

# Transfer of registered training contracts – permanent or temporary

## Purpose

This procedure provides the process and requirements for the permanent and temporary transfer of a registered training contract, including recording actions in the DELTA database.

**Note** – Racing Queensland has delegations under the *Further Education and Training Act 2014* (FET Act) to manage the following training contracts with support from the Metropolitan North Regional Office of the Department of Employment, Small Business and Training:

- Stablehand traineeship
- Trackrider traineeship
- Advanced Stablehand traineeship
- Jockey apprenticeship.

This procedure does not apply to the above mentioned training contracts that Racing Qld hold delegation for. The procedure titled 'Racing Queensland – management of training contracts' applies to these training contracts.

## Overview

A registered training contract may be permanently transferred from one employer to another as an alternative to cancelling the contract and recommencing into a new training contract. A permanent transfer does not incur a probationary period with the new employer.

A temporary transfer is available when all the obligations associated with a registered training contract are moved from one employer to another for a period of up to one year.

Permanent and temporary transfers may be considered for a variety of reasons, such as:

- a change in circumstances of the employer or apprentice/trainee
- lack of ongoing employment
- different training opportunities
- to facilitate training and assessment in a competency required under the training plan, when the existing employer is unable to provide the necessary range of work.

For permanent transfers of school-based traineeships, the paid employment requirement is as stated at 15.2(a) of Table 15 of the [Declaration of apprenticeships and traineeships in Queensland policy](#), irrespective of the date of receipt of the training contract.

## Responsibilities

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

- To permanently transfer a registered training contract to a proposed new employer, an application in the approved form must be forwarded to their current AASN Provider for the training contract or the Department of Employment, Small Business and Training (DESBT). The apprentice/trainee and proposed new employer may, however, apply without the original employer's agreement. The required details are as stated in the process section below.
- For a permanent transfer of a school-based traineeship, assist the AASN Provider or DESBT with information in regard to the number of days the trainee has worked.

- If, upon permanent transfer, the new employer and apprentice/trainee choose to change their AASN Provider or supervising registered training organisation (SRTO), notify the AASN Provider or DESBT about the change as part of the transfer process.
- To temporarily transfer a registered training contract to a new employer for up to 1 year, apply in the approved form to their AASN Provider or DESBT within 7 days after the day the transfer takes effect. The required details are as stated in the process section below.
- The original employer whose apprentice/trainee is transferring must notify the SRTO within 7 days after a temporary transfer takes effect.

### Delegated Officer:

- Approve or not approve applications to permanently transfer registered training contracts.

**Note** – AASN Providers holding delegation will process permanent transfer applications by the original and proposed new employers and apprentice/trainee (and parent/guardian, if appropriate).

DESBT Regional Officers will process permanent transfer applications in the following circumstances:

- where the AASN Provider does not hold delegation, or
- where only the apprentice/trainee and proposed new employer (and parent/guardian, if appropriate) have applied, or
- where, as a result of a regional investigation of an application submitted by only the apprentice/trainee and proposed new employer (and parent/guardian, if appropriate), the original employer agrees to the transfer.
- Process applications to temporarily transfer registered training contracts.
- In making a decision or approving an application, DESBT officers are to take into account the fundamental 23 Human Rights under the [Human Rights Act 2019](#).

### Australian Apprenticeship Support Network (AASN) Provider:

- For permanent transfer applications by the original and proposed new employers and apprentice/trainee (and parent, if appropriate), send details to DESBT in the agreed format as per the protocols between DESBT and the AASN Providers.
  - For school-based traineeships, ascertain the number of days already worked by the trainee and inform the new employer and trainee about the minimum number of days required to be worked before DESBT will consider completing the training contract, as per 15.2(a) of Table 15 of the [Declaration of apprenticeships and traineeships in Queensland policy](#) (irrespective of the commencement date of the training contract).
- For permanent transfers, provide written advice to the original employer as appropriate.
- For temporary transfers, send details to [DESBT](#) in the agreed format as per the protocols between DESBT and the AASN Providers.
- Facilitate a change of AASN Provider, if required.
- For permanent transfers where the original employer does not agree to the transfer, send the application to DESBT for processing as per the work instruction.

### DESBT Regional Office:

- Record the details of permanent and temporary transfers in the DELTA database.
- For permanent transfers of school-based traineeships, ascertain the number of days already worked by the trainee and inform the new employer and trainee about the minimum number of days required to be worked before DESBT will consider completing the training contract, as per 15.2(a) of Table 15 of the [Declaration of apprenticeships and traineeships in Queensland policy](#) (irrespective of the commencement date of the training contract).
- If DESBT processes a permanent transfer because the AASN Provider did not have delegated authority, notify the AASN Provider that the permanent transfer has occurred.
- Provide written advice to the parties, parent/guardian and SRTO as appropriate.
- Place an ad hoc risk identifier against the employer record in DELTA if the SRTO notifies DESBT that arrangements are inadequate.
- In making a decision or approving an application, DESBT officers are to take into account the fundamental 23 Human Rights under the [Human Rights Act 2019](#).

### Supervising Registered Training Organisation (SRTO):

- Develop a new training plan and have it signed within 28 days of the notification of the transfer taking effect.
- Conduct an assessment of the new employer's capacity to provide the facilities, supervision and the range of work required.
- Notify the AASN Provider or DESBT if the new employer cannot provide the facilities, range of work and/or supervision required under the new training plan.

### Process

#### Employer and/or apprentice/trainee (and parent, if appropriate), and the proposed new employer:

- To permanently transfer a registered training contract to a new employer, the original employer, proposed new employer, and apprentice/trainee must agree to the transfer and apply in the approved form to their AASN Provider or DESBT. If the apprentice/trainee is under 18 years of age and not living independently, the application must include the signed consent of a parent/guardian. The application must state the name of the proposed new employer, the proposed date of effect of the transfer, that the transfer is agreed by the signatories, and the reasons for the proposed transfer. A [Permanent transfer of a registered training contract](#) form is available for this purpose.
- However, the apprentice/trainee and proposed new employer may apply to the AASN Provider or DESBT in the approved form, to permanently transfer a registered training contract without the original employer's support. If the apprentice/trainee is under 18 years of age and not living independently, the application must include the signed consent of a parent/guardian. A [Permanent transfer application by apprentice/trainee and proposed new employer](#) form is available for this purpose.
- To temporarily transfer a registered training contract to a new employer, the original employer and apprentice/trainee must agree to the transfer and notify their AASN Provider or DESBT in the approved form within 7 days after the day the transfer takes effect. The period of temporary transfer must not exceed 1 year and must end before the nominal term of the training contract ends. The temporary transfer notification must be signed by the original employer, new employer, and apprentice/trainee (and parent/guardian, if appropriate), stating the name of the new employer, the day the transfer took effect, the period of transfer, and that the transfer is agreed by the parties. A [Temporary transfer of a registered training contract](#) form is available for this purpose.
- The original employer must notify their SRTO within 7 days after a temporary transfer takes effect.

## Processing requests for the transfer of training contracts

### Permanent transfer:

#### Delegated Officer:

(Upon receipt of an application for the permanent transfer of a training contract agreed by the original employer, apprentice/trainee and proposed new employer)

Note – If the new employer has nominated a different AASN Provider to the one identified on the registered training contract in DELTA, the original AASN Provider will facilitate the change (i.e. send a copy of the application to the new AASN Provider, and send the details for the change of AASN Provider to DESBT in the agreed format as per the protocols between DESBT and the AASN Providers).

If the application is agreed to by the original employer, apprentice/trainee and proposed new employer:

- Check that the proposed new employer is not a declared prohibited employer – if they are a declared prohibited employer, the transfer cannot be approved.
- For school-based apprenticeships and traineeships, confirm continuing school support for the training contract with the proposed new employer.

- For school-based traineeships, establish the number of days the trainee has worked to date and inform the new employer and trainee about how many days remain to be worked to meet the minimum paid work requirement. Be aware that, regardless of the training contract's commencement date, upon permanent transfer the minimum paid work requirement is 375 hours (50 days) per year of the full-time nominal term for the traineeship.
- If the transfer involves a significant change to the apprentice/trainee's workplace location, confirm that the SRTO is able to continue as the SRTO – if it is impracticable for the current SRTO to continue, advise the proposed new employer and apprentice/trainee of the need to choose another SRTO. Note that the transfer cannot go ahead unless there is an SRTO.
- Decide to approve or not approve the permanent transfer in accordance with section 27 of the FET Act.

#### IF APPROVED

##### Delegated Officer:

- Send a written notice of the decision to the original employer within 28 days of receipt of the application.
- Follow the process as per the permanent transfer work instruction.

#### IF NOT APPROVED

##### Delegated Officer:

- The existing registered training contract remains in force.
- If delegation has been exercised by an AASN Provider, the AASN Provider is to follow the process as per the permanent transfer work instruction.
- Provide a written notice of the decision to the employer, apprentice/trainee and proposed new employer (and parent/guardian, if applicable) within 28 days of receipt of the application; the written notice must include the reason/s for the decision.
- If the original training contract is no longer valid as employment has ceased, cancel the training contract under section 36 of the FET Act.

##### Delegated Officer:

(Upon receipt of an application for the permanent transfer of a training contract by the apprentice/trainee and proposed new employer)

If an application is submitted by the apprentice/trainee and proposed new employer without the agreement of the original employer:

- Decide to approve or not approve the permanent transfer, in accordance with section 28 of the FET Act.
- Send a CRM letter to the original employer giving them the opportunity to agree or object to the permanent transfer – use the template titled: 'Permanent transfer – transfer objection invited – EMP current.docx'.
- Whilst the decision is pending the outcome of a response, update the training contract record in DELTA to a sub-status of 'Pending permanent transfer'.
- The decision will take into consideration any objections provided by the original employer.
- Failure by the original employer to respond to the abovementioned CRM letter within the timeframe specified in it will be considered as their having no objections and transfer action can proceed.

#### IF APPROVED

##### Delegated Officer:

- Update DELTA with the new employer's details – change the sub-status to 'Permanent transfer'.
- Provide a written notice of the decision to approve the transfer within 28 days of receipt of the application. The written notice must include the date of effect of the transfer, which is generally the date requested in the application. A CRM template is available for this purpose, titled: 'Permanent transfer – transfer objection invited – decision to approve – EMP current.docx'. Send it to:
  - the current employer
  - the apprentice/trainee (and parent/guardian, if appropriate)

- the new employer, and
- the school – if a school-based training contract.
- Advise the AASN Provider – a CRM mail merge template is available for this purpose, titled: 'Permanent transfer – Notify AASN provider.docx'.
- For school-based traineeships, establish the number of days the trainee has worked to date, and inform the new employer and trainee about how many days remain to be worked to meet the minimum paid work requirement. Be aware that, regardless of the training contract's commencement date, upon permanent transfer the minimum paid work requirement is 375 hours (50 days) per year of the full-time nominal term for the traineeship. Create a DELTA Note which reflects information received regarding the number of days worked and notified to the new employer and apprentice/trainee and, if necessary, update the 'Actual Days Worked' on the Other tab in the training contract maintenance window.
- If the SRTO subsequently identifies that the new employer cannot provide the range of work, facilities or supervision required:
  - It may be necessary to cancel the training contract as the SRTO has withdrawn support – refer to the [Cancel registered training contracts by chief executive](#) procedure.
  - Add an ad hoc risk identifier to flag the new employer's record in DELTA to ensure no training contracts are automatically registered to this employer.

## IF NOT APPROVED

The existing training contract remains in force.

Delegated Officer:

- Provide a written notice of the decision to the apprentice/trainee and proposed new employer within 28 days of receipt of the application; the written notice must include the reason/s for the decision.
- Advise the original employer of the decision not to approve the application, stating the reason/s, within 28 days of receipt of the application; however if the training contract is no longer valid as employment has ceased, cancel the training contract under section 36 of the FET Act (NOTE: ensure the contract is not cancelled until 21 days after employment has ceased).
- Update the training contract record in DELTA to show the correct status and sub-status – if the application was made without the original employer's agreement, remove the 'Pending Permanent Transfer' sub-status from the training contract record.

## ADDITIONAL CONSIDERATIONS

### Proposed date of transfer is in the past

If the proposed date of transfer is more than 28 days in the past, it is still possible to approve the transfer, however the delegated officer may choose to investigate the reasons for the delay in making application.

### A different SRTO is nominated

If the proposed new employer wishes to nominate a different SRTO to the one on the existing training contract, the AASN Provider or DESBT may need to facilitate a change of SRTO at the same time as considering the application for transfer.

The transfer does not take effect until the date notified by the delegated officer, so it is possible to change SRTOs while the application is being considered.

If the new or existing SRTO identifies any issues with the new employer arrangements, the delegated officer may decide not to approve the application and the existing training contract remains in force.

### SRTO acceptance

If the SRTO has already accepted their role under the training contract and is being retained following a permanent transfer, it is not necessary to seek acceptance again when the contract is transferred between employers; however (as stated above), if there is a significant change to the apprentice/trainee's workplace location, confirmation that the SRTO can still deliver services to the parties is required. The SRTO, or a newly nominated SRTO, must develop a training plan within 28 days of being notified of the transfer; the development of the training

plan requires the SRTO to assess the new employer's capacity to provide an adequate range of work, facilities and supervision required under the training plan.

## Temporary transfer:

### Delegated Officer:

- If the notification is incomplete or does not meet the requirements set out in section 24 of the Act, contact the employer and apprentice/trainee to facilitate the transfer, if suitable.
- When processing a temporary transfer, ensure it does not exceed 1 year and ends before the nominal term of the training contract is to end.

### Australian Apprenticeship Support Network (AASN) Provider:

- Provide details of temporary transfers to DESBT in the agreed format as per the protocols between DESBT and the AASN Providers.

### Department of Employment, Small Business and Training (DESBT):

- Upon receipt of temporary transfer details from the AASN Provider, or a temporary transfer notification received direct, enter the details in DELTA, including the period of the temporary transfer. If there is no pre-existing record of the new employer in DELTA, create a new employer record.

## Definitions

<b>Approved form</b>	A form approved by the chief executive.
<b>Australian Apprenticeship Support Network (AASN) Provider</b>	AASN Providers, also known as Apprenticeship Network Providers, are contracted by the Australian Government to provide targeted services which deliver tailored advice and support to employers, apprentices and trainees. AASN Providers also have an agreement with DESBT to provide training contract related services. The AASN Provider is the first point of contact for the administration of all training contracts.
<b>Delegated officer</b>	An appropriately qualified person to whom the chief executive has delegated functions and powers
<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>Status and sub-status in DELTA</b>	The status of a training contract record in DELTA reflects information provided to, DESBT. A training contract record in DELTA will always have a status, e.g. 'Active' or 'Complete', and may also have a sub-status which generally provides additional information – e.g. sub-status 'Active' and sub-status 'Permanent Transfer'.
<b>Supervising registered training organisation (SRTO)</b>	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 whether the apprentice or trainee has completed the training and assessment required to be completed under a training plan</li> <li>3. 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.</li> </ol>

## Legislation

- [Further Education and Training Act 2014](#) – sections 24 to 28

## 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

- [Declaration of apprenticeships and traineeships in Queensland policy](#)
- [Electronic signing policy for apprenticeships and traineeships in Queensland](#)

## Related procedures

- [Adequate training arrangements](#)
- [Cancel registered training contracts by chief executive](#)

## Guidelines

- Nil

## Supporting information/websites

### Agreements

- Protocols between DESBT and the AASN Providers
- Performance and Funding Agreement between DESBT and the AASN Providers

### Forms

- [Permanent transfer of a registered training contract \(ATF-039\)](#)
- [Temporary transfer of a registered training contract \(ATF-038\)](#)

### Online materials

- [Australian Apprenticeships website](#)

### Letters (DESBT employees only)

- CAS – Permanent transfer
- CRM – Permanent transfer – Notify AASN Provider
- CRM – Permanent transfer – EMP old
- CRM – Permanent transfer – NOT approve – EMP new-EMP old-APP-Parent-School
- CRM – Permanent transfer – transfer objection invited-EMP current
- CRM – Permanent transfer – transfer objection invited-decision approve-EMP current
- CRM – Permanent transfer – transfer objection invited-decision NOT approve-EMP current

**Letters (AASN employees only) (copies of letter templates are available to AASN nominated officers in the AASN library on SharePoint.**

- Permanent transfer original employer
- Permanent transfer NOT approve

### Website

- Human Rights: [www.qld.gov.au/law/your-rights/human-rights](http://www.qld.gov.au/law/your-rights/human-rights)

## Contact

For further information, please contact Apprenticeships Info:

- **Website:** <https://desbt.qld.gov.au/training/apprentices>
- **Telephone:** 1800 210 210
- **Email:** [apprenticeshipsinfo@qld.gov.au](mailto:apprenticeshipsinfo@qld.gov.au)

