

Statutory transfer or cancellation of registered training contracts

Purpose

This procedure details the steps to be taken under the *Further Education and Training Act 2014* (FET Act) if a business is sold or a partnership is dissolved and apprentices/trainees employed within the business will be affected.

Overview

An employer of an apprentice/trainee is to give the Apprentice Connect Australia Provider Provider), Department of Employment, Small Business and Training (DESBT), or the Racing Queensland Board (RQB) (for specified racing industry occupations), a signed notice if the employer sells or disposes of their business, or a partnership dissolves.

If a business is sold, the new owner (purchaser) continues to train the apprentices/trainees under their registered training contracts unless the new owner provides contrary written advice to the Provider, DESBT or the RQB prior to the sale taking effect.

If a business partnership dissolves, the remaining partner/s will continue to train the apprentices/trainees under their registered training contracts. If there are no remaining partners, the contract/s is/are taken to be cancelled.

These actions relate to the registered training contract and have no impact on any continuing employment obligations that may be applicable.

Note – where a business which employs an apprentice/trainee has changed its legal name and/or ABN, or changed the name of the trust/s or trustee/s, but these changes are NOT due to the sale or disposal of the business or a partnership being dissolved, the employer should notify the Provider, DESBT or the RQB using the [ATF-046 Amendment – change of legal name or change of legal name and ABN](#) form.

Process

Note – training contracts in several racing industry occupations are managed by the Racing Queensland Board (RQB). Refer to the section below titled 'Definitions' for training contracts where the RQB exercises regulatory powers and functions under the FET Act.

Employer:

- If a business partnership dissolves, provide signed notice within 14 calendar days to the Provider, DESBT, or the RQB (for specified racing industry occupations), identifying the date of effect and advising details of the partner/s (if any) who will continue the business, or advising that the business will not be continued by any of the partners. Where the business is not continued by any of the partners, the registered training contracts are taken to be cancelled.
- If selling or disposing of a business, provide signed notice of this event within 14 calendar days after the sale or disposal, to the Provider, DESBT or the RQB, identifying the date of effect.

Form [ATF-041 Notification of change of ownership/statutory transfer \(sale of business\)](#) is available to assist the employer provide signed notice.

Supervising Registered Training Organisation (SRTO):

- Develop a new training plan and have it signed within 28 calendar days after the transfer of the training contract.

Sale/disposal of business where purchaser is continuing the training contract

Purchaser of business:

- If purchasing a business and agreeing to continue training the apprentices/trainees of the business under their registered training contracts, provide signed notice of this agreement within 14 calendar days after the purchase, to the Provider, DESBT, or the RQB (for specified racing industry occupations).

Form [ATF-041 Notification of change of ownership/statutory transfer \(sale of business\)](#) is available to assist the purchaser provide signed notice.

Delegated Officer – Apprentice Connect Australia Provider (Provider), Training and Skills, DESBT, or Racing Queensland Board (RQB) for specified racing industry occupations):

- Provider or DESBT - Transfer the registered training contract to the purchaser – the date of effect is the date of sale or disposal of the business.
- RQB - Send correspondence to the parties using the letter template 'Statutory transfer'.
 - Provide details on a Format of Advice form, including the date of effect (being the date of sale or disposal of the business), and upload it, together with associated documentation, to DESBT via SharePoint.

Metro regional office, Training and Skills, DESBT:

- Upon receipt of a Format of Advice and associated documentation from the Racing Queensland Board advising of the sale/disposal of a business where the purchaser is continuing a registered training contract(s), update the training contract details in DELTA accordingly and save the associated documentation in CEDRIC.

Sale/disposal of business where purchaser is not continuing the training contract

Purchaser of business:

- If purchasing a business and deciding not to continue training the apprentices/trainees of the business under their registered training contracts (i.e. the purchaser does not want the training contracts transferred to them), provide written notice of this fact to the Provider, DESBT, or the RQB (for specified racing industry training contracts), before the purchase takes effect (note – if written notice is not received before the purchase takes effect, all registered training contracts will be transferred to the new purchaser).

Form [ATF-041 Notification of change of ownership/statutory transfer \(sale of business\)](#) is available to assist the purchaser provide signed notice.

Delegated officer – Apprentice Connect Australia Provider (Provider); Training and Skills, DESBT; or Racing Queensland Board (RQB) (for specified racing industry occupations):

- Provider or DESBT – Apply the relevant steps, according to the date on which notification of the sale or disposal of the business was received:
 - Notification received before the sale or disposal of the business took effect:
 - cancel the training contract/s with a termination date as per the advice provided.
 - Notification received after the sale or disposal took effect:
 - transfer the registered training contract to the purchaser with a date of effect as per the date of sale or disposal taking effect.
 - the parties may subsequently pursue transfer of the training contract to another employer, or [cancellation](#).
- RQB – Send correspondence to the parties using the letter template 'Statutory transfer cancel due to opt out'.
 - Provide details on a Format of Advice form and upload it, together with associated documentation, to DESBT via SharePoint.
 - Note – if notification was received after the sale or disposal took effect, transfer the registered training contract to the purchaser with a date of effect as per the date of sale or disposal taking effect. The parties may subsequently pursue transfer of the training contract to another employer, or cancellation.



Metro regional office, Training and Skills, DESBT:

- Upon receipt of a Format of Advice and associated documentation from the Racing Queensland Board advising of the sale/disposal of a business where the purchaser is not continuing a registered training contract(s), update the training contract details in DELTA accordingly and save the associated documentation in CEDRIC.

Dissolving partnership where none of the partners continue the business

Delegated officer – Apprentice Connect Australia Provider (Provider) or Training and Skills, DESBT:

- Cancel the training contract/s, with a termination date as per the employer’s notification.
- Provide written notice of the cancellation to the apprentices/trainees (note – DESBT will provide the written notice irrespective of whether the Provider or DESBT cancels the training contracts).

Delegated officer – Racing Queensland Board (RQB) (for specified racing industry occupations):

- Send correspondence to the parties, using the letter template ‘Statutory transfer cancel due to dissolution of partnership s29’.
- Provide details on a Format of Advice form, to cancel the training contract/s with a termination date as per the employer’s notification, and upload it together with associated documentation, to DESBT via SharePoint.

Metro regional office, Training and Skills, DESBT:

- Upon receipt of a Format of Advice and associated documentation from the Racing Queensland Board advising of the of the dissolving of a business partnership where none of the partners are continuing the business and a training contract is consequently cancelled, update the training contract details in DELTA accordingly and save the associated documentation in CEDRIC.

Definitions

AIRDOCS	A system used by DESBT for letter templates which are subsequently generated through DELTA.
Apprentice Connect Australia Provider	Apprentice Connect Australia Providers, also known as Providers, are contracted by the Australian Government to provide targeted services which deliver tailored advice and support to employers, apprentices and trainees. Providers also have an agreement with DESBT to provide training contract related services. The Provider is the first point of contact for the administration of all training contracts.
CEDRIC	A Client Relationship Management system used by DESBT to capture information on client and stakeholder engagement and correspondence (for internal access only).
Delegated officer	An appropriately qualified person to whom the chief executive has delegated functions and powers.
DELTA	Direct Entry Level Training Administration, DESBT’s database of registered apprentices and trainees.
DESBT	Department of Employment, Small Business and Training
Format of Advice	A document developed and used by Racing Queensland for the purpose of providing information to DESBT regarding actions and decisions relating to training contracts
Racing Queensland Board	The Racing Queensland Board (RQB) is the statutory control body for the thoroughbred, harness, and greyhound codes of racing in Queensland with responsibility for the management of these codes. The RQB has an agreement with DESBT to provide training contract related services for training contracts in these codes of racing for the following industry specific occupations – <ul style="list-style-type: none"> • Stablehand traineeship • Trackrider traineeship • Advanced stablehand traineeship



Legislation

- [Further Education and Training Act 2014](#) Sections 29 and 58

Delegations/Authorisations

- [Director-General's Delegations under the Further Education and Training Act 2014](#)
- [Executive Director's delegations under the Further Education and Training Act 2014](#)

Related policies

- Nil

Related procedures

- Nil

Supporting information/websites

Agreements (internal resources)

- Protocols between DESBT and Providers
- Protocols between DESBT and Racing Queensland Board
- Services Agreement between DESBT and Providers
- Agreement between DESBT and Racing Queensland Board

Forms

- [ATF-041 Notification of change of ownership/statutory transfer \(sale of business\)](#)
- Format of Advice (RQB & DESBT employees only)

Work instructions

- Statutory transfer of a registered training contract

Providers can access Provider Work Instructions in the [library on SharePoint](#).

DESBT officers can access DESBT Work Instructions at this [internal web site](#).

RQB officers can access RQB Work Instructions at [this internal website](#).

Online Resources

- Nil

Letters

- AIRDOCS – Canc by CE – Written Notice – No Show Cause 29.5 (DESBT employees only)
- AIRDOCS – Canc by CE – Written Notice – No Show Cause 29.6c (DESBT employees only)
- AIRDOCS – Statutory transfer (DESBT employees only)
- SharePoint – Racing Queensland letter template – Statutory transfer (Racing Queensland employees only)
- SharePoint – Racing Queensland letter template – Statutory transfer cancel due to dissolution of partnership s29 (Racing Queensland employees only)
- SharePoint – Racing Queensland letter template – Statutory transfer cancel due to opt out s29 (Racing Queensland employees only)

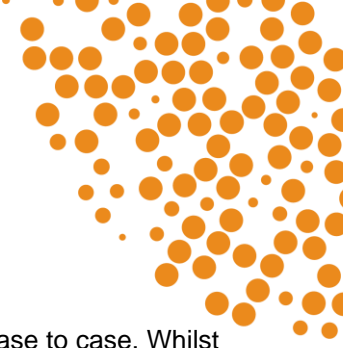
Website

- Nil

Contact

For further information, please contact Apprenticeships Info:

- **Website:** www.desbt.qld.gov.au
- **Telephone:** 1800 210 210
- **Email:** apprenticeshipsinfo@qld.gov.au



Attachment 1

Factors to be considered in decision making process

A range of factors may impact on the decision of the delegated officer and these will vary from case to case. Whilst this is not an exhaustive list of factors and considerations, the information below may assist with taking the most appropriate action.

Factor	Consideration
Has the employer provided signed notice within 14 calendar days that the employer has sold or disposed of the employer's business to someone else?	<p>This is a requirement of section 58(1)(a) of the FET Act.</p> <p>If signed notice is received from an employer later than 14 calendar days after the employer has sold or disposed of the employer's business, the notification can still be actioned, however consider if it is practicable to educate the employer regarding their responsibilities.</p>
Has the purchaser given written notice, before the sale or disposal of the business took effect, that the purchaser does not want the registered training contract/s to be transferred?	<p>Yes – If the purchaser has given written notice before the sale or disposal of the business took effect, the registered training contract/s is/are to be cancelled. Cancellation would occur under s29(5) of the FET Act.</p> <p>No – If the purchaser has not given written notice before the sale or disposal of the business took effect, the registered training contract/s is/are transferred to the purchaser of the employer's business. The training contract/s cannot be cancelled under s29(5) of the FET Act if the purchaser does not wish for the registered training contract/s to continue. If the purchaser does not wish for the registered training contract/s to continue, cancellation would need to occur under one of the other sections of the FET Act.</p>
Has the employer provided signed notice within 14 calendar days that the employer was in a partnership and the partnership dissolved?	<p>This is a requirement of section 58(1)(b) of the FET Act.</p> <p>If signed notice is received from an employer later than 14 calendar days after the partnership has dissolved, and the partnership is continued by 1 person who was a partner of the dissolved partnership, or by 2 or more persons who were partners of the dissolved partnership, the notification can still be actioned.</p> <p>If the partnership hasn't been continued the registered training contract/s must be cancelled under s29(6)(c) of the FET Act.</p>