

# Suspension of registered training contracts

## Purpose

This procedure details the process to suspend a registered training contract under the *Further Education and Training Act 2014* (FET Act).

## Overview

The parties to a registered training contract (i.e. employer and apprentice/trainee, and parent/guardian if the apprentice/trainee is under 18 years of age and it is appropriate) may apply to suspend the registered training contract, for a period of up to 1 year.

A party may withdraw their consent to suspend a registered training contract within seven calendar days after an application for suspension is received by the relevant Apprentice Connect Australia Provider (Provider), Department of Employment, Small Business and Training (DESBT), or Racing Queensland Board (RQB) (for specified racing industry occupations).

An approved suspension under the FET Act does not suspend the employment relationship between the employer and apprentice/trainee, and does not remove the employer's obligation to continue to pay wages. The employer and apprentice/trainee must determine the ongoing employment arrangement during the period of a training contract suspension in accordance with the relevant industrial instrument and the *Fair Work Act 2009*. Further information relating to employment arrangements such as leave entitlements or suspending or standing-down an employee can be found on the Fair Work Ombudsman website [www.fairwork.gov.au](http://www.fairwork.gov.au) or by telephoning the Fair Work Info Line on 13 13 94 or the Fair Work Helpline for Employers on 1300 052 119.

## Process

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

### **Employer and apprentice/trainee (and parent/guardian, if applicable and appropriate):**

- To apply to suspend a registered training contract, all parties (i.e. the employer and apprentice/trainee, and parent/guardian if applicable and appropriate) must apply to the relevant Apprentice Connect Australia Provider (Provider), DESBT, or RQB (for specified racing industry occupations), in the approved form. The application must state –
  - The reasons for the proposed suspension (note - a suspension of a registered training contract is not to be used for reasons related to employment matters. Reasons such as serious misconduct, discipline, or bullying/harassment are not valid reasons to suspend a registered training contract and consequently, a suspension application for reasons which relate to employment matters will not be processed);
    - If encountering employment related matters, contact Apprenticeships Info on telephone 1800 210 210 for advice and assistance.
  - The period of the proposed suspension (note – the suspension period cannot exceed one year i.e. 365 days or 366 days in a leap year);
  - The day the proposed suspension is to take effect, being not less than 7 calendar days after the application is given to the Provider, DESBT, or RQB (for specified racing industry occupations);
  - That the proposed suspension is agreed to by each of the parties to the registered training contract.

A [Suspension of a registered training contract form \(ATF-037\)](#) is available to assist the parties apply. The application will not be considered complete unless all of the above is included.

- If either of the parties wishes to withdraw consent to the suspension application, provide written notice within 7 calendar days (withdrawal of consent period) of the date the suspension application was given to the Provider, DESBT, or RQB (for specified racing industry occupations) (note – if it is the apprentice/trainee who is withdrawing their consent, and they are under 18, their parent/guardian is required to sign the apprentice/trainee's written notice, if appropriate).
- Provide written advice to the Provider, DESBT, or RQB (for specified racing industry occupations) if the parties agree to change the period of an approved suspension. The written advice must contain the signatures (e-signature is acceptable) of the employer and apprentice/trainee (and parent/guardian if applicable and appropriate), provide the reason for the requested change, and include the new proposed start and end date of the suspension.

**Note:** the new start date of the suspension cannot be for a date prior to the original withdrawal of consent period elapsing, and the period of suspension cannot exceed one year.

- Notify the Provider, DESBT, or RQB (for specified racing industry occupations), either orally or in writing (e-signature is acceptable), if the apprentice/trainee is returning to the apprenticeship/traineeship early, or if due to the availability of training there is a need to interrupt the suspension.
- For approved suspensions where the period of the suspension is in excess of three months, a letter will be forwarded one month prior to the current suspension period ending, alerting the parties of the date the current suspension period will end.

#### **Supervising Registered Training Organisation (SRTO):**

- Cease training delivery to an apprentice/trainee during an approved suspension period.
- Review and update the apprentice/trainee's training plan when an approved period of suspension ends (note – details of suspension start and end dates are available on the department's [Partner Portal](#)).

#### **Training and Skills, DESBT:**

- Where the Provider or RQB holds delegation (and the reason for the suspension does not relate to employment matters e.g. serious misconduct, discipline, bullying/harassment), route/assign suspension by all parties applications to the Apprenticeships Info queue. The DESBT Customer Centre (DCC) is to forward the application to the relevant Provider or RQB for processing.
- Process suspension applications by all parties applications where the Provider or RQB does not hold delegation.

**Note –** if the reason for the suspension relates to employment matters, the suspension application is not to be sent to the Provider or RQB, and is not to be processed by DESBT.

#### **Apprentice Connect Australia Provider (Provider); Training and Skills, DESBT; and Racing Queensland Board (RQB) (for specified racing industry occupations):**

**IMPORTANT –** Limitation of delegated authority **MUST** be observed when actioning a suspension application by all parties (or written notice from a party withdrawing consent to the application to suspend). Refer to the [Executive Director's sub-delegations under the FET Act 2014](#) for details of delegated authority.

- Hold the application to suspend a registered training contract by all parties for 7 calendar days from the date of receipt (i.e. the period during which an applicant may withdraw consent).
  - If consent to suspend is not withdrawn, process the application.
  - If consent to suspend is withdrawn, see 'Withdrawing consent to suspend a registered training contract' below.
- If the proposed suspension start date is less than seven calendar days from the date the application was received by the chief executive (Provider, DESBT, or RQB), advise the employer and apprentice/trainee, orally or in writing, of the date that the suspension will commence (the eighth day from the date the application was received by the chief executive).
- If the suspension period requested is over 12 months (365 days or 366 days in a leap year), advise the employer and apprentice/trainee, orally or in writing, of the accepted end date of the suspension, explaining that a suspension period cannot be more than one year per application. Advise the employer and

apprentice/trainee they may apply for a subsequent period of suspension later if required, but they must submit the new suspension application at least 7 full calendar days before the current suspension ends if they require a continuous period of suspension.

- If the reason for a suspension relates to –
    - employment related matters such as imposing disciplinary measures or serious misconduct of an apprentice/trainee, or
    - employment related matters such as workplace issues that may involve, but are not limited to, allegations of bullying, or
    - a school-based apprentice/trainee wanting to take time off to concentrate on their school studies or the school being in recess
- do not process the suspension application.
- Provider and Training and Skills, DESBT – Refer the matter via Apprenticeships Info (DCC – create a Case in CEDRIC and assign to the relevant regional office).
  - RQB – Contact the Metro regional office, DESBT for advice/assistance.
  - Region, DESBT – do not process suspension applications indicating reasons relating to employment matters. Investigate and consider alternative actions as appropriate.
- For a range of factors to consider regarding actioning a suspension application, refer to Attachment 1.
  - **Racing Queensland Board (RQB)** – Process suspension applications by all parties within the scope of delegated authority, including sending suspension approval letters and suspension finalisation letters to the parties, and Format of Advice documentation to DESBT.

### Withdrawing consent to suspend a registered training contract

**Note** – If the employer or apprentice/trainee withdraws their consent to the suspension application as per the process in this procedure, the training contract will continue in force.

#### **Apprentice Connect Australia Provider (Provider); Training and Skills, DESBT; and Racing Queensland Board (RQB) (for specified racing industry occupations):**

**Note** – If a Provider is **not** the nominated Provider for a training contract and receives a withdrawal of consent notification (or does not have delegation) they must **immediately** notify DESBT by telephone and send a copy of the withdrawal notification to DESBT as per the Provider Work Instructions on Suspension of a registered training contract.

**Note** – If RQB receives a withdrawal of consent notification and does not have delegation, they must **immediately** contact the Metro regional office, DESBT for advice/assistance.

On receipt of a withdrawal of consent notification—

- If the notification meets the requirements of the FET Act (i.e. it must be in writing, provided within 7 calendar days after the suspension application was received by the nominated Provider, DESBT, or RQB (for specified racing industry occupations) and, if the party withdrawing consent is the apprentice/trainee, be signed by a parent/guardian where applicable and appropriate):
  - if the notification was received by the Provider – immediately telephone DESBT via Apprenticeships Info on 1800 210 210 and advise of the withdrawal of consent – record information on the telephone communication in a File Note
  - if the notification was received by DESBT – immediately telephone the Provider and advise of the withdrawal of consent – record information on the telephone communication in CEDRIC
  - if the notification was received by RQB and RQB does not have delegation – immediately contact the Metro regional office, DESBT and advise of the withdrawal of consent – record information on the contact in a File Note.
  - send a written notice to each party (i.e. employer and apprentice/trainee, and parent/guardian if applicable and appropriate) informing them that the suspension application has been withdrawn and the training contract remains in force.



- If the notification was received by the Provider, a Provider letter template is available in the [Apprenticeship Operations SharePoint library](#) for this purpose, titled: 'Withdraw consent to Cancel or Suspend'.
  - If the notification was received by DESBT, a DocumentsCorePack letter titled 'Withdraw consent to cancel or suspend – EMP-APP-Parent-School' is available in CEDRIC.
  - If the notification was received by RQB, an RQB letter template is available in the [Apprenticeship Operations SharePoint library](#) for this purpose, titled: 'Withdraw consent to cancel or suspend'.
- If the notification fails to meet the requirements of the FET Act stated above:
    - contact the party who submitted the notification and advise the reason why the withdrawal could not be accepted and that –
      - If the 7 calendar day withdrawal period has elapsed, the training contract is suspended; or
      - If the 7 calendar day withdrawal period has not yet elapsed, the party may wish to try again to provide the required notification before it elapses.

**Provider:**

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

**Racing Queensland**

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

**Processing requests to change the suspension period**

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

- If an enquiry or application is received seeking to cancel a registered training contract that is suspended, follow the [Cancel registered training contracts by all parties](#) procedure.
- Where a request to attend off-the-job training is received by the parties during an approved suspension period, contact the parties to discuss a strategy for managing the suspension – i.e. end the approved suspension on the day prior to training commencing and apply for a new suspension period if required. Ensure that the employer and apprentice/trainee are aware that a subsequent suspension application (if applicable) must be received by the chief executive (Provider, DESBT, or RQB (for specified racing industry occupations)) at least 7 full calendar days prior to the date the suspension is required to start.
- If a request is received to end the suspension early, confirm with the parties (verbal confirmation with both the employer and apprentice/trainee is acceptable).
- If the parties request an amendment to the dates of an approved suspension period, confirm the written advice from the employer and apprentice/trainee (and parent/guardian, if appropriate) meets legislated requirements (i.e. the new proposed suspension start date is at least 7 full calendar days from the date the chief executive (Provider, DESBT, or RQB (for specified racing industry occupations)) received the original application in the approved form, and the period of suspension does not exceed one year (365 days or 366 in a leap year).

**Provider:**

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

**Racing Queensland Board**

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

**Definitions**

<b>AIRDOCS</b>	A system used by DESBT for letter templates which are subsequently generated through DELTA.
<b>Approved form</b>	A form approved by the chief executive (Department of Employment, Small Business and Training).



<b>Apprentice Connect Australia Provider</b>	Apprentice Connect Australia Providers, also known 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.
<b>CEDRIC</b>	A Client Relationship Management system used by DESBT to capture information on client and stakeholder engagement and correspondence (for internal access only).
<b>DCC</b>	DESBT Customer Centre (Phone Team) – responsible for managing calls received through the Apprenticeships Info line and emails received in the mailbox apprenticeshipsinfo@qld.gov.au
<b>DELTA</b>	Direct Entry Level Training Administration, DESBT's database of registered apprentices and trainees (for internal access only).
<b>DESBT</b>	Department of Employment, Small Business and Training
<b>Format of Advice</b>	A document developed and used by Racing Queensland for the purpose of providing information to DESBT regarding actions and decisions relating to training contracts.
<b>Partner Portal</b>	A secure internet site that provides stakeholders with reporting and searching facilities to support vocational education and training delivery.
<b>Nominal completion date</b>	The date set by DELTA, which signifies the end of the nominal term for a registered training contract.
<b>Racing Queensland Board</b>	Racing Queensland Board (RQB) is the statutory control body for thoroughbred harness, and greyhound codes of racing in Queensland with responsibility for the management of these codes. 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"> <li>• Stablehand traineeship</li> <li>• Trackrider traineeship</li> <li>• Advanced stablehand traineeship</li> <li>• Jockey apprenticeship.</li> </ul>
<b>Signed consent of a parent (if appropriate)</b>	It may be inappropriate for a parent to sign the application if the apprentice or trainee is living independently of his or her parents.
<b>Supervising registered training organisation (SRTO)</b>	Is a registered training organisation that: <ol style="list-style-type: none"> <li>1. accepts a nomination to deliver training and assessment to apprentices or trainees as negotiated and agreed under individual training plans;</li> <li>2. assesses an employer's capacity to provide the supervision, facilities and training required under the training plan for an apprentice or trainee;</li> <li>3. assesses whether the apprentice or trainee has completed the training and assessment required to be completed under a training plan;</li> <li>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 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.</li> </ol>

## Legislation

- [Further Education and Training Act 2014](#) Sections 30 to 32

## 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](#)

## Related procedures

- [Cancel registered training contracts by all parties](#)
- [Cancel registered training contracts by chief executive](#)
- [Suspension of registered training contract by one party](#)

## 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

- [Suspension of a registered training contract \(ATF-037\)](#)
- Format of Advice (RQB employees only)

### Work instructions

- Suspension 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 website](#).

RQB & RQ officers can access RQB Work Instructions in the [RQB library on SharePoint](#).

### Online materials

- [Frequently asked questions – Forms with missing information](#)
- [Partner Portal](#)

### Letters

- AIRDOCS – Suspension approval letter (DESBT employees only)
- AIRDOCS – Suspension finalisation letter (DESBT employees only)
- AIRDOCS – Suspension reminder letter (DESBT employees only)
- DocumentsCorePack – Withdraw consent to cancel or suspend – EMP-APP-Parent-School (DESBT employees only)
- SharePoint (Providers only) – Withdraw consent to cancel or suspend
- SharePoint (RQB & RQ employees only) – Suspension approval letter
  - Suspension finalisation letter
  - Withdraw consent to cancel or suspend

### Website

- Nil

## Contact

For further information, please contact Apprenticeships Info:

- **Website:** [www.desbt.qld.gov.au](http://www.desbt.qld.gov.au)
- **Telephone:** 1800 210 210
- **Email:** [apprenticeshipsinfo@qld.gov.au](mailto:apprenticeshipsinfo@qld.gov.au)



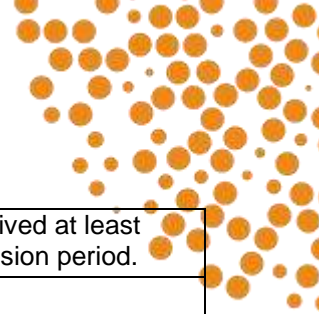
## Attachment 1

### 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.

<p>Has the application been received in the approved form?</p>	<p>That is –</p> <ul style="list-style-type: none"> <li>○ application by the employer, apprentice/trainee (and, if the apprentice/trainee is under 18, their parent/guardian if appropriate);</li> <li>○ state the reasons for the proposed suspension;</li> <li>○ state the period of the proposed suspension (start and end date);</li> <li>○ state the day the proposed suspension is to take effect, being not less than 7 days after the application is given to the chief executive; and</li> <li>○ state that the proposed suspension is agreed to by each of the parties to the registered training contract.</li> </ul> <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>
<p>Is the reason indicated on the application for the suspension valid?</p>	<ul style="list-style-type: none"> <li>○ A reason of 'mutual consent' (or similar) is not a 'reason' for requiring a suspension. 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).</li> </ul>
<p>What are some typical reasons for suspending a registered training contract?</p>	<ul style="list-style-type: none"> <li>○ An interval between periods of seasonal work (e.g. in the shearing industry or an abattoir, where intermittent periods of work are a characteristic of the industry);</li> <li>○ a 'gap year' – allowing the parties to put the training contract on hold while the apprentice/ trainee pursues other interests (or other work for the same or another employer);</li> <li>○ maternity/paternity leave;</li> <li>○ long-term illness of the apprentice/trainee;</li> <li>○ a period of changed employment circumstances where the apprentice or trainee is undertaking other tasks not related to the apprenticeship or traineeship.</li> </ul>
<p>How does suspending a training contract affect the employment relationship?</p>	<p>Advice from the Fair Work Ombudsman's office is that the suspension of a training contract does not suspend the employment relationship between an employer and apprentice/trainee.</p> <p>Employers and apprentices/trainees must determine ongoing employment arrangements in accordance with the relevant industrial instrument and the <i>Fair Work Act 2009</i>.</p> <p>Suspension of a registered training contract should not be used in place of stand down arrangements which may be provided for in the relevant industrial instrument. It is not the intent of the FET Act that suspension be used for reasons such as lack of work or no host employer being available; suspending a training contract for such reasons would not affect an employer's obligation to continue to pay wages.</p>
<p>Can an apprentice/trainee complete any training with their supervising registered training organisation (SRTO) while on suspension?</p>	<p>During the period the training contract is suspended, the apprentice/trainee is not permitted to complete any SRTO training, and the SRTO will not be eligible to claim any User Choice funding for training and assessment while the contract is suspended. If the training contract is suspended during a time the apprentice/trainee can attend SRTO training, the suspension would be required to be ended the day prior to the first day of training. If a further suspension is required to start on the day after the last day of training, a new application would</p>





	<p>be required to be completed, with the new application being received at least seven full calendar days prior to the start date of the new suspension period.</p>						
<p>Can a training contract be suspended multiple times?</p>	<p>A training contract can be suspended multiple times during an apprenticeship/traineeship, however, each period of suspension cannot exceed one year.</p> <p>If the parties require a subsequent period of suspension immediately following the end of a current suspension period, the application must be submitted to the Provider, DESBT, or RQB (for specified racing industry occupations) at least seven full calendar days prior to the current suspension period expiring to allow for the withdrawal of consent period for the new suspension.</p> <p>Below is an example of the requirements for a subsequent continuous suspension application:</p> <table border="1" style="margin-left: 20px;"> <tr> <td>Tuesday 12<sup>th</sup></td> <td>Last day of suspension</td> </tr> <tr> <td>Wednesday 13<sup>th</sup></td> <td>First day of new suspension period</td> </tr> <tr> <td>Tuesday 5<sup>th</sup>*</td> <td>Last date the application can be submitted to the Provider, DESBT or RQB</td> </tr> </table> <p>*This date allows for the withdrawal of consent period of seven full calendar days (Wednesday, 6<sup>th</sup> to Tuesday, 12<sup>th</sup> to end before the new suspension period commences on Wednesday, 13<sup>th</sup>)</p> <p>If the parties fail to submit the new application in time for the commencement date of the subsequent period of suspension, the Provider, DESBT or RQB will need to adjust the commencement date to allow for the withdrawal of consent period and advise the parties accordingly.</p>	Tuesday 12 <sup>th</sup>	Last day of suspension	Wednesday 13 <sup>th</sup>	First day of new suspension period	Tuesday 5 <sup>th</sup> *	Last date the application can be submitted to the Provider, DESBT or RQB
Tuesday 12 <sup>th</sup>	Last day of suspension						
Wednesday 13 <sup>th</sup>	First day of new suspension period						
Tuesday 5 <sup>th</sup> *	Last date the application can be submitted to the Provider, DESBT or RQB						
<p>Is it an issue if an employer submits a number of suspension applications for multiple apprentices/trainees?</p>	<p>Where it is identified that an employer has submitted a number of suspension applications for lack of work, stand-down or no host employer, the applications may be approved, however the relevant DESBT regional office will need to monitor the situation.</p>						
<p>Can a school-based training contract be suspended?</p>	<p>It is possible, by mutual agreement, but this is not the intent of the FET Act.</p> <p>An employer of a school-based apprentice/trainee must be able to provide a minimum of 50 days (375 hours) of paid employment per 12-month period from the commencement date. As an example, a school which employs a school-based trainee should not intend to suspend the trainee during every period of school holidays. If the school is unable to provide the minimum paid work requirements – taking into account any school closure periods – then they would not be a suitable employer of a school-based trainee.</p>						
<p>What happens if the nominal term of the registered training contract ends during a suspension period?</p>	<p>The suspension provisions in the FET Act do not require that the suspension ends before the nominal completion date.</p> <p>If a proposed suspension period will end after the registered training contract expires, process the suspension as normal. The training contract record in DELTA will save the suspension beyond the nominal completion date. DELTA will not automatically change the training contract's status to 'Expired'.</p> <p>At the end of the suspension, DELTA will automatically adjust the training contract end date and the record will remain 'Active' without requiring intervention (e.g. an administrative extension).</p>						

