Suspension of registered training contracts

Purpose

This procedure provides an overview of the process and requirements to suspend a registered training contract.

Note – Racing Queensland (Racing Qld) has delegations under the Further Education and Training Act 2014 to manage training contracts for stablehands, trackriders, and jockeys, with support from the Metropolitan North regional office of the Department of Employment, Small Business and Training. This procedure does not apply to training contracts which Racing Qld has delegation for. The procedure titled ‘Racing Queensland – management of training contracts’ applies to training contracts where Racing Qld has delegation, which are –

- Stablehand traineeship (Certificate II in Racing Stablehand)
- Trackrider traineeship (Certificate III in Racing (Trackrider))
- Advanced Stablehand traineeship (Certificate III in Racing (Advanced Stablehand))
- Jockey apprenticeship (Certificate IV in Racing (Jockey))

Overview

A suspension allows the employer and apprentice/trainee to temporarily suspend the responsibilities associated with a training contract. This is generally related to a change in employment arrangements.

Applications to suspend a registered training contract can be for a period of up to one year per application and may happen for a variety of reasons, such as:

- seasonal employment
- a gap or study year outside the apprenticeship/traineeship
- long term illness
- maternity or paternity leave.

A party may withdraw their consent to suspend a registered training contract within seven days after an application for suspension is received by the Australian Apprenticeship Support Network (AASN) Provider or the Department of Employment, Small Business and Training (DESBT).

An approved suspension under the Further Education and Training Act 2014 (FET Act) does not suspend the employment relationship between the employer and apprentice or trainee and does not remove the employer’s obligation to continue to pay wages. The employer and apprentice or trainee must determine the ongoing employment arrangement during the period of a training contract suspension in accordance with the relevant instrument and the Fair Work Act 2009. For further information about leave arrangements, suspending or standing-down an employee please contact Fair Work Info Line: 13 13 94 or the Fair Work Helpline: 1300 052 119 or www.fairwork.gov.au.

Responsibilities

Employer and apprentice/trainee (and parent, if applicable):

- It is the responsibility of an employer and/or apprentice/trainee to -
  - request a suspension, stating the reasons, commencement date and period of the proposed suspension, or
  - change the suspension period, if needed, or
  - withdraw a suspension application.

- It is the responsibility of an employer to –
Delegated officer – AASN or Training and Skills, DESBT:
- Process applications to suspend registered training contracts.
- Process requests to withdraw consent to suspend registered training contracts.
- Process requests to amend approved suspensions.

Training and Skills, DESBT:
- If a valid withdrawal of consent to suspension application is received, notify the AASN Provider.
- Notify the parties in writing of any decisions or changes to the suspension application.
- Update the DELTA record.

Australian Apprenticeship Support Network (AASN) Provider:
- Hold valid applications for suspension for seven days from the date of receipt, then action the application and send details to DESBT.
- If a valid withdrawal of consent to an application to suspend is received, notify DESBT and promptly send a copy of the request to withdraw consent notification.
- If a change to an approved suspension period is received, send details to DESBT.

Supervising Registered Training Organisation (SRTO):
- Cease training delivery to suspended apprentices and trainees.
- Review and update the training plans of suspended apprentices and trainees when the suspension ends.

Process

Employer and apprentice/trainee (and parent, if applicable):
- If the employer and apprentice/trainee (and parent, if applicable) agree to suspend a registered training contract, apply for a suspension to the AASN Provider or Training and Skills, DESBT stating the reason/s, commencement date and period of the proposed suspension. A [Suspension of a registered training contract form (ATF–037)](ATF–037) is available for this purpose. The suspension period cannot exceed one year, and the commencement date cannot be less than seven days from the date the application is given to the AASN Provider or DESBT (note: suspending a training contract suspends training; it does not suspend the employment relationship, therefore does not remove an employer’s obligations to continue to pay wages. The employer should contact the Fair Work Info Line: 13 13 94 or the Fair Work Helpline: 1300 052 119 or [www.fairwork.gov.au](http://www.fairwork.gov.au) for more information.)
- To withdraw consent to suspend a training contract, notify the AASN Provider or Training and Skills, DESBT, in writing within seven days from the date the application was given to the AASN Provider or DESBT.
- To change an approved suspension period, apply in writing to the AASN Provider or Training and Skills, DESBT, providing the amended suspension commencement and/or end date/s and reasons for the proposed change – e.g. a change may be sought to have the apprentice/trainee return to work early, or if a return to work when the current suspension period ends is affected by a change in ongoing employment circumstances. If the parties advise of an amendment to an approved suspension period verbally, they will need to follow-up this advice in writing (stating amendment details, reasons and signed by employer, apprentice/trainee, and parent if applicable).

Supervising Registered Training Organisation (SRTO):
- Cease training delivery to the apprentice/trainee during an approved suspension period.
- Review and update the apprentice/trainee’s training plan when an approved suspension ends.

Processing requests for suspension of training contracts

Delegated officer – AASN Provider or Training and Skills, DESBT:
- The date of receipt of a suspension application must be identifiable – hard copy applications must be date-stamped.
- Hold applications for suspension for seven days from the date of receipt (i.e. the period during which an applicant may withdraw consent) before actioning.
• If the proposed suspension commencement date is less than seven days from the date the application was received, advise the parties that the suspension will commence on the eighth day from the date the application was received.

Training and Skills, DESBT:
• If the suspension application was received directly from the employer or apprentice/trainee (not through an AASN Provider), update the training contract record in DELTA to show a sub-status of ‘Pending suspension’ and the suspension period – the commencement date will be as stated on the application, or the eighth day from the date of receipt of the application (whichever is the later).
  o The DELTA ‘Pending suspension’ sub-status is not required if the DESBT office is temporarily closed (Christmas/New Year period) when a suspension application is received, resulting in the DELTA data entry being done after the suspension commencement date – change the status directly to ‘Suspended’, insert the suspension period, and DELTA will automatically generate letters to the parties.
  o If consent to the suspension is not withdrawn within seven days from receipt of the application, DELTA will automatically change the status of the training contract to ‘Suspended’ when the suspension commencement date arrives, and generate letters to the parties.
  o For suspensions in excess of three months, a month before the suspension is due to end, DELTA will automatically generate letters reminding he parties that the suspension is due to end in one month.
  o When the suspension period ends, DELTA will automatically revert the training contract status back to ‘Active’, or ‘Active recommencement’, as per the original record, amend the nominal completion date to account for the suspension period, and generate letters advising the parties of the revised nominal completion date.

Processing requests to withdraw consent of suspension

Delegated officer – AASN Provider or Training and Skills, DESBT:
• The date of receipt of written advice withdrawing consent to a suspension must be identifiable – hard copy advice must be date-stamped. It must be signed by the employer, or by the apprentice/trainee (and their parent, if applicable and appropriate). To be valid, it must be received within seven days from the date the suspension application was received by the AASN Provider or DESBT.
• If the above requirements are not met, contact the party attempting withdrawal, and advise that the withdrawal could not be processed and therefore the suspension remains in place.

Training and Skills, DESBT:
• If a valid notification of withdrawal of consent is received, immediately inform the AASN Provider by telephone and process the withdrawal in DELTA – remove the ‘Pending suspension’ sub-status (if applicable) and the record of the suspension period, and notify the employer and apprentice/trainee (and parent, if applicable) that the training contract remains Active.

Australian Apprenticeship Support Network (AASN) Provider:
• Hold valid suspension applications for seven days from the date of receipt (i.e. the period during which an applicant may withdraw their consent), then send details to Training and Skills, DESBT in the agreed formation, as per the protocols between DESBT and the AASN Providers.
• If a valid notification of withdrawal of consent is received, immediately telephone Training and Skills, DESBT advising of this fact. Send a written notice advising that the suspension application has been withdrawn, to the employer and apprentice/trainee, and parent (if applicable).

Processing requests to change suspension period

Delegated officer – AASN Provider or Training and Skills, DESBT:
• If an enquiry or application is received seeking to cancel a suspended training contract, follow the Cancel registered training contracts by all parties procedure
• If a suspended apprentice/trainee’s employment has been terminated, follow the applicable cancellation procedure dependent on the advice received.
• If attendance at training is requested during an approved suspension period, contact the parties and discuss a strategy for managing the suspension – i.e. end the approved suspension at commencement of training, and the parties may apply for another suspension period when the training ends.

**Australian Apprenticeship Support Network (AASN) Provider:**
• Upon receipt of a valid written application by the parties to change the period of an approved suspension, process the application and send details to DESBT in the agreed format, as per the protocols between DESBT and the AASN Providers:
  o If a change to the suspension commencement date is proposed, ensure the new commencement date does not fall within seven days from the date of receipt of the original suspension application.
  o Ensure the amended suspension period does not exceed one year.

**Training and Skills, DESBT:**
• Upon notification of an amended suspension period, update the DELTA record and provide written notice of the amended nominal completion date to the parties.

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### Definitions

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<th><strong>Australian Apprenticeship Support Network (AASN) Provider</strong></th>
<th>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.</th>
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<td><strong>Days</strong></td>
<td>Where a timeframe is expressed in days, the reference is to calendar days.</td>
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<td><strong>Delegated officer</strong></td>
<td>An appropriately qualified person to whom the chief executive has delegated functions and powers.</td>
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<td><strong>DELTA</strong></td>
<td>Direct Entry Level Training Administration, DESBT’s database of registered apprentices and trainees (for internal access only).</td>
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<td><strong>DESBT</strong></td>
<td>Department of Employment, Small Business and Training</td>
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<td><strong>Nominal completion date</strong></td>
<td>The date set by DELTA, which signifies the end of the nominal term for a registered training contract.</td>
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<td><strong>Status and Sub-status in DELTA</strong></td>
<td>The status of a training contract in DELTA reflects information that has been provided to DESBT. A training contract in DELTA will always have a status e.g. ‘active’ or ‘complete’, the training contract may also have a sub-status if applicable e.g. ‘pending an action’, the sub-status generally provides additional information relating to the status e.g. status ‘cancelled’ and sub-status ‘mutual consent’.</td>
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| **Supervising registered training organisation (SRTO)** | A registered training organisation that:  
  1. accepts a nomination to deliver training and assessment to apprentices or trainees as negotiated and agreed under individual training plans  
  2. assesses whether the apprentice or trainee has completed the training and assessment required to be completed under a training plan  
  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. |

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### 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](#)
- [Assistant Director-general's Delegations under the Further Education and Training Act 2014](#)

### Related policies

- Nil
Related procedures

- Cancel registered training contracts by all parties
- 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

- Suspension of a registered training contract (ATF-037)

Work instructions

Copies of the AASN Work Instructions have been provided to AASN Providers electronically. DESBT officers can access DELTA Work Instructions at this internal web site.

- Suspension of a registered training contract

Online Resources

- Nil.

Letters (DESBT employees only)

- CAS – Suspension approval letter
- CAS – Suspension finalisation letter
- CAS – Suspension reminder letter
- CRM - Withdraw consent to cancel or suspend - EMP-APP-Parent-School

Letters (AASN employees only) (copies of letter templates have been provided to AASN Providers electronically)

- Withdraw consent to cancel or suspend

Contact

For further information, please contact Apprenticeships Info:

- Website: www.apprenticeshipsinfo.qld.gov.au
- Telephone: 1800 210 210
- Email: apprenticeshipsinfo@qld.gov.au