

Consultation on the requirements for the effective supervision of apprentice electricians

Consultation paper

February 2023

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Summary

The provision of effective supervision by employers and supervisors is essential for ensuring the safety of apprentice electrical workers. The work environment is inherently risky, and apprentices are still developing the knowledge and skills necessary for their role.

Sadly, five apprentice electrical workers have died while performing their work over the last seven years—an unacceptable statistic. It is critical that we identify and address any gaps in the current framework for effective supervision to minimise the risks of history repeating. This becomes all the more important as the demand for electricians, and therefore apprentices, rapidly increases with the uptake of renewable energy and the push towards all-electric homes.

Accordingly, we are undertaking a review of the *Requirements for the effective supervision of apprentice electricians*, referred to in this paper as the Apprentice Supervision Requirements. The Apprentice Supervision Requirements is a statutory document published by Energy Safe under the *Electricity Safety (General) Regulations 2019 (Vic)*. It is intended to specify the legal responsibilities and requirements for employers and supervisors of apprentice electrical workers with a view to ensuring effective supervision.

The current published version of the Apprentice Supervision Requirements¹ has a dual purpose: some sections specify explicit responsibilities and requirements for effective supervision, while other sections are indicated as offering ‘general guidance’. We are concerned this may cause some confusion about the legal status of the various sections and the legal status of the document more generally. We are particularly concerned that employers and supervisors may not clearly understand their legal responsibilities and the requirements for ensuring effective supervision of apprentices and therefore have inadequate arrangements in place.

We have sought to address this issue, and to strengthen the responsibilities and requirements for ensuring effective supervision, in the attached draft updated version of the Apprentice Supervision Requirements. We are seeking stakeholder views on:

- whether the responsibilities and requirements outlined in the draft provide an appropriate framework to ensure the safety of apprentice electrical workers, and
- the overall clarity, readability and understandability of the draft.

This consultation paper highlights some of the key changes to the responsibilities and requirements proposed in the draft updated Apprentice Supervision Requirements and includes targeted questions to guide submissions.

¹ Available here: <https://www.esv.vic.gov.au/licensing/your-responsibilities/employers-electricians/requirements-effective-supervision>.

How to provide feedback

Interested parties are invited to provide written submissions on our preliminary views, or on any other matter relevant to the effective supervision of apprentice electricians by **15 April 2024**.

Submissions can be emailed to consultation@energysafe.vic.gov.au or posted to:

Consultations
Energy Safe Victoria
PO Box 262
Collins Street West, Victoria 8007

All submissions will be treated as public and assumed able to be published on our website unless the submitter requests confidentiality. Any information that is commercially sensitive or confidential should be clearly marked. Names and other personal information will be removed from submissions prior to publication.

We are also open to meeting with individual stakeholders to discuss specific feedback.

If you have any questions or would like to arrange a meeting, please contact us at consultation@energysafe.vic.gov.au.

Consolidated list of questions for consultation

As a guide for submissions, we have included some questions in this document, which are consolidated here for ease of reference. However, we are happy to receive any relevant comments.

Section 3.1 – Employer and supervisor responsibilities

1. Do you agree that the roles of the employer and the supervisor are distinct and that this should be reflected in the Apprentice Supervision Requirements?
2. Are the proposed roles and responsibilities of employers and supervisors as outlined in the draft updated Apprentice Supervision Requirements appropriate and clear? Do you have any suggestions to make them clearer?
3. Do you believe that a supervisor is adequately qualified by holding a relevant electrical licence or should they be required to hold additional qualifications or undertake additional training? If the latter, what qualifications and/or training are necessary?
4. Do you have any other comments regarding the approach to the roles and responsibilities of employers and supervisors for ensuring effective supervision?

Section 3.2 – Apprentice responsibilities

5. Do you agree with the proposed wording of the section in the draft updated Apprentice Supervision Requirements outlining the rights and responsibilities of apprentices?
6. Are there any other responsibilities or requirements that should be imposed on apprentices?

Section 3.3 – Levels of supervision

7. Are the three levels of supervision as currently drafted appropriate?

8. Do these levels of supervision provide employers, supervisors and apprentices with clarity around the supervision requirements?

9. Is there sufficient differentiation between the three levels?

10. Are the names appropriate, or would alternatives be preferred?

11. Is the concept of being “within visual contact and audible range (within sight and earshot)” a good gauge for a supervisor being in close contact with the apprentice? Is there a better alternative?

12. Do you consider that these supervision levels are best suited for this document (and therefore represent a regulatory requirement), or would they better fit in general guidance?

Section 3.4 – Supervisor to apprentice ratios

13. Do you consider this stated approach to be appropriate?

14. Do you have suggestions for the wording of the responsibilities of employers and supervisors?

15. Should we remove the requirement that a supervisor be adequately qualified in the role of supervisor or, alternatively, should we mandate that supervisors undertake identified qualifications or training? If the latter, what training or qualifications are necessary?

16. Do you have any other comments regarding the approach to ensuring supervisors are sufficiently capable of providing effective supervision?

Section 3.5 – Supervision requirements for higher risk work tasks

17. Are the conditions for carrying out isolation procedures and fault finding appropriate? Are they clear?

18. Are there any other specific work tasks that should have conditions applied that are not already captured in the draft updated Apprentice Supervision Requirements?

Section 3.6 – Levels of effective supervision for specified types of electrical work

19. Does the Minimum levels of effective supervision table provide a useful approach to understand the supervision levels that are necessary for apprentice electrical workers?

20. This table is currently noted as being “general guidance”. Do you agree that it should instead represent a regulatory requirement, noting the importance of the competency assessments?

21. Do you have any comments on the specific material in the table? Are the levels of supervision appropriate for the tasks identified? Should we identify additional work tasks for inclusion in the table and, if so, what should the supervision levels be for these tasks?

Section 3.7 – Other elements of this document

22. Should the flowchart for determining the level of effective supervision or the levels of guidance be included in the Apprentice Supervision Requirements?

23. Are there any elements missing from the draft Apprentice Supervision Requirements that you believe should be included?

24. Do you have any feedback on the overall clarity, readability and understandability of the draft updated Apprentice Supervision Requirements?

1 Background

This chapter provides an overview of the legislative framework relating to the effective supervision of apprentice electrical workers under Victoria's energy safety laws.

1.1 Objectives and functions of the Electricity Safety Act

In the electricity context, our decisions are guided by the objectives and functions of the *Electricity Safety Act 1998* (Vic). The objectives of the Electricity Safety Act are:

- (a) to ensure the electrical safety of electrical generation, transmission and distribution systems, electrical installations and electrical equipment;
- (b) to control the electrical safety standards of electrical work carried out by electrical workers;
- (c) to promote awareness of energy efficiency through energy efficiency labelling of electrical equipment and energy efficiency regulation of electrical equipment;
- (ca) to promote the prevention and mitigation of bushfire danger;
- (d) to protect underground and underwater structures from corrosion caused by stray electrical currents;
- (e) to maintain public and industry awareness of electrical safety requirements.

The functions of Energy Safe under the Electricity Safety Act are:

- (a) to determine minimum safety standards for electrical equipment, electrical installations and electrical work;
- (b) to encourage and monitor the use of electricity safety management schemes;
- (c) to inspect and test electrical equipment, in-scope electrical equipment or electrical installations and electrical work for compliance with the standards prescribed or relevant standards;
- (a) to administer the prescribed minimum standards for energy efficiency of electrical equipment;
- (b) to inspect and test electrical equipment for compliance with the specified minimum standards for energy efficiency;
- (c) to investigate events or incidents which have implications for electricity safety;
- (d) to regulate, monitor and enforce the prevention and mitigation of bushfires that arise out of incidents involving electric lines or electrical installations;
- (e) to provide advisory and consultative services in relation to electricity safety and electrical equipment, electrical installations and electrical work;
- (f) to advise the electricity industry and the community in relation to electricity safety;
- (g) to monitor and enforce compliance with this Act and the regulations;
- (h) such other functions are as conferred on Energy Safe Victoria by or under this Act or the regulations under this Act.

Consistent with these objectives and functions, we aim to prevent serious electrical incidents from occurring and, if they occur, we investigate serious electrical incidents and fatalities with a view to enforcing compliance with the Electricity Safety Act and associated regulations.

1.2 Effective supervision of apprentices

Legislation and regulations

Under section 39 of the Electricity Safety Act, apprentices are deemed to be licensed as an electrical worker when working under supervision as prescribed in regulations, and a training contract under the *Education and Training Reform Act 2006* (Vic).

Under the *Electricity Safety (General) Regulations 2019 (Vic)*, a person who employs an apprentice must ensure that any electrical installation work carried out by the apprentice is done only while working under 'effective supervision' of a licensed electrician and in accordance with the 'Apprentice Supervision Requirements'.

Regulation 105 defines 'effective supervision', in relation to electrical work, as—

- (a) being present at the site of the electrical work to the extent necessary to ensure that the work is being correctly performed and carried out in accordance with the Act and these Regulations; and
- (b) being aware of the details of the work being performed and giving detailed instructions and directions with respect to the work.

Regulation 507 outlines the requirements for supervision of apprentices carrying out electrical installation work, which are:

- (1) A person who employs an apprentice must ensure that any electrical installation work carried out by the apprentice is carried out under effective supervision in accordance with the Apprentice Supervision Requirements.
- (2) A licensed electrician or licensed electrical switchgear worker who is supervising an apprentice carrying out electrical installation work must supervise that apprentice in accordance with the Apprentice Supervision Requirements.
- (3) In this regulation, Apprentice Supervision Requirements means the *Requirements for the effective supervision of apprentice electricians*, as published or amended from time to time by Energy Safe Victoria.

Apprentice Supervision Requirements

The Apprentice Supervision Requirements is the key document setting out the requirements for supervision of apprentice electrical workers. It mandates the legal responsibilities and requirements for both employers and supervisors and, for example, sets out that apprentices progress through three supervision levels with respect to specific work tasks. In addition, it requires that employers ensure appropriate supervisor-to-apprentice ratios and places specific restrictions on live electrical work for apprentices.

2 Frameworks applied in other jurisdictions

This chapter summarises the approaches taken in several other Australian jurisdictions relating to the supervision of electrical apprentices, which informs our consideration of the Apprentice Supervision Requirements for Victoria in the following chapter.

2.1 Queensland

In Queensland, there are specific restrictions on the tasks deemed suitable for apprentices that are outlined in regulation 279 of the *Electrical Safety Regulation 2013* (Qld). This regulation establishes supervision mandates for businesses and supervisors. Of particular note is that the responsibility is clearly on the person “conducting a business or undertaking”, which is what we refer to as the employer. Regulation 279(3) states that “A person conducting a business or undertaking must ensure that a training person who performs electrical work is supervised at all times by a licensed electrical worker licensed to perform the work.”

Notably, it limits the type of work apprentices can undertake in close proximity to live high/low voltage areas during the initial six months of their apprenticeship. Further, it requires apprentice electricians to be supervised at all times by a licensed electrical worker licensed to perform the work. The regulation sets out that the level of supervision must be “appropriate”, having regard to:

- (a) the type of electrical work performed; and
- (b) the adequacy of the training person’s training; and
- (c) the competency of the training person.

The Electrical Safety Office in Queensland Worksafe provides guidance on what is considered ‘effective supervision’ in Queensland in a document called “Supervising electrical apprentices”. This document effectively steps out guidance for businesses, supervisors and apprentices to assist in determining what is “appropriate” supervision. The document notes three different supervision levels:

1. **Direct Supervision:** In this level, a supervisor closely monitors the apprentice's work and is always within sight or earshot. This type of supervision is suitable for new tasks, tasks the apprentice hasn't mastered yet, tasks with assessed risks requiring constant oversight, or tasks involving live electrical work.
2. **General Supervision:** Here, the supervisor is not constantly observing but is available in person for assistance as needed. General supervision is appropriate when the apprentice can perform tasks safely to minimum standards without constant intervention, understands and manages associated risks, and has a reasonable level of knowledge and practical skill.
3. **Broad Supervision:** At this level, occasional face-to-face contact is sufficient, and the supervisor's presence isn't required at all times. Broad supervision is suitable when the apprentice can perform tasks safely to acceptable standards without constant intervention, has a strong grasp of risk management, possesses substantial knowledge and skill, and can manage unexpected events.

The document also sets out guidance for the different tasks undertaken by electricians and the suggested supervision types, noting that it is a guide only and apprentices need to be assessed individually.

2.2 Western Australia

In Western Australia, there are detailed regulatory requirements relating to the supervision of apprentice electricians in the *Electricity (Licensing) Regulations 1991 (WA)*. The regulations establish three levels of supervision for electrical work: broad, general, and direct. The level of supervision depends on factors like the type of work, location, competence of the supervised worker, and whether the work involves live electrical installations.

- **Direct Supervision:** The supervising electrical worker is closely present during the work, provides instructions, monitors, guides, and ensures compliance with regulations and quality upon completion.
- **General Supervision:** The supervising electrical worker needs to be present at the work site throughout, offer instructions and advice, periodically monitor the work, ensure compliance, and conduct checks after completion.
- **Broad Supervision:** The supervising electrical worker must visit the work site daily, offer guidance before work starts, be available for advice during work, ensure compliance with regulations, and perform checks upon completion.

An electrical worker can work without supervision if licensed or permitted, and employers must ensure suitable supervision based on the work type, location, and worker's competence. Supervised workers should not work near live parts without direct supervision, except in their final year under specific conditions. Apprentices can decline work they consider unsafe. The regulations cover supervisory responsibilities, determining supervision levels, and ensuring proper communication between supervised and supervising workers. In addition, there is a regulatory requirement relating to the numbers of apprentices able to be supervised by a single supervisor:

- The supervising electrical worker should not oversee the electrical work of more than two electrical workers whose tasks necessitate supervision, provided that at least one of these workers requires direct supervision.
- In any circumstance, the supervising electrical worker must not oversee the electrical work of more than four electrical workers whose duties require supervision.

2.3 New South Wales

The NSW Government has drafted the Building Bill 2022, which is proposed to amend the *Home Building Act 1989 (NSW)*, and one of the proposed amendments relates to the implementation of a “Practice Standard” that sets out the expected conduct and practices of employers, supervisors and apprentices. It is proposed that Practice Standards are developed for all licence classes to ensure that supervision obligations are customised to the specific risks posed by different kinds of work. The first standard under development is the Electrical Practice Standard.

The proposed Electrical Practice Standard is designed to encompass the following key aspects:

- Outline the specific duties and obligations of employers, licensed electricians, apprentices, and individuals without licences.
- Introduce a classification of supervision into three levels (direct, general, and broad supervision), which will be closely tied to the nature of tasks being performed.
 - Direct supervision mandates continuous one-on-one oversight, wherein the supervisor remains physically present throughout the apprentice's or unlicensed individual's work.
 - General supervision involves periodic guidance and monitoring by a supervisor to ensure the safe and accurate execution of tasks. The supervisor must be physically on-site at all times and easily accessible to provide necessary instructions and aid.

- Broad supervision necessitates a supervisor's presence at the beginning of a workday to give instructions and later at day's end to inspect completed tasks and rectify any substandard work. Notably, tasks under broad supervision cannot be assigned to an unlicensed individual.
- Specify the permissible ratio of individuals under a supervisor's guidance, contingent upon the required level of supervision, the type of tasks being performed, and the supervised individual's experience.
 - Direct supervision necessitates a 1:1 ratio. Tasks demanding general supervision must maintain a minimum ratio of 1:3, while tasks requiring broad supervision must uphold a minimum ratio of 1:5.

The enforceability of these Practice Standards would be mandated in the forthcoming Bill, with the standards themselves published in the New South Wales Gazette.

2.4 Tasmania

In 2022, the Tasmanian Government amended the *Occupational Licensing (Supervision of Prescribed Work) Code of Practice*, which is made under section 53 of the *Occupational Licensing Act 2005* (Tas). The Code of Practice represents legal requirements imposed on employers, supervisors and apprentices.

This Code of Practice sets out the roles of the “nominated manager” (or the person responsible for the prescribed work), and the supervisor. It notes that nominated manager (or responsible person) must appoint a competent supervisor for those requiring supervision and, amongst other roles, must monitor the ongoing supervision within the business to ensure compliance with regulations and the Code.

Supervisors are responsible for determining the appropriate level of supervision for the safe and compliant execution of prescribed work, which requires giving consideration to the supervision levels specified in the document (i.e. direct, general and broad). The Code of Practice also specifies the following supervisor to apprentice ratios:

- **Direct:** one-to-one, unless adjusted after a risk assessment.
- **General and broad:** Ratios determined after a risk assessment considering supervisor and supervised person's competence, work nature, hazards, and environment.

The Code of Practice includes a very detailed table of the tasks of electrical work, and the supervision level that is required to be provided at each phase of an apprentice's experience. The phases are stepped out as follows:

- Phase 1A: Month 0-6
- Phase 1B: Month 7-12
- Phase 2: Month 13-24
- Phase 3: Month 25-36
- Phase 4: Month 37-48

In addition to the requirements imposed on managers and supervisors, the code of practice also imposes specific, simple requirements on apprentices. It states that a supervised person (apprentice) must:

- (a) not perform prescribed work unless they have an appointed supervisor;
- (b) follow all reasonable directions provided by the supervisor; and
- (c) seek clarification on any task which they are unsure of, or have concerns about, prior to commencing that task.

2.5 Victorian Registration and Qualifications Authority (VRQA)

The Victorian Registration and Qualifications Authority (**VRQA**) serves as the regulatory body for education and training in Victoria. Its primary responsibility involves overseeing the quality of education and training broadly, but it also manages the registration of apprentices and trainees. In this space it approves employers for apprentices and trainees and ensures that all parties involved fulfill their contractual obligations.

In outlining the types of supervision that is required to be provided to Apprentices, the VRQA guidelines use the similar tripartite structure as is applied in the other jurisdictions. The VRQA factsheets² outline three levels of supervision that are to be used in training apprentices and trainees:

1. **Direct Supervision:** This is the default and mandatory form of supervision, to be maintained until the apprentice or trainee demonstrates competence in a skill and can perform it safely.
2. **Indirect Supervision:** This involves intermittent monitoring and oversight, with the supervisor remaining in proximity to the apprentice or trainee at a safe and appropriate frequency.
3. **Broad Supervision:** In this level, the supervisor is not consistently near the learner. It focuses on quality checking of completed tasks and the overall performance of the apprentice or trainee.

² Supervision fact sheet for apprentices and trainees, Apprenticeships Victoria. 7 September 2023.
https://www.apprenticeships.vic.gov.au/wp-content/uploads/2022/12/AV_FactSheets_AT_FINAL.pdf

3 Issues under consideration

This chapter outlines the key issues we are seeking comment on in relation to the draft updated Apprentice Supervision Requirements:

- employer and supervisor responsibilities
- apprentice responsibilities
- levels of supervision
- the number of apprentices being supervised by a single supervisor (ratios of supervisors to apprentices)
- the levels of supervision for specified types of work
- the overall clarity, readability and understandability of the draft updated Apprentice Supervision Responsibilities.

3.1 Employer and supervisor responsibilities

Current requirements

Employers and supervisors have specific roles relating to the provision of effective supervision of apprentice electrical workers. These roles have been codified in regulatory requirements reflecting the fact that sufficient training is critical in this space, but also as a result of the often-inherent power imbalance that exists between employers and supervisors on one hand, and apprentices on the other.

Regarding employer responsibilities, the current published version of the Apprentice Supervision Requirements states that:

...regardless of who is tasked within the organisation to carry out the role of supervisor, the employer remains responsible for the quality of apprentice training, and their safety and supervision – including direct, general and broad supervision. Energy Safe expects the employer to comply with the requirements of AS/NZS 4836 — *Safe working on or near low-voltage electrical installations and equipment*, across the organisation where relevant.

Regarding supervisors, the Apprentice Supervision Requirements outlines that in order to serve as a supervisor to an electrical apprentice, “one must be competent, adequately qualified in the role of supervisor and hold a Victorian A Grade electricians licence.”

Further, the Apprentice Supervision Requirements states that:

Effective supervision means being:

- present at the site of the electrical work to the extent necessary to ensure that the work is being carried out safely and correctly.
- aware of the details of the electrical work being performed, give instruction and direction to the apprentice.
- the responsible person for the compliance of the electrical work.

The supervisor is responsible for:

- assessing whether the workplace is a safe working environment for the apprentice i.e., is the workplace in a condition that will provide for a safe working environment.

- deciding what level of supervision should apply at various stages of the apprenticeship.
- ensuring that the apprentice is given opportunities to learn and practice on-the-job skills
- isolating, testing and commissioning of circuits and equipment.
- training, mentoring and monitoring progress on a daily basis.

Under the current published version of the Apprentice Supervision Requirements, both employers and supervisors are responsible for the effective supervision of apprentice electrical workers. The document notes that the employer is “responsible for the quality of apprentice training, and their safety and supervision – including direct, general and broad supervision”, whereas “it is the supervisor’s responsibility to provide effective supervision to the apprentice.”

Discussion

Employer responsibilities and requirements

All jurisdictions reviewed in our cross-jurisdictional research apply requirements on both employers and supervisors, but the specific detail of the requirements differs across jurisdictions.

For example, in Queensland, employers must ensure that apprentices in their first six months are kept away from low and high voltage exposed parts and have continuous supervision by licensed electrical workers.

In Western Australia, employers are responsible for ensuring that apprentices receive appropriate supervision from licensed workers with technical knowledge. They must also consider the apprentice’s competence, especially when working with live electrical installations. Moreover, they need to guarantee that supervisors maintain proper supervision, for example, by assessing the required level of supervision and maintaining supervisor-to-apprentice ratios.

In New South Wales, employers are obligated to provide a safe working environment, offering information, training, safe procedures, and supervision by qualified, licensed electricians. Employers must ensure apprentices receive necessary work-based training and must not instruct them without appropriate supervision or competence assessment.

Tasmanian requirements place overarching responsibilities on a “nominated manager” who manages and controls supervision of prescribed work within the business. The nominated manager appoints competent supervisors and, among other duties, monitors ongoing supervision to ensure compliance with regulations and the Code.

Supervisor responsibilities and requirements

With respect to supervisor requirements, under the current arrangements in Victoria, in order to serve as a supervisor to an electrical apprentice, “one must be competent, adequately qualified in the role of supervisor and hold a Victorian A Grade electricians licence.” This contrasts with the requirements in Queensland, where relevant regulations require supervisors be licensed electrical workers that are licensed to perform the work, which also generally aligns with the approaches taken in Tasmania and Western Australia, and under the proposed new arrangements in New South Wales.

Preliminary position

We consider it appropriate that both employers and supervisors have responsibilities with respect to the effective supervision of apprentice electrical workers. However, we consider that the Apprentice Supervision Requirements should note that the roles of the employer and the supervisor are distinct. For example, we consider that the responsibilities and requirements of the employer should reflect the fact that employers have duties under the *Occupational Health and Safety Act 2004* (Vic) to provide all employees (supervisors and apprentices alike) with such supervision as is necessary to enable them

to perform their work in a way that is safe and without risk. Meanwhile, the responsibilities of the supervisor should reflect the fact that they should be providing day-to-day effective oversight of apprentices.

Employer responsibilities and requirements

Therefore, section 4 of the draft updated Apprentice Supervision Requirements:

- states that employers are responsible for having in place the appropriate arrangements that ensure the quality of apprentice training, and their safety and supervision, and for continuously monitoring and assessing the effectiveness of those arrangements and making adjustments as necessary
- places an explicit onus on employers to appointing supervisors who are responsible for providing effective supervision of apprentices, ensuring that the supervisor:
 - holds a current relevant electrical licence
 - is competent and has the capacity to supervise the work of the apprentice
 - agrees to supervise the apprentice, and
 - is aware of their responsibilities and the requirements as outlined in this document.
- requires employers to ensure supervisors comply with their responsibilities and requirements as set out in the document, and
- notes that requirements set out in the document in no way remove or limit an employer's duties to employees under the Occupational Health and Safety Act.

Supervisor responsibilities and requirements

We also propose changes to the responsibilities of supervisors. The current published version of the Apprentice Supervision Requirements does not specify what qualifications are sufficient to be “adequately qualified in the role of supervisor”. We consider that there is value in simplifying the arrangements such that supervisor needs to hold a relevant electrical licence. We also note that competent is defined in the Electricity Safety (General) Regulations as follows:

For the purposes of these Regulations, a person is competent to perform a specified task if that person has acquired, whether through training, qualifications or experience (or a combination of these), the skills necessary to perform that task correctly.

Therefore, section 5 of the draft updated Apprentice Supervision Requirements specifies that the supervisor must be competent in the work being carried out by the apprentice they are supervising and hold a current relevant electrical licence. ‘Relevant electrical licence’ is defined as:

- an Electrician's licence (A Grade) issued by Energy Safe Victoria under the Electricity Safety Act if the apprentice is an apprentice electrician
- a licence issued by a licensing authority or body in another Australian state or territory that is equivalent to an Electrician's licence (A Grade) if the apprentice is an apprentice electrician
- an Electrical Switchgear Worker's licence issued by Energy Safe Victoria under the Electricity Safety Act if the apprentice is an electrical switchgear or electrical fitter apprentice.

We have also explicitly linked the responsibilities and requirements of supervisors in section 5 of the draft updated Apprentice Supervision Requirements to each of the other relevant parts of the document for greater clarity. This includes levels of supervision, ratios of supervisors to apprentices and conditions and levels of supervision for specified types of electrical work.

Questions for consultation

1. Do you agree that the roles of the employer and the supervisor are distinct and that this should be reflected in the Apprentice Supervision Requirements?

2. Are the proposed roles and responsibilities of employers and supervisors as outlined in the draft updated Apprentice Supervision Requirements appropriate and clear? Do you have any suggestions to make them clearer?

3. Do you believe that a supervisor is adequately qualified by holding a relevant electrical licence or should they be required to hold additional qualifications or undertake additional training? If the latter, what qualifications and/or training are necessary?

4. Do you have any other comments regarding the approach to the roles and responsibilities of employers and supervisors?

3.2 Apprentice responsibilities

Current requirements

Under the Electricity Safety Act an apprentice is deemed to be licensed only while working under the effective supervision of a licensed electrical worker, and a training contract under the *Education and Training Reform Act 2006* (Vic). The currently published Apprentice Supervision Requirements does not impose any other distinct responsibilities or requirements on apprentice electrical workers.

Discussion

As outlined above, there are regulatory requirements imposed on apprentice electrical workers under the *Occupational Licensing (Supervision of Prescribed Work) Code of Practice* in Tasmania. It states that a supervised person (apprentice) must:

- not perform prescribed work unless they have an appointed supervisor
- follow all reasonable directions provided by the supervisor, and
- seek clarification on any task which they are unsure of, or have concerns about, prior to commencing that task.

Preliminary position

There is an obligation for apprentices to understand that they are only deemed to be licensed while working under effective supervision in accordance with the Apprentice Supervision Requirements. It is important that apprentices understand that they should not be working outside the scope of what they have been directed to do by their employer and supervisor.

However, we believe it is important to recognise that apprentices are often in the early stages of their career and may find it difficult to speak up and effectively advocate for their own interests (e.g., to voice concerns where they are directly or indirectly directed to do work without effective supervision). For these reasons, we strongly believe that the primary responsibility for ensuring effective supervision should remain with employers and supervisors. Apprentices should instead be encouraged and empowered to speak up if they do not receive effective supervision.

Section 6 of the draft updated Apprentice Supervision Requirements states that apprentices must ensure that they are working under effective supervision, while highlighting their right to a supportive work environment that empowers them to voice concerns if they feel supervision does not meet the requirements. Sections 4 and 5 also outline a requirement for employers and supervisors to provide a work environment that allows apprentices to speak up).

Questions for consultation

5. Do you agree with the proposed wording of the section in the draft updated Apprentice Supervision Requirements outlining the rights and responsibilities of apprentices?

6. Are there any other responsibilities or requirements that should be imposed on apprentices?

3.3 Levels of supervision

Current requirements

The levels of supervision are intended to allow for supervisors to provide apprentices with greater autonomy as they progress through their apprenticeship.

The currently published Apprentice Supervision Requirements outlines three categories of supervision: direct, general, and broad. The document notes that apprentices' ability to perform a particular skill is what develops through the stages of competency:

Apprentices begin learning a particular skill under direct supervision. When they achieve competence in a skills, they move to general supervision for that skill.

These decisions should be made in consultation with the apprentice. It is important that an apprentice is able to voice their confidence or uncertainty in regard to their abilities and different aspects of electrical work.

The wording in the document for each supervision level is below:

Direct	General	Broad
<p>Direct supervision is one-on-one supervision. This is essential for every new apprentice and must be maintained during the training of a particular skill, until the apprentice has demonstrated their competence in that skill. The supervisor shall provide specific and constant guidance to the apprentice, closely liaising and monitoring the apprentice, and continually reviewing the work practices and the standard of their work. The supervisor shall:</p> <ul style="list-style-type: none"> • remain on the same work site as the apprentice • provide instruction and guidance to the apprentice, and observe all aspects of the apprentice's work to ensure work is performed safely and correctly • be able to communicate directly with the apprentice at all times • remain within audible range (earshot) of the apprentice. 	<p>General supervision is a stage that an apprentice enters as they gain skills that allow them to function more independently. The apprentice will move from direct supervision to general supervision only in the skills where they have demonstrated competence. As part of general supervision, the supervisor shall provide the apprentice with instruction and direction for the tasks to be performed, with progressive checks and relevant testing to be carried out while the work is being undertaken. The supervisor shall:</p> <ul style="list-style-type: none"> • remain on the same work site as the apprentice • provide instruction and guidance, and observe all aspects of the apprentice's work to ensure work is performed safely and correctly • be readily available to communicate directly with the apprentice when required. • be readily available in the immediate work area. 	<p>The apprentice at this level of supervision must be able to demonstrate electrical knowledge and skills relevant to the task. The apprentice will not require constant guidance from the supervisor whilst performing familiar tasks. The supervisor shall consult with the apprentice regarding the tasks being undertaken, and provide instruction and direction as required. The supervisor shall provide periodic face-to-face contact throughout the day, or work cycle, to check that the apprentice's work complies with technical and safety requirements.</p>

Discussion

We observe a clear similarity among the jurisdictions we reviewed in their alignment with the Victorian approach to organising levels of supervision in three categories: direct, general, and broad supervision. However, differences exist in their respective methods. In the case of Queensland, their approach involves imposing stringent regulatory limitations on tasks during the initial six months of an apprenticeship, coupled with the requirement that apprentice supervision be “appropriate”. Detailed guidance on appropriateness is provided by the Electrical Safety Office's guidelines which also incorporate the levels of direct, general, and broad supervision. These do not constitute regulatory requirements.

In contrast, the regulation of apprentice supervision in both Western Australia and Tasmania, as well as the proposed framework for New South Wales, are characterised by a greater number of specific requirements. These approaches, akin to the current Victorian model, encompass regulatory stipulations concerning the tripartite supervision structure, albeit with minor variations regarding what each level entails.

We also note that a similar framework is used, for example, by the VRQA (as outlined above), and we understand that they are well understood within the industry.

Preliminary position

We consider the levels of supervision should continue to be included in the Apprentice Supervision Requirements. The differences between the levels of supervision are critical to determining what is the appropriate supervision level that is to be applied as apprentices gain experience, and therefore critical for keeping employers and supervisors to account for the provision of that level of supervision.

However, we consider that the current wording of the levels of supervision should be modified and there should be an explicit requirement for supervisors to conduct a competency assessment to determine the appropriate level of supervision to be applied for a given task.

Therefore, section 7 of the draft updated Apprentice Supervision Requirements states that the supervisor must undertake a competency assessment in consultation with the apprentice to determine the level of supervision to be applied for a given work task. It also states, however, that the level of supervision to be applied is always subject to the conditions and limitations outlined in other sections of the document relating to carrying out isolation procedures, fault finding, and the levels of supervision for specified types of electrical work.

Proposed wording for the levels of supervision in the draft updated Apprentice Supervision Rules is as shown below, reflecting that the deleted content from the current published version is captured through other parts of the document. Notably, the new wording is intended to reflect the enforceability of these levels, switching ‘shall’ in the current published version with ‘must’ to ensure this is clear.

Direct	General	Broad
<p>Under direct supervision, the supervisor must provide specific and constant guidance to the apprentice. This will include the supervisor liaising with and monitoring the apprentice's work, continually reviewing their work practices and the standard of their work.</p> <p>When applying direct supervision, the supervisor must:</p>	<p>Under general supervision, the supervisor must provide the apprentice with instruction and direction for the tasks to be performed, with progressive checks and relevant testing to be carried out while the work is being undertaken.</p> <p>When applying general supervision, the supervisor must:</p> <ul style="list-style-type: none"> • remain on the same work site as the apprentice 	<p>Under broad supervision, the supervisor must consult with the apprentice regarding the tasks being undertaken, providing instruction and direction as required. However, the supervisor does not need to be physically on the same work site as the apprentice at all times.</p> <p>When applying broad supervision, the supervisor must:</p>

<ul style="list-style-type: none"> • remain on the same work site as the apprentice • be able to communicate directly with the apprentice at all times • remain within visual contact and audible range (within sight and earshot) of the apprentice • provide instruction and guidance to the apprentice • observe all aspects of the apprentice's work to ensure it is performed safely and correctly. 	<ul style="list-style-type: none"> • be readily available to communicate directly with the apprentice when required • be readily available in the immediate work area of the apprentice • provide instruction and guidance to the apprentice • observe all aspects of the apprentice's work to ensure it is performed safely and correctly. 	<ul style="list-style-type: none"> • consult with the apprentice about the tasks being undertaken • provide instruction and direction as required • provide periodic, face-to-face contact throughout the day/shift – checking that the apprentice's work complies with technical and safety requirements • remain readily contactable by the apprentice.
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Questions for consultation
7. Are the three levels of supervision as currently drafted appropriate?
8. Do these levels of supervision provide employers, supervisors and apprentices with clarity around the supervision requirements?
9. Is there sufficient differentiation between the three levels?
10. Are the names appropriate, or would alternatives be preferred?
11. Is the concept of being “within visual contact and audible range (within sight and earshot)” a good gauge for a supervisor being in close contact with the apprentice? Is there a better alternative?
12. Do you consider that these supervision levels are best suited for this document (and therefore represent a regulatory requirement), or would they better fit in general guidance?

3.4 Supervisor to apprentice ratios

Current requirements

The current published Apprentice Supervision Requirements outlines the required ratios of supervisors to apprentices. Under current rules, the ratios are only defined with respect to those under direct (1:2) and general (1:4) supervision. However, we note that the current supervisor to apprentice ratios in the Apprentice Supervision Requirements are not consistently communicated throughout the document. In the section outlining the levels of supervision, it states that “Direct supervision is one-on-one supervision”, whereas later in the document it states “One supervisor is to supervise no more than two apprentices under direct supervision at any one time.”

Discussion

While there are similarities across the jurisdictions we reviewed, we note that approaches do vary somewhat. The table below provides a summary of the approaches used in other jurisdictions.

	Direct	General	Broad
Victoria	1:2	1:4	-

New South Wales (proposed) ³	1:1	1:3	1:5
Western Australia	A supervisor cannot supervise the electrical work of more than 2 electrical workers whose electrical work requires supervision if the electrical work of at least 1 of them requires direct supervision	A supervisor must not, in any case, supervise the electrical work of more than 4 electrical workers whose electrical work requires supervision.	
Tasmania	1:1 (May be adjusted following risk assessment)	Ratios determined after a risk assessment considering supervisor and supervised person's competence, work nature, hazards, and environment.	

The approaches taken in Tasmania, Western Australia and New South Wales align with the Victorian approach in regard to having regulatory requirements relating to the ratios between supervisors and apprentices. The New South Wales requirements, listed above, are for clear minimum ratios for each supervision level, whereas in Western Australia the regulations allow for a maximum of two apprentices per supervisor if one requires direct supervision, and no more than four apprentices in any circumstance. The Tasmanian approach also stipulate a ratio of 1:1 for direct supervision, but notes that it can be amended following a risk assessment. The Tasmanian approach states that, for general and broad supervision, the nominated manager can determine appropriate ratios following a risk assessment. In contrast, there are no prescribed ratios of apprentices to supervisors in Queensland.

Preliminary position

We consider that supervisor-to-apprentice ratios are a useful way to communicate the appropriate level of supervision that is required to ensure the safety of apprentices as they develop their skills. Nevertheless, we consider that the current settings should be updated.

With respect to direct supervision, we consider that a one-to-one supervisor-to-apprentice ratio is appropriate. This brings the requirement into line with the requirements expressed in the section detailing the levels of supervision, and it ensures that the most inexperienced apprentices are provided with the greatest possible supervision.

We consider the requirement should be that supervisors must supervise no more than three apprentices under general supervision (i.e. a one-to-three supervisor-to-apprentice ratio). This reflects the fact that as apprentices develop their skills, they can be provided with increased autonomy to undertake relatively low risk tasks.

We note that there is no ratio required for broad supervision under the current drafting. Under the current wording of 'broad supervision' outlined above, supervisors must only provide "periodic face-to-face contact throughout the day". Given this, we consider that there should be a supervisor-to-apprentice ratio in place to make it clear that this requirement to provide periodic checks to those under broad supervision remains a critical role to ensure the safety of apprentices. Accordingly, we consider that a one-to-five supervisor to apprentice ratio is appropriate for apprentices conducting tasks under broad supervision.

³ The draft practice standards note that an inspector may allow an exemption to these ratios in exceptional circumstances.

We acknowledge that many businesses employ multiple apprentices at different stages of their apprenticeship, and therefore consideration should be given to how supervisors can effectively supervise under these circumstances.

At a high level, we note that supervising under both direct and general supervision require very active supervision. It would therefore not be possible to, for example, supervise an apprentice conducting a task under direct supervision, while simultaneously supervising multiple apprentices conducting tasks under general supervision.

In contrast, broad supervision is relatively less “hands-on”. As such, we consider that supervisors can supervise an apprentice conducting a task under general supervision, while simultaneously supervising, say, three other apprentices under broad supervision.

The proposed ratio of supervisors to apprentices are set out in section 8 of the draft updated Apprentice Supervision Requirements.

Questions for consultation

13. Do you consider this stated approach to be appropriate?

14. Do you have suggestions for the wording of the responsibilities of employers and supervisors?

15. Should we remove the requirement that a supervisor be adequately qualified in the role of supervisor or, alternatively, should we mandate that supervisors undertake identified qualifications or training? If the latter, what training or qualifications are necessary?

16. Do you have any other comments regarding the approach to ensuring supervisors are sufficiently capable of providing effective supervision?

3.5 Supervision requirements for higher risk work tasks

Current requirements

The current published Apprentice Supervision Requirements outlines regulatory requirements relating to the parties responsible for carrying out isolation procedures, confirmation of isolation, compliance testing and commissioning/energisation, as well as fault finding. These tasks all feature greater risk to safety and, therefore, are only able to be undertaken by those with more experience. The current requirements for carrying out isolation procedures are that:

...the supervisor shall be responsible for carrying out isolation procedures, confirmation of isolation, compliance testing and commissioning/ energisation. Apprentices should have the opportunity to carry out these tasks in the final stages of their apprenticeship, but only under direct supervision and under the conditions below.

- A 3rd stage apprentice may carry out basic (not live) fault finding under direct supervision.
- A 4th stage apprentice may carry out basic (not live) fault finding under general supervision only if they have been deemed competent to do so.
- A 4th stage apprentice may carry out advanced fault finding and confirmation of isolation under direct supervision.

Preliminary position

We consider it appropriate, given the heightened risks involved, that these tasks are reserved for supervisors and for experienced apprentices. Sections 9 and 10 of the draft updated Apprentice Supervision Requirements specifies conditions for carrying out isolation procedures and fault finding, consistent with those set out in the current published Apprentice Supervision Requirements.

However, we are interested in stakeholder views on whether the specifics of these requirements are appropriate. We are also interested in stakeholder views on whether there are any other specific work tasks that require regulatory requirements with respect to the level of supervision and year of apprenticeship.

Questions for consultation

17. Are the conditions for carrying out isolation procedures and fault finding appropriate? Are they clear?

18. Are there any other specific work tasks that should have conditions applied that are not already captured in the draft updated Apprentice Supervision Requirements?

3.6 Levels of effective supervision for specified types of electrical work

Current requirements

The current published Apprentice Supervision Requirements also includes “general guidance” on the minimum level of supervision required for identified types of electrical work, for each apprentice training stage (i.e., 1st year, 2nd year etc.). This information is presented in a table format that sets out several electrical work tasks, and then identifies a level of supervision for each task as apprentices gain experience.

Discussion

Similar tables are used in other jurisdictions we reviewed, however differences exist in their respective approaches.

The “Supervising electrical apprentices” published by the Electrical Safety Office in Queensland Worksafe sets out guidance for the different tasks undertaken by electricians and the suggested supervision types. Similarly, guidance published by the Western Australian Director of Energy Safety titled *Safe working guidelines and assessment for electrical apprentices* also includes a similar table of tasks and corresponding supervision level. However we note that these are guidelines only and do not represent regulatory requirements.

The proposed supervision practice standards for the electrical industry in NSW, which are proposed to represent mandatory regulatory requirements, and also the Tasmanian arrangements under the *Occupational Licensing (Supervision of Prescribed Work) Code of Practice* both similarly include tables that sets out types of electrical work, and the corresponding minimum supervision levels that would apply to apprentices as they progress through their apprenticeship.

There are also differences between the levels of supervision required/suggested across these documents. For example, the Queensland guidance suggests direct supervision for all tasks in the first six months of their apprenticeship, which generally aligns with the approaches taken in Victoria, Tasmania and the proposed practice standards in NSW. However, the Western Australian guideline suggests general supervision as the recommended minimum supervision level for “new electrical installations (not connected to electricity supply)” and “workshop assembly and maintenance of electrical equipment (not connected to electricity supply)” for first year apprentices.

The tables included in the guidelines and regulations of the jurisdictions we reviewed also differ in the numbers of electrical work tasks included, and the approaches used to divide the apprenticeships into discrete periods (i.e. months/years).

Preliminary position

As noted, the minimum levels of supervision table in the current published Apprentice Supervision Requirements is referred to in that document as “general guidance”.

We consider that the table provides a useful and easily understood framework for knowing when different levels of supervision are required for the specified types of electrical work. The information represented in the table provides a useful baseline for understanding the levels of supervision required, but it is critical to understand that competency assessments are necessary to ensure apprentices are capable of safely working under the level of supervision. We therefore consider that this table should continue to be included in the Apprentice Supervision Requirements, but that it should represent an enforceable regulatory requirement.

We also propose to change the framing of this section slightly so that it’s not referred to as “minimum levels of supervision”. We consider that referring to supervision levels as ‘minimum’ may be confusing for the reader, and instead we are proposing to clarify that where the level of effective supervision is, for example, general supervision, it would never be acceptable for an apprentice to work under broad supervision.

Therefore, section 11 of the draft updated Apprentice Supervision Requirements provides the table noting that the level of supervision specified in the ‘must be at least the level of supervision shown in that table but should be adjusted based on a competency assessment in accordance with section 7’. It also states the following conditions:

- electrical work noted in the table as requiring direct supervision must never be supervised under general or broad supervision
- electrical work noted in the table as requiring general supervision must never be supervised under broad supervision (but can be supervised under direct supervision).

Questions for consultation

19. Does the minimum levels of effective supervision table provide a useful approach to understand the supervision levels that are necessary for apprentice electrical workers?

20. This table is currently noted as being “general guidance”. Do you agree that it should instead represent a regulatory requirement, noting the importance of the competency assessments?

21. Do you have any comments on the specific material in the table? Are the levels of supervision appropriate for the tasks identified? Should we identify additional work tasks for inclusion in the table and, if so, what should the supervision levels be for these tasks?

3.7 Other elements of the document

Current requirements

The current published Apprentice Supervision Requirements steps out some guidance on the following matters:

- Levels of guidance: this section outlines that supervision is expected to gradually diminish over the course of the apprenticeship.
- Apprentice competency: this section includes criteria to assist in the assessment of the competency of apprentices.
- Elements of effective supervision: this section sets out supervisor practices that are necessary to provide effective supervision.
- Flowchart for determining the level of effective supervision.

Preliminary position

While this content is useful in assisting employers, supervisors and apprentices to understand what constitutes effective supervision, some of it should form enforceable requirements while other parts may be more suited to industry guidance that is included in relevant website material instead.

The draft updated Apprentice Supervision Requirements incorporates the criteria for assessing the competency of apprentices (section 7) and many of the elements of effective supervision (throughout, but predominantly section 5). It does not include the flowchart for determining the level of effective supervision or the levels of guidance (although the latter is reflected in the levels of supervision outlined in the document).

In developing the draft updated Apprentice Supervision Requirements, we have also sought to re-structure the content to support clarity and understanding of the responsibilities and requirements, and ensure enforceability.

Questions for consultation

22. Should the flowchart for determining the level of effective supervision or the levels of guidance be included in the Apprentice Supervision Requirements?

23. Are there any elements missing from the draft updated Apprentice Supervision Requirements that you believe should be included?

24. Do you have any feedback on the overall clarity, readability and understandability of the draft updated Apprentice Supervision Requirements?