

ATIS-047

Version 7, March 2020

Suspension of a registered training contract

The department is aware a range of direct and indirect impacts are being experienced by some businesses as a result of Coronavirus (COVID-19). If the impact has contributed to the reasons for a suspension application, include details of how COVID-19 has affected the business. The department will take impacts of COVID-19 into account when actioning suspension applications.

Information to get started

During an apprenticeship or traineeship circumstances may occur where one party to the training contract (i.e. the employer and/or apprentice/trainee) may not be able to carry out their obligations under the training contract for a period of time. To avoid cancellation and recommencement of a training contract, the Department of Employment, Small Business and Training allows a training contract to be temporarily suspended by the employer and/or the apprentice or trainee.

Suspending a training contract allows the employer and apprentice/trainee to suspend the responsibilities associated with the training contract, to preserve the interests of the apprentice or trainee. There are a number of reasons why a suspension period may happen, such as:

- seasonal employment
- apprentice or trainee chooses a gap or study year outside of the apprenticeship or traineeship
- long term illness
- maternity or paternity arrangements.

Suspension of a training contract should not be used in place of stand down arrangements which may be provided for in the relevant industrial instrument.

The maximum period that a training contract can be suspended for is **12 months per application**.

Note: A suspension is the appropriate process to follow when a party may not be able to carry out their obligations under the training contract as per the example reasons noted above. However, if an employer cannot provide the training stated under the training plan for the apprentice or trainee, a temporary suspension of less than 30 days is the appropriate process to follow. In this instance, the employer should refer to the [ATIS-055 Temporary suspension of a registered training contract by employer information sheet](#).

An approved suspension does not automatically suspend the employment relationship between the employer and apprentice or trainee. The employer and apprentice or trainee must determine whether employment will continue whilst the training contract is suspended, in accordance with the relevant industrial instrument and the *Fair Work Act 2009*.

While a training contract is suspended, the apprentice or trainee cannot attend training in the apprenticeship or traineeship delivered by their training organisation.

Application for suspension from both parties

If the employer and apprentice or trainee agree to apply to suspend the training contract, they must agree to the start and end dates of the proposed suspension. The [ATF-037 Suspension of a registered training contract form](#) has been developed for this purpose. If the apprentice or trainee is under 18, their parent or guardian (if appropriate) must also provide their signed consent on the form.

The start date of the suspension cannot be less than **7 days** from the date the application is given to your Australian Apprenticeship Support Network (AASN) provider or the department.

Withdrawal of consent

The employer and/or apprentice or trainee may withdraw their agreement to suspend the training contract. A parent or guardian's consent is also required if the person withdrawing is the apprentice or trainee and they are under the age of 18. The withdrawal notification must be in writing and received within **seven days** after the application for suspension was received by the AASN provider or the department.

If the withdrawal of consent notification is received within the above timeframe, the application for suspension is taken to be withdrawn and the training contract remains active.

If a withdrawal of consent is not received, the suspension will be confirmed in writing to all parties.

Application for suspension from one party

Circumstances may occur where one party to the training contract (i.e. the employer or the apprentice/trainee) may not be in a position to agree to, or provide informed consent to, a proposed suspension of the training contract at that time.

For example, one party cannot work at present, and they have a medical condition that prevents them from being able to discuss or agree to what happens to their training contract while they are unable to work.

The other party may apply to the department to suspend both parties' responsibilities associated with the contract, using the [ATF-049 Suspension of a registered training contract \(by one party\) form](#). The party will be required to state the reasons for the proposed suspension, including why they believe the other party cannot provide consent to the suspension, the period of proposed suspension, and the date the proposed suspension is to take effect.

Regardless of which party is making the application, if the apprentice or trainee is under 18 and it is appropriate in all the circumstances, the party making the application must arrange for the parent or guardian to provide signed consent to the application.

If the department decides to suspend the training contract, the start date of the suspension period cannot be less than **7 days** after the department received the application.

Notification of changes during the suspension period

The parties must notify the AASN provider or the department, in writing, of any changes to the suspension period, such as an early return to the apprenticeship or traineeship or a change to ongoing employment that may impact the capacity to continue the training contract at the end of the suspension period.

For one party approved suspensions, if the party who was not in a position to provide informed consent is now in a position to do so and can discuss matters relating to the training contract, the party who made the application must notify the department (via the Apprenticeships Info phone number below) immediately.

End of suspension period

Once the suspension period has ended and the training contract is back in place, the employer, apprentice or trainee and training organisation must review and update the training plan as required.

The nominal completion date of the training contract will automatically be extended to cover the suspension period.

myApprenticeship

The myApprenticeship self-service website allows apprentices and trainees to securely view details and initiate various tasks, such as suspension, relating to their apprenticeship or traineeship.

Visit www.training.qld.gov.au/myapprenticeship to get started.

For further information

Contact:

- The nominated AASN provider. Registered apprentices and trainees can view their AASN provider in their myApprenticeship account if they are unsure.

- Apprenticeships Info on 1800 210 210, particularly regarding one party suspensions.
- [Fair Work Ombudsman](#) on 13 13 94, to discuss wages and entitlements and leave arrangements, or the suspending or standing down of an employee, during a suspension of training contract approved under the *Further Education and Training Act 2014*.

Related document:

- [Suspension of registered training contracts procedure](#).
- [Suspension of registered training contracts by one party procedure](#).
- [Temporary suspension of a registered training contract by the employer procedure](#).

