



Australian Government
Department of Employment
and Workplace Relations

Skills Assessment Pilots

Pilot 3 – Employability Assessments

Operational Guidelines



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The document must be attributed as the Skills Assessment Pilots – Pilot 3 – Employability Assessments Operational Guidelines.

Version Control

Version	Effective	Changes
1.0	Original	
1.1	9 April 2023	Extend the referral and invoicing dates. Clarification of internships and work experience. Removal of batch allocations Updated AAQA to AAPA.
2.0	1 July 2023	Update Initial Deed Period. Updated timelines referral and invoicing deadlines to reflect extended Pilot duration. NEW eligible occupations list.
3.0	August 2023	Add flexibility to determining whether an applicant is working below their skill level. Reduce the minimum working hours from 40 to 30 hours, and change to include study.

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Definition of Terms

Term	Definition
AAPA	The Assessing Authority Policy and Assurance team, a function within the Department of Employment and Workplace Relations (the Department).
Administration Fee	An amount equal to \$200 (GST exclusive) paid to the Employability Assessment Providers (EAP) by the Department.
Applicant	A migrant who has submitted an Application Form to the Contracted Assessing Authority to participate in Pilot 3.
Application Form	An expression of interest application form, as set out in Attachment B , for a potential Applicant to complete and return to the Contracted Assessing Authority to engage in Pilot 3.
Application ID	The application record number generated by the MSI System.
Approved Training	Training approved by the Department.
Assessing Authority	A person or body specified under subregulation 2.26B(1) and approved under subregulation 2.26B(1B) of the <i>Migration Regulations 1994</i> (Cth).
Assessment Fee	An amount equal to \$1,000 (GST exclusive) paid to the EAP by the Department.
Assessment Information Pack	A pack of information provided by the EAP to Participants that provides a detailed overview of Pilot 3 and assists them in completing the Self-Assessment Questionnaire.
Coaching Session	A virtual One-On-One session delivered by the EAP, during which the Participant receives their Employability Assessment results, a Personalised Plan and Training Agreement (where relevant).
Co-Contribution	An amount equal to 10 per cent of the cost of the Approved Training up to \$333 (GST exclusive), paid by a Participant, plus any additional costs above \$3,333 (GST exclusive).
Contracted Assessing Authority	An Assessing Authority that has entered a Deed with the Department for the purposes of Pilot 3 that meets and continues to meet the obligations of that Deed.
Cultural Competency	The EAP's ability to participate ethically and effectively in personal and professional intercultural settings.

Term	Definition
Current Occupation	The Australian and New Zealand Standard Classification of Occupations (ANZSCO) ¹ occupation the Participant currently works in for any current employment.
Deed	The deeds and contracts for delivering Pilot 3 signed by the Department, the Contracted Assessing Authority, and/or the EAP, including all Schedules and any attachments.
Department or DEWR	The Australian Government Department of Employment and Workplace Relations and includes any department, agency or authority of the Commonwealth which is from time to time responsible for administering the Skills Assessment Pilots.
Documentary Evidence	The EAP's records, including any records held in any external IT system, which demonstrates that the services were provided by the EAP or Contracted Assessing Authority as required under their contracts, and/or that the EAP or Contracted Assessing Authority is entitled to a payment as set out in their contracts.
Employability Assessment	An assessment of a Participants' employability skills for Pilot 3 to identify and address any skills gaps that may be preventing the Participant from securing employment commensurate with their skill level through access to further advice and training opportunities.
Employability Assessment Provider or EAP	The contracted Provider responsible for delivering Employability Assessments and training recommendations to Participants who have submitted eligible applications.
Employability Skills	Otherwise known as core skills or soft skills, these are the 10 Core Competencies identified by the Australian Skills Classification. ²
Government Contribution	An amount equal to 90 per cent of the cost of the Approved Training up to \$3000 (GST exclusive) from the Department for the purposes of undertaking Approved Training.
GST	Has the meaning that it has in the <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cth).
Introductory Information Pack	A pack of information provided to Participants by their relevant Contracted Assessing Authority that includes the material specified in these guidelines.

¹ ANZSCO - Australian and New Zealand Standard Classification of Occupations, 2021 | Australian Bureau of Statistics (abs.gov.au)

² Core competencies | National Skills Commission

Term	Definition
Key Performance Indicators or KPIs	The standards of service which the EAP must achieve in providing the services, as specified in the Deed and Guidelines.
MSI System	The information technology system called the 'Migrant Skills Incentives System', which the Department will give the EAP and Contracted Assessing Authorities access to, for the purposes of reporting in relation to Pilot 3.
MSI System User Guide	A set of instructions for using the MSI System issued by the Department as updated from time to time by the Department.
Nominated Occupation	A Priority Occupation eligible for Pilot 3 for which the Participant has already completed a Skills Assessment.
Operational Guidelines or Guidelines	These guidelines which set out the operational requirements of Pilot 3, as amended from time to time by the Department.
Participant	An eligible Applicant for Pilot 3, who has been referred to the EAP for an Employability Assessment by a Contracted Assessing Authority.
Personalised Plan	A pack of information provided to a Participant during the Coaching Session following completion of the Self-Assessment Check-In.
Pilot 3	The third Pilot of the Skills Assessment Pilots which offers free Employability Assessments and access to subsidised training to underemployed onshore migrants who have previously received a suitable Skills Assessment Outcome in a Priority Occupation but are working below their skill level.
Priority Occupation	An occupation on the Pilot 3 Priority Occupation List at Attachment A .
Referral Fee	An amount of \$400 (GST exclusive) paid to a Contracted Assessing Authority by the Department.
Reimbursement	The amount payable by the Department to the EAP as a Reimbursement of the Government Contribution.
Self-Assessment Check-In or Check-In	Part 2 of an Employability Assessment, a virtual interaction between the EAP and a single Participant via video-conference during which a Participant's self-assessment results are verified.
Self-Assessment Questionnaire	Part 1 of an Employability Assessment, an online survey completed by the Participant to undertake a self-assessment of their Employability Skills.
Skills Assessment or Skills Assessment Outcome	The outcome of a Skills Assessment undertaken by an Assessing Authority:

Term	Definition
	<p>(a) As referred to in regulation 2.26B of the <i>Migration Regulations 1994 (Cth)</i>; and</p> <p>(b) In accordance with the <i>Australian Government Guidelines for Skilled Migration Assessing Authorities 2021</i> issued by the Department, as updated from time to time by the Department.</p>
Skills Assessment Pilots (SAP)	<p>Three separate Pilots to:</p> <ol style="list-style-type: none"> 1. Fast-track active Skills Assessment applications for onshore migrants in Priority Occupations. 2. Provide free and fast-tracked Skills Assessments for onshore migrants who were granted a family, partner, refugee or humanitarian visa on or since 1 January 2016 and who have skills and or qualifications in a Priority Occupation and have not had a formal Skills Assessment. 3. Offer Employability Assessments and subsidised training to underemployed onshore migrants who have previously received a suitable Skills Assessment Outcome in a Priority Occupation but are working below their skill level.
Skill Level	A function of the range and complexity of the set of tasks performed in a particular occupation. The greater the range and complexity of the set of tasks, the greater the skill level of an occupation.
Survey	A survey instrument issued by the Department at six and 12 months after the Employability Assessment has been completed to former Pilot 3 Participants.
Training Agreement	An agreement between the Participant and the EAP which sets out the recommended Approved Training for the purposes of Pilot 3.
Training Incentive	The Government Contribution and Co-contribution paid by the EAP to a Training Organisation.
Training Organisation	A training provider that provides Approved Training.

A. Introduction to Pilot 3

1. Overview of Pilot 3

To assist with Australia’s economic recovery from the impact of the COVID-19 pandemic and address skills shortages, the Australian Government has introduced three Skills Assessment Pilots to maximise the contribution of Australia’s onshore migrant workforce where there is a strong demand for skilled labour.

Pilot 3 offers free Employability Assessments and access to subsidised training for approximately 1,800 underemployed onshore migrants who previously received a suitable Skills Assessment Outcome in a Priority Occupation but are working below their skill level.

While these migrants possess the qualifications and technical skills that were required to pass the Skills Assessment for their Nominated Occupation, they may have gaps in important Employability Skills, such as teamwork and oral communication. Identifying and addressing these gaps through further assessment and training may enable these migrants to secure employment in one of the Priority Occupations where there are critical skills shortages.

2. Purpose of these Guidelines

The purpose of these Guidelines is to provide a framework for the operation and administration of Pilot 3. These Guidelines set out the eligibility requirements and process for Contracted Assessing Authorities and the Employability Assessment Provider to deliver Pilot 3.

These Guidelines are not an exclusive statement of the Department’s requirements for Pilot 3 and must be read in conjunction with:

- the Deeds, and
- any reference material issued by the Department.

3. Commencement and end dates

Pilot 3 commenced on 26 September 2022 and ends on 29 February 2024. To ensure timely processing of referrals and invoices, all referrals of eligible Applicants must be entered in the MSI System on or before 11:59pm AEST on 1 December 2023 for Contracted Assessing Authorities to receive the Referral Fee associated with Pilot 3.

All Employability Assessments, including enrolments in Approved Training, must be completed on or before 11:59pm AEST on 15 February 2024 for the Employability Assessment Provider to receive the respective Assessment, and Administration Fees associated with Pilot 3.

4. Roles and responsibilities

Entity	Role and responsibilities
Contract Manager	<ul style="list-style-type: none"> • The person occupying the position of Contract Manager – Skills Assessment Pilots, in the AAPA Team and the contact in the Department for any questions regarding Pilot 3. • Investigating escalated complaints. • Can be contacted at AAPA@dewr.gov.au.
Department	<ul style="list-style-type: none"> • Entering into Deeds with Contracted Assessing Authorities and the EAP on behalf of the Commonwealth of Australia. • Monitoring Contracted Assessing Authorities’ and EAP performance of services under their Deeds and taking appropriate action to address any underperformance or failure to comply with Deed requirements.

Entity	Role and responsibilities
Assessing Authority Policy and Assurance Team	<ul style="list-style-type: none"> • Maintaining communication between Contracted Assessing Authorities, the EAP and the Department. • Providing support and access to reference material to Contracted Assessing Authorities and the EAP to help them deliver Pilot 3. • Providing Contracted Assessing Authorities and the EAP access to the MSI System to enable reporting to AAPA of Employability Assessment activities including referred training. • Making payments to Contracted Assessing Authorities and the EAP in accordance with the terms of their respective contracts. f • Emailing Contracted Assessing Authorities to request Participant contact details to allow the Department to invite former Participants to complete a short Survey. • Amending these Guidelines as needed and providing updated versions to Contracted Assessing Authorities and the EAP. • Monitoring compliance with these Guidelines and the terms of the Deeds.
Contracted Assessing Authorities	<ul style="list-style-type: none"> • Reporting referral details of Employability Assessment activity to AAPA. • Identifying potential Applicants for Pilot 3. • Promoting Pilot 3 to potential Applicants by use of the Introductory Information Pack provided by the Department. • Assess eligibility of applicants. • Referring applicants to the EAP via the MSI System. • Seeking Participants’ consent to send their contact details to the Department to be used to invite them to participate in a Survey. • Emailing the contact details of their Reporting Officer, and Contract Officer contact to the Contract Manager via AAPA@dewr.gov.au by 30 August 2023. • Providing Participant contact details to the Department for the purpose of issuing a Survey instrument to Participants who accessed Pilot 3. • Issuing invoices to the AAPA Team for completed referrals under Pilot 3.
Employability Assessment Provider	<ul style="list-style-type: none"> • Delivering Employability Assessments and training recommendations. • Completing Employability Assessments and enrolling Participants in Approved Training (if identified). • Seeking Participants’ consent to send their contact details to the Department to be used to invite them to participate in a Survey. • Emailing the contact details of their Reporting Officer, and Contract Officer contact to the Contract Manager via AAPA@dewr.gov.au by 26 September 2022. • Providing Participant contact details to the Department for the purpose of issuing a Survey instrument to Participants who received an Employability Assessment as part of Pilot 3. • Issuing invoices to the AAPA Team for completed Employability Assessments and training enrolments under Pilot 3.

Entity	Role and responsibilities
Contracted Assessing Authority/Employability Assessment Provider – Reporting Officer	<ul style="list-style-type: none"> • The Contracted Assessing Authority’s nominated contact person for all reporting related matters. • The Contracted EAP’s nominated contact person for all reporting related matters.
Contracted Assessing Authority/Employability Assessment Provider - Contract Officer	<ul style="list-style-type: none"> • The Contracted Assessing Authority’s nominated contact person for all Deed related matters and complaints handling processes. • The Contracted Employability Assessment Provider’s nominated contact person for all Deed related matters and complaints handling processes.

B. Contracted Assessing Authorities and Referrals

This Section B provides guidance to Contracted Assessment Authorities on their role in the Employability Assessment process. See [Attachment C](#) for a visual representation of the end-to-end lifecycle of the process. Contracted Assessing Authorities should also note that there is content in Section G and Section H that is relevant to their role in the process.

1. Identifying Participants

Contracted Assessing Authorities will use their own records to identify migrants that the Contracted Assessing Authority has issued a suitable Skills Assessment to on or after 1 January 2012 that has been held for a minimum of 12 months in one of the Priority Occupations.

The Contracted Assessing Authority must then provide these potential Applicants the Introductory Information Pack, which includes:

- An overview of Pilot 3 with a clear and positive migrant-centric narrative about improving Employability Skills that creates trust with Participants and assurance that the assessment will not impact their migration status.
- An explanation of why the Department is offering Pilot 3.
- Information about the importance of Employability Skills.
- A summary of the benefits for successful Applicants under Pilot 3 including details of:
 - the Government Contribution to Approved Training; and
 - the Co-contribution obligation of successful Applicants.
- Steps and involvement required by the Participant throughout the assessment process including eligibility criterion.
- Information regarding treatment of the Participant’s personal information and privacy throughout the assessment.
- Frequently asked questions.
- How to submit an **Application Form** which can be found at [Attachment B](#).

2. Eligibility Criteria

Applicants must meet all aspects of the eligibility criteria at the date the Application Form is submitted to the Contracted Assessing Authority. Applicants must:

- Have received a **suitable** Skills Assessment in a Priority Occupation from their relevant Assessing Authority on or after 1 January 2012 and have held it for a **minimum of 12 months**³.
- Be seeking an Employability Assessment in the **Priority Occupation they received a suitable Skills Assessment** according to the Assessing Authorities' records.
- Be in **paid employment below their skill level**. Assessing Authorities may use their own discretion, including the use of ANZSCO codes⁴, to determine whether an applicant is working below their skill level.
- Worked a minimum of **30 hours per fortnight** within the last month:
 - This can be with more than one employer.
 - This can include a mix of paid work **and** study **and/or** volunteer work **and/or** internship or work experience (so long as the internship or work experience is below the applicants skill level). There is no set ratio for the paid work to volunteer/internship/work experience.
- Be **residing in Australia** at the time they submit their Application Form.
- Be on a **permanent** visa subclass that is listed as an eligible visa in the MSI System, or as listed at [Attachment D](#).
- Not be registered as a job seeker or have an active referral with Workforce Australia, Disability Employment Services, or the Community Development Program.
- Have not previously completed or withdrawn from a Pilot 3 - Employability Assessment.

3. Determining Applicant eligibility

Applicants are not required to provide documentary evidence of the information they provide in their Application Form and Contracted Assessing Authorities are not required to request documentary evidence to verify Applicant responses. Applicants will be required to sign a declaration as part of their Application Form confirming the information provided is accurate.

The Department does not expect Assessing Authorities to approach this role in the same capacity as they would when verifying information provided by candidates for Skills Assessments.

Contracted Assessing Authorities, in reviewing the Application Form, should check that the information provided by the Applicant and the information contained in the Contracted Assessing Authorities records of the previous Skills Assessment indicates the following:

³ The Department asked Assessing Authorities but did not receive advice that the eligibility criteria should include that an applicant must have relevant licensing and/or registration for their Nominated Occupation to be eligible for Pilot 3. This can be revisited once the Pilot commences as required.

⁴ [ANZSCO - Australian and New Zealand Standard Classification of Occupations, First Edition, Revision 1 \(abs.gov.au\)](#)

- The Applicant received a suitable Skills Assessment in a Priority Occupation from the Contracted Assessing Authority on or after 1 January 2012 and the Applicant has held it for a minimum of 12 months;
- The Applicant's Current Occupation is at a Skill Level below the Nominated Occupation, Assessing Authorities may use their own discretion, including the use of ANZSCO codes, to determine whether an applicant is working below their skill level.
- The Applicant's visa subclass is on the list of eligible visa subclasses for Pilot 3;
- The Applicant's residential postcode is an Australian postcode; and
- The Applicant has signed the relevant declarations and agreements in the Application Form.

Assessing Authorities can approach the Applicant if information is absent from the Application Form or the information is unclear. If they cannot contact the Applicant or are unable to clearly determine whether they are eligible, they should mark the Applicant as ineligible.

4. Verifying an Applicant's Skill Level

To check whether an Applicant is working below their skill level, the Contracted Assessing Authority may use its own discretion. Methods for checking this may include but are not limited to:

- The Australian and New Zealand Standard Classification of Occupations (ANZSCO)
- The global skills and competency framework for the digital world – the SFIA framework
- Overlay of skills in current role with the nominated occupation
- Assessing Authority capability frameworks

5. Ineligible Applicants

If an Applicant is not eligible, the Contracted Assessing Authority must advise the Applicant in writing as soon as practically possible.

The Assessing Authority will advise Applicants which of the eligibility criteria they failed to satisfy.

Applicants who do not meet the eligibility criteria, for example, have not worked/volunteered/studied a minimum of 30 hours per fortnight within the last month, will need to observe a **four-week waiting** period from the date of their original Application Form submission **before reapplying**.

6. Referral – Assessing Authority

Upon receipt and review of the Application Form, the Contracted Assessing Authority must:

1. Record an eligible Applicant's details in the MSI System as per [Section H](#).
2. Advise the Applicant they are eligible and that they will be contacted by the EAP to begin their Employability Assessment.
3. Update the application status in the MSI System to "referred" as per [Section H](#) for the EAP to action.
4. Issue an invoice to the Department in accordance with [Section G](#).

These activities should, where possible, be undertaken within 10 business days of receipt of the Application Form. If verification of eligibility is anticipated to take longer than this, Contracted Assessing Authorities should assess other Application Forms to ensure that engaged Applicants are being prioritised.

Contracted Assessing Authorities should advise the Department of any circumstances (e.g., Christmas shutdown period) that may prevent the Contracted Assessing Authority from being able to meet the expected delivery and reporting timeframes. The Department will negotiate new timeframes with the Contracted Assessing Authority to accommodate circumstances where the Contracted Assessing Authority is unable to meet the expected delivery and reporting timeframes.

7. Management of Applicant Referrals

Contracted Assessing Authority Management of referrals

There is no limit imposed on the number of potential Applicants Assessing Authorities can approach with the Introductory Information Pack and Application Form. To minimise a potential influx of completed Application Forms, Assessing Authorities with a large pool of potential Applicants may wish to stagger their approach in contacting potential Applicants with the Introductory Information Pack and the Application Form.

For example:

- Assessing Authorities may wish to initially approach a small pool of potential Applicants from 2012 who received a suitable Skills Assessment to test the likely uptake ahead of approaching additional potential Applicants who received a suitable Skills Assessment in 2020 and 2021.

To assist Contracted Assessing Authorities in minimising the impact of being unable to refer Applicants, the Department has undertaken the following in Pilot 3 materials:

- Inclusion of a reference in the Introductory Information Pack stating that the pilot has a *defined number of places available for skilled migrants*.
- Inclusion of a reference in the Assessment Information Pack advising Participants the pilot has a *defined number of places available for skilled migrants and should you advise that you wish to withdraw, you will be unable to recommence your Employability Assessment and will not be eligible to reapply to the Pilot*.

Further, email templates in the Communications Kit provisioned to Contracted Assessing Authorities include the following disclaimers to Applicants.

Email template to potential Applicants when sending the Introductory Information Pack and Application Form	Important: Please note, this program has a defined number of places available and not all applicants who apply may be offered a place to participate in the program. If circumstances change and a place becomes available, you will be advised.
Email template to eligible applicants after submission of their Application Form	Important: At any point, you may withdraw from the program. If you advise that you wish to discontinue your Employability Assessment, your application will be withdrawn from the program. You will be unable to recommence your Employability Assessment and will not

	<i>be eligible to reapply to the Pilot. This Pilot has a defined number of places available and others should be given the opportunity to participate instead.</i>
Email template to eligible applicants when places are not currently available	<i>This program has a defined number of places available and not all applicants who apply may be offered a place to participate in the program. If circumstances change and a place becomes available, you will be advised.</i>

Reporting Milestone

8. Withdrawals

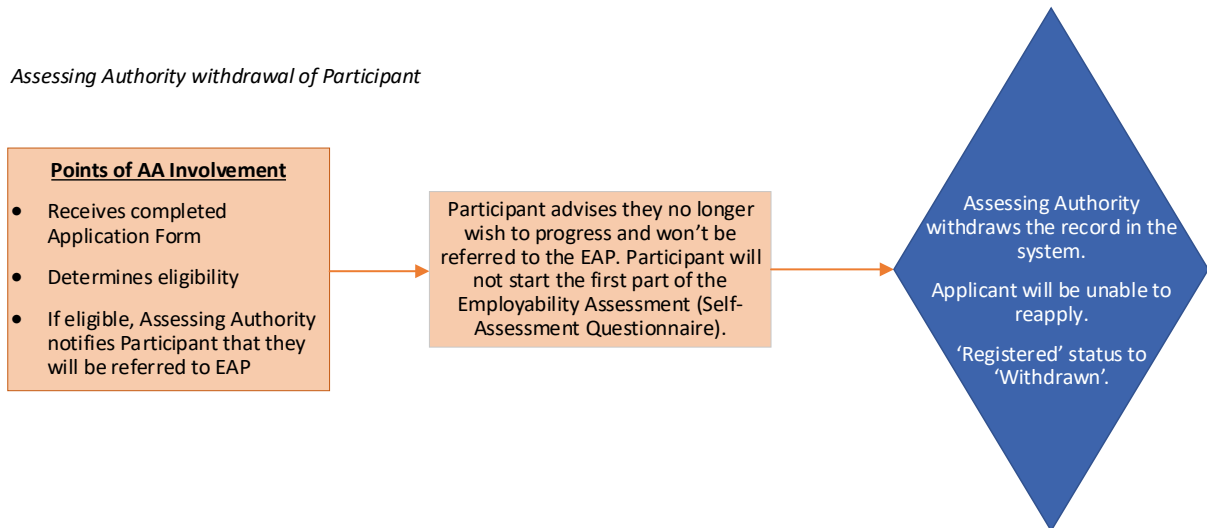
If an Applicant determined eligible for Pilot 3 advises the Contracted Assessing Authority that they no longer wish to participate in Pilot 3, the Contracted Assessing Authority must:

- Discontinue any referral of the Applicant;
- Withdraw the record from the MSI System; and

Not accept any Application Forms for Pilot 3 from that Applicant in the future.

Upon withdrawal from the MSI System, the Applicant’s status will update from ‘registered’ to ‘withdrawn’. This application will not be able to be re-opened.

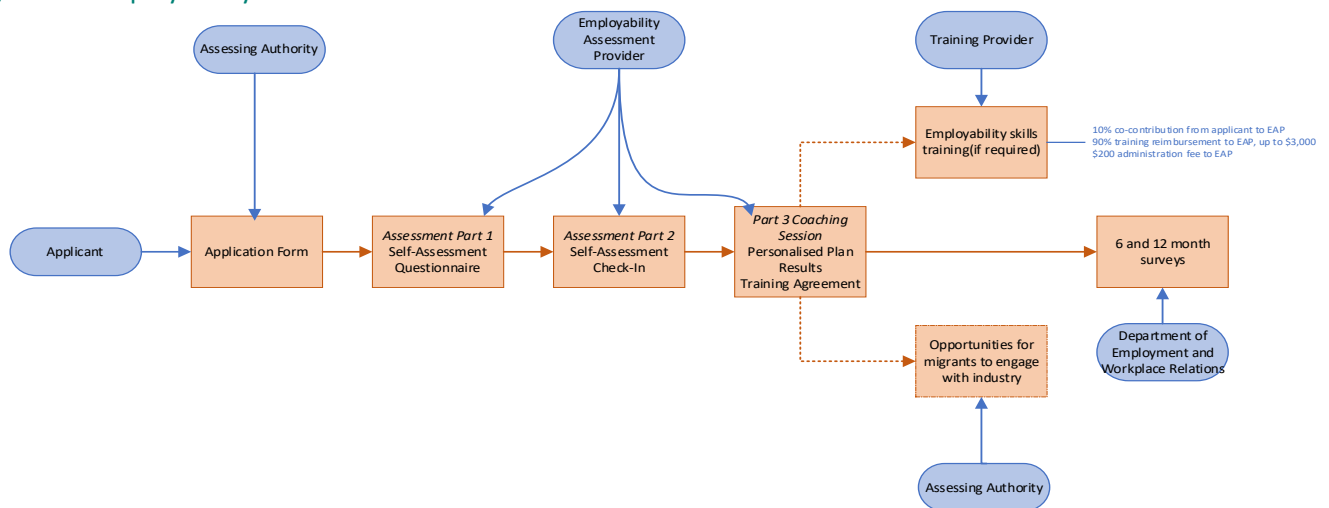
See the following image for a representation of this process:



Section C.1 below provides guidance to the Employability Assessment Provider on their role in the Employability Assessment process.

Figure 1 outlines the end-to-end Employability Assessment process from the initial application by the Applicant, to enrolment in Approved Training, networking opportunities, and Surveys undertaken by Applicants that have completed Pilot 3.

Figure 1 – Employability Assessment Process⁵



1. Assessment Part 1 – Self-Assessment Questionnaire - EAP

The Employability Assessment commences with the EAP after referral by the Contracted Assessing Authority following the process outlined in [Section B.4](#) above.

Part 1 of the Employability Assessment is the Self-Assessment Questionnaire. This questionnaire is provided to Participants upon referral to the EAP. The EAP will be able to view applications in the MSI System once the Contracted Assessing Authority has updated the status to “referred”.

For Participants to complete Assessment Part 1 – Self-Assessment Questionnaire, the EAP must:

- Access a list of active “referred” applications in the MSI System.
- Acknowledge receipt of referral of these applications in the MSI System within 5 business days. (the MSI System will display a banner of referred applications for which the EAP has not acknowledged receipt).
- Select the Assessment Information Pack with the appropriate industry-based questionnaire link for the Participant’s Nominated Occupation.
- Provide the Application ID generated by the MSI System for the Participant to enter into the Self-Assessment Questionnaire.
- Send the Assessment Information Pack to the Participant within 5 business days of acknowledging receipt of the referral in the MSI System.
- Confirm receipt of the Assessment Information Pack with the Participant.

The Assessment Information Pack will include materials such as:

- Details on the Self-Assessment Questionnaire, including purpose and intent.
- Details of the National Skills Commission (soon to be Jobs and Skills Australia) 10 Core Competencies.

⁵ This can also be viewed at [Attachment C](#)

- Instructions for completion of the Self-Assessment Questionnaire.
- Next steps for the Participant after completing the Self-Assessment Questionnaire.

The Department will endeavour to provide the Participant's completed online Self-Assessment Questionnaire results to the EAP via email within five business days of its completion by the Participant.

2. Assessment Part 2 – Self-Assessment Check-In - EAP

Part 2 of the Employability Assessment involves the EAP scheduling a Self-Assessment Check-In with the Participant to discuss their questionnaire results, how these results may relate to Employability Skills and any skills gaps they may have.

Upon receipt of the Participant's Self-Assessment Questionnaire results, the EAP must:

- Contact the Participant within 15 business days to schedule the virtual Self-Assessment Check-In.
- Use the Check-In template and guidance materials provided by the Department to prepare for and undertake the Check-In including the validation of the Self-Assessment Questionnaire results.
- If alerted to any information that indicates that the Participant is not eligible (for example, the skill level reason provided in MSI is not robust), the EAP should cease the Check-In and refer to AAPA for review before rejecting the application.
- Advise the Participant of the Check-In rescheduling parameters outlined in [Section B.4](#).
- Deliver the Check-In in a manner that demonstrates Cultural Competency.

The Self-Assessment Check-In template will include details for the EAP to complete such as, but not limited to:

- Participant's personal details (i.e., name and Application ID).
- Date and time of scheduled Check-In.
- Self-Assessment Questionnaire results.

3. Personalised Plan – EAP

Following the Self-Assessment Check-In and before the Coaching Session, the EAP will analyse the results of Part 1 and Part 2 of the Employability Assessment (the Self-Assessment Questionnaire and the Self-Assessment Check-In) and assemble a Personalised Plan to be provided to the Participant during the Coaching Session.

The Personalised Plan will form the basis of the Coaching Session discussion and must include:

- The Participant's details. For example, name, Application ID, and Nominated Occupation.
- The Participant's Core Competency results based on Part 1 and Part 2 of the Employability Assessment (informed by the Self-Assessment Questionnaire and the Self-Assessment Check-In).

- Details regarding the recommended Employability Skills gaps training, enrolment, and payment processes for the Participant as listed at [Section F](#).
- Any other relevant information that may be used by the Participant to help them become employed in their Nominated Occupation, such as:
 - Information regarding the values and expectations of potential employers in the Participant’s relevant industry, specifically in relation to their Employability Skills.

4. Part 3 - Coaching Session – EAP

Part 3 of the Employability Assessment is the Coaching Session. The Coaching Session is an opportunity for the EAP to discuss the official outcomes of a Participants Employability Assessment. This session must include industry specific advice and other areas of personal development deemed advantageous in improving employment outcomes for the Participant such as career advice relevant to the Participant’s industry.

Upon assembling the Personalised Plan, the EAP must:

- Within 15 business days of completing the Self-Assessment Check-In, contact the Participant to schedule the virtual Coaching Session.
- Deliver the Coaching Session in a manner that demonstrates Cultural Competency.
- Allow the Participant to ask the EAP questions and clarifications as required before finalising the assessment and enrolling the Participant in Employability Skills training as required.
- Advise the Participant of the Coaching Session rescheduling parameters outlined in [Section C.5](#).
- Advise the Participant how they can approach their Assessing Authority for information on opportunities for industry connections.

Table 1 - Summary of Timeframes

Employability Assessment Process	Action Timeframes
Referral (Section B)	<ul style="list-style-type: none"> • Contracted Assessing Authorities should update the application status in the MSI System to “referred” for the EAP to action within 10 business days upon receipt of the Application Form.
Final date for Applicant referrals to be entered into the MSI System is <u>on or before 11:59pm AEST on 1 December 2023</u>.	
Assessment Part 1 – Self-Assessment Questionnaire (Section C.1)	<ul style="list-style-type: none"> • EAP to acknowledge receipt of referral of applications in the MSI System within 5 business days. • EAP to send the Assessment Information Pack to the Participant within 5 business days of acknowledging receipt of the referral in the MSI System.
Assessment Part 2 – Self-Assessment Check-In (Section C.2)	<ul style="list-style-type: none"> • EAP to schedule the virtual Self-Assessment Check-In within 15 business days of receipt of the Self-Assessment Questionnaire.

Part 3 - Coaching Session
(Section C.4)

- EAP to schedule the virtual Coaching Session within 15 business days after completing the Self-Assessment Check-In.

Final date for submission of invoices for payment or Reimbursement is on or before 11:59pm AEST on 15 February 2024.

The EAP should advise the Department of any circumstances (e.g., Christmas shutdown period) that may prevent the EAP from being able to meet the expected delivery and reporting timeframes. The Department will negotiate new timeframes with the EAP to accommodate circumstances where the EAP is unable to meet the expected delivery and reporting timeframes.

5. Withdrawals and Re-engagements with the EAP

Withdrawal protocol

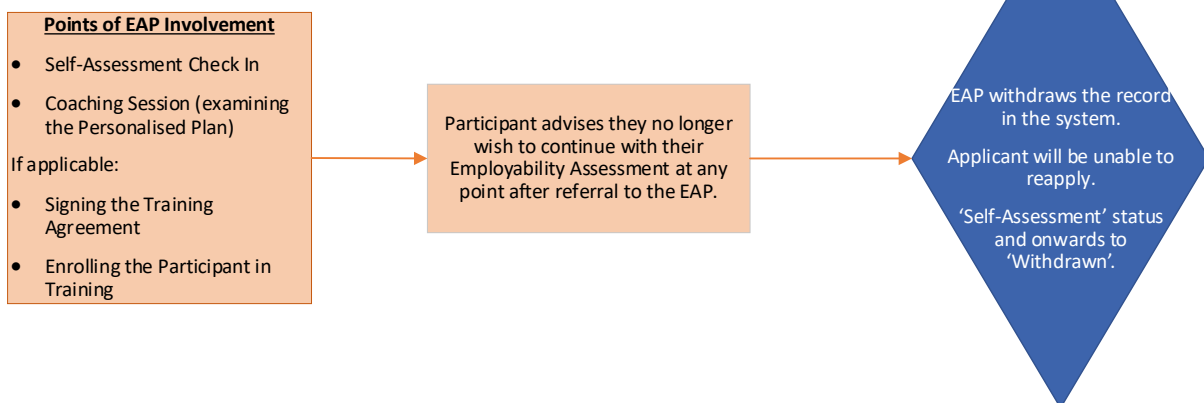
If a Participant advises via email that they wish to discontinue their Employability Assessment, their application must be withdrawn from the MSI System. Participants will be unable to recommence their Employability Assessment and will not be eligible to reapply.

Whether the Contracted Assessing Authority or the EAP is responsible for updating the application record in the MSI System depends on the stage at which the Participant advises they wish to withdraw.

In each instance, the user will be prompted to provide a reason for the withdrawal.

See the following image for a representation of this process for the EAP.

Employability Assessment Provider withdrawal of Participant



Application of “Disengaged” label

A Participant is considered *disengaged* from the Employability Assessment if the EAP is unable to contact the Participant within the timeframes listed at [Table 1](#).

Re-engagement protocol

A Participant’s record will remain in the MSI System in its most recent status (i.e., ‘self-assessment’, ‘interview’, ‘coaching’ etc.), until they either withdraw (see above) or are re-engaged.

If a Participant has become disengaged and wishes to re-engage, they will need to wait while EAP Check-In and Coaching Sessions with Participants who have not disengaged are prioritised.

In this instance, the Participant should be advised of the limited places available, and that recommencement of their assessment is not guaranteed.

Table 2 – Parameters for reengaging Participants in the Employability Assessment

Areas of consideration	Follow up	Reschedules
Assessment Part 1: Self Assessment Questionnaire	<p>Participant – 10 business days to complete the Self-Assessment Questionnaire before EAP courtesy call or email.</p> <p>EAP – Minimum 1 courtesy call or email.</p> <p>After 10 business days from the first courtesy call or email, no further follow up is required.</p> <p>Frequency of contact is at the discretion of the EAP.</p>	<p>Participant – No rescheduling.</p> <p>A Participant will remain in the ‘self-assessment’ status in the MSI System until they contact the EAP to progress.</p>
Assessment Part 2: Self-Assessment Check-In	<p>EAP – Minimum 1 courtesy call or email.</p> <p>After 5 business days from the first courtesy call or email, no further follow up is required.</p> <p>Frequency of contact is at the discretion of the EAP.</p>	<p>Participant – May reschedule up to 3 times before the EAP confirms their genuine interest and/or discontinues their assessment.</p> <p>A Participant will remain in the ‘interview’ status in the MSI System and will not be able to progress their assessment until otherwise advised.</p>
Part 3: Coaching Session	<p>EAP – Minimum 1 courtesy call or email.</p> <p>5 business days from first courtesy call or email before no further follow up is required.</p> <p>Frequency of contact is at the discretion of the EAP.</p>	<p>Participant – May reschedule up to 3 times before the EAP confirms their genuine interest and/or discontinues their assessment.</p> <p>A Participant will remain in the ‘coaching’ status in the MSI System and will not be able to progress their assessment until otherwise advised.</p>

C. Connecting Participants with industry

One of the longer-term objectives of Pilot 3 is to improve employment outcomes for skilled migrants and fill skills shortages in critical industries. Supporting skilled migrants to improve their employability skills may be one way of achieving this objective.

Anecdotal evidence gathered through stakeholder engagement for Pilot 3 and other forums relating to skilled migration, has identified that local or industry connections may also help achieve this objective. In response to this evidence, once the Participant has completed their Coaching Session, the EAP will advise them that they can contact their Assessing Authority regarding opportunities to connect with industry.

Contracted Assessing Authorities will not have visibility over which referred Applicants have completed their Employability Assessment via the MSI System. However, the Department welcomes Contracted Assessing Authorities to use Pilot 3 as a vehicle for identifying, and making Participants aware of, opportunities for them to connect with industry. This can be done at any time such as; during the referral, after they have been contacted by the Participant post-Employability Assessment, or at some future point as new connection opportunities arise.

Some examples of industry connections are:

- Discounted joining fee to professional membership programs.
- Industry meet and greet luncheons or other group events.

D. Completing the Training Agreement

1. Identify appropriate Approved Training

Upon completion of the Coaching Session the EAP will, where required, finalise the identification of Employability Skills gap training for the Participant. The EAP must make clear recommendations and provide information on appropriate training from the Approved Training List in the Personalised Plan. This includes:

- Indicating whether the Participant needs training.
- Details of the training course(s) such as the duration, availability, cost, and location of training.
- The payment of the Co-Contribution by the Participant and the role of the EAP in enrolling them in training, managing payments and Reimbursements as listed in [Section G](#).

As part of the Training Agreement the EAP must ensure the Participant consents:

- (a) to a copy of the Training Agreement being provided to the Department, who will collect and use the information for evaluation, compliance, and assurance purposes, and
- (b) for the EAP to enrol them on their behalf including organising payment of any costs relating to training and the circumstances where a Participant may be entitled to receive a refund of their Co-Contribution.

If no training is recommended for a Participant, the EAP will still provide them with a Personalised Plan that includes the relevant information listed at [Section C.3](#).

2. Completing the Training Agreement

The Training Agreement details each party's relationship and responsibilities and includes details of the recommended training from the Approved Training List in the Personalised Plan which the Participant has agreed to undertake. The Training Agreement must include the following details for each course:

- Training Organisation name and website.
- Course name.
- Link to course outline and offering dates.
- Course attendance requirements.
- Enrolment process.
- Identified training, and costs including the Co-Contribution and the Government Contribution.
- Refund policy and any associated fees.
- Participant name and contact details.
- EAP advisor details.
- Consent notices agreed and signed by all parties via e-signature.

The EAP must retain a copy of the completed, signed and dated Training Agreement, and upload a copy to the MSI System.

3. Training Provider and Department Relationship Management

Training Provider

As a best practice principle, where possible, the EAP should endeavour to maintain productive and positive working relationships with Training Providers responsible for Pilot 3 training courses.

The EAP is encouraged to seek feedback from Training Providers on uptake and engagement with recommended courses whilst ensuring that the Participant's privacy is maintained.

Continued stakeholder management with Training Providers will help enable the EAP to receive early feedback on course participation and where applicable, opportunities for alternate training recommendations that may better suit Participants.

Department

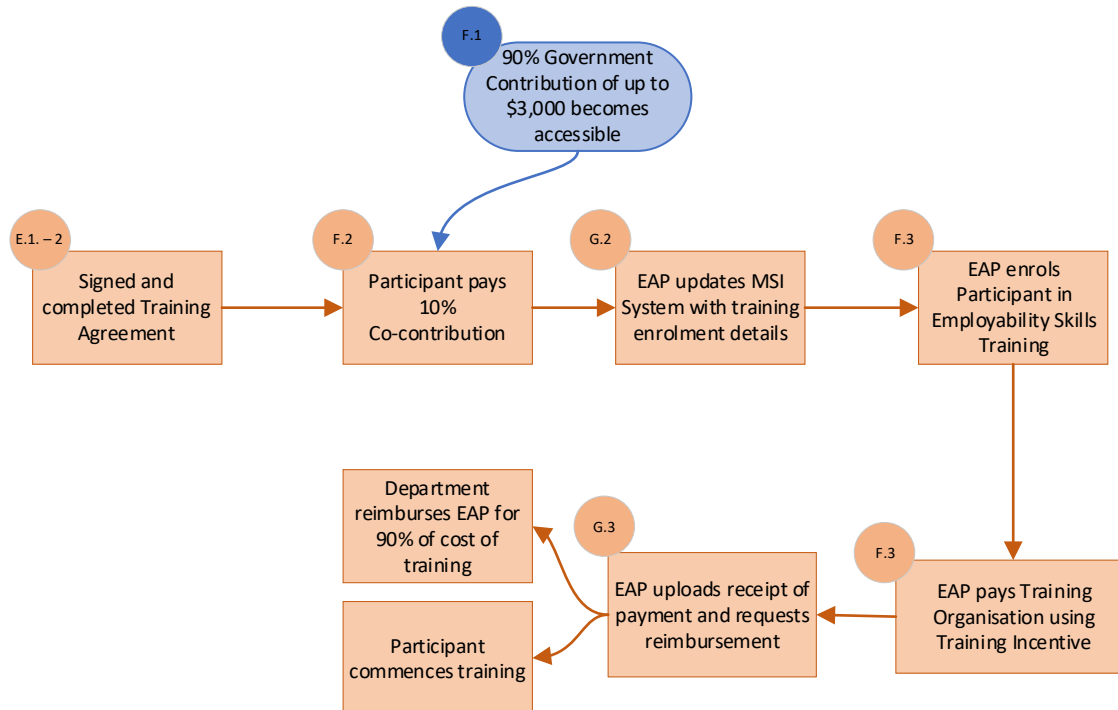
In addition to reporting in the MSI System, the EAP will provide regular analytics summaries on assessment take-up and forward anecdotal evidence/comments on Participants' responses to the assessments.

On a rolling basis as required, the EAP should advise the Department if amendments have been made to the Training List following changes to training availability or information.

Any suggested amendments to the Training List must first be submitted and approved by the Department before being added to the Training List and recommended to Participants.

E. Paying for and enrolling the Participant in Training

Figure 2 – Participant enrolment process



1. Government Contribution to Training

- The Participant may undertake multiple courses under the Training Incentive up to a total value of \$3,333 (GST Excl.). Any costs beyond \$3,333 are at the expense of the Participant.
- The Government Contribution for a training course(s) will be 90 per cent of the cost of the course(s), up to a total of \$3,000 (GST Excl.).

Once the Training Incentive for the Participant has been fully expended, the Participant cannot access further funding under Pilot 3.

The Training Incentive can be used only for costs associated with the training course(s) identified in the Training Agreement. These costs include, but are not limited to:

- Training course charges.
- The Administration Fee associated with enrolment where it is included and paid as part of the training course in one invoice.

The Training Incentive cannot be used for other expenses, such as:

- Assets including books and computers.
- Subsidies for paid leave.
- Travel related expenses (i.e., Uber, parking fees, meals).
- Internet usage.

2. Receiving Co-Contribution from Participant

The Participant must agree to pay the Co-Contribution for the training cost(s) and must pay this Co-contribution to the EAP before the EAP can enrol the Participant in any training.

The EAP must:

- Issue an invoice (or other form of written notice) to the Participant.
- Retain a copy of the invoice(s) (or other form(s) of written notice(s)), and evidence of receipt(s) of the Participant's payment of the Co-Contribution.
- Upload evidence of the invoice and receipt of the Co-Contribution to the MSI System in a de-identified format. If applicable, a Participant's Tax File Number *must* be redacted from the invoice.
- Ensure that all Co-Contributions received are held in accordance with the parameters of the Deed.

Ensure that the Participant is aware that the Training Incentive cannot be used for other expenses listed above. Where the Participant is using the Training Incentive for multiple courses, the EAP may need to complete this process more than once.

3. Enrolling Participant in Training

The EAP must make payment to the Training Organisation within 5 business days of receiving the Co-Contribution. Before enrolling the Participant in training, the EAP must:

- Only enrol the Participant in training agreed to in the signed Training Agreement.
- Advise the Participant that the order in which courses are reimbursed in the Training Incentive may affect the proportion of which course costs are funded under the \$3,000 (GST Excl.) Government Contribution.
- Advise the Participant that the training is provided to them directly from the Training Organisation under terms and conditions between the Training Organisation and the Participant.
- Provide details of the terms and conditions under which the Training Organisation provides the training to the Participant.

For example, if two training courses are undertaken by a Participant:

- Course A—total cost \$2,000 (GST inclusive), the Training Incentive value is \$1,800 and the Co-Contribution paid by the Participant is \$200.
- Course B—total cost \$3,300 (GST inclusive), the Training Incentive value is \$1,200 (i.e., the balance of the Training Incentive) and the Participant's Co-contribution is \$2,100 to cover the remaining funds.

The EAP must follow the steps in [Table 3](#) when enrolling Participants in training.

Table 3 – EAP enrolment process

Enrolment process	
Step 1	<ul style="list-style-type: none"> Obtain consent from the Participant using the Training Agreement.
Step 2	<ul style="list-style-type: none"> Invoice the Participant for a Co-Contribution of 10 per cent of the cost of training up to a maximum of \$333 (GST Excl.), plus any additional costs above \$3,333 (GST Excl.) before enrolling in training.
Step 3	<ul style="list-style-type: none"> Enrol the Participant in the training course. Make payment to the Training Organisation for the course cost within 5 business days of receiving the Co-Contribution. The Participant must not organise and pay for the training themselves.
Step 4	<ul style="list-style-type: none"> Update the MSI System with training enrolment details.
Step 5	<ul style="list-style-type: none"> Seek Reimbursement from the Department for 90 per cent of the cost of the training, up to \$3,000 (GST excl.) and payment of the Administration Fee upon first enrolment only. The EAP uploads evidence of payment.

Once enrolled, the training will be supplied under the applicable contract between the Training Organisation and the Participant. The training is not delivered to the Participant under the Training Agreement.

4. Using own Entity Training

The EAP may also be the Training Organisation delivering the training course the Participant has agreed to undertake, the following conditions must be met:

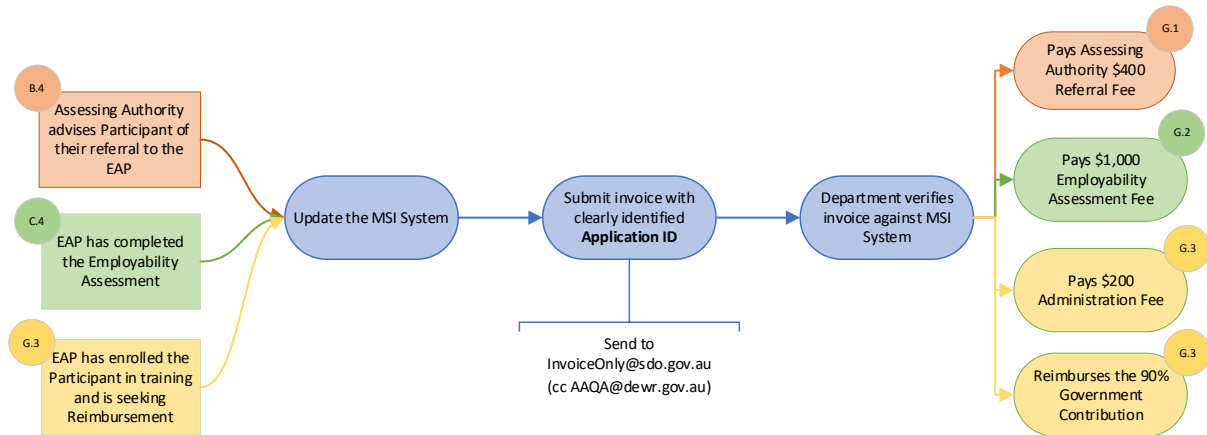
- The Participant has been made aware of the EAP’s role as the Training Organisation and made aware of alternative options where available.
- The EAP must not refer more than 50 per cent of Participants to its own training, or training of a related entity, as the Training Organisation without prior approval from the Department.
 - To seek approval, the EAP must email the Contract Manager addressing the below considerations:

In determining whether to recommend training listed in the Approved Training from its own Training Organisation to a Participant, the EAP should consider whether:

- There is similar and cheaper training on the training list with a different Training Organisation.
- The training is the best fit for the Participant.
- It has addressed any potential or actual conflicts of interest.

F. Invoicing the Department

Figure 3 – Invoicing process for Assessing Authorities and the EAP



Contracted Assessing Authorities and the EAP must invoice the Department in accordance with the terms of their Deed with the Department.

Invoices can only be provided to the Department after the Participant has been either:

- In the case of the Contracted Assessing Authority, advised of their referral to the EAP.
- In the case of the EAP:
 - Completed their Employability Assessment for a Participant who will not be enrolling in any training but are entitled to the Employability Assessment Fee.
 - Completed their Employability Assessment and has enrolled the Participant in any recommended training for the first time and is entitled to both the Employability Assessment and Administration Fees.

The MSI System must be updated with all necessary application activity details.

Invoices must clearly identify the service being invoiced for and the Application ID (e.g., AP_01234) for each application being invoiced. This can form an attachment to the invoice. Invoices must not include any of the Participant's personal details.

All invoices must be submitted to InvoiceOnly@sdo.gov.au, (cc AAQA@dewr.gov.au).

Contracted Assessing Authorities and the EAP must ensure that the relevant Purchase Order number is included on each invoice issued to the department – Purchase Orders are Deed-specific and are provided by the department. Only one Purchase Order number should be listed on each invoice, and each provision of supporting evidence (i.e., Application ID) should only be associated with one invoice.

The Department will verify invoices against the information reported in the MSI System before paying the fees claimed in the invoice.

1. Assessing Authority Referral Fee

Contracted Assessing Authorities are entitled to:

- A \$400 (GST exclusive) Referral Fee upon updating an Applicant's status to "referred" in the MSI System. This payment can only be made once per applicant.

2. Employability Assessment Provider Payments

The EAP is entitled to:

- A \$1,000 (GST exclusive) Assessment Fee upon completion of the Coaching Session, updating of the application status, and issuance of invoice.
- A \$200 (GST exclusive) Administration Fee upon uploading evidence of a Participants' enrolment in training and issuance of invoice.

Administration Fee

Where the Participant is using the Training Incentive for multiple courses, and the EAP makes multiple Reimbursement claims, the Department pays the Administration Fee for the first Reimbursement claim only.

The Administration Fee is paid when the Contract Manager can verify proof of payment to the Training Organisation in the MSI System.

The EAP will not receive the \$200 Administration Fee if the Participant does not have training recommended or has training recommended but does not enrol in the training.

It is at the discretion of the EAP if they choose to monitor participation in training, however, the EAP is entitled to only one Administration Fee regardless of the number of courses a Participant is enrolled.

3. EAP Reimbursement Claim

Once the EAP has paid for Approved Training using the Training Incentive and enrolled the Participant in Approved Training, the EAP may submit an invoice for:

- Reimbursement of the Government Contribution.
- Payment of the Administration Fee.

The Contract Manager will verify Reimbursement claims using information provided in the MSI System.

Reimbursement of a Government Contribution, and payment of the Administration Fee must be rendered by the EAP to the Department in a timely manner and in any event no more than 30 days after the date the EAP pays the Training Incentive to the Training Organisation.

The EAP must email the Contract Manager if they are unable to meet this timeframe.

4. Recoveries and Refunds

Refunds due to cancellation/withdrawal

Where Approved Training is cancelled and/or does not proceed, the EAP must take all reasonable steps to obtain a refund of the payment made to the Training Organisation.

If the Participant withdraws from the Approved Training after the training fees have been paid to the Training Organisation, or if the Training Organisation cancels the training, the EAP must manage the collection and dissemination any refunds from the Training Organisation.

Any monies refunded by the Training Organisation to the EAP should be refunded to the Participant, up to the value of their Co-Contribution within 5 business days of receipt of refund into the EAPs account before any remaining monies are returned to the Department.

Refund notifications to the Department should be accompanied with a remittance advice detailing the Application ID and evidence of cancellation or withdrawal to the Contract Manager.

Recovering the Government Contribution

If the EAP identifies that it has claimed, or accepted, a Reimbursement of the Government Contribution or payment of the Administration Fee in circumstances where the requirements to qualify for the Reimbursement have not been fully met, it must as soon as possible notify the Department and provide all information in relation to the situation as required by the Department. Any overpayment in these circumstances will be recovered in accordance with the Deed.

G. MSI System Reporting Requirements

The AAPA Team provides Contracted Assessing Authorities and the EAP with access to a secure, user-friendly MSI System to enable weekly reporting of Employability Assessment activities to AAPA.

Weekly reporting must be accurate, current and provided in the format required by the Department.

Should Contracted Assessing Authorities or the EAP identify an error in the information reported, they must email the Contract Manager as soon as possible, to explain the reason for the error and enable the error to be corrected.

Contracted Assessing Authorities and the EAP will be supplied with an MSI System User Guide which details the process of deactivating or updating a Participants record.

1. MSI System Reporting Requirements for Assessing Authorities

Contracted Assessing Authorities must ensure that active applications are in their most up-to-date status in the MSI System by 11:59 pm AEDT/AEST each Friday throughout the duration of Pilot 3 until the end of the referral period on 1 December 2023.

Assessing authorities' reporting must include, but is not limited to:

Reporting requirements for Assessing Authorities
<ul style="list-style-type: none">• Assessing Authority Applicant ID (the Contracted Assessing Authority's internal unique identifier for the applicant).• Application Reference Number (the Assessing Authority's internal unique identifier for the application).• Applicant gender.• Applicant's residential postcode.• Applicant family name.• Applicant given name.• Applicant phone number.• Applicant email address.• Applicant's Current Occupation.

- Applicant’s secondary occupation(s) if applicable.
- Applicant’s Nominated Occupation.
- Date Application (i.e., Application Form) submitted.
- Applicant visa class/number.
- Reason Applicant is working below their skill level.
- Date of previous suitable Skills Assessment Outcome.
- Date applicant was referred for an Employability Assessment.
- Whether the applicant has opted out of having their email address shared with the Department for follow-up Survey purposes.
- Application status comments (e.g., action taken to progress application to referred).
- If withdrawn, the date of and reason for the withdrawal.

2. MSI System Reporting Requirements for the EAP

The EAP must update the status of each active application in the MSI System by 11:59 pm AEDT/AEST each Friday throughout the duration of Pilot 3, but not longer than one week after the end of this Pilot 3 on 16 February 2024.

EAP reporting must include, but is not limited to:

Reporting requirements for EAP
<p>Upon referral to EAP:</p> <ul style="list-style-type: none"> • Acknowledge receipt of referral from the Assessing Authority.
<p>Employability Assessment Process:</p> <ul style="list-style-type: none"> • Date Self-Assessment pack sent to Participant. • Date Self-Assessment results received. • Date invitation to Self-Assessment Check-In sent. • Date Self-Assessment Check-In completed. • Update Participant’s competency scores. • Date invitation sent to attend Coaching Session. • Date Coaching Session completed. • Did the Training Agreement recommend any employability training yes/no? • Upload Training Agreement (PDF or Word format). • Application status comments (e.g., action taken to progress application). <p>NOTE: An Employability Assessment is considered complete when an application status has been updated from ‘coaching’ to either ‘completed’ or ‘training’.</p>

Creation and completion of training enrolment records:

- Training course name.
- Training enrolment status (i.e., Enrolled).
- Date Co-Contribution received.
- Date training is enrolled.
- Date training enrolment paid for.
- Upload proof of Co-Contribution payment (PDF or Word format).
- Upload proof of payment to the Training Organisation (PDF or Word format).

Reimbursement and Refunds (if applicable)

- Update training enrolment status (i.e., Withdrawn/Cancelled – Refund applies, or Withdraw/Cancelled - Refund does not apply).
- Upload Proof of Training Refund (PDF or Word format).
- Upload Proof of Co-Contribution refund (PDF or Word format).
- Training enrolment refund comments.

3. Summary of required Documentary Evidence in the MSI System

Documentary Evidence must be uploaded by the EAP into the MSI System.

Documentary Evidence includes:

- A fully executed copy of the Training Agreement.
- Evidence of the Co-Contribution payment from the Participant.
 - Unnecessary personal information must be redacted such as the Participants Tax File Number.
- Evidence of payment to the Training Organisation such as:
 - A copy of the invoice from the Training Organisation clearly noting the training course name and MSI System generated Application ID
- In the event of a cancellation or withdrawal where a refund applies:
 - Evidence of refund to the Training Organisation.
 - Evidence of Co-Contribution refund to the Participant.

In all instances, personal details must be de-identified as per [Section J](#).

Copies of Documentary Evidence must also be provided to the Department on request.

H. Performance & Monitoring

1. KPIs

The Department consistently monitors compliance with the Deeds and these Guidelines and will raise any concerns in a timely manner. These monitoring activities are supported by program assurance activities.

In accordance with the Deed, the EAP must meet with the Department when requested to discuss KPIs.

The AAPA Team assesses EAP performance against the Key Performance Indicators (KPIs).

Employability Assessment Provider KPIs

KPI	Measurement
Employability Assessments completed	The EAP has delivered a Coaching Session to at least 80 per cent of Participants within 10 weeks of their referral.
Enrolment of Participants in training	Of the Participants that are recommended training, 70 per cent are enrolled in training.

2. Surveys and Evaluation

Six and 12 months after the commencement of Pilot 3, the Department will survey former Participants to help evaluate the success of Pilot 3 and inform future policy development.

The information obtained through the Surveys is used by the Department to evaluate the success of Pilot 3 and help inform any future policy development. The analysis will be shared with Contracted Assessing Authorities and the EAP.

I. Complaints Handling

Participants may lodge a complaint, query, or provide feedback on any aspect of Pilot 3. Contracted Assessing Authorities and the EAP must attempt to resolve complaints regardless of their source to the best of their ability.

If a complaint cannot be resolved by the Contracted Assessing Authority or the EAP, it must be escalated by referring the Participant to the Contract Manager who investigates further and escalates to the Project Manager and Project Delegate if a decision is required.

When a Contracted Assessing Authority or the EAP is requesting advice, providing feedback, or submitting a complaint they should email the Contract Manager at AAPA@dewr.gov.au.

J. Privacy

‘Personal information’ means information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not, or is recorded in a material form or not.

Personal information includes an individual’s name, signature, date of birth, address, telephone number, sensitive information, bank account details, tax file number, employment information, and commentary or opinion about an individual. This kind of information may be contained in physical or digital files or documents, such as résumés provided by the individual, or in an email or text message.

‘Sensitive information’ is a subset of personal information and includes information that relates to an individual’s racial or ethnic origin, health status, genetics and biometrics, religious beliefs or affiliations, philosophical beliefs, sexual orientation, criminal record or membership of a political association, professional or trade association or trade union.

When handling personal information, the EAP and Assessing Authorities must ensure they are assessing whether the information is also sensitive information, as there are higher standards and additional requirements for collecting, using and disclosing sensitive information. Inappropriate handling of sensitive information is particularly serious and can result in, amongst other things a requirement to pay compensation or to enter into enforceable undertaking.

For more information on the APPs refer to the Office of the Australian Information Commissioner’s [quick reference tool](#) and the [Australian Privacy Principles Guidelines](#).

1. Collection of solicited personal information

To deliver the services they are contracted to provide, the EAP and Assessing Authorities are generally required to collect personal information. APP 3 outlines when an APP entity may collect solicited personal information, including sensitive information.

The EAP and Assessing Authorities may only solicit and collect personal information that is reasonably necessary for, or directly related to, one or more of their functions or activities. They should consider their obligations under their Deed(s) with the Department before collecting personal information.

In addition to the above, they must only collect sensitive information where the individual gives consent to the collection, unless another exception applies. For the consent to be valid, the EAP and Assessing Authorities must ensure:

- the individual is adequately informed before giving consent to the collection of the sensitive information;
- the individual gives consent voluntarily;
- the consent is current and specific; and
- the individual has the capacity to understand and communicate their consent.

While signing a consent form may indicate express consent at the time of signing, individuals may also provide their express consent verbally. In some circumstances, the EAP and Assessing Authorities may also reasonably infer from an individual's conduct that there has been implied consent to the collection of sensitive information, for example, from the voluntary disclosure of a document containing sensitive information. In situations of verbal or implied consent, the EAP and the Assessing Authorities must record the nature of the individual's consent.

Where consent is not provided or is withdrawn, and no APP exception applies, the EAP and Assessing Authorities cannot collect the individual's sensitive information. Where an individual withdraws consent to the collection of their sensitive information, the EAP and Assessing Authorities must record the withdrawal of the individual's consent to the collection of their sensitive information.

Some examples of exceptions which may permit the collection of sensitive information without consent include:

- the collection of the information is required or authorised by or under an Australian law or a court/tribunal order;
- it is unreasonable or impracticable to obtain the individual's consent to the collection and the entity reasonably believes that the collection is necessary to lessen or prevent a serious threat to the life, health or safety of any individual or to public health or safety; or
- the entity has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to its functions or activities has been, is being or may be engaged in and the entity reasonably believes that the collection is necessary in order for the entity to take appropriate action in relation to the matter.

The above are examples only. The EAP and Assessing Authorities should seek their own independent legal advice before collecting sensitive information without consent.

Where practical, the EAP and Assessing Authorities must only collect personal information directly from the individual, unless any one of the following exceptions applies:

- the individual consents to the collection of the information from a third party; or
- the Provider is required or authorised by Australian law, or court/tribunal order, to collect the information from the third party; or
- it is unreasonable or impracticable to collect the personal information directly from the individual.

For example, it may be unreasonable or impracticable to collect personal information directly from an individual where language difficulties prevent the individual from providing their personal information. In these cases, the personal information may be collected through an interpreter or translator. Under APP 10, the EAP and Assessing Authorities are required to take reasonable steps to ensure that the personal information they collect is accurate, up-to-date, and complete. They therefore need to take steps to ensure that the interpreter or translator that is used will be providing accurate and complete information from the individual.

2. Notification of the collection of personal information

The EAP and Assessing Authorities are required under APP 5 to take reasonable steps to notify the individual they have collected personal information about of certain matters or to ensure the individual is aware of those matters.

The Application Form contains a notice that complies with APP 5.

The EAP and Assessing Authorities must incorporate into their existing standard privacy notices to Participants, or otherwise ensure Participants are notified about, the following collection, use and disclosure purposes:

Purpose 1 – advise Participants that their personal information (i.e., contact details) will be collected and disclosed to the Department for the purposes of issuing to the Participant a Survey instrument six and 12 months after the completion of their Employability Assessment. The Survey will collect information about Participant employment outcomes to inform future Skills Assessment policy development and will be held by the Department in a de-identified format.

Purpose 2 – advise Participants that their personal information (including sensitive information) may be disclosed by the Contracted Assessing Authority and/or EAP to the Department solely for the purpose of conducting an audit of the Contracted Assessing Authority and/or EAP.

For both purposes, the EAP and Assessing Authorities must seek express consent from Participants at the commencement of the application process. In seeking express consent, the Contracted Assessing Authorities and EAP must:

- Provide the Participant the opportunity to separately consent to the collection and disclosure of their information for each purpose.
- Ensure that Participants are given the opportunity to provide express consent. For example, by requiring Participants to sign the privacy notice or tick boxes to indicate consent for each purpose.
- Advise Participants that there will be no consequence for not consenting to Purpose 1 – i.e., a failure to consent will not affect their Employability Assessment in any way – but that their application will not be able to proceed if they do not provide express consent for Purpose 2 – i.e., their application will not be able to be accepted or processed.

3. Use and Disclosure of personal information

At times, both the EAP and Assessing Authorities may need to exchange information with other parties to service Participants. This may include:

- the Employability Assessment Provider.
- third parties such as Training Organisations.
- the Department.

The Department may also give Participants' personal information to other parties for evaluation of Pilot 3.

APP 6 provides that if an APP entity holds personal information about an individual that was collected for a particular purpose (primary purpose), the entity must not use or disclose the information for another purpose (secondary purpose) unless an exception applies.

Personal information is generally collected, used and disclosed for the primary purpose, which is administering Pilot 3. The EAP and Assessing Authorities may use and disclose an individual's personal information, including sensitive information, for the primary purpose. More information about the primary purpose can be found in the Application Form.

A secondary purpose is any purpose that is not the primary purpose. The EAP and Assessing Authorities must not use or disclose personal information for a secondary purpose unless an exception applies, including where:

- the individual gives express or implied consent to the use or disclosure for the secondary purpose*;
- the individual would reasonably expect the use or disclosure for the secondary purpose, and the secondary purpose is related to the primary purpose, or in the case of sensitive information, is directly related to the primary purpose; or
- the use or disclosure is required or authorised by or under an Australian law or a court/tribunal order.

**It should not be assumed that an individual has given consent on the basis alone that they did not object to a proposal to handle personal information in a particular way.*

If the Participant refuses to sign the Privacy Consent section of the Training Agreement, this may mean they cannot continue in Pilot 3, as the EAP cannot arrange training on behalf of the Participant. The EAP should make the Participant aware of this condition during the Self-Assessment Check-In.

4. Direct marketing

APP 7 provides that an organisation must not use or disclose personal information for the purposes of direct marketing unless an exception applies. Prior to undertaking any direct marketing in relation to functions and activities under their Deed(s), the EAP and Assessing Authorities must consider whether the proposed marketing is consistent with the Privacy Act. They should obtain their own independent legal advice.

5. Cross-border disclosure of personal information

In the conduct of services, the EAP and Assessing Authorities must not transfer personal information outside of Australia, or to allow parties outside Australia to have access to it, without the prior written approval of the Department.

In making any request to the Department for written approval, the EAP and Assessing Authorities must outline how they will comply with APP 8. APP 8 generally requires that an APP entity take

reasonable steps to ensure that an overseas recipient complies with the APPs. There are exceptions to this, including where:

- the individual gives current and specific consent voluntarily after being expressly informed that reasonable steps will not be taken to ensure compliance with the APPs, or
- the disclosure is required or authorised by or under an Australian law or a court/tribunal order.

By satisfying these requirements, the Department is not obliged to issue written approval.

6. Adoption, use or disclosure of government related identifiers

The EAP will routinely interact with the Applicant Reference Number (ARN) for Participants provided by the department, which is a government related identifier for the purposes of APP 9. The EAP is permitted under APP 9 to use the ARN to determine a Participant's answers to the self-assessment questionnaire.

7. Access to and correction of personal information

Under APP 12, if an APP entity holds personal information about an individual, the entity must, on request by the individual, give the individual access to the information. APP 12 does not stipulate any formal requirements for making a request or require that a request to access personal information be made in writing or require an individual to state that it is an APP 12 request. Therefore, a verbal request for personal information may be a valid request under APP 12.

Under APP 13, if an APP entity holds personal information about an individual and the individual requests the entity to correct the information, the entity must take such steps as are reasonable in the circumstances to correct that information to ensure that, having regard to the purpose which it is held, the information is accurate, up-to-date, complete, relevant and not misleading.

If the EAP or the Assessing Authorities receive such a request, they must provide a response within 30 calendar days after the request is made.

If an individual is seeking access to personal information on behalf of another individual, the EAP and Assessing Authorities must obtain written authority from the individual whose personal information is being sought before releasing any documents. At a minimum, an authority should state the individual's name, include a description of the documents that they are authorising the release of, who the documents can be released to and bear the individual's signature.

If the EAP or Assessing Authorities are unable to obtain written authority, they should inform the individual that they may wish to make a request under the *Freedom of Information Act 1982* (FOI Act). Requests under the FOI Act should be directed to the department's Freedom of Information Team at FOI@dewr.gov.au.

8. Privacy incidents

Acts or practices by a Provider breaching an APP is an interference with the privacy of the individual. The OAIC has powers to investigate possible interferences with privacy, either following a complaint

by an individual or on the OAIC's own initiative. The OAIC also has a range of enforcement powers and other remedies available.

Failure to comply with the APPs may also constitute a breach of the EAP's or Assessing Authorities obligations under their Deed(s), resulting in compliance action being taken by the Department under the Deed(s).

The EAP and Assessing Authorities are required under [the Notifiable Data Breach scheme](#) to notify affected individuals and the OAIC about eligible data breaches. An eligible data breach occurs when:

- there is unauthorised access to, or disclosure of, personal information held by an entity, or information is lost in circumstances where unauthorised access or disclosure is likely to occur;
- this is likely to result in serious harm to any of the individuals to whom the information relates; and
- the entity has been unable to prevent the likely risk of serious harm with remedial action.

The EAP and Assessing Authorities must promptly assess all potential privacy incidents to determine whether an eligible data breach has occurred and, if required, notification is to be provided to affected individuals and to the OAIC. Providers must take all reasonable steps to ensure that this assessment is completed within 30 calendar days of becoming reasonably aware of an eligible data breach.

By responding quickly, they can substantially decrease the impact on affected individuals, and reduce the costs associated with dealing with the privacy incident, including reputational costs.

The EAP and the Assessing Authorities must also immediately Notify the Department if they become aware:

- of a breach or possible breach of any of the obligations contained in, or referred to in their Deed(s) by any Personnel or Subcontractor;
- that a disclosure of Personal Information may be required by law; or
- of an approach to them by the Information Commissioner or by an individual claiming that their privacy has been interfered with.

9. Privacy complaints

An individual who considers that their privacy has been interfered with can contact the Department to make a complaint.

Alternatively, an individual can contact the Australian Information Commissioner who has powers to investigate possible interferences with privacy, either following a complaint by an individual, or on the Commissioner's own initiative. In some circumstances, compensation may be paid to an individual whose privacy has been breached.

The EAP and Assessing Authorities are required to respond to any privacy complaints within 30 calendar days. They should follow [OAIC's advice on handling privacy complaints](#).

10. Privacy awareness and training expectations

The EAP and Assessing Authorities must adopt practices to ensure their Personnel are aware of their obligations under the Privacy Act, their Deed(s) and these Guidelines. The EAP and Assessing Authorities must consider the nature of the services they are delivering and Personnel interaction with personal information.

The EAP and Assessing Authorities should ensure their internal privacy practices, policies and procedures are proactively reviewed, taking into account compliance with new laws or updated information handling practices, and ensuring that they are responsive to new privacy risks.

It is also suggested that the EAP and Assessing Authorities put in place their own processes to audit the compliance of their Personnel with privacy obligations more generally.

Attachment A – Occupation List

Refer to www.dewr.gov.au/skills-assessment-pilots/resources/employability-assessments-occupation-list

Attachment B – Application Form⁶



An Australian Government Initiative

Skills Assessment Pilots

Skills Assessment Pilots Application Form

Pilot 3 | Employability Assessments

NOTE: This form is a SmartForm designed to be used in Adobe Acrobat Reader. Adobe Acrobat Reader software must be set as the default program for .pdf documents. If you do not do this you may experience difficulties using this form. If you do not currently have the Adobe Acrobat Reader software program, it is available as a free download from the Adobe website – get.adobe.com/reader/

Section 1 | Personal Details

Given name(s)

Family name

Phone number Email

Residential postcode Current visa subclass (e.g., 190)

NOTE: Visa Subclass selection has been arranged by ascending order.

Section 2 | Current Employment Details

Are you currently employed?

Yes No (if no, move to Section 3)

Do you receive paid income for this employment?

Yes No

What is your current occupation for this employment? (this is the title that describes your job or position e.g. labourer, store manager, cashier)

How many hours per fortnight do you work for this employment?

What is the postcode of your current workplace?

What is the ANZSCO code for your current occupation? (You can find your ANZSCO code on the [ABS website](http://abs.gov.au))

What is the ANZSCO code for the occupation you received a suitable skills assessment outcome for?

If you currently have more than one job, please use **Attachment A – Additional Information** to add details.

⁶ This is an **example only**. Contracted Assessing Authorities have been provided a separate PDF attachment of the Application Form.

Section 3 | Agreements and Declarations

- I agree to undergo a free *Employability Skills Assessment* as part of Pilot 3 – *Employability Assessments* delivered by the Department of Employment and Workforce Relations (the Department).
- I agree to the collection by the *Employability Assessment Provider (EAP)* and the Department of any sensitive information provided by me in the course of receiving Pilot 3 services, where that collection is not required or authorised by law.
- I understand my *Assessing Authority* will provide my personal details (as provided in the *Application Form*) to the EAP so I may be contacted about my *Employability Skills Assessment*.
- I understand my *Assessing Authority* will provide my email to the Department to send a voluntary survey 6 and 12 months after I complete my *Employability Skills Assessment*.
- I understand during Pilot 3 I will need to complete a *Self-Assessment Questionnaire*, a *Self-Assessment Check-In* and a *Coaching Session* with the EAP. Further information will be provided by the EAP. The EAP will handle personal information in accordance with the *Privacy Act 1988 (Privacy Act)*.
- I confirm I am not registered as a job seeker or have an active referral with *Workforce Australia*, *Disability Employment Services* or the *Community Development Program*.
- I confirm I am not currently registered with another *Commonwealth Employment Service*.
- I declare that the information I have provided in this *Application Form* is true and correct.
- I confirm I have read and understood the *Privacy Notice*.

Signature

Date Signed

Privacy Notice

Participation in Pilot 3 – Employability Assessments is entirely voluntary. There is no requirement for the Applicant to submit the Application Form. However, by not submitting the Applicant forfeits their possible participation in Pilot 3.

Your personal information is protected by law, including under the *Privacy Act 1988 (Privacy Act)*.

Personal information is information or an opinion about an identifiable individual. Personal information includes an individual's name and contact details. Your personal information is collected for the purpose of administering Pilot 3. This includes:

- Determining your eligibility for Pilot 3
- Assessing your employability skills
- Providing advice to you on employment opportunities
- Assisting you in undertaking training to improve your employability skills
- Evaluating and monitoring Pilot 3
- Involving you in surveys conducted by the Department or on behalf of the Department
- Helping to resolve complaints made by you

Following an Eligibility Assessment by your Assessing Authority, your personal information may be disclosed to:

- The EAP to enable provision of Pilot 3 services. The EAP may collect further personal information as part of providing their services.
- The Department for the purposes of administering Pilot 3.
- Training Providers to allow enrolment in training. If this occurs, your consent will be sought when you sign the Training Agreement with the EAP.

Your personal information may also be disclosed to other parties where you have agreed, or whether it is otherwise permitted under the *Privacy Act*.

Your personal information is unlikely to be disclosed to overseas recipients.

The Department's Privacy Policy, including information about how to make a complaint and request access to and correction of your personal information, can be found at dewt.gov.au/privacy or by requesting a copy from the Department at privacy@dewt.gov.au.

To contact the Department about your personal information email privacy@dewt.gov.au.

AFTER COMPLETING THE FORM PLEASE SAVE IT AND EMAIL IT BACK TO YOUR ASSESSING AUTHORITY.

Attachment A | Additional Information

If you currently have more than one job, please provide details below:

Additional employment

Do you receive paid income for this employment?

Yes No

What is your current occupation for this employment? (this is the title that describes your job or position e.g. labourer, store manager, cashier)

How many hours per fortnight do you work for this employment?

What is the postcode of your current workplace?

Additional employment

Do you receive paid income for this employment?

Yes No

What is your current occupation for this employment? (this is the title that describes your job or position e.g. labourer, store manager, cashier)

How many hours per fortnight do you work for this employment?

What is the postcode of your current workplace?

Additional employment

Do you receive paid income for this employment?

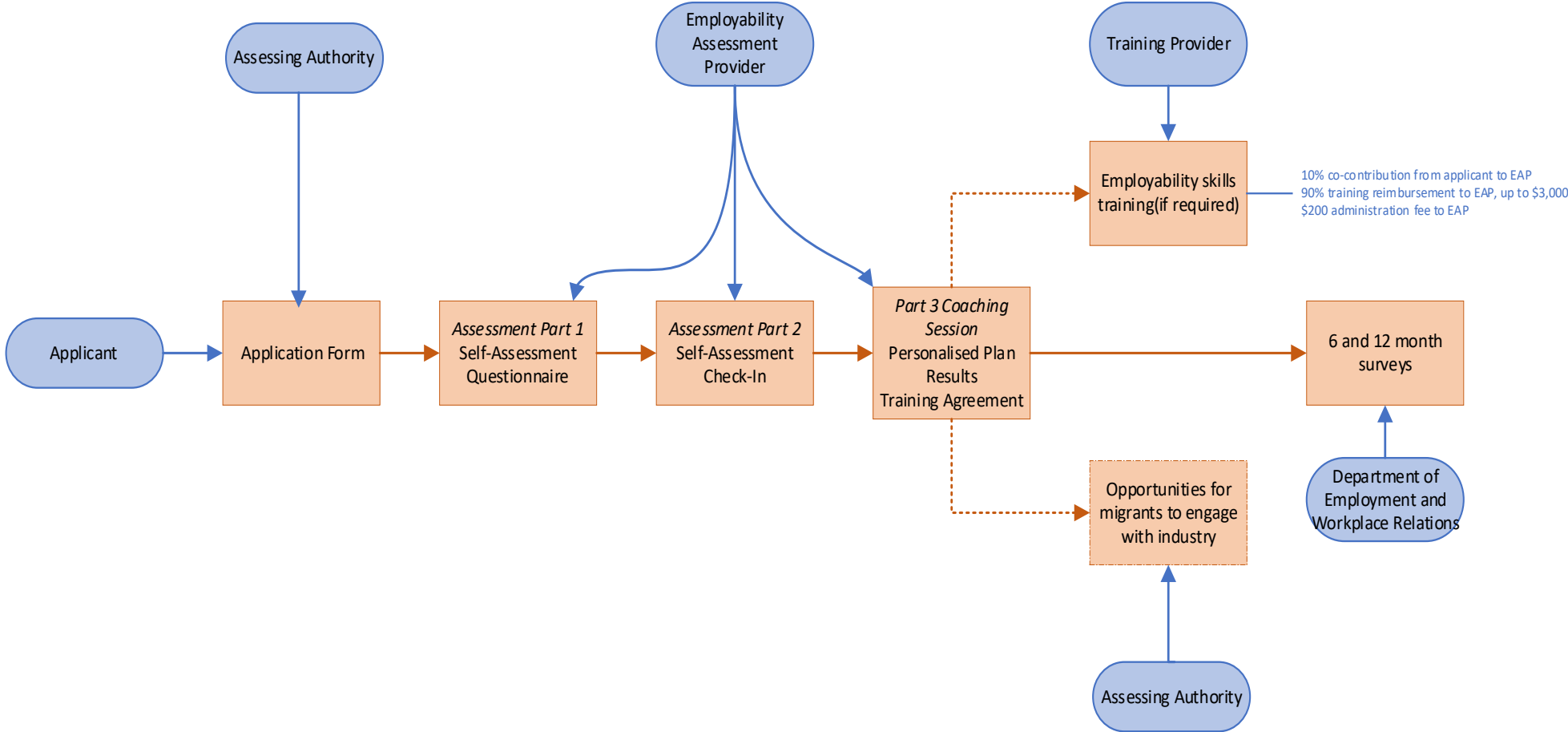
Yes No

What is your current occupation for this employment? (this is the title that describes your job or position e.g. labourer, store manager, cashier)

How many hours per fortnight do you work for this employment?

What is the postcode of your current workplace?

Attachment C – Employability Assessment Process



Attachment D – Visa List

Refer to <https://www.dewr.gov.au/skills-assessment-pilots/resources/employability-assessments-pilot-visa-list>

Note to Assessing Authorities: Use the Department of Home Affairs' Visa Entitlement Verification Online System (VEVO) to check a person's visa conditions, including whether the person is a primary or secondary entrant.