

## ATIS-002

Version 10, June 2018

## Complaint about or appeal against a decision

### Lodging a complaint with the department

An employer, apprentice, trainee, parent, guardian or other persons with sufficient interest may lodge a complaint with the Department of Employment, Small Business and Training regarding:

- training delivered to the apprentice or trainee under the training plan
- adequacy of the facilities, range of work and supervision provided by the employer
- circumstances in which the contract was signed or amended or cancelled
- the handling of a matter by the department's regional office
- general apprenticeship or traineeship arrangements
- certain services provided by training organisations who deliver training to apprentices and trainees.

The department may refuse to deal with complaints that are considered frivolous, lack substance, are unnecessary or unjustifiable; or where the person making the complaint does not have a sufficient interest.

Complaints may be lodged using the [apprenticeship and traineeship complaint form \(PDF, 123KB\)](#) or by contacting Apprenticeships Info on 1800 210 210.

### Complaints the department cannot deal with

*It is important to note that the department **cannot** deal with matters already being considered or that have been decided by the Queensland Industrial Relations Commission (QIRC).*

If the complaint is about the quality of training provided by the registered training organisation, lodge a complaint with the [Australian Skills Quality Authority](#).

Persons concerned with wage entitlements and unfair dismissal, may lodge a complaint with the [Fair Work Ombudsman](#) by contacting 13 13 94.

### Queensland Training Ombudsman

If you have already complained to the department and were unsatisfied with the response, the next step may be to contact the Office of the Queensland Training Ombudsman, which is a free, confidential and independent service, established by the Queensland Government.

The Queensland Training Ombudsman reviews, and attempts to resolve enquiries and complaints from apprentices, trainees, students, employers and other stakeholders of the vocational education and training (VET) sector in Queensland.

### Contact the Queensland Training Ombudsman

PO Box 15090

CITY EAST QLD 4002

**Phone:** 1800 773 048

**Email:** [info@trainingombudsman.qld.gov.au](mailto:info@trainingombudsman.qld.gov.au)

**Web:** [www.trainingombudsman.qld.gov.au](http://www.trainingombudsman.qld.gov.au)

### Appeal to the QIRC

A person aggrieved by certain decisions made by the department may appeal to the QIRC. A parent or guardian of an apprentice or trainee **cannot** be the aggrieved person for any of the decisions listed below.

The QIRC may only hear an appeal on decisions relating to:

- an order for discipline
- cancellation of a training contract by the department, but only when the contract has been cancelled due to:
  - a substantial change in a party's circumstances affecting the party's capacity to perform their obligations under the training contract
  - the training contract contained false or misleading information
  - the employer's failure to comply with their obligations under the training contract or the *Further Education and Training Act 2014*
- cancellation of a certificate of completion
- the declaration of a prohibited employer.

The application to appeal must comply with the requirements of the *Industrial Relations Act 2016* and be filed with the QIRC within **21 days** of the aggrieved person being given an information notice of the decision by the department. However, the QIRC may extend the time for starting an appeal.

In addition to appealing against a decision to the QIRC, a person may apply to the QIRC, at the same time, for a stay of the decision they are appealing against. An approved stay of a decision temporarily stops the decision from being carried out.

The QIRC has the authority to dismiss the appeal, amend the decision, or make an entirely new decision.  
**The decision of the QIRC is final and conclusive.**

#### **Contact the QIRC**

GPO Box 373

BRISBANE QLD 4001

**Phone:** 1300 592 987

**Email:** [qirc.registry@qirc.qld.gov.au](mailto:qirc.registry@qirc.qld.gov.au)

**Web:** [www.qirc.qld.gov.au](http://www.qirc.qld.gov.au)

