



ACT
Government

Education and Training



ACT Requirements for Australian Apprenticeships Centres January – June 2012

Publication Date: 16 January 2012

It is the responsibility of the user to ensure that this is the current and complete document, located at http://www.det.act.gov.au/vhe/training_and_skills_development/user_choice

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Everyone matters

Glossary of Terms

AAC	Australian Apprenticeships Centre
ABN	Australian Business Number
ABR	Australian Business Register
apprentice	Colloquial term for trade apprentice
apprenticeship	Where a person is learning a trade by being employed in that trade or industry
AQF	Australian Qualifications Framework
ASBA	Australian School-based Apprenticeship
ASIC	Australian Securities and Investments Commission
Australian Apprentice	Includes both trainees and apprentices
AVETMISS	Australian Vocational Education and Training Management Information Statistical Standard
AVMS	ACT VET Management System
Directorate	ACT Education and Training Directorate
DEEWR	Department of Education Employment and Workplace Relations
GAA	Graduate Administrative Assistant
GTO	Group Training Organisation
JGTP	Joint Group Training Program
NOB	Notification of Business
RTO	Registered Training Organisation
Requirements	Australian Apprenticeships - ACT Requirements for Australian Apprenticeships Centres 2011
STA	State (or Territory) Training Authority
TYIMS	Training and Youth Internet Management System
Training Contract	National Training Contract – hard copy and electronic
trainee	An employee who is party to a traineeship contract
traineeship	Where a person is combining work and a form of structured training to obtain skills and knowledge of a particular industry
VET	Vocational Education and Training

Table of Contents

Glossary of Terms	2
1. INTRODUCTION.....	5
2. OVERVIEW: AUSTRALIAN APPRENTICESHIPS	5
2.1 Australian Apprenticeships Centres.....	5
2.2 The ACT Vocational Education and Training Framework.....	6
2.3 AAC Online	6
2.4 The Training Contract.....	6
3. INFORMATION FOR EMPLOYERS AND AUSTRALIAN APPRENTICES	7
4. ELIGIBILITY FOR AN ACT TRAINING CONTRACT	7
4.1 Eligibility for ACT Government (User Choice) Training Funds.....	8
4.2. Restrictions to User Choice Funding	9
4.2.1 Number of qualifications funded through User Choice	9
4.2.3 School Students not undertaking an Australian School-based Apprenticeship.....	9
4.2.4 Credit Transfer.....	9
4.2.5 Pre-requisite Units of Competency	9
4.2.6 Enterprise RTO – Funding Amounts	9
5. RTO INFORMATION	10
5.1 Choosing an RTO	10
5.2 RTO Notification of Business.....	10
5.3 RTO Online	10
5.4 Funding and Fees	10
5.4.1 Fee for Service/Employer Funded Training.....	10
5.4.2 Compulsory Student Fee.....	10
5.4.3 Student Fee Concessions and Waivers	11
5.4.4 Non Payment of Fees	11
5.5 Interstate Training.....	11
6. LODGEMENT AND APPROVAL OF TRAINING CONTRACTS.....	11
6.1 Electronic Lodgement – Data Must Correspond.....	12
6.2 Returning Training Contracts to the Parties for Amendment.....	12
6.3 Supporting Documentation.....	12
6.3.1 Colour Vision Test	13
6.3.2 Employer/Supervisor Qualifications	13
6.3.3 Existing “Active” Training Contracts.....	13
6.3.4 Statutory Declarations	14
6.4 Concurrent Training Contracts.....	14
6.5 Non-Approval of Training Contracts	14
7. TRAINING CONTRACT MANAGEMENT	14
7.1 Extensions to Training Contracts (Form F1).....	15
7.2 Suspensions to Training Contracts (Form F2)	16
7.3 Cancellation of Training Contracts (Form F3)	16
7.4 Complete Training Contract (Interstate Training Apprentices Only) (Form F4)	17
7.5 Change of Qualification (Form F5)	17
7.6 Change of RTO (Form F6)	17
7.7 Change Type of Australian Apprenticeship (Form F7)	17
7.8 Change of Employer’s Details (Form F8).....	17

7.9	Change of Australian Apprentice Details (Form F9).....	18
7.10	Credit Adjustment (From F10)	18
7.11	Change in Employment Details (Form F11)	18
7.12	ACT Extract of Records (Form 12)	18
7.13	Change ABN and Ownership Details of an Approved Business/Employer (Form F13).....	18
8.	CLOSING THE TRAINING CONTRACT	19
8.1	Completions	19
8.2.	Expiry of Training Contracts	19
9.	COMPLETING THE TRAINING CONTRACT	19
9.1	Training Contract Declaration and Obligations.....	19
9.2	Apprenticeship/Traineeship Details.....	20
9.3	Apprentice/Trainee Personal Details	22
9.4	Apprentice/Trainee Education and Training Details.....	23
9.5	Parent or Guardian Details.....	25
9.6	Employer Details	25
9.7	Employment and Training Details	27
9.8	Registered Training Organisation Details.....	31
9.9	Australian Apprenticeships Centre Details	31

ATTACHMENTS

A	Evidence to Support Changes to Training Contracts Before and After Approval
B	Procedures for Sign-up and Lodgement of ASBA Training Contracts
C	Change of Business Ownership Procedure
D	Supervision in the Workplace
E	Release Time to Attend Training

1. INTRODUCTION

These Requirements

- outline mandatory requirements for Australian Apprenticeships Centres (AACs) in approval and management of National Training Contracts for Australian Apprentices in the ACT
- apply equally to AACs contracted by the Department of Education Employment and Workplace Relations (DEEWR) to operate in the ACT or to conduct out of region servicing in the ACT
- operate in conjunction with the AAC's Australian Apprenticeships Support Services contract with DEEWR. Under the contract with DEEWR, AACs must meet the requirements of the STA in the jurisdictions where they are operating.

For all AACs these *Requirements* should be read in conjunction with:

- *ACT Requirements for delivery of Australian Apprenticeships training January – June 2012* available at http://www.det.act.gov.au/vhe/training_and_skills_development/user_choice.
- *Australian School-based Apprenticeships (ASBAs) ACT Requirements for Registered Training Organisations* available at www.det.act.gov.au/school_education/vocational_learning_in_schools/asba.

2. OVERVIEW: AUSTRALIAN APPRENTICESHIPS

Australian Apprenticeships combine practical work with structured training to achieve a nationally recognised qualification (see <http://www.australianapprenticeships.gov.au>). All employers engaged in Australian Apprenticeships training must enter into a National Training Contract (referred to in this document as the Training Contract) with their Australian Apprentices. An approved Training Contract is a legally binding contract between the employer and the Australian Apprentice.

As a part of the Training Contract, the employer and Australian Apprentice agree on a choice of approved RTO to deliver the structured training for the Australian Apprenticeship. *The ACT Australian Apprenticeships Register* (see <http://www.det.act.gov.au/vetadmin>) lists Australian Apprenticeships qualifications and the RTOs approved to deliver each qualification in the ACT.

2.1 Australian Apprenticeships Centres

Australian Apprenticeships Centres (AACs) provide information, administration services and support to employers and Australian Apprentices. They assist with the signing of Training Contracts and also, assess, approve and process the payment of Australian Government incentives to eligible employers, and personal benefits to eligible Australian Apprentices. Detailed information on each area of responsibility is provided in these *Requirements* in the following sections:

- provide information for employers and Australian Apprentices (**see section 3**)
- ensure eligibility for an ACT Training Contract (**see section 4**)
- assist with Registered Training Organisation information and selection (**see section 5**)
- completing the Training Contract (**see section 9**)
- lodge the Training Contract through Training and Youth Internet Management System (TYIMS) (**see section 6**)
- manage Training Contract variations (**see section 7**)

2.2 The ACT Vocational Education and Training Framework

The ACT Training and Tertiary Education Act 2003 (the Act) gives the Director General of the ACT Education and Training Directorate (Directorate) the statutory responsibility for managing the Australian Apprenticeships System for the ACT including but not limited to the determination of qualifications to be delivered as Australian Apprenticeships, approval and variation of Training Contracts, and management of disputes between employers and their Australian Apprentices. In this regard the Director General of the Directorate heads up the State Training Authority (STA). Many of the Director General's statutory responsibilities have been formally delegated to staff of the Training and Skills Development Section, Training and Tertiary Education Branch of the Directorate.

The Directorate is also responsible for developing and implementing Australian Apprenticeships policy and funding, approving and monitoring Registered Training Organisations (RTOs) and Group Training Organisations (GTOs), Australian Apprenticeships delivery, and managing the registration and ongoing management of Training Contracts in the ACT. The Directorate liaises closely with national bodies, other STAs, and the local vocational education and training community in managing a nationally consistent Australian Apprenticeships system for the ACT.

2.3 AAC Online

The Directorate provides an interactive website facility for AACs called AAC Online, available at <http://www.det.act.gov.au/vetadmin>. This facility shows the status of all Training Contracts associated with each AAC and draws data directly from the Directorate's ACT VET Management System (AVMS). Applications for access to AAC Online should be made through an email to apprenticeships@act.gov.au. Applicants should provide full details of the AAC name and contact details for the AAC representative requiring access. A user manual is available on the Directorate's website at <http://www.det.act.gov.au/vetadmin>.

AACs are required to use this facility to monitor activity and updates by the Directorate on the Training Contracts for which they are responsible. A report function allows AACs to produce activity reports, which can be produced daily, weekly or monthly as each AAC determines, appropriate for their needs.

The types of report that can be generated include:

- individual Training Contract information and status, by Australian Apprentice's name or AVMS/TYIMS numbers
- employer search by name or AVMS/TYIMS numbers
- pre-approval and post-approval status and actions on all Training Contracts including Australian School-based Apprenticeships (ASBAs) within a chosen date range.

2.4 The Training Contract

The electronic version of the Training Contract **must** exactly match the data written on the original or hard copy executed at the time of signing by the parties. In this document any reference to Training Contract data will therefore refer to either the electronic version or original data on the contract document.

3. INFORMATION FOR EMPLOYERS AND AUSTRALIAN APPRENTICES

In addition to the information required by DEEWR for employers and Australian Apprentices, the Directorate requires AACs to work with potential employers and Australian Apprentices prior to, or at sign-up, to, as a minimum:

- identify the relevant and appropriate Australian Qualification Framework (AQF) qualification and level available on the *ACT Australian Apprenticeships Register* (<http://www.det.act.gov.au/vetadmin>)
- identify interstate training delivery where applicable. Information on training delivery conducted interstate can be found at the following page on the Directorate's website (http://www.det.act.gov.au/vhe/australian_apprenticeships/rto/commencing_a_block_release_a_australian_apprenticeship). Advise Australian Apprentices to contact the Directorate on 6205 8555 for travel/accommodation allowance information
- identify funding that may be paid by the Directorate to the RTO as a contribution to the cost of training identified on the *ACT Australian Apprenticeships Register*
- advise the parties to discuss compulsory Australian Apprenticeships student fees with the RTO
- advise the employer they must negotiate with the RTO any training fees charged by the RTO in addition to, or in lieu of, the amount provided by the Directorate
- advise both parties about the Directorate and its broad role as the State Training Authority, and the need to seek approval from the Directorate for any changes to circumstances under an approved Training Contract, or problems/disputes that may arise during the term of the Training Contract
- refer both parties to appropriate sources of information for industrial matters eg. Fair Work Australia (<http://www.fwa.gov.au/>) or The Fair Work Ombudsman (<http://www.fairwork.gov.au>) particularly where they are not fully clear about relevant industrial arrangements
- advise all employers that their Australian Apprentices may be protected by unfair dismissal legislation and refer them to The Fair Work Ombudsman 13 13 94
- advise there may be payroll tax advantages for some employers of Australian Apprentices. Employers should refer to the website of ACT Revenue Office at http://www.revenue.act.gov.au/payroll_tax.

4. ELIGIBILITY FOR AN ACT TRAINING CONTRACT

Training Contracts lodged by AACs through TYIMS are assessed by the ACT STA for general eligibility, and then assessed for funding eligibility. Where a Training Contract is not eligible for government training funds, fee for service is an alternative option.

To be eligible for an ACT Training Contract the potential Australian Apprentice must:

- work in the ACT; and
- be at least 15 years of age; and
- be an Australian citizen, permanent resident, New Zealand passport holder resident for more than 6 months; and
- receive remuneration for their work; and
- fulfil a minimum of 15 hours combined work and training per week; or
- if an Australian School-based Apprentice (ASBA) or an Australian Apprentice attending secondary school fulfil a minimum of 11 hours and a maximum of 20 hours combined work and training per week;

- undertake an approved Australian Apprenticeship qualification with an approved RTO, as specified on the *ACT Australian Apprenticeships Register*, which is located at <http://www.det.act.gov.au/vetadmin>.

An ACT Employer is defined as an employer with an ACT workplace address on the Training Contract. The workplace address on the Training Contract must be a physical address in the ACT, not a PO Box.

Casual employees cannot undertake an Australian Apprenticeship in the ACT. An employee can be a casual employee up to the point of entering into the Training Contract, however, the effect of establishing a casual employee as an Australian Apprentice under a Training Contract is that the individual becomes an employee under a legal contract for a fixed term. They must have regular hours every week and thus by definition are no longer a “casual” employee.

Under the *Education Act 2004 (ACT)*, as republished in 2010, students under 17 seeking employment or work-related training after year 10 must obtain an *Approval Statement* from the Directorate. A Training Contract acts in lieu of an *Approval Statement* application. Further information regarding the *Approval Statement* is available at:

http://www.det.act.gov.au/_data/assets/pdf_file/0016/120355/Approval_Statement_Application_Pack_2011.pdf.

4.1 Eligibility for ACT Government (User Choice) Training Funds

User Choice is a national funding policy for Australian Apprenticeships promoting choice in training services provided to employers and Australian Apprentices.

Under User Choice policy the ACT Government Directorate administers payments to RTOs as a contribution towards the cost of training. The *ACT Australian Apprenticeships Register* (<http://www.det.act.gov.au/vetadmin>) lists details of the funding amounts for RTOs accessing User Choice funding to deliver Australian Apprenticeships qualifications in the ACT. Details of the way the Individual Student Price is calculated can be found in the *ACT Requirements for delivery of Australian Apprenticeships training January – June 2012* available at http://www.det.act.gov.au/vhe/training_and_skills_development/user_choice.

RTOs that have a fee for service delivery arrangement **only** will appear on the *ACT Australian Apprenticeships Register* as having **Provisional** approval.

To be eligible for User Choice training funds, the Australian Apprentice must belong to one of the following employee categories immediately before commencing the Training Contract:

- **New Worker (NW)** - employed **less** than 3 months full time or 12 months part time/casual equivalent, up to the commencement date of the Training Contract. An individual converting from an ASBA or Australian Apprenticeship while attending secondary school, to a post-school Australian Apprenticeship, will be considered a New Worker.
- **Existing Worker (EW)** - employed **more** than 3 months full time or 12 months part time/casual equivalent up to the commencement date of the Training Contract, in a qualification where funding for existing workers is specified in the *ACT Australian Apprenticeships Register*.
- **Progressing Employee** – an Australian Apprentice with continuing and unbroken employment with the same employer, **progressing within 3 months from completing one AQF level qualification to a higher AQF level**. A progressing Australian Apprentice is only eligible for the type of funding attracted on their first Training Contract. Current funding rules apply (**see 4.2.1**).

- **Australian School-based Apprenticeship (ASBA)** – a secondary school student who has entered a part-time Training Contract which has been endorsed by their High School or College. Where the RTO is external to the school an additional \$300 User Choice funding is available as ASBAs are exempt from the mandatory student fee.
- **Graduate Administrative Assistant (GAA)** – a university graduate employed in the public sector. GAA Training Contracts are funded at a set amount of \$1,000 per qualification. It is the Australian Apprenticeships Centres responsibility to notify the Directorate prior to lodgement of GAA Training Contracts to ensure the correct funding amount is applied.

4.2. Restrictions to User Choice Funding

4.2.1 Number of qualifications funded through User Choice

User Choice funding is restricted to two completed qualifications funded by the ACT Government, except in the case where an Australian Apprentice is wishing to enter into a third qualification for an apprenticeship only.

Qualifications completed through an ASBA pathway are **not** counted towards the number of completed qualifications for the purposes of this restriction.

4.2.3 School Students not undertaking an Australian School-based Apprenticeship

User Choice funding is **only** available for an Australian Apprentice who is a school student if they have entered into an Australian School-based Apprenticeship.

4.2.4 Credit Transfer

User Choice funding will **not** be paid for units of competency which the Australian Apprentice has already achieved. Where an Australian Apprentice commences a qualification and has previously completed any relevant units of competency, the RTO must recognise this prior achievement and apply a Credit Transfer result. This includes units of competency in superseded Training Package qualifications that have been deemed to be equivalent in the new/revised Training Package.

4.2.5 Pre-requisite Units of Competency

User Choice funding will **not** be paid for the delivery of pre-requisite units of competency. It is the responsibility of the RTO to ensure pre-requisite units are delivered and successfully completed prior to the start date of the Training Contract. Reporting of these units to the Directorate is not necessary and should not be included in the Training Plan.

4.2.6 Enterprise RTO – Funding Amounts

Enterprise RTOs will receive 50% of the Individual Student Price for each Australian Apprentice. However, 100% funding is applicable where:

- the enterprise is an ACT or Australian Government Agency
- OR
- the enterprise is also a Registered Group Training Organisation (GTO) in the ACT, and
 - the Australian Apprentice is employed under Group Training arrangements, and
 - the Australian Apprentice is listed in the Registered GTO's Joint Group Training Program report (JGTP) to the Directorate.

5. RTO INFORMATION

5.1 Choosing an RTO

All RTOs must be approved and registered with the Directorate to deliver Australian Apprenticeships training in the ACT, whether they receive public funding or not. A list of RTOs is attached to the qualifications they are approved to deliver, as shown on the *ACT Australian Apprenticeships Register* at <http://www.det.act.gov.au/vetadmin>.

5.2 RTO Notification of Business

The Directorate notifies the selected RTO of new business. This occurs automatically the day the Training Contract arrives as a TYIMS download in the Directorate's database (AVMS), from TYIMS entries by the AACs the previous day. AACs do not have to send their own Notification of Business (NOB) to the selected RTO.

5.3 RTO Online

RTOs are required to monitor the status of their Australian Apprentices' Training Contracts via RTO Online at <http://www.det.act.gov.au/vetadmin>, in the same way that AACs do through AAC Online. Information from all Training Contracts attached to an RTO is provided to the RTO via RTO Online.

5.4 Funding and Fees

5.4.1 Fee for Service/Employer Funded Training

As outlined in Section 4 of these *Requirements*, approval of a Training Contract does not automatically guarantee that public training funds (User Choice) will be paid to the RTO. After first assessing eligibility for a Training Contract, the Australian Apprentice undergoes a secondary assessment process to determine eligibility for User Choice funds from information provided on the Training Contract.

RTOs must negotiate fees for service with the employer in all cases where they are charged, however the Australian Apprentice must not be charged any fees additional to the compulsory student fee by the RTO, or later by the employer in the guise of "employee reimbursement".

The Directorate provides RTOs with specific data about the Australian Apprentice via RTO Online, including some data that may affect User Choice funds payable to the RTO. This will alert the RTO if it wants to negotiate training fees with the employer. RTOs can choose not to accept business and it may be wise to advise the employer to discuss training fees with the proposed RTO, before nominating the RTO on a Training Contract.

5.4.2 Compulsory Student Fee

All Australian Apprentices in the ACT are required to pay the RTO a contribution towards the cost of their structured training, known as the compulsory student fee. These are outlined in Section 5.4 "Fees and Charges for Australian Apprentices" of the *ACT Requirements for the delivery of Australian Apprenticeships training January – June 2012* at http://www.det.act.gov.au/vhe/training_and_skills_development/user_choice.

5.4.3 Student Fee Concessions and Waivers

Information on student fee concessions and waivers are found in Section 5.4 of *ACT Requirements for the delivery of Australian Apprenticeships training 2011* at http://www.det.act.gov.au/vhe/training_and_skills_development/user_choice. ACT ASBAs are exempt from compulsory student fees and must not be charged.

5.4.4 Non Payment of Fees

Where an Australian Apprentice has ceased or completed training but has not paid the required fee/s, or has other outstanding obligations to the RTO, the RTO **must** still advise the Directorate of the completion within **8 weeks** even if certification is withheld from the Australian Apprentice. Commonwealth funded employer incentives cannot be accessed until the Directorate has approved and processed the completion of the training contract.

5.5 Interstate Training

A small number of Australian Apprenticeships qualifications are not delivered by *any* ACT RTO and in such cases Australian Apprentices in ACT Training Contracts must travel interstate to undertake their structured training, usually in blocks of time rather than the normal one day per week (also known as interstate block release).

The “Interstate Block Release Contact Sheet”, available on the Directorate’s website at http://www.det.act.gov.au/vhe/australian_apprenticeships/aac/commencing_a_block_release_australian_apprenticeship shows the relevant qualifications, the interstate RTOs delivering them, and the contact details for those RTOs. The Directorate makes arrangements with these RTOs to accept ACT Australian Apprentices.

Qualifications delivered interstate are also indicated by the words “Block Release” on the *ACT Australian Apprenticeships Register* at the same web address as above.

For Australian Apprentices travelling interstate for structured training the Directorate pays an allowance as a contribution to daily living and transport costs. The Directorate’s above web address contains an Interstate Block Release Fact Sheet and Claim Form for Australian Apprentices.

6. LODGEMENT AND APPROVAL OF TRAINING CONTRACTS

After attending the sign-up with the employer and Australian Apprentice, the AAC is required to submit the Training Contract to the Directorate for approval via TYIMS. If original Training Contracts are completed according to these *Requirements*, AAC data entry staff will be able to enter Training Contract applications into the TYIMS database, confident they are meeting their obligations under e-lodgement requirements, and that the application will be accepted as “lodged for approval” by the Directorate.

AACs are **not** required to submit hard copy Training Contracts to the Directorate except in the following circumstances:

- The proposed Australian Apprentice is Under 17. The original/hard copy Training Contract must be submitted to the Directorate within 10 working days of electronic lodgement in TYIMS. The hard copy Training Contract is required for the Approval Statement application process.

- The Directorate has requested the hard copy Training Contract. AACs must provide the requested hard copy Training Contract within 5 working days. A scanned copy may be sent electronically to apprenticeships@act.gov.au.

6.1 Electronic Lodgement – Data Must Correspond

AAC staff are required to enter the data from the original/hard copy Training Contract into TYIMS. Contracts are downloaded to the Directorate’s database (AVMS), on a daily basis. Once a Training Contract is received from TYIMS into AVMS, the Directorate approves it on the basis of the electronic version of the data entered by the AAC, and with the assumption that this is the same data as on the original version, as described below:

- the electronic version of the Training Contract data **must exactly match** the data written on the original or hard copy of the Training Contract, as executed at the time of signing by the parties, **even if this requires an amendment to an existing record, or creation of a new record in TYIMS at the time of electronic lodgement by the AAC**
- alternatively, if the data on the original version of the Training Contract is incorrect for some reason, and does not match the correct data that the AAC needs to enter into TYIMS, the AAC must arrange correction to the original/hard copy version **before finalising in TYIMS**, according to the protocols set by DEEWR (**see 6.2 below**).

The principle underpinning this requirement is that, the parties to the Training Contract cannot be held to their obligations under an electronic Training Contract that does not correspond to the original signed version.

6.2 Returning Training Contracts to the Parties for Amendment

AAC staff are required to meet the conditions of the agreed DEEWR protocol when details on the Training Contract need to be changed **prior to approval**. These conditions have been outlined at **Attachment A** which also shows the Directorate’s requirements, and names the applicable application form for different circumstances, for making changes to a Training Contract **after approval**.

6.3 Supporting Documentation

Some Training Contracts require supporting documentation before an approval can occur, which must be obtained by the AAC for lodgement with the Training Contract. When a Training Contract is lodged electronically in TYIMS, AACs provide an undertaking that they hold all required supporting documents.

Supporting documents must be received by the Directorate **within 10 working days of electronic lodgement** in TYIMS to enable approval of the Training Contract in the standard turnaround time. If not received within this time without an explanation from the AAC, the Training Contract will be returned/resubmitted electronically to the AAC. The AAC is then required to provide the supporting documents **before** electronically returning the Training Contract to the Directorate for approval.

Supporting documents which are forwarded to the Directorate by mail or fax must clearly state the name of the Australian Apprentice and/or employer it relates to – for example a supervisor’s qualification submitted without reference to the Australian Apprentice’s name is very difficult to match to a waiting Training Contract. Faxed and scanned documents should have the Australian Apprentice’s name clearly on each page.

Supporting documentation may include:

- a colour vision test
- evidence of an employer or supervisor qualifications for supervising apprentices
- a cancellation form for a previous active Training Contract that is no longer relevant
- a statutory declaration
- an application for Credit Adjustment (form F10) with attached Extract of Record. **(see section 7.10)**

6.3.1 Colour Vision Test

A colour vision test is required to approve Training Contract commencements in the following qualifications:

Electrotechnology Training Package/s*

- UEE30807 Certificate III in Electrotechnology Electrician
- UEE31307 Certificate III in Refrigeration and Air-Conditioning

***Note** – Colour vision testing has been required on the basis of industry and licensing advice and recommendation.

Apprentices with colour deficiencies may have their Training Contract approved conditionally upon an agreed monitoring regime. The Directorate will discuss such cases with the employer and RTO prior to approval, and the employer and/or RTO may be requested to provide further testing or evidence. If evidence not supplied within the timeframes specified by the Directorate, the Training Contract may be rejected.

6.3.2 Employer/Supervisor Qualifications

AACs are required to provide copies of the relevant trade qualifications for a new employer's supervisor who is responsible for supervising the apprentice in the workplace. This is not required for traineeships. Once employers are registered, the Directorate updates information on named supervisors and their qualifications every two years. The Directorate has a statutory obligation to ensure registered employers are appropriately qualified **(see Question 36 in section 9.7)**.

6.3.3 Existing "Active" Training Contracts

Where a Training Contract application is submitted for an Australian Apprentice who still has another active Training Contract, either for an incomplete qualification and/or with a different employer, the AAC is required to provide a cancellation form F3 (available at http://www.det.act.gov.au/vhe/australian_apprenticeships/australian_apprentices/training_contracts/making_changes_to_your_training_contract) signed by the Australian Apprentice and/or their previous employer. If the previous active Training Contract was managed by another AAC, the Directorate will advise the initial AAC of the cancellation action via AAC Online.

6.3.4 Statutory Declarations

Occasionally the Directorate will ask for a statutory declaration to be provided, for example an Australian Apprentice under 18 who does not have a supporting parent or guardian to counter-sign the Training Contract (see **Question 26 in section 9.5**).

6.4 Concurrent Training Contracts

The Directorate will consider approving concurrent part-time Training Contracts up to a combined full-time equivalent 38 hours per week for an Australian Apprentice. The Directorate will not approve full-time and part-time Training Contracts operating concurrently.

AACs must check whether a potential Australian Apprentice has any current or active Training Contracts prior to sign-up, as there are likely to be funding implications. If an active Training Contract already exists with the same or another employer, and the Australian Apprentice intends to continue with the initial contract, the potential employer should be advised of the possibility of non-approval and/or non-funding at the time of sign-up.

6.5 Non-Approval of Training Contracts

The Directorate will discuss any approval issues with the AAC and/or RTO before rejection of the Training Contract, except in the case of an obvious eligibility failure in which it is automatically rejected (eg. where the Australian Apprentice is under 15 in age). AACs should always discuss any concerns with the Directorate at the time of sign-up to avoid disappointment for the parties and unnecessary administrative work for all concerned. When a Training Contract is rejected, the Directorate advises the employer and Australian Apprentice in writing of the reason/s, and AACs are advised of the rejection via AAC Online and TYIMS.

7. TRAINING CONTRACT MANAGEMENT

Once Training Contracts are approved, it is the Directorate's statutory responsibility to undertake their ongoing management. Only the Directorate has the legal authority to change or vary an approved Training Contract. AACs or any other departments, directorates or bodies do not have the authority to vary Training Contracts. This applies to the original paper version and the electronic version held in TYIMS. **AACs must not make changes to a Training Contract held in the TYIMS system without prior approval for the change and actioning by the Directorate.**

Approval for any cancellation, variation, change or amendment to an approved Training Contract must be sought by the parties from the Directorate on the relevant application form. All items on the Training Contract have an associated application form to vary the original data, as described at [Attachment A](#). These application forms are found on the Directorate's website at http://www.det.act.gov.au/vhe/australian_apprenticeships/australian_apprentices/training_contracts/making_changes_to_your_training_contract. Variation forms held on the Directorate's files authorise changes to the original Training Contract data and document the variation actioned by the Directorate. If variation forms are not provided by the parties or the AAC/RTO, the original Training Contract data will stand.

Application forms received by the Directorate are considered, discussed with the parties if necessary and actioned. AACs are subsequently advised of any cancellations, variations, changes or amendments to their Training Contracts via AAC Online (**see section 2.3 of these Requirements**), by email, or by copies of letters sent to the relevant parties. Once notified by the Directorate, AACs must make the change to the electronic version of the Training Contract held in the TYIMS system if not

already updated automatically by the Directorate. Approvals, reactivations, suspensions, cancellations and expiries actioned in AVMS are automatically uploaded into TYIMS.

AACs are required to assist the employer and/or Australian Apprentice to access the relevant application form from the Directorate's website where they become aware that a change in circumstances under the Training Contract has occurred or will occur. The Directorate's forms are updated on a regular basis, with the most current version available on the website.

All application forms are on the Directorate's website at http://www.det.act.gov.au/vhe/australian_apprenticeships/australian_apprentices/training_contracts/making_changes_to_your_training_contract and include:

- F1 Application to Extend Training Contract
- F2 Application to Suspend Training Contract
- F3 Application to Cancel Training Contract
- F4 Application to Complete Training Contract (Interstate Training Apprentices Only)
- F5 Application to Change Qualification
- F6 Application to Change RTO
- F7 Application to Change Type of Australian Apprenticeship
- F8 Application to Change Employer Details
- F9 Application to Change Australian Apprentice Details
- F10 Application for Credit Adjustment
- F11 Application to Change Employment Details
- F12 Application for ACT Extract of Record
- F13 Application to Change ABN and Ownership Details of an Approved Business/Employer (this is referred to as a CHOW)

Employers and/or Australian Apprentices can access, use and submit applications directly to the Directorate or through their AAC or RTO. It is in the interests of the AAC to assist the parties with applications to keep informed about changes as they occur. AACs should keep copies of executed forms on their files as a record of actions submitted to the Directorate for approval. The Directorate advises the employer, Australian Apprentice, the AAC and the RTO when applications to vary have been approved or rejected, and amends its records accordingly.

Each form is discussed in detail below.

7.1 Extensions to Training Contracts (Form F1)

Under the *Training and Tertiary Education Act 2003*, extensions can only be granted when it is clear that the Australian Apprentice will **not** achieve the required competencies on or before the due to complete date. When such a situation becomes apparent, AACs should:

- assist employers to submit an *Application to Extend the Training Contract* form F1. The application form **must** indicate whether a 'standard' or 'longer' extension is being sought (see note below). The employer, the Australian Apprentice (and parent/guardian if under 18), and the RTO must sign the application form
- remind employers that the *Application to Extend Training Contract* form must be received by the Directorate **at least 10 working days** prior to the original due to complete date on the Training Contract. **Training Contracts that are not extended will expire and no further Australian Apprenticeships training can occur or be funded.** The Directorate will advise *all parties in writing*,

including the AAC, of the approval or rejection of the application for extension and the new due to complete date if approved.

- Note:
- **“Standard” extension** – the parties seek approval for one standard extension period from the original due to complete date (three (3) months is granted under most circumstances). The application form **must** briefly explain the reason and proposed action to be taken by the RTO to complete the Australian Apprentice within the three (3) months extension period.
 - **“Longer” extension** – the parties seek approval for extensions greater than three (3) months or for a further three (3) months after an initial “standard extension” - the application form **must** be submitted together with a detailed submission from the RTO. Each submission **must** detail the reasons for the extension and any remedial actions that have been taken, or are proposed, to ensure the student will successfully complete.

7.2 Suspensions to Training Contracts (Form F2)

Suspensions cover extended absences by the Australian Apprentice, for example maternity leave, sick leave, or other significant periods during which they are unable to attend the employer for work and/or the RTO for structured training. The Training Contract is suspended for the period of approved leave, and resumes when the Australian Apprentice returns to work and/or training. Employers must submit an *Application to Suspend Training Contract* form F2 to the Directorate stating the dates requested and reasons for the suspension **before** it commences.

The employer must discuss the impact of the suspension with the RTO which must take account of the effect in their delivery of structured training to the Australian Apprentice. The date upon which the Training Contract is expected to complete is delayed by an amount of time equivalent to the length of the suspension. The Directorate confirms that the Australian Apprentice has returned to work at the end of the suspension period. AACs can assist by advising the Directorate by emailing apprenticeships@act.gov.au if they are aware of return or non-return to work.

The Directorate will advise all parties in writing, including the AAC, of the approval or rejection of the application for suspension and the new due to complete date if approved.

7.3 Cancellation of Training Contracts (Form F3)

Training Contracts **must** be cancelled when an Australian Apprentice ceases employment with the employer named in the Training Contract, or withdraws from the Australian Apprenticeship whether the employment continues or not. The cancellation date is usually the last date of employment, however it can also be the last date of attendance at structured training when withdrawn from training but continuing in employment with the employer. Employers or the Australian Apprentice must submit an *Application to Cancel Training Contract* form F3 to the Directorate stating the reason for cancellation. Where the date of cancellation is in dispute, the Directorate will request evidence of workplace attendance from the parties, or training attendance from the RTO to clarify the situation.

Employers cannot transfer a Training Contract to another employer, except where there has been a legitimate transfer of business (**see section 7.13**). If the Australian Apprentice continues the Australian Apprenticeship program with a different employer, the new Training Contract submitted will not be approved until the previous Training Contract has been cancelled. If continuing the same qualification with a new employer, the parties are expected to remain with the same RTO.

7.4 Complete Training Contract (Interstate Training Apprentices Only) (Form F4)

ACT Australian Apprentices required to travel interstate to undertake their off-job training with an interstate RTO must submit an *Application to complete Training Contract Block Release apprenticeships only* form F4. This form must be signed by the Australian Apprentice, Employer and RTO.

7.5 Change of Qualification (Form F5)

Where the qualification to be delivered is different from the one originally nominated in an approved Training Contract, an application must be made to the Directorate by the employer and Australian Apprentice to vary their Training Contract. The application is made on the *Application to Change Qualification* form F5.

7.6 Change of RTO (Form F6)

If the AAC becomes aware that employers and Australian Apprentices wish to change their RTO after the start date of structured training, the parties should be advised that change of RTO is decided on a case-by-case basis. Application must be made by the employer and Australian Apprentice on the *Application to Change RTO* form F6. Without the Directorate's approval, the new RTO will not receive any User Choice funding.

Approval to change RTO will only be granted by the Directorate when:

- a complaint has been lodged about the quality of training services. The complaint must be made in writing and signed by the employer and/or Australian Apprentice,

OR

- changed circumstances make training with the original RTO of choice impractical in some way, e.g. the RTO has withdrawn delivery of the qualification

AND

- Directorate staff have met with all parties and attempted to find a solution and transferring to a new RTO is the only satisfactory outcome.

7.7 Change Type of Australian Apprenticeship (Form F7)

Changing circumstances in the workplace can mean that the type of Australian Apprenticeship originally entered into might change. For example an Australian Apprentice might move from part-time to full-time work, or leave school and move from an Australian School-based Apprenticeship to a post-school Australian Apprenticeship.

Provided the Australian Apprentice continues employment with the original employer, the Training Contract can simply be varied to reflect such changes. To change the type of Australian Apprenticeship, the Australian Apprentice, the employer and their RTO must complete and submit an application on the *Application to Change Type of Australian Apprenticeship* form F7

7.8 Change of Employer's Details (Form F8)

If the AAC becomes aware of any changes to the employer's details, they must assist the employer to advise the Directorate of changes by submitting the *Application to Change Employer Details* form F8. Where there has been a change of ownership of the employing entity involving a changed ABN (transfer of business), (**see section 7.13**).

7.9 Change of Australian Apprentice Details (Form F9)

If the AAC becomes aware of any changes to the Australian Apprentice's details, they must assist them to advise the Directorate on the *Application to Change Australian Apprentice Details* form F9. Supporting documentation such as a drivers licence or marriage certificate will be required if a name change is requested.

7.10 Credit Adjustment (From F10)

Australian Apprentices moving to the ACT from another state or territory can recommence a qualification and apply for a reduction of the Training Contract duration for ongoing training as an Australian Apprentice.

An Extract of Record obtained from the previous RTO/STA can be forwarded to the Directorate via apprenticeships@act.gov.au at the time of lodging the Training Contract, or a completed *Application for Credit Adjustment* form F10 forwarded later. If the latter occurs the full duration will be applied on approval of the Training Contract. Once the application form, with attached Extract of Record is received by the Directorate the duration will be adjusted.

7.11 Change in Employment Details (Form F11)

The circumstances or arrangements of the Australian Apprentice's employment can change during the life of a Training Contract. For example the agreed number of Training Contract hours or worksite address may change. Where the AAC becomes aware of any change to employment circumstances, they must assist the parties to advise the Directorate on the *Application to Change Employment Details* form F11.

7.12 ACT Extract of Records (Form 12)

Australian Apprentices moving to another State or Territory to continue their Australian Apprenticeship can apply for an Extract of Record from the Directorate. This is important as Australian Apprentices must produce an ACT Extract of Record when recommencing an Australian Apprenticeship and sign a Training Contract with a new interstate employer. An application for an Extract of Record is made on the *Application for ACT Extract of Record* form F12.

7.13 Change ABN and Ownership Details of an Approved Business/Employer (Form F13) (this is referred to as a CHOW)

The transfer of business ownership for a business which employs Australian Apprentices sometimes occur through sale, partnership dissolution and reforming, or a change to the legal structure of the enterprise such as moving from an incorporated association to a company. A transfer of business that involves a change of ABN must be advised to the Directorate on *Application to Change ABN and Ownership Details of an Approved Business/Employer* form F13, available on the Directorate's website. Any variation to ownership or structure that does not result in a changed ABN is simply changing employer's details (**see section 7.8**).

The changed ownership or structure must appear in the Australian Business Register (www.abr.gov.au) before Training Contracts will be amended and paper/electronic records changed. Only a true transfer of business can be actioned through the form F13, which must not be used for a normal change in Australian Apprentices employment. It is expected that most of the entity's details

will remain constant with a transfer of business, such as workplace location, trading name, contact personnel and details etc. Refer to **Attachment C** for further details on processing Form F13.

8. CLOSING THE TRAINING CONTRACT

8.1 Completions

A successful completion of a Training Contract is where the Australian Apprentice completes training within the term of the Training Contract. The RTO is required to advise the Directorate of the completion within **8 weeks** of the date deemed competent regardless of the point this occurs during the term of the Training Contract. On receipt of a completion report (copies of certificates are no longer accepted) from the RTO the Directorate closes the Training Contract, and advises the AAC via AAC Online that the completion has been actioned.

8.2 Expiry of Training Contracts

If the due to complete date has passed and no other action has been taken, the Directorate will expire the Training Contract without further notice.

9. COMPLETING THE TRAINING CONTRACT

This section describes the information required for ACT Training Contracts. AACs must advise the parties to a Training Contract that the giving of false or misleading information is a serious offence with serious consequences and that instances will be referred to DEEWR. AACs should ensure all details written on the original copy of the Training Contract are printed clearly. Any compulsory questions not addressed will result in a resubmitted Training Contract to the AAC. All questions are compulsory except 14, 15, 16, 17 and 22.

9.1 Training Contract Declaration and Obligations

TC Field	Title of Field	Requirements
	The employer representative	Compulsory AACs ensure that this information is completed in full.
	The apprentice/trainee and parent/guardian for apprentices/trainees under 18 years of age.	Compulsory AACs ensure that this information is completed in full. <ul style="list-style-type: none"> • parent or guardian signatures must be obtained for all Australian Apprentices under 18 at the time of signing the Training Contract • if an Australian Apprentice is under 18 and unable to obtain parent/ guardian signatures, the AAC is to supply a statutory declaration from the Australian Apprentice stating that they understand their obligations under the proposed Training Contract (refer also to question 26) • parent/guardians must also sign any Training Contract variation forms following approval, if the Australian Apprentice is still under 18 at the time of amendment.

	Name of apprenticeship/ traineeship	This only needs to be completed if the qualification is a non-Training Package qualification.
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9.2 Apprenticeship/Traineeship Details

TC Field	Title of Field	Requirements
1.	Title and level of qualification	<p>Compulsory</p> <ul style="list-style-type: none"> • this must be the exact title of the qualification as shown on the <i>ACT Australian Apprenticeships Register</i>, including non-Training Package qualifications, at http://www.det.act.gov.au/vetadmin • AACs are required to notify the Directorate of any Graduate Administrative Assistant (GAA) sign-ups prior to lodgement – please email names to apprenticeships@act.gov.au.
2.	National Qualification Code	<p>Compulsory</p> <p>This must be the exact National Code as shown on the <i>ACT Australian Apprenticeships Register</i>, at http://www.det.act.gov.au/vetadmin. Eg. AUR20205.</p>
3.	Commencement date of apprenticeship/ traineeship	<p>Compulsory</p> <ul style="list-style-type: none"> • an Australian Apprentice must be legally employed before entering into a Training Contract • the commencement date of the Training Contract is the actual date the Australian Apprentice commences their apprenticeship or traineeship in the workplace • the commencement date of the Training Contract can be the same day that employment commenced, but not before • the Directorate will not accept Training Contracts with a commencement date more than 3 months prior to signing date by the parties. Training contracts outside of 3 months will be resubmitted to the AAC for the start date to be renegotiated.
4.	Nominal term of the Training Contract	<p>Compulsory</p> <ul style="list-style-type: none"> • insert full-time or part-time nominal term/duration in months for all qualifications, as described on the <i>ACT Australian Apprenticeships Register</i>, at http://www.det.act.gov.au/vetadmin • a different nominal term to the standard ones published on the above Register must be discussed with the Directorate before lodging the Training Contract (eg. accelerated apprenticeships) • for time credit/reduction on apprenticeships, (refer also to Question 24) • employees on fixed term employment contracts must be

		<p>employed for an equal or greater period than the nominal term of the Training Contract</p> <ul style="list-style-type: none"> it is possible to undertake Australian Apprenticeships on a part-time basis under an approved Training Contract. The required minimum work and training hours and the nominal terms that will be approved for part-time Training Contracts in the ACT are set out below. <p>Part time traineeships (Including ASBAs)</p> <table border="1"> <thead> <tr> <th>Minimum hours per week – inclusive of training time</th> <th>Where full-time Training Contract nominal term is:</th> <th>Part-time Training Contract nominal term is:</th> </tr> </thead> <tbody> <tr> <td>15 hours</td> <td>12 months</td> <td>18 months</td> </tr> <tr> <td>15 hours</td> <td>24 months</td> <td>36 months</td> </tr> <tr> <td>15 hours</td> <td>36 months</td> <td>54 months</td> </tr> <tr> <td>ASBAs only minimum hours 11 hours for Certificate II 15 hours for Certificate III</td> <td>12/24/36 months</td> <td>18/36/54 months</td> </tr> </tbody> </table> <p>Part time apprenticeships (Including ASBAs)</p> <table border="1"> <thead> <tr> <th>Minimum hours per week – inclusive of training time</th> <th>Where full-time Training Contract nominal term is:</th> <th>Part-time Training Contract nominal term is:</th> </tr> </thead> <tbody> <tr> <td>15 hours</td> <td>36/48 months</td> <td>54/72 months</td> </tr> </tbody> </table>	Minimum hours per week – inclusive of training time	Where full-time Training Contract nominal term is:	Part-time Training Contract nominal term is:	15 hours	12 months	18 months	15 hours	24 months	36 months	15 hours	36 months	54 months	ASBAs only minimum hours 11 hours for Certificate II 15 hours for Certificate III	12/24/36 months	18/36/54 months	Minimum hours per week – inclusive of training time	Where full-time Training Contract nominal term is:	Part-time Training Contract nominal term is:	15 hours	36/48 months	54/72 months
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15 hours	36/48 months	54/72 months																					
5.	The period of probation for this apprenticeship/traineeship	<p>N/A in the ACT as there is no probationary period under the Training Contract in the ACT this field should be left blank.</p>																					
6.	Type of apprenticeship/traineeship (NSW only)	<p>N/A in the ACT This question does not need to be completed for the ACT.</p>																					
7.	Is the apprentice/trainee an existing worker?	<p>Compulsory</p> <ul style="list-style-type: none"> answer “yes” if the Australian Apprentice has been employed by this employer more than 3 months full time or more than 12 months part time/casual equivalent immediately before commencing the Training Contract the response to this question will be checked against the dates provided in question 40 about prior employment and any discrepancies will be resubmitted back to the AAC for correction prior to approval existing workers who are eligible to enter a Training Contract may or may not be eligible for User Choice funding. (see section 4). 																					

9.3 Apprentice/Trainee Personal Details

TC Field	Title of Field	Requirements
8.	Surname (family name), Given Name (in full)	Compulsory Provide full names of the Australian Apprentice, as specified on their driver's licence, passport or birth certificate.
9.	Residential and postal address	Compulsory Complete both address fields in full. The residential address must be a street address, not a PO Box.
10.	Telephone numbers(home, mobile), email	Compulsory Provide all, where available, including the mobile number and email.
11.	Date of Birth	Compulsory Enter clearly, eg. 03/03/83. <ul style="list-style-type: none"> • Australian Apprentices must be at least 15 years of age • Australian Apprentices under 17 must obtain an <i>Approval Statement</i> from the Directorate (see section 4) • parent or guardian signatures must be obtained for all Australian Apprentices under 18 at the time of signing the Training Contract.
12.	Sex	Compulsory
13.	Citizenship	Compulsory (see section 4 for eligibility).
14.	Are you of Aboriginal or Torres Strait Islander origin?	Optional AACs should encourage disclosure as this is important information collected for national statistics and may impact on funding eligibility.
15.	In which country were you born?	Optional AACs should encourage disclosure as this is important information collected for national statistics.
16.	Do you speak a language other than English at home?	Optional AACs should encourage disclosure as this is important information collected for national statistics.

17.	Do you consider yourself to have a disability, impairment or long-term condition?	<p>Optional</p> <p>AACs should encourage disclosure as this is important information collected for national statistics and may impact on funding eligibility. Additional support funding may be available to the RTO to supplement the training delivery, eg. literacy or numeracy tutoring etc.</p>
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9.4 Apprentice/Trainee Education and Training Details

TC Field	Title of Field	Requirements
18.	Are you still attending secondary school?	<p>Compulsory</p> <ul style="list-style-type: none"> if “yes”, the year level and the name of the school must also be provided the Directorate will not approve a full-time Australian Apprenticeship for a student also attending school/college full-time Canberra Institute of Technology is a “school” for those attending programs at the CIT Vocational College (Year 10 or 12 equivalent etc). Also some NSW schools have students in ACT Training Contracts.
19.	Is this an approved Australian School - based Apprenticeship?	<p>Compulsory</p> <ul style="list-style-type: none"> if “yes”, the AAC must follow the procedures set out in Attachment B for sign-up and lodgement of an ASBA Training Contract qualifications that can be delivered as an Australian School - based Apprenticeship (ASBA), and the RTOs that can deliver them, are identified on the <i>ACT Australian Apprenticeships Register</i> (http://www.det.act.gov.au/vetadmin) For additional requirements refer to <i>Australian School-based Apprenticeships (ASBAs) ACT Requirements for Registered Training Organisations</i> available at www.det.act.gov.au/school_education/vocational_learning_in_schools/asba.
20.	What is your highest completed school level?	<p>Compulsory</p> <p>Month and year completed must be identified (to the best of the Australian Apprentice’s memory).</p>
21.	Have you successfully completed any of the following qualifications?	<p>Compulsory</p> <ul style="list-style-type: none"> data is used for statistical purposes and to assess Australian Government incentive eligibility the Directorate may also use response to assess User Choice eligibility (see section 4)

		<ul style="list-style-type: none"> the response is not used to assess any reduction to the nominal term (credit reduction), which is done at question 24.
22.	If you have completed a qualification at Certificate level III or above, do any of the following apply to you?	<p>Optional Required for assessing Australian Government incentive payments.</p>
23.	Have you previously worked as an apprentice or trainee?	<p>Compulsory</p>
24.	Are you seeking credit to reduce the term of the Training Contract?	<p>Compulsory</p> <p>For apprentices only:</p> <ul style="list-style-type: none"> answer “yes” if the apprentice has previously commenced the same apprenticeship in any state or territory if undertaken in the ACT, a reduction in the term will be calculated from the Directorate’s database, and an application to reduce the nominal term (form F10 with Extract of Record) is not needed if undertaken in another state/territory, an application for a reduction in the nominal term of the new ACT Training Contract must be made on the <i>Application for Credit Adjustment</i> form F10, at http://www.det.act.gov.au/vhe/australian_apprenticeships/australian_apprentices/training_contracts/making_changes_to_your_training_contract the above form F10 must have the other STA’s Extract of Record attached on lodgement, otherwise the full term will be applied. It is the Australian Apprentice’s responsibility to obtain an Extract of Record from another STA. The Directorate will not hold up an approval waiting for an Extract of Record, but an adjustment will be made later if the Extract of Record is received after approval. <p>For trainees only:</p> <ul style="list-style-type: none"> a reduction in the term of the Training Contract is not applicable for trainees continuing in the ACT as there is the availability of early completion. <p>If an Australian Apprentice needs an ACT Extract of Record to move to another state, an application must be made for an ACT Extract of Record to the Directorate on Form F12, at</p>

		http://www.det.act.gov.au/vhe/australian_apprenticeships/australian_apprentices/training_contracts/making_changes_to_your_training_contract . Any requests for recognition of education or training previously completed or competencies already held, must be made to the selected RTO on commencement.
25.	Are you currently undertaking any other study?	Compulsory

9.5 Parent or Guardian Details

TC Field	Title of Field	Requirements
26.	Surname (family name) Given names (in full)	Compulsory <ul style="list-style-type: none"> • must be completed for any Australian Apprentice under 18 years of age at time of signing the Training Contract • where unable to obtain parent or guardian signature the AAC must supply a statutory declaration from the Australian Apprentice stating the reason for lack of parent/ guardian involvement and that they understand their obligations under the Training Contract. For prompt approval AACs should state in this field “no parent details, statutory declaration provided”, and attach it to original/hard copy of Training Contract • where an Australian Apprentice is under 18 at the commencement date of the Training Contract but has turned 18 at the date of signing the declaration, no parent or guardian details will be required. For prompt approval AACs should state in this field “18 at time of signing”.
27.	Address	Compulsory <ul style="list-style-type: none"> • parent/guardian address and relevant contact phone numbers must be completed in full for any Australian Apprentice under 18 at time of signing the Training Contract • leave blank where Australian Apprentice has a statutory declaration or is 18 at time of signing.

9.6 Employer Details

TC Field	Title of Field	Requirements
28.	Legal name of employer	Compulsory <ul style="list-style-type: none"> • must be the name of the employer’s legal entity as identified on the Australian Business Register (ABR)

		<p>http://www.abr.business.gov.au)</p> <ul style="list-style-type: none"> • if the employer is a trust, the full name of the legal entity as Trustee for the trust must be provided even though it will not be on the ABR. A correct example of a legal name involving a Trust is “John Citizen ATF (as trustee for) Smith Family Trust” • refer to Attachment C for a change of ownership of the enterprise after approval. An application for change of ownership to an enterprise must be made on <i>Application to Change ABN and Ownership Details of an Approved Business/Employer Form F13</i> available on the Directorate’s website at http://www.det.act.gov.au/vhe/australian_apprenticeships/australian_apprentices/training_contracts/making_changes_to_your_training_contract.
29.	Australian Business Number (ABN) of legal entity	Compulsory
30.	Trading name	Compulsory The trading name is the name the business is best known by or the name under which the business trades or operates.
31.	Postal address	Compulsory Provide the address where the employer wants mail to be received which can be either a street address or a PO Box, and which may be outside the ACT. Only one address at this question will be accepted for approval.
32.	Telephone number/ fax/email	Compulsory One telephone number is compulsory. Please provide all, where available, including mobile number and email.
33.	What is the industry or principal activity of the business?	Compulsory This field is used by the Directorate for statistical purposes.
34.	Type of employer?	Compulsory ACT Government Directorates and agencies must be ticked as “State Government”, not “Local Government”. There is no local government in the ACT. “State Government” includes Territory Governments.

9.7 Employment and Training Details

TC Field	Title of Field	Requirements
35.	Name and address of workplace where apprentice/trainee will be employed	<p>Compulsory</p> <ul style="list-style-type: none"> • for Training Contracts lodged in the ACT the workplace address must be in the ACT. Where this address is not in the ACT, the application will be returned to the AAC so that the application can be lodged with the appropriate State Training Authority • the address cannot be a PO Box – it must be a street/physical location • the address must be the Australian Apprentice’s usual work site, and the Directorate may conduct further checks if necessary, e.g. if their residential address is interstate • where they will be working across various work sites or in the field, the street address of the shop, workshop, depot or home base must be entered • where the employer is a GTO the name and address of the initial host is required if known, otherwise the GTO’s street/physical location in the ACT is acceptable.
36.	<p>Workplace details</p> <p>Total number of people employed by the firm</p> <p>Total number of apprentices/trainees in this workplace</p> <p>Number of workers able to demonstrate the relevant competencies available to supervise apprentice/trainee</p> <p>Total number of people employed by the firm</p> <p>Total number of apprentices/trainees in this workplace</p>	<p>Compulsory</p> <p><u>General Employers (other than GTOs)</u></p> <ul style="list-style-type: none"> • AVETMISS and DEEWR require “all people employed by the organisation” (ie. the legal entity stated in question 29). If it is a national company, it must be the total number employed Australia-wide. Must be a minimum of 2 including Australian Apprentice. If not the application will be returned to the AAC • number of apprentices and trainees in the same worksite at question 35. Must be at least 1 including the Australian Apprentice. If not the application will be returned to the AAC • number of workers in the same worksite that have the relevant skills and knowledge, and are available, to supervise and train the Australian Apprentice, and this number cannot include the apprentice/trainee. One of them must be the person named at question 37. There must be at least 1. If not the application will be returned to the AAC. <p><u>Group Training Organisations (GTOs)</u></p> <ul style="list-style-type: none"> • total number of people employed by the GTO, nationwide. Must be a minimum of 2 including Australian Apprentice, if not the application will be returned to the AAC • total number of Australian Apprentices in the Host’s workplace - only in that particular worksite, including Australian Apprentices other than the GTO’s. If no host has been selected, the number of unplaced Australian Apprentices currently working at the GTO premises, pending placement. There must be at least 1 including the applicant Australian Apprentice. If not the application will be returned to the AAC

	Number of workers able to demonstrate the relevant competencies available to supervise apprentice / trainee	<ul style="list-style-type: none"> GTOs that have a Joint Group Training Program (JGTP) Contract and are registered with the Directorate are not required to provide evidence of supervisor/employer qualifications as this is covered in the contract with the Directorate – ACT GTO list provided to AACs on request to 02 6205 8555. GTOs that are not registered with the Directorate are treated as any other employer and must provide evidence of supervisor/employer qualifications at the workplace address at Q35, or other evidence showing how the GTO oversees and monitors host capability.
37.	Name of contact person for this worksite	<p>Compulsory</p> <ul style="list-style-type: none"> must be the person who is directly responsible for supervising the Australian Apprentice in the workplace. TYIMS provides alternative space for general administrative contact details for apprentice applicants – the person named at this Question must be the apprentice’s trade supervisor and have a relevant and equivalent or higher level qualification in the same field/area as the one the apprentice is undertaking. Refer to <u>Attachment D</u> for further information. For new employers, the AAC is required to collect this evidence at the time of sign-up must be one of the competent people included in question 36 telephone number is essential, fax and email where available.
38.	Type of employment arrangement	<p>Compulsory</p> <p>On 1 January 2010 Modern Awards commenced and previous Federal Awards (except Enterprise Awards) ceased to apply to employees. Most Modern Awards are broad industry-based instruments, however some are occupation-based, eg. Clerks Private Sector Award 2010. If there is no Modern Award cover for a particular type of work, the pre-reform Award will continue until a Modern Award is made in the future – this will be investigated if used on the Training Contract as Modern Awards have much wider cover than previous Awards.</p> <ul style="list-style-type: none"> for trainees, the National Training Wage Award 2000 ceased on 1 January 2010 but its provisions have been inserted as a Schedule to a relevant Modern Award which must be identified on the Training Contract for apprentices, the Modern Awards contain apprentice provisions as they have always done. <p>The Training Contract document has not yet been updated to reflect the new Federal Workplace Relations system. In the meantime AACs will continue to tick a relevant box on the Training Contract for the type, and then write the actual name of the relevant Award or Agreement in the free text field on the original.</p>

	<p>“Type” Boxes Tick only 1 (only 4 apply in the ACT)</p> <p>Name of Agreement/ Award</p>	<p>The list of Modern Awards and other instruments will be updated for the ACT in TYIMS for this field.</p> <ul style="list-style-type: none"> • there are no “State Awards” or “State Agreements” in the ACT. All Awards and workplace Agreements operating in the ACT are Federal Awards or Agreements made under the Federal Workplace Relations System – Training Contracts identifying state Awards or Agreements will be resubmitted to the AAC for correction before approval • Certified Agreements, now called “Enterprise Agreements” cover a number of employees in a workplace. These are viewable online and no lodgement number or receipt from the Workplace Authority is required. Enterprise Agreements made under the old system will continue to apply until terminated or replaced • Australian Workplace Agreements/Individual Transitional Employment Agreement (ITEAs) cover one employee only. New AWAs and ITEAs cannot be made from 1 January 2010, but pre-existing ones can continue to apply until their full term, or are terminated or replaced. If an AWA/ITEA is identified on the Training Contract it must have been registered before 31 December 2009, and evidence of its registration with the Workplace Authority is still required. Write AWA registration number above the “award name” field, or attach a copy of the Employer Declaration Receipt from the Workplace Authority to Training Contract. <p>Further information about Enterprise Agreements is found at http://www.fairwork.gov.au</p> <ul style="list-style-type: none"> • Awards – full name of the Modern Award or Pre-Reform Award applying to this workplace must be identified at Q38 on original Training Contract. If abbreviation is used, field and data entry AAC staff must confirm with employer if not clear. Names of Awards and current rates of pay can be checked with Fair Work Ombudsman on 1313 94 or at http://www.fairwork.gov.au • Agreements or Other – name of the Enterprise Agreement (eg. XYZ Pty Ltd Enterprise Agreement 2009) or Other Instrument must be identified at Q38 on original.
39.	Please indicate the number of hours of employment and training per week and whether full-time or part-time	<p>Compulsory</p> <ul style="list-style-type: none"> • hours per week are the total combined work and training hours – TYIMS will only accept whole numbers • the legislated maximum hours of work for all ACT employees is 38. Training Contracts with more than 38 hours will be resubmitted to the AAC for correction before approval • some Australian Apprentices may be a full-time employee and have less than 38 hours maximum per week if the Award or Enterprise Agreement specifies a lesser number for full-time (i.e. is more favourable). This is acceptable for a Training Contract and will be approved

		<ul style="list-style-type: none"> for part-time Australian Apprenticeships the minimum number of total hours per week is 15 in the ACT, except ASBAs which have a minimum of 11 hours for AQF 2 and 15 hours for AQF 3 qualifications and a maximum of 20 hours at all levels a minimum of 3 hours structured RTO training per week is required for all Australian Apprentices, as agreed by the employer and Australian Apprentice on the Training Plan. Only the RTO's structured training hours can be done in blocks or "averaged" over a 3 month period (ie. up to a maximum of 36 hours per quarter) Attachment E provides further information on release time from work each week to undertake structured training – this information is sent to all employers with the Training Contract approval letter from the Directorate the standard proportion of work hours to training hours is 80% work and 20% training per week, as defined in Modern Awards the Australian Apprentice must spend the stated hours in "Australian Apprenticeships activity" each week, and the Directorate will investigate where Australian Apprentices are not receiving a balance of paid work and training each week. For example completing the majority of off-job training full-time up front is not acceptable under a Training Contract.
40.	Prior to commencing THIS apprenticeship/traineeship has the apprentice/trainee worked for, or been hosted by/to the employer/host employer?	<p>Compulsory</p> <ul style="list-style-type: none"> unless the Australian Apprentice commences the Training Contract the same day as commencing employment, the period/s of employment for new or existing workers prior to the commencement date of the Training Contract must be entered the dates of prior employment entered at this question will be checked against Question 7 "existing worker" on the Training Contract, and any discrepancies will be resubmitted back to the AAC for clarification and amendment prior to approval – e.g. an existing worker at Question 7 should have corresponding employment periods greater than 3 months full-time or 12 months part time equivalent at this question. This rule only applies to direct employment not hosting arrangements with a GTO.
41.	Is the apprentice/trainee in a business relationship with this employer?	<p>Compulsory</p> <ul style="list-style-type: none"> if "yes" there must be at least one other owner/director of the enterprise who will fulfil the roles and responsibilities of the employer – the Australian Apprentice cannot assume both employer and Australian Apprentice roles and responsibilities under the Training Contract if "yes", the AAC must obtain and submit current evidence from the enterprise demonstrating details of the business ownership, eg. ASIC lodgement documents or printout etc. Simply printing the registration page from ABR may not be

		sufficient evidence. The AAC must discuss what will be required with the Directorate, depending on each individual case, prior to lodgement and approval of the Training Contract.
42.	Has the employer previously received Australian Government incentives for this apprentice/trainee and/or has the employer received or applied to receive any other government assistance for this apprentice/trainee?	Compulsory

9.8 Registered Training Organisation Details

TC Field	Title of Field	Requirements
	Name of Registered Training Organisation, Telephone number, Contact officer	<p>Compulsory</p> <ul style="list-style-type: none"> • must be an approved RTO chosen by the employer and Australian Apprentice for the relevant qualification from the <i>ACT Australian Apprenticeships Register</i> applicable in the year of commencement of the Training Contract, at http://www.det.act.gov.au/vetadmin/ • Training Contracts lodged for approval stating an RTO not on the <i>ACT Australian Apprenticeships Register</i> will not be approved by the Directorate • RTO telephone and contact name as shown on the above Register.

9.9 Australian Apprenticeships Centre Details

TC Field	Title of Field	Requirements
	Name of Australian Apprenticeships Centre, Telephone number, Contact officer	<p>Compulsory</p> <p>Name of AAC field officer attending the sign-up, including mobile phone number.</p>

**EVIDENCE TO SUPPORT CHANGES TO TRAINING CONTRACTS
BEFORE AND AFTER APPROVAL**

- Column 1 – contains the Training Contract item number
- Column 2 – contains Training Contract item
- Column 3 – contains the DEEWR Protocol requirements for changes before approval
- Column 4 – contains the ACT Education and Training Directorate’s requirements for changes after approval - * Directorate form preferred, but copy of file note recording conversation, email or letter from client is acceptable.

Contract Item	Evidence for Change BEFORE Approval	Changes AFTER Approval
1. Title and level of qualification	Initials of parties on original Contract	F5 – Application to Change Qualification
2. National qualification code	Initials of parties on original Contract	F5 – Application to Change Qualification
3. Commencement date	Initials of parties on original Contract	F11 – Application to Change Employment Details
4. Nominal term of contract	Initials of parties on original Contract	F11 – Application to Change Employment Details
5. Period of probation (N/A in ACT)	Initials of parties on original Contract	Not applicable in ACT
6. Type of App/T’Ship (NSW only)	Initials of parties on original Contract	Not applicable in ACT
7. Existing worker	Initials of parties on original Contract	F7 – Application to Change Type of Australian Apprenticeship
8. Surname	Initials of parties on original Contract	F9 – Application to Change Australian Apprentice Details
9. Address	Internal file note, email or letter	* F9 – Application to Change Australian Apprentice Details
10. Telephone numbers/email	Internal file note, email or letter	* F9 – Application to Change Australian Apprentice Details
11. Date of birth	Initials of parties on original Contract	F9 – Application to Change Australian Apprentice Details
12. Sex	Initials of parties on original Contract	F9 – Application to Change Australian Apprentice Details
13. Citizenship	Initials of parties on original Contract	F9 – Application to Change Australian Apprentice Details
14. ATSI status	A signed letter from apprentice/trainee	F9 – Application to Change Australian Apprentice Details
15. Country of birth	A signed letter from apprentice/trainee	F9 – Application to Change Australian Apprentice Details
16. Language at home OTE	Internal file note, email or letter	* F9 – Application to Change Australian Apprentice Details
17. Disability	A signed letter from apprentice/trainee	F9 – Application to Change Australian Apprentice Details
18. Still at school, name of school	A signed letter from apprentice/trainee	F9 – Application to Change Australian Apprentice Details
19. An approved ASBA	Initials of parties on original Contract	F7 – Application to Change Type of Australian Apprenticeship

20. Highest completed school level	A signed letter from apprentice/trainee	F9 – Application to Change Australian Apprentice Details
21. Successful completed qualifications	Initials of parties on original Contract	F9 – Application to Change Australian Apprentice Details
22. Certificate III non use	Initials of parties on original Contract	F9 – Application to Change Australian Apprentice Details
23. Previous work as app/trainee	Initials of parties on original Contract	F9 – Application to Change Australian Apprentice Details
24. Seeking reduction contract term	Initials of parties on original Contract	F10 – Application for Credit Adjustment
25. Other current study	Initials of parties on original Contract	F9 – Application to Change Australian Apprentice Details
26. Parent/guardian names	Initials of parties on original Contract	F9 – Application to Change Australian Apprentice Details
27. Parent/guardian address and phones	Internal file note, email of letter	* F9 – Application to Change Australian Apprentice Details
28. Legal name of employer	Initials of parties on original Contract	F8 – Application to Change Employer Details or F13 Application Change Ownership/ABN
29. ABN of employer	Initials of parties on original Contract	New Training Contract required unless a legitimate transfer of business occurs – use F13 Application to Change Ownership/ABN
30. Trading name of employer	A signed letter from employer	F8 – Application to Change Employer Details
31. Postal address of employer	Internal file note, email or letter	* F8 – Application to Change Employer Details
32. Telephone/fax/email of employer	Internal file note, email or letter	* F8 – Application to Change Employer Details
33. Industry/activity of business	A signed letter from employer	F8 – Application to Change Employer Details
34. Type of employer	A signed letter from employer	F8 – Application to Change Employer Details
35. Name and address of workplace where A/App employed	A signed letter from employer and apprentice/trainee	F11 – Application to Change Employment Details
36. Number employees/ number Australian apprentices/ number supervisors	A signed letter from employer and apprentice/trainee	F8 – Application to Change Employer Details
37. Workplace contact name, phone/ fax/email	A signed letter from employer	F8 – Application to Change Employer Details
38. Type of employment arrangement	Initials of parties on original Contract	F11 – Application to Change Employment Details
39. Number contract hours/week, full time/part time	Initials of parties on original Contract	F11 – Application to Change Employment Details

40. Prior employment dates with employer	Initials of parties on original Contract	F11 – Application to Change Employment Details
41. App/trainee business relationship	Initials of parties on original Contract	F11 – Application to Change Employment Details
42. Prior incentives to employer	Initials of parties on original Contract	F11 – Application to Change Employment Details
43. RTO details	Same as for change of AAC (no reference in DEEWR Protocol)	F6 – Application to Change RTO
44. AAC details	Change can be made without reference to the parties	DEEWR advises changes of AAC to TATE

PROCEDURES FOR SIGN-UP AND LODGEMENT OF AUSTRALIAN SCHOOL-BASED APPRENTICESHIPS (ASBA) TRAINING CONTRACTS

1. The AAC is first contacted by employer/Australian Apprentice/RTO etc regarding the potential ASBA Training Contract sign-up.
2. AAC discusses arrangements with the employer and Australian Apprentice.
3. AAC must send an email to the student's school or college within 5 days of initial contact. The form of the email is to include the name of the student, the date of birth of the student, the level, title and national code number of the intended qualification, and the date initial contact was made with the AAC. A possible form for the email is:

*"Dear <ASBA Contact at School>
School <xxxx>*

This email is to inform you that <student name>, date of birth <dd/mm/yy>, has contacted <name of AAC> on <date> seeking to commence an Australian School -based Apprenticeship in Certificate <level> in <title of qualification> <national qualification code number>. If you wish to discuss this in more detail please contact me via return email or phone on <your number>. I would appreciate a reply to this email indicating that you have received it.

<your name and contact details>"

(Contact 02 6205 8555 for a list of school/college contacts).

4. AAC continues with the normal sign-up process
5. AAC lodges Training Contract in TYIMS which is downloaded into the Directorate's AVMS system the next day.
6. The Training Contract is assessed for suitability and if any errors or problems arise it is resubmitted back to the AAC for correction, otherwise it progresses to the next step.
7. When the ASBA Training Contract is "approval-ready", the Directorate electronically forwards details from the Training Contract to the school/college via ASBA Online.
8. The school or college Principal has 21 days to endorse the Training Contract.
9. Notification of Principal's endorsement is electronically sent back to the Directorate via ASBA Online and the Training Contract is approved, varied or rejected, in consultation with the AAC.
10. AACs are advised of approvals and rejections via AAC Online or TYIMS.

Obtaining Principal Endorsement on A Previously-Approved Training Contract

The above process using ASBA Online is only possible for Training Contracts that have not yet been approved. Occasionally a Principal's endorsement is required after a Training Contract has been approved, for example when the Australian Apprentice moves from one school to another (Year 10 to Year 11/12) or the Australian Apprentice is changing from a non-ASBA to an ASBA. These instances are variations to the approved Training Contract and must be applied for on a relevant variation form (use F9 for changing school and F7 for changing type). AACs must assist the parties to lodge the relevant variation form with the Directorate. Once received, the Directorate will obtain the Principal's endorsement through a manual process, and if endorsed, will approve the variation and advise all parties including the AAC.

CHANGE OF BUSINESS OWNERSHIP PROCEDURE (this is referred to as a CHOW)

An organisation or business already registered as an employer of Australian Apprentices in the ACT will have a change of ownership when the current owner/s sell the business to another owner/s. Alternatively a change of “ownership” can occur when a business partnership dissolves or an organisation changes its legal structure. In these instances the new owner can apply to transfer active Training Contracts within the ACT STA system to them from the previous owner of the business, instead of cancelling and recommencing any active Training Contracts. Any applications submitted under this process will be closely investigated by the Directorate to ensure that it is only the ownership that is changing, and that this process is not being used in circumstances where new Training Contracts are warranted. It is expected that some of the business details will remain constant, such as location/premises, staffing, and *usually* the trading name (there may be exceptions).

No Change to ABN Resulting from a Change of Ownership

When the change of ownership **does not change the ABN** of the employing entity already registered in the ACT STA system, any changed details must be updated using the usual *Application to Change Employer Details* form F8, available on the Directorate’s website at http://www.det.act.gov.au/vhe/australian_apprenticeships/australian_apprentices/training_contracts/making_changes_to_your_training_contract.

Change to ABN Resulting from a Change of Ownership (this is referred to as a CHOW)

When the change of ownership **does change the ABN** of the employing entity already registered in the ACT STA system, the new owner must apply to transfer active Training Contracts to them using form F13 *Application to Change ABN and Ownership Details of an Approved Business/Employer*. This form F13 is available at the same web location above.

Steps for Effecting Change of Ownership

1. By making the application on form F13, the new owner accepts and takes over all the obligations and declarations under the Training Contract for each employee named on the form, that were accepted by the previous owner. The new owner signs acceptance on the variation form and the AACs must make the new owner aware that they are assuming the employer’s responsibilities under a legal contract (the same as if signing a new Training Contract).
2. The new owner must describe the circumstances under which the change of ownership has taken place at the top of the form – the examples provided are the most likely events, but there may be others (if so, ring the Directorate for assistance).
3. The new owner must be registered with the Australian Tax Office as the owner of this business before taking responsibility for the transferring Training Contracts, as shown on <http://www.abr.gov.au>. The application does not need a copy of the ABR attached as Directorate staff will check this Register as part of the approval process. If the ABR has not yet been updated at the time of application, a copy of the GST Registration Notice from the ATO can be provided with the application instead.
4. The new owner must obtain/retrieve the Training Contracts and Training Plans originally executed by the previous owner for each employee named from the previous owner or the AAC/RTO if not held by the previous owner. If not retrieved, new Training Contracts or Training Plans will be required by the Directorate.

5. ALL items must be completed on the form, if not it will be returned to the AAC. Both the new owner and the AAC representative must sign the form.
6. If the employer of apprentices and the qualified supervisor changes, the new owner must attach the new trade supervisor's qualification (the form clearly spells this out). If not provided with the application, the application will be held until it is provided to the Directorate.
7. The employer can provide the employee names in the box on the form, or the AAC can attach a printout from AAC Online, TYIMS or other database, as long as it has the STA number, surname, given name and worksite of the Australian Apprentice. Any attachments to the form must be initialled by the new owner.
8. If the application does not contain ALL the active Training Contracts attached to the employer in the STA system, the Directorate will contact the new owner to discuss this further. It may be that some Australian Apprentices belong to another AAC, or that the new owner does not want to continue ALL of the Training Contracts active in that workplace. Either way, the Directorate will first discuss this situation with the new owner, and will only discuss with the AAC the Training Contracts attached to it. If another AAC is involved, that AAC will be advised by the Directorate, and will also have to submit a form F13 application for those Training Contracts.
9. AACs must not change any details in TYIMS until advised by the Directorate that the CHOW has been 'provisionally approved'. In some cases a TYIMS employer number may already be established. If this is the case AACs must notify the Directorate by noting on the F13 application form of the new TYIMS employer number. When AACs receive the notice of provisional approval they may establish a new employer ID in TYIMS. The AAC must then notify the Directorate of the new TYIMS Employer ID through apprenticeships@act.gov.au so the Directorate can complete the CHOW information in AVMS. This will show in AAC Online when updated. AACs can use the application form and subsequent actioned advice from the Directorate as this will show in AAC Online when updated.
10. On receipt of the F13 and TYIMS Employer number from the AAC, the Directorate will change the data in the AVMS employer record accordingly. In most cases the AVMS employer number will **not** change and a duplicate or secondary record is **not** created. Please note that in some cases AVMS may change the AVMS employer number. All parties will be notified of the new employer number. The Directorate will email the relevant AAC advising that the AVMS employer record has been changed according to the Form F13. The employer, Australian Apprentice/s, RTO and AAC will be notified of the change of ownership.

SUPERVISION IN THE WORKPLACE

It is the employer's responsibility to establish and maintain adequate training and supervision arrangements for **all** Australian Apprentices (both apprentices and trainees) in the workplace. The Directorate has a statutory responsibility to ensure the employer has adequate supervision arrangements in place at the time of approving a Training Contract, under which the employer must:

- provide the appropriate facilities and experienced people to facilitate the training and supervise the apprentice/trainee while at work, in accordance with the Training Plan,
- make sure the apprentice/trainee receives on-the-job training and assessment in accordance with the Training Plan, and
- provide work that is relevant and appropriate to the vocation and also to the achievement of the qualification referred to in the Training Contract

Generally, the minimum requirement under the Training Contract will be met if the Australian Apprentice is supervised by a suitably qualified person who is permanently employed at the same workplace and predominantly for the same hours as the Australian Apprentice.

Trainee Supervision

For trainees, a suitably qualified supervisor can be the employer or a staff member who already has the skills and knowledge that the trainee is learning, which may have been gained through a variety of pathways, including on job experience. Where a trainee progresses to an apprenticeship with the same employer who has not previously employed an apprentice, the employer must provide evidence of the supervisor's trade qualifications as described for a new employer below.

Apprentice Supervision

For apprentices, a suitably qualified supervisor can be the employer or another staff member who has an equivalent or higher level qualification in same field or trade to the one being undertaken by the apprentice. An employer of apprentices **must** provide evidence (a copy of the supervisor's qualification or trade licence) to the Directorate if they have not been registered as an employer of apprentices previously. Australian Apprenticeships Centres (AACs) are required to collect this evidence from new employers at the time of sign-up to forward to the Directorate with the original Training Contract.

AACs must ensure that any new supervisors are correctly identified at Question 37 on further Training Contracts once employers are already registered in the system. In addition, the Directorate updates its information on registered employers' supervisors, and their qualifications, every two years.

Employer/Supervisor Qualifications - Apprentices

If the employer or supervisor obtained their qualification as an apprentice themselves in the ACT, AAC staff may email the full name and date of birth of the qualified supervisor to apprenticeships@act.gov.au. The Directorate can retrieve the qualification details from archives, and will advise the AAC if additional information is required.

In some cases a statement (statutory declaration, references etc) by the employer giving background in the trade including related qualifications, knowledge and skills, and work history **may** be acceptable, on prior negotiation with the Directorate.

There may be requirements about apprentice/tradesmen ratios in industrial instruments to which employers are bound, and employers must make themselves aware if relevant.

RTO Involvement

Registered Training Organisations are required to provide workplace support to employers and Australian Apprentices, including assistance with the scheduling of the on-the-job training, planning of the assessment process and monitoring progress. The level of supervision provided should be aimed at facilitating the successful achievement of competencies for each individual apprentice or trainee. Employers must monitor the progress of each Australian Apprentice against the Training Plan and Training Record Book, and may need to reassess the level and quality of supervision to ensure each Australian Apprentice has the necessary support at work if steady progress is not being made.

Level of Supervision - Apprentices

Some industries publish standards or guidelines for the level of supervision of apprentices, for example the ElectroTechnology Industry. Where standards or guidelines exist, they must be followed in supervising apprentices.

In determining the level and pattern of supervision for an apprentice in relation to work while in training, several factors are taken into account. These are knowledge attained and the previous experience and training the apprentice has had relative to each particular task, skill, or work function to be performed. The pattern of supervision will typically be, direct, general or broad, and this pattern is generally recommended for apprentices as they move through the years of an apprenticeship.

Direct/constant supervision (eg. Year 1)

This means personal supervision at all times, on a direct and constant basis, within visual contact and/or earshot (audible range). Constant basis refers to the continuous supervision of tasks being performed for the first time and until skill is demonstrated for the complexity of the task and work environment.

General intermittent supervision (eg. Year 2-3)

This means the apprentice does not require constant attendance of the supervisor but requires personal contact on a recurrent (periodic) basis. Periodic supervision means being under instruction and direction for tasks being performed.

Broad supervision (eg. Year 3-4)

This means the apprentice does not require constant supervision but requires personal contact on at least a regular/occasional basis. Occasional supervision means being under instruction and direction with checks being carried out on completion of tasks.

Employers have legal responsibilities to meet for apprentices as well as their other employees. These include meeting Workplace Health and Safety requirements, providing protection from harassment and discrimination and common law matters such as fulfilling their duty of care.

RELEASE TIME TO ATTEND TRAINING

An employer and their Australian Apprentice enter into a Training Contract to formalise the agreed Australian Apprenticeship training and industrial arrangements. Under the Training Contract at Employer Obligation (e) the employer signs an agreement to:

“release the apprentice/trainee from work and pay the appropriate wages to attend any training and assessment specified in the Training Plan”.

The ACT Education and Training Directorate (the ACT State Training Authority) establishes the required *minimum* hours for apprentices and trainees to undertake structured training with the Registered Training Organisation in the ACT, which is *3 hours minimum per week*. The RTO will advise the employer what the actual weekly training hours are for each trainee or apprentice, depending on the qualification and mode of delivery – it may be more than the minimum 3 hours required. The requirement to undertake the minimum training hours is outlined at the bottom of the RTO’s Training Plan as follows:

“Employer Declaration – The employer agrees to this Training Plan and consents to the requirements that their Australian Apprentice be withdrawn from routine work duties for a minimum of 3 hours per week averaged over 3 months to undertake structured training”.

The required training hours per week cannot be traded-off by the parties in return for other benefits, e.g. higher rate of pay than the minimum established by the Modern Award, Enterprise Agreement or any other industrial instrument. Participation in structured training is a mandatory requirement set by the Directorate and is not negotiable under any circumstances. The employer signs their agreement to all terms of the Training Contract and the Training Plan. Clarification of both undertakings is provided below.

1. The Meaning of “Structured Training” (outlined on the RTO’s Training Plan)

Structured training is training delivered by the Registered Training Organisation through one or more of the following methods, for which the apprentice/trainee must be released “off line” from routine work duties in all cases for a *minimum* of 3 hours per week, which can be averaged over 3 months:

- A - Fully off worksite by the RTO (at the RTO’s premises/venues)
- B - Distance learning and remote e-learning (off-line in the workplace/at the RTO/other mutually agreed venue, e.g. library/home etc)
- C - Fully on worksite, other than distance, by the RTO (off-line in the workplace)
- D - Blend by RTO including use of distance learning materials (mix of above A, B or C)
- E - Blend of fully on work site by RTO and employer delivering structured training (off-line in the workplace)

2. The Timing of Structured Training

Structured training can take place during normal business hours or outside normal business hours, e.g. in the evening. Either way, the structured training hours **are part of the apprentice or trainee’s regular weekly hours** specified at Question 39 on the Training Contract. Full-time employees in the ACT have a legislated *maximum* of 38 hours per week, unless a lesser number is specified in the Award or Enterprise Agreement for full-time hours. Any additional hours are overtime, or accrued flex time if applicable.

3. Wages for Time Spent In Structured Training

The employer has a legal obligation to read the relevant Modern Award and pay, as a minimum, the correct trainee or apprentice wage rates under the Award, and any additional Industry allowances if applicable. Employers can choose to pay more than the minimum Award rate to their trainee or apprentice, however this does not allow the employer to reduce or bargain-away any other Australian Apprenticeship arrangements in return, for example withholding the trainee or apprentice from the required structured training time.

3.1 Traineeships

Minimum wages for trainees working in the ACT are found in the Modern Award for the Industry or Occupation he or she works in. The wage rates provide weekly rates for full-time trainees and hourly rates for part-time trainees, as well as trainees in Australian School-based Apprenticeships (ASBAs). The hourly wage rate for a part-time trainee is greater than the equivalent hourly wage rate for a full-time trainee because part-time trainees are generally paid for the hours worked on the job, however this depends on the training delivery mode as described in the Modern Award. Full-time trainees are paid a weekly wage which includes the hours spent in both structured training and the workplace.

3.2 Apprenticeships

Minimum wages for apprentices in the ACT are set by the relevant Modern Award for the Industry or Occupation he or she works in, for example Building and Construction General On Site Award 2010 for Apprentice Carpenters/Bricklayers etc, or the Hospitality Industry (General) Award 2010 for Apprentice Cooks. The wage rates in Modern Awards provide weekly and hourly wage rates for apprentices and apprentices in Australian School-based Apprenticeships (ASBAs). If the Modern Award does not provide wage rates for school based apprentices, contact Fair Work Australia on the number shown below.

Employers must refer to the relevant Modern Award to determine if full or part-time apprentices are paid for time spent in structured training. If unsure contact Fair Work Australia on the number below. Some Modern Awards have additional allowances that must be paid to apprentices.

In all cases the employer and/or trainee/apprentice must contact Fair Work Australia on 131394 or at www.fairwork.gov.au to confirm the correct rates and amounts of pay for trainees and apprentices. Copies of Modern Awards or Enterprise Agreements containing rates of pay and allowances are available from this website.