealth recognition pathways (Trades Recognition Australia) and the NSW licensing framework

The TSR process must be harmonised with Trades Recognition Australia (TRA) and the NSW licensing framework under a single, nationally consistent model. A unified approach that recognises the OTSR, requires nationally consistent gap training, and mandates workplace evidence collection would streamline pathways and ensure the same high level of rigor is applied across jurisdictions. This alignment would also support national licensing reform and automatic mutual recognition, improving workforce mobility and better supporting Australia's skills needs.

Summary

Energy Skills Australia (ESA) strongly supports the NSW Government's review of the Apprenticeship and Traineeship Act 2001 and welcomes the opportunity to contribute industry insights. The Act plays a critical role in safeguarding apprentices and trainees, setting clear expectations for employers and training providers, and ensuring pathways remain trusted and effective.

Our submission highlights the need for stronger and more transparent enforcement powers, clearer employer responsibilities, greater flexibility in pathways supported by robust safeguards, and simplified processes that encourage completions. We also stress the importance of modernising oversight through digital tools, statutory declarations, and alignment with national systems to reduce duplication and red tape.

Critically, we emphasise the need for nationally consistent approaches to Trade Skills Recognition (TSR), licensing and skilled migration pathways. The proven OTSR-gap training-workplace evidence model ensures rigor, protects safety, and provides skilled workers with a fair and efficient pathway into the Australian workforce. The ETAUP pilot has demonstrated this approach can work effectively in NSW and should be adopted as a long-term solution.

As the energy sector navigates rapid transformation driven by renewable energy, infrastructure investment and emerging technologies, a robust and future-ready apprenticeship and traineeship system will be essential to building workforce capacity. ESA remains committed to working closely with the NSW Government, industry partners, unions, and training providers to ensure reforms strengthen both the integrity and the flexibility of the system.

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