

Extension of nominal term of a registered training contract

Purpose

This procedure details the process for extending the nominal term of a registered training contract under the *Further Education and Training Act 2014* (FET Act).

Overview

This procedure outlines how to apply for an extension to the nominal term of a registered training contract when the current nominal term ends before the apprentice/trainee completes the requirements of the training plan for the apprenticeship/traineeship.

Note – a supervising registered training organisation (SRTO) has an obligation under the FET Act to notify DESBT in writing if an apprentice/trainee is not making adequate progress under the training plan. This should be done as soon as issues are identified to provide DESBT with an opportunity to provide assistance to the parties, and may consequently negate the need for an extension of the nominal term of a registered training contract further down the track.

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, apprentice/trainee and supervising registered training organisation (SRTO):

- Review the training plan and, if it is apparent that all training and assessment cannot be completed by the nominal completion date of the apprenticeship/traineeship, agree on a date by which it will be completed.
- To apply to extend the nominal term of a registered training contract, all parties (i.e. the employer and apprentice/trainee, and parent/guardian if applicable and appropriate) must apply in the approved form (an application must include the reasons for the requested extension). The application must be sent to the relevant Apprentice Connect Australia Provider (Provider), DESBT, or the RQB (for specified racing industry occupations) before the current nominal term ends. Form [Extension of nominal term of a registered training contract - ATF-014](#) is available to assist the parties to apply.

Note: The employer is required to notify the Provider, DESBT, or the RQB (for specified racing industry occupations) within 14 calendar days after deciding that all training cannot be completed within the nominal term.

- If an extension is approved:
 - sign a changed training plan within 14 calendar days after agreeing to the change
 - take the relevant action necessary to ensure the reason for the extension is managed
 - monitor progress against the training plan to ensure all training and assessment is completed by the new nominal completion date.
- If an extension is not approved, the nominal completion date will remain the same.



Delegated officer – Apprentice Connect Australia Provider (Provider), Training and Skills, Department of Employment, Small Business and Training (DESBT), or Racing Queensland Board (RQB) (for specified racing industry occupations)

- Decide to approve, or refuse to approve, applications to extend the nominal term (refer to [Attachment 1](#) for factors to be considered).
- In making a decision, take into account the 23 fundamental Human Rights under the [Human Rights Act 2019](#).
 - If the decision is to refuse to approve the extension of nominal term application, undertake an HR compatibility review (for the apprentice/trainee, and if applicable, the employer) by completing the associated compatibility review form.
 - DESBT officers – retain against the apprentice/trainee’s training contract record in CEDRIC
 - Providers – retain on file and also forward a copy via DELTA
 - Racing Queensland – retain on file and also upload a copy to SharePoint.

Apprentice Connect Australia Provider (Provider):

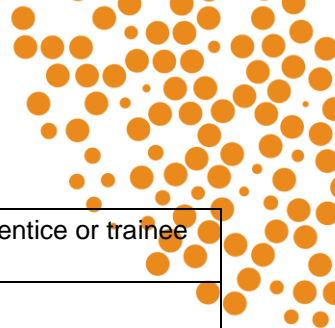
- Send relevant documentation and details of the decision to DESBT via DELTA.

Racing Queensland Board (RQB):

- Upload a Format of Advice and relevant documentation to DESBT via SharePoint.

Definitions

AIRDOCS	A system used by DESBT for letter templates which are subsequently generated through DELTA.
Approved form	A form approved by the chief executive (Department of Employment, Small Business and Training)
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 the Racing Queensland Board for the purpose of providing information to DESBT regarding actions and decisions relating to training contracts
Nominal term	the time taken by the majority of apprentices and trainees to complete the training required for an apprenticeship or traineeship
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 • Jockey apprenticeship.



Signed consent of a parent (if appropriate)	It may be inappropriate for a parent to sign the application if the apprentice or trainee is living independently of his or her parents.
Supervising registered training organisation (SRTO)	is a registered training organisation that: <ol style="list-style-type: none"> 1. accepts a nomination to deliver training and assessment to apprentices or trainees as negotiated and agreed under individual training plans 2. assesses an employer's capacity to provide the supervision, facilities and training required under the training plan for an apprentice or trainee. 3. assesses whether the apprentice or trainee has completed the training and assessment required to be completed under a training plan 4. when satisfied the apprentice or trainee has completed the training and assessment required, issues the qualification or statement of attainment stated in the training plan, and is a signatory on a completion agreement verifying that all training and assessment required under the training plan has been completed by the apprentice or trainee.
Training and assessment	as defined in the User Choice Policy

Legislation

- [Further Education and Training Act 2014](#) – Sections 10, 23, 54, 58(1)(c), 58(2), 80, 81

Delegations/Authorisations

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

Related policies

- [Electronic signing policy for apprenticeships and traineeships in Queensland](#)
- [User Choice Policy](#)

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

- [Extension of nominal term of a registered training contract \(ATF-014\)](#)
- **SharePoint** – HR compatibility review form – general decision (*Human Rights Act 2019 – compatibility review form. Apprentice Connect Australia Provider decision*) (Providers)
- **SharePoint** – HR compatibility review form – general decision (*Human Rights Act 2019 – compatibility review form. Decision (when no Show Cause process undertaken)*) (DESBT)
- **SharePoint** – RQB HR compatibility review form – general decision (*Human Rights Act 2019 – compatibility review form. Decision (when no Show Cause process undertaken)*) (RQB)

Work instructions

- Extension of nominal term of a registered training contract

Providers can access Provider Work Instructions at this [internal web site](#)
 DESBT officers can access DESBT Work Instructions at this [internal website](#)
 RQB officers can access RQB Work Instructions at this [internal website](#)

Online materials

- [Frequently asked questions – Forms with missing information](#) (DESBT and Provider employees only)

Letters

- AIRDOCS – Training Contract Extension – Approved (DESBT employees only)
- DocumentsCorePack – General NOT approve letter – EMP-APP-Parent-SRTO (DESBT employees only)
- SharePoint – General not approved (Provider employees only)
- SharePoint – Racing Queensland letter template – Training contract extension – approved (Racing Queensland employees only)
- SharePoint – Racing Queensland letter template – General NOT approved letter (Racing Queensland employees only)

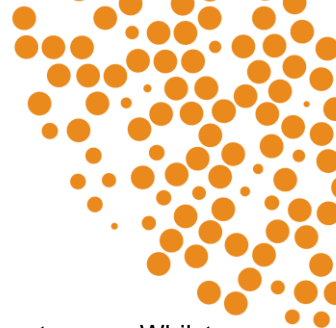
Website

- Human Rights: www.qld.gov.au/law/your-rights/human-rights

Contact

For further information, please contact Apprenticeships Info:

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

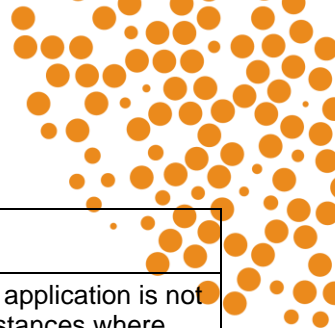


Attachment 1

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 application been received in the approved form?	<p>That is –</p> <ul style="list-style-type: none"> • application by the employer, apprentice/trainee (and, if the apprentice/trainee is under 18, their parent/guardian if appropriate) and the SRTO; • state that each applicant agrees to an extension of the registered training contract; and • state the reasons for the requested extension. <p>Note – if the reason indicated is not clear (e.g. needs more time, falling behind), contact with the parties is necessary to determine if a party may be failing to meet their obligations.</p> <p>Note – if the reason indicated implies a party is failing to meet their obligations (e.g. not providing training, employer was too busy), the application may be approved, however the relevant DESBT regional office will need to monitor the situation.</p> <p>The FET Act requires that the application be in the approved form, and DESBT has developed a form template to assist the applicants to provide all the required information. 'In the approved form' does not, however, require the applicants to use the available template, but that they provide all the required information in writing, under signature (which includes, for example, by electronic signature).</p>
What is the current status of the registered training contract (e.g. active, expired)?	An extension of a registered training contract can only be approved for an expired training contract if the delegated officer is satisfied training and/or employment continued in the period after the expiry date.
Is the reason indicated on the application for the extension valid?	<p>A reason of 'mutual consent' (or similar) is not a reason for requiring an extension to a nominal term.</p> <p>Follow-up with the parties is required, and all parties need to submit the reason (or agreement to the reason) in writing (e-signature processes are acceptable).</p>
Does an extension of nominal term application need to be submitted by the parties if the registered training contract has expired and a completion agreement is received?	No, there is no need for the employer, apprentice/trainee, and SRTO to submit an application to extend the nominal term of the registered training contract if the proposed completion date is after the expiry date, provided the parties have completed and signed a completion agreement.
Does the reason for the extension raise concerns?	<p>Reasons that would raise concerns are –</p> <ul style="list-style-type: none"> • Imposing disciplinary measures; • Serious misconduct; • Workplace issues that may involve allegations of bullying and/or harassment. <p>In these instances the relevant DESBT regional office/Racing Queensland officer would need to investigate and take any action considered appropriate.</p>



Factor	Consideration
Why might an extension application be refused or the nominal completion date proposed by the parties adjusted?	<p>Refusal to approve an extension of nominal term application is not a common occurrence, however there may be instances where extension periods are applied for and upon investigation (i.e. discussions with the parties and the SRTO) it is identified that the extension period should be adjusted or refused.</p> <p>An appropriately qualified delegated officer has the authority to make this determination.</p> <ul style="list-style-type: none">• If it is considered that the extension period is excessive, ensure the parties and the SRTO agree to adjust the nominal completion date. Agreement must be in writing (e.g. email, SMS), then continue to action the application.• If it is determined that there is a significant amount of time remaining on the training contract, it would be considered reasonable to refuse to approve the extension application as the intent of an extension is that the nominal term of a registered training contract is going to end before the apprentice/trainee completes. <p>Officers should be aware of employers requesting extension periods well before the nominal completion date to avoid paying higher wages when the apprentice/trainee is a re-commencement/permanent transfer. Officers should advise the parties to contact Fair Work regarding any wage issues.</p>

