

## **EXPLANATORY STATEMENT**

**Issued by the authority of Minister Giles, Minister for Skills and Training**

### ***Australian Apprenticeship Support Loans (Australian Apprenticeships Priority List) Determination 2025***

#### **AUTHORITY**

The ***Australian Apprenticeship Support Loans (Australian Apprenticeships Priority List) Determination 2025*** (the **Determination**) is made under section 105 of the *Australian Apprenticeship Support Loans Act 2014* (the **Act**).

Subsection 105(1) empowers the Minister to, by legislative instrument, determine a list (the **Australian Apprenticeships Priority List**) specifying the occupations for which, or qualifications leading to occupations for which, in the opinion of the Minister, skilled persons are a priority.

Subsection 105(7) of the Act provides that in determining the Australian Apprenticeships Priority List, the Minister must have regard to any relevant advice given to the Minister by Jobs and Skills Australia under section 9 of the *Jobs and Skills Australia Act 2022* in relation to either Australia's current and emerging labour market (including advice on workforce needs and priorities) or Australia's current, emerging and future skills and training needs and priorities.

The Determination makes consequential amendments to the *Australian Apprenticeship Support Loans Rules 2023* (the **Rules**) and repeals and replaces the *Australian Apprenticeship Support Loans (Australian Apprenticeships Priority List) Determination 2023* (**2023 Priority List**), which is the existing instrument made under subsection 105(1) of the Act. Under subsection 33(3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

#### **PURPOSE AND OPERATION**

For the purposes of the Act, a qualifying apprenticeship is, among other things, an apprenticeship through which a person is undertaking a qualification that leads to an occupation or qualification specified on the Australian Apprenticeships Priority List.

Part 2 of the Determination is the Australian Apprenticeships Priority List. Section 7 of the Determination specifies, for the purposes of paragraph 105(1)(a) of the Act, occupations for which, in the opinion of the Minister, skilled persons are a priority. The occupations specified in the Determination are all in the following *Occupation Standard Classification for Australia* major groups: 'Technicians and Trades Workers' or 'Community and Personal Service Workers'.

The Minister has made Part 2 of the Determination having had regard to advice given to the Minister under paragraph 9(a) of the *Jobs and Skills Australia Act*. That advice is reflected in Jobs and Skills Australia's 2025 Occupation Shortage List (which, in January 2025, could be accessed at: <https://www.jobsandskills.gov.au/data/occupation-shortages-analysis/occupation-shortage-list>).

The Determination will operate to support the delivery of the Australian Apprenticeship Support Loans program. The effect of the Determination, read with the Act and with section 8 of the Rules, is that a qualifying apprenticeship is an apprenticeship or traineeship through which a person is undertaking a qualification:

- at level 3, level 4, level 5 or level 6 in the Australian Qualifications Framework (which, in January 2025, could be accessed at: [www.aqf.edu.au/framework/australian-qualifications-framework](http://www.aqf.edu.au/framework/australian-qualifications-framework));
- that is included on the National Register ([www.training.gov.au](http://www.training.gov.au)); and
- leading to an occupation specified in Part 2 of the Determination.

The Determination also sets out (at section 9 and Schedule 1) transitional arrangements for a person who, before the commencement of the Determination, was undertaking a qualification leading to an occupation or qualification that was specified on the former Trade Support Loans Priority List, 2023 Priority List or the Rules. The amendments at Schedule 1 are consequential in nature and amend section 29 of the Rules to ensure that the transitional provisions in the Rules also apply to occupations specified on the 2023 Priority List, that have been removed from the Priority List by this Determination.

## **REGULATORY IMPACT**

The Office of Impact Analysis (OIA) was consulted and advised that an impact analysis is not required under the Australian Government's Policy Impact Analysis Framework (OIA Reference: OIA25-08967).

## **COMMENCEMENT**

The Determination commences at the start of the day after it is registered.

## **CONSULTATION**

Jobs and Skills Australia's 2025 Occupational Shortage List informed the occupations specified in Part 2 of the Determination. Jobs and Skills Australia consulted extensively in the development of that list, including with industry associations, employer groups, employee groups and individuals. That consultation was considered appropriate for the purposes of making the Determination.

## **STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### ***Australian Apprenticeship Support Loans (Australian Apprenticeships Priority List) Determination 2025***

This disallowable legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of this disallowable legislative instrument**

The *Australian Apprenticeship Support Loans Act 2014* (the **Act**) establishes the Australian Apprenticeship Support Loans program, which presently aims to increase the number of people completing apprenticeships leading to priority occupations by providing financial support to eligible people to assist them with the costs of living and learning while undertaking an Australian Apprenticeship.

This is achieved by offering eligible people concessional income contingent loans (up to a lifetime maximum of \$25,374 for the 2024-25 income year), which are paid back when the taxable income of the person reaches the repayment threshold. For the 2025-26 income year, the compulsory repayment threshold is \$54,435.

Subsection 105(1) of the Act empowers the Minister to, by legislative instrument, determine a list (the Australian Apprenticeships Priority List) specifying the occupations for which, in the opinion of the Minister, skilled persons are a priority.

Subsection 105(7) of the Act provides that in determining the Australian Apprenticeships Priority List, the Minister must have regard to any relevant advice given to the Minister by Jobs and Skills Australia under section 9 of the *Jobs and Skills Australia Act 2022* in relation to either Australia's current and emerging labour market (including advice on workforce needs and priorities) or Australia's current, emerging and future skills and training needs and priorities.

For the purposes of the Act, a qualifying apprenticeship is, among other things, an apprenticeship through which a person is undertaking a qualification that leads to an occupation or qualification specified on the Australian Apprenticeships Priority List.

Part 2 of the *Australian Apprenticeship Support Loans (Australian Apprenticeships Priority List) Determination 2025* (the **Determination**) is the Australian Apprenticeships Priority List. Section 7 of the Determination specifies, for the purposes of paragraph 105(1)(a) of the Act, occupations for which, in the opinion of the Minister, skilled persons are a priority. The occupations specified in the Determination are all in the following *Occupation Standard Classification for Australia* major groups: 'Technicians and Trades Workers' or 'Community and Personal Service Workers'.

The Minister has made Part 2 of the Determination having had regard to advice given to the Minister under paragraph 9(a) of the *Jobs and Skills Australia Act*. That advice is reflected in Jobs and Skills Australia's 2025 Occupation Shortage List (which, in January 2025, could be accessed at: <https://www.jobsandskills.gov.au/data/occupation-shortages-analysis/occupation-shortage-list>).

The Determination will operate to support the delivery of the Australian Apprenticeship Support Loans program. The effect of the Determination, read with the Act and with section 8 of the *Australian Apprenticeship Support Loans Rules 2023*, is that a qualifying apprenticeship is an apprenticeship or traineeship through which a person is undertaking a qualification:

- at level 3, level 4, level 5 or level 6 in the Australian Qualifications Framework (which, in January 2025, could be accessed at: [www.aqf.edu.au/framework/australian-qualifications-framework](http://www.aqf.edu.au/framework/australian-qualifications-framework));
- that is included on the National Register ([www.training.gov.au](http://www.training.gov.au)); and
- leading to an occupation specified in Part 2 of the Determination.

The Determination also sets out transitional arrangements for a person who, before the commencement of the Determination, was undertaking a qualification leading to an occupation or qualification that was specified on the former Trade Support Loans Priority List or that previously was, but no longer is, on the determination. The Australian Apprenticeship Support Loans Rules also set out transitional arrangements for such persons.

## **Human rights implications**

This disallowable legislative instrument engages the following rights:

- the right to work; and
- the right to education.

### Right to work

Article 6 of the International Covenant on Economic, Social and Cultural Rights (**ICESCR**) states that States Parties will recognise the right to work (which includes the right of everyone to the opportunity to gain their living by work which they freely choose or accept) and to take appropriate steps to safeguard that right.

That article sets out the steps States Parties must take to achieve the full realisation of the right to work, including providing technical and vocational guidance and training programs, policies and techniques to achieve steady economic, social and cultural development, and full and productive employment under conditions safeguarding fundamental political and economic freedom to the individual. The obligation to fulfill the right to work requires States Parties to, among other things, take positive measures to enable and assist individuals to enjoy the right to work and to implement technical and vocational education plans to facilitate access to employment.

This disallowable legislative instrument engages the right to work because it operates to support the delivery of an expanded Australian Apprenticeship Support Loans program. The

Australian Apprenticeship Support Loans program will allow more people to, amid rises in the cost of living and learning, access immediate financial support to help them undertake apprenticeships and traineeships to gain a living by work they freely choose. The Australian Apprenticeship Support Loans program also represents a positive measure to facilitate access to employment in priority occupations.

### Right to education

Article 13 of the ICESCR states that secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education. Further, technical and vocational education as facilitated by States Parties should enable students to acquire knowledge and skills which contribute to their employability and enhance their productivity.

This disallowable legislative instrument engages the right to education because it operates to support the delivery of an expanded Australian Apprenticeship Support Loans program. The Australian Apprenticeship Support Loans program will allow more people to, amid rises in the cost of living and learning, access immediate financial support to enable them to acquire knowledge and skills which contribute to their employability and enhance productivity. The Australian Apprenticeship Support Loans program also represents a positive measure to further the availability and accessibility of technical and vocational secondary education.

### **Conclusion**

This disallowable legislative instrument is compatible with human rights because it promotes the protection of human rights.

**Minister for Skills and Training, the Hon Andrew Giles MP**

## EXPLANATION OF PROVISIONS

### ***Australian Apprenticeship Support Loans (Australian Apprenticeships Priority List) Determination 2025***

#### **Part 1 – Preliminary**

##### **Clause 1: Name**

1. This clause provides that the name of the instrument is the *Australian Apprenticeship Support Loans (Australian Apprenticeships Priority List) Determination 2025* (the **Determination**).

##### **Clause 2: Commencement**

2. This clause provides that the whole of the Determination commences at the start of the day after this instrument is registered.

##### **Clause 3: Authority**

3. This clause provides that the Determination is made under sections 105 and 106 of the Act.
4. Subsection 105(1) of the Act provides that the Minister may, by legislative instrument, determine a list (the Australian Apprenticeships Priority List) specifying:
  - occupations for which; or
  - qualifications leading to occupations for which;

in the opinion of the Minister, skilled persons are a priority.

5. Subsection 105(7) of the Act requires the Minister to have regard to any relevant advice given to the Minister by Jobs and Skills Australia under section 9 of the *Jobs and Skills Australia Act* in relation to either of the following matters:
  - Australia's current and emerging labour market, including advice on workforce needs and priorities; or
  - Australia's current, emerging and future skills and training needs and priorities.
6. The Minister has made the Determination having had regard to such advice. That advice is reflected in Jobs and Skills Australia's 2025 Skills Priority List (which, in January 2025, could be accessed at: <https://www.jobsandskills.gov.au/data/occupation-shortages-analysis/occupation-shortage-list>).
7. Further, for the purposes of Schedule 1, the Determination is also made under section 106 of the Act. Specifically, subsection 106(2) provides that, without limiting subsection 106(1) of the Act, the Rules may prescribe matters of a transitional nature (including

prescribing any saving or application provisions) arising out of changes to the rules or changes to the administration of Australian apprenticeship support loan. Section 29 of the Rules prescribes such a transitional arrangement and Schedule 1 of the Determination makes consequential amendments to that section.

#### **Clause 4: Definitions**

8. This clause sets out the definitions of terms used in the Determination. In the Determination:

- **Act** means the *Australian Apprenticeship Support Loans Act 2014*; and
- **OSCA** means the “Occupation Standard Classification for Australia”, which was released on 6 December 2024.

9. A note to clause 4 explains that in 2025, the Occupation Standard Classification for Australia could be accessed at <https://www.abs.gov.au/statistics/classifications/osca-occupation-standard-classification-australia/2024-version-1-0>.

#### **Clause 5: Schedules**

10. This clause provides that each instrument specified in a Schedule to the Determination is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to the Determination has effect according to its terms.

11. This Determination consists of two Schedules, which make consequential amendments to section 29 of the *Australian Apprenticeship Support Loans Rules 2023* and repeals the *Australian Apprenticeship Support Loans (Australian Apprenticeships Priority List) Determination 2023*.

## **Part 2 – Australian Apprenticeships Priority List**

#### **Clause 6: Purpose of this Part**

12. This clause provides that Part 2 of the Determination is made for the purposes of subsection 105(1) of the Act.

13. Subsection 105(1) of the Act provides that the Minister may, by legislative instrument, determine a list (the Australian Apprenticeships Priority List) specifying:

- occupations for which; or
- qualifications leading to occupations for which;

in the opinion of the Minister, skilled persons are a priority.

14. Subsection 105(6) of the Act requires the Minister to take all reasonable steps to ensure that an instrument is always in force under subsection 105(1) of the Act.

## **Clause 7: Australian Apprenticeships Priority List**

15. This clause provides that, for the purposes of paragraph 105(1)(a) of the Act, the occupations in the table in this clause are specified. These are occupations for which, in the opinion of the Minister after having had regard to advice from Jobs and Skills Australia, skilled persons are a priority.
16. For the purposes of the Act, a qualifying apprenticeship is, among other things, an apprenticeship through which a person is undertaking a qualification that leads to an occupation or qualification specified on the Australian Apprenticeships Priority List.
17. The effect of the Determination, read with the Act and section 8 of the *Australian Apprenticeship Support Loans Rules 2023*, is that a qualifying apprenticeship is an apprenticeship or traineeship through which a person is undertaking a qualification:
- at level 3, level 4, level 5 or level 6 in the Australian Qualifications Framework;
  - that is included on the National Register ([www.training.gov.au](http://www.training.gov.au)); and
  - leading to an occupation specified in the table in Part 2 of this Determination.
18. An occupation in column 1 of a particular item in the table is a specified occupation. The OSCA code number in column 2 of an item is included to assist with the identification of a specified occupation.

## **Part 3 – Transitional Provisions**

### **Clause 8: Purpose of this Part**

19. This clause provides that Part 3 of the Determination is made for the purposes of subsection 105(4) of the Act.
20. Subsection 105(4) of the Act allows the Australian Apprenticeships Priority List to make provision for matters of an application or transitional nature in relation to the addition, removal or modification of specified occupations or qualifications.

### **Clause 9: Transitional – pre-commencement apprenticeships**

21. This clause provides that section 9 will apply to a person if:
- immediately before the commencement of this section, the person was undertaking an apprenticeship through which the person was undertaking a qualification;
    - at a level prescribed by the *Trade Support Loans Rules 2014* or the *Australian Apprenticeship Support Loans Rules 2023*; and
    - leading to an occupation or qualification specified on the *Trade Support Loans Priority List 2014* or the *Australian Apprenticeship Support Loans (Australian Apprenticeships Priority List) Determination 2023*; and
    - which met any other requirements prescribed by the *Trade Support Loans Rules 2014* or the *Australian Apprenticeship Support Loans Rules 2023*; and



- immediately after the commencement of section 9, the occupation or qualification being undertaken by the person is not specified in Part 2 of this Determination ; and
  - before the commencement of section 9, a determination granting the person's application for trade support loan or Australian apprentice support loan had ceased to have effect.
22. Subsection 9(2) provides that the Act has effect, in relation to the person, as if the occupation or qualification referred to in subparagraph (1)(a)(ii) of section 9 were specified in Part 2 of the Determination. Subparagraph 1(a)(ii) refers to qualifications leading to an occupation or qualification specified on the *Trade Support Loans Priority List 2014* or the *Australian Apprenticeship Support Loans (Australian Apprenticeships Priority List) Determination 2023 (2023 Priority List)*.
23. For example, 'Dental Prosthetist' is an occupation specified on the 2023 Priority List. In January 2024, Person A begins undertaking an apprenticeship through which Person A is undertaking a qualification leading to an occupation as a Dental Prosthetist. In March 2024, Person A made an application for Australian apprenticeship support loan and the Secretary made a determination granting the application. In September 2024, that determination ceased to have effect and Person A did not reapply ('opt in') to continue to receive Australian apprenticeship support loan instalments. On the date this Determination commences, the 2023 Priority List is repealed and this Determination commences. Dental Prosthetist is not specified in Part 2 of this Determination. In March 2025, Person A makes an application to receive further instalments of Australian apprenticeship support loan. Because subsection 9(2) provides that the Act has effect, in relation to Person A, as if 'Dental Prosthetist' was specified on the Australian Apprenticeships Priority List, Person A is still taken to be undertaking a qualifying apprenticeship. Person A can continue to reapply ('opt in') to receive Australian apprenticeship support loan and, provided Person A does so and continues to be qualified for Australian apprenticeship support loan, Person A can receive Australian apprenticeship support loan up to the lifetime limit. To avoid doubt, Person A is only taken to be undertaking a qualifying apprenticeship because a determination in relation to the apprenticeship (in this case, the 2023 Priority List) had previously been in effect.

## Schedule 1 – Consequential Amendments

24. This Schedule makes consequential amendments to the *Australian Apprenticeship Support Loans Rules 2023 (the Rules)*. A note to the Schedule makes clear that the amendments are made pursuant to subsection 106(2) of the Act which relevantly provides that without limiting subsection 106(1) of the Act, the Rules may prescribe matters of a transitional nature (including prescribing any saving or application provisions) arising out of changes to the rules or changes to the administration of Australian apprenticeship support loans. Section 29 of the Rules prescribes such a transitional arrangement and Schedule 1 of the Determination makes consequential amendments to that section.

25. Section 29 of the Rules currently provides that if:

- before the commencement of the Rules, a person was undertaking, on the person's commencement date, an apprenticeship through which the person was undertaking a qualification:
  - at a level prescribed by the Trade Support Loans Rules; and
  - leading to an occupation or a qualification that was specified on the Trade Support Loans Priority List; and
  - which met any other requirements prescribed by the Trade Support Loans Rules;
- after the commencement of the Rules, the occupation or qualification is not specified on the Australian Apprenticeships Priority List;

then the Act has effect, in relation to the person, as if the occupation or qualification were specified on the Australian Apprenticeships Priority List.

26. The consequential amendments made by Schedule 1 amend subsection 29(1) of the Rules to include the 2023 Priority List, such that the transitional provisions in the Rules also apply to occupations specified on the 2023 Priority List, that have been removed by this Determination.

27. For example, 'Dental Prosthetist' is an occupation specified on the 2023 Priority List. In January 2024, Person B begins undertaking an apprenticeship through which Person B is undertaking a qualification leading to an occupation as a Dental Prosthetist. In February 2025, the 2023 Priority List lapses and the Determination commences. Dental Prosthetist is not specified in Part 2 of the Determination. In March 2025, Person B, who has never received an Australian apprenticeship support loan instalment, is still undertaking the same apprenticeship and makes an application for an Australian apprenticeship support loan. Because subsection 29(2) of the Rules provides that the Act has effect, in relation to Person B, as if Dental Prosthetist was specified on the Determination, Person B is taken to be undertaking a qualifying apprenticeship.

28. This policy position, consistent with the existing transitional provisions in s 29 of the Rules, is intended to ensure that a person who would have qualified for an Australian apprenticeship support loan when they commenced an apprenticeship remains qualified for Australian apprenticeship support loan provided that the person is still undertaking that apprenticeship. This will ensure people can continue to access an Australian apprenticeship support loan to assist them with the costs of living while they complete their Australian apprenticeship.

## **Schedule 2 – Repeals**

29. This clause provides that the whole of the *Australian Apprenticeship Support Loans (Australian Apprenticeships Priority List) Determination 2023* will be repealed upon commencement of the Determination.