Q. What are some typical reasons for suspending a registered training contract?

A. Suspension may be used, among other things, for reasons such as:

- an interval between periods of seasonal work – eg in the shearing industry or an abattoir, where regular periods when work dries up completely are a characteristic of the industry
- 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)
- maternity/paternity leave
- long-term illness of the apprentice/trainee
- a period of changed employment circumstances where the apprentice or trainee is undertaking other tasks not related to the apprenticeship or traineeship.

Q. How does suspending a training contract affect the employment relationship?

A. 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.

Employers and apprentices/trainees must determine ongoing employment arrangements in accordance with the relevant industrial instrument and the *Fair Work Act 2009*.

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 *Further Education and Training Act 2014* (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.

Alternatives to suspending a training contract may include amending the contract mode to part-time for a period, temporary transfer to another employer, or an extending the contract when the nominal completion date is approaching if it is unlikely the apprenticeship/traineeship will be completed by the end of the nominal term.

Q. Can a suspension be processed if both the employer and apprentice/trainee have not agreed to it in writing?

A. No. Section 30(2) of the FET Act provides that an application to suspend a registered training contract must be “in the approved form”. While the application need not necessarily be on the Department’s approved template, it must be “in the approved form”, meaning:

- it must be in writing,
- it must contain all the mandatory details identified by s.30(2)(a), (b), (c) and (d) of the FET Act, and
it must be signed by both the employer and apprentice/trainee (and nominated parent/guardian as identified on the training contract – if applicable and appropriate).

If one party has not signed the suspension application, and the AASN Provider has been unable to obtain their agreement in accordance with the Electronic signing policy for apprenticeships and traineeships in Queensland, the AASN Provider is to return the incomplete application to the applicant to follow-up.

It is possible a party may contact their AASN Provider requesting advice about extreme circumstances preventing one of the parties signing a suspension request, for example: death in the family, total incapacitation. There are no provisions to progress a suspension request without the consents of both parties; the AASN Provider should advise the applicant that the training contract can be suspended when the other party can sign the approved form, or the parties may apply to extend the training contract when it nears expiry, if required. Note that a suspension period cannot be backdated.

If, for example, an apprentice/trainee is incarcerated and their employer was unable to obtain their signature, suspending the training contract would not be an option. In this situation, if the apprentice/trainee’s release date is after the nominal completion date of the training contract, talk to the employer about whether or not they want to cancel the training contract – and process accordingly.

Q. Can an apprentice/trainee attend college during a period of suspension?
A. No. The training contract is suspended so training is suspended. The supervising registered training organisation (SRTO) would not receive any User Choice funding for any training or assessment undertaken during the suspension period.

If the parties want to continue college attendance, the period of suspension will need to be amended so that the college training does not fall within it.

Q. Can a training contract be suspended as a form of disciplinary action by the employer or due to other workplace issues involving the apprentice/trainee?
A. No. When there are matters relating to imposing disciplinary measures or serious misconduct of an apprentice or trainee; or workplace issues that may involve, but are not limited to, allegations of bullying; the AASN Provider should seek additional information and refer the matter to the Department for follow-up.

Q. Can a school-based training contract be suspended?
A. It is possible, by mutual agreement, but this is not the intent of the FET Act.

An employer of a school-based apprentice or 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 would be made aware of the employment requirements of the traineeship, and should not plan ahead to suspend the trainee during every period of school holidays. If they are unable to provide 50 days’ employment – taking into account any school closure periods – then they would not be a suitable employer of a school-based trainee.

Subsequent periods of suspension

Q. Can a registered training contract be suspended multiple times?
A. Yes. A registered training contract may be suspended multiple times during an apprenticeship or traineeship, however, each suspension period cannot be more than 12 months.

There have been instances where a contract is currently suspended and the parties subsequently apply to
further suspend the contract, either at various times during the nominal term or from the day following the end of the current suspension period.

If the parties wish a subsequent period of suspension to carry on immediately following the end of a current suspension period, please note the following matters in regard to the new suspension:

1. The AASN Provider or the Department would need to receive the subsequent application sufficiently early to allow for the "cooling-off" period to end before the new suspension commences – for example:
   - The last day of suspension 1 is Tuesday, 12\textsuperscript{th} of the month.
   - The parties want suspension 2 to commence on Wednesday, 13\textsuperscript{th}.
   - The parties must ensure that the AASN Provider or the Department receives the application for suspension 2 no later than Tuesday, 5\textsuperscript{th}.
   - This will allow the "cooling-off" period – from Wednesday, 6\textsuperscript{th} to Tuesday, 12\textsuperscript{th} – to end before suspension 2 commences on Wednesday, 13\textsuperscript{th}.

2. If the parties fail to submit the new application in time for the commencement date of the subsequent period of suspension, the AASN Provider or the Department will need to adjust the commencement date to allow for the "cooling-off" period.

**Early applications**

Q. What happens if an application is received well ahead — perhaps months ahead — of the proposed commencement date of a suspension?

A. The application can still be processed when received. The cooling-off period will still be 7 days from the date of receipt of the application.

The Department’s correspondence informing the parties that the training contract has been suspended will be mailed on the day the suspension commences. Depending on how far ahead the application was received, it would be advisable for the AASN Provider to notify the parties of the outcome early on — verbal or email notification would be acceptable. There would also be an opportunity for the AASN Provider to explain to the parties when the cooling-off period ends and what they need to do if they change their minds before the suspension commences.

**Communications between AASN Provider and the Department**

Q. How are suspensions processed by the Department communicated to the AASN Provider?

A. Occasionally the Department may receive suspension applications which will be processed by regional officers. AASN Providers need to make themselves aware of changes to training contracts by reviewing Training Downloads. This check is particularly important to identify instances where the Department has processed a suspension application — ie training contract status: Suspended or sub-status: Pending suspension — and the AASN Provider receives the same application or a withdrawal of consent to the application to suspend.
Nominal term ends during suspension period

Q. If a proposed suspension will end after the training contract expires (i.e., after the end of the nominal term), how should the AASN Provider process the suspension?

A. The suspension provisions in the FET Act do not require that the suspension ends before the nominal completion date.

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”.

At the end of the suspension, DELTA will automatically adjust the training contract end date and the record will remain Active without requiring further intervention.