

Transfer of registered training contracts – permanent or temporary

Purpose

This procedure details the process for a permanent or temporary transfer of a registered training contract under the *Further Education and Training Act 2014* (FET Act).

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

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

This procedure does not apply to the above mentioned traineeships/apprenticeships. The procedure titled 'Racing Queensland – management of training contracts' applies to these training contracts.

Overview

A registered training contract may be permanently transferred from one employer to another as an alternative to cancelling the contract and recommencing under a new training contract.

A permanent transfer does not incur a training contract probationary period with the new employer, however under the National Employment Standards (NES) there are 11 employment entitlements of which probationary periods are incorporated. Apprentices/trainees are considered as employees and entitled to the same conditions as other employees.

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

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

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

For permanent transfers of school-based traineeships, minimum paid work requirements and minimum paid working hours are as stated in the [School-based apprenticeships and traineeships policy- Queensland and Norfolk Island](#).

Process

Permanent transfer:

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

- To permanently transfer a registered training contract to a new employer, the original employer, proposed new employer, and apprentice/trainee (and the parent/guardian if applicable and appropriate) must agree to the transfer and apply to the relevant Australian Apprenticeship Support Network (AASN) Provider or DESBT, in the approved form. The application must state –
 - the name of the proposed new employer;
 - the proposed date of effect of the transfer;
 - that the proposed transfer is agreed to by each of the applicants;
 - the reasons for the proposed transfer.

A [Permanent transfer of a registered training contract form \(ATF-039\)](#) is available to assist the applicants apply. The application will not be considered complete unless all of the above is included.

- However, the apprentice/trainee (and parent/guardian if applicable and appropriate) and proposed new employer may apply to permanently transfer a registered training contract without the original employer's support, to the relevant AASN Provider or DESBT, in the approved form. The application must state all of the information as listed above.
- A probationary period will not apply to the training contract when permanently transferring, however an employment probationary period will apply. The new employer and apprentice/trainee should contact the Fair Work Ombudsman on telephone 13 13 94 regarding employment entitlements.
- If the new employer and apprentice/trainee wish to change the AASN Provider or supervising registered training organisation (SRTO), notify the AASN Provider or DESBT about the change as part of the transfer process.
- For a permanent transfer of a school-based traineeship, the original employer and/or the trainee is/are required assist the AASN Provider or DESBT with information in regard to the number of paid days the trainee has worked.

Supervising Registered Training Organisation (SRTO):

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

Australian Apprenticeship Support Network (AASN) Provider and Training and Skills, DESBT:

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

Note – If the proposed new employer has nominated a different AASN Provider to the one identified on the apprentice/trainee's registered training contract in DELTA, the original AASN Provider will facilitate the change (i.e. decide the application, send a copy of the application to the new AASN Provider, and send the details of the decision and the change of AASN Provider to DESBT via DELTA).

- Check that the proposed new employer holds an unrestricted electrical contractor licence if the training contract relates to any of the following qualifications –
 - UEE30811/UEE30820 Certificate III in Electrotechnology
 - UEE40611/UEE40620 Certificate IV in Electrotechnology
 - UEE30811 & UEE31211/UEE30820 & UEE31220 Certificate III in Electrotechnology & Certificate III in Instrumentation and Control
- Check that the proposed new employer is not a declared prohibited employer – if they are a declared prohibited employer, the transfer cannot be approved.
- For school-based apprenticeships and traineeships, confirm continuing school support for the training contract with the proposed new employer.

- For school-based traineeships, establish the number of days the trainee has worked to date and inform the new employer and trainee about how many days remain to be worked to meet the minimum paid work requirement. Be aware that, regardless of the training contract's commencement date, upon permanent transfer the minimum paid work requirement is 375 hours (50 days) per year of the full-time nominal term for the traineeship.
- If the transfer involves a significant change to the apprentice/trainee's workplace location, confirm that the SRTO is able to continue as the SRTO – if it is impracticable for the current SRTO to continue, advise the proposed new employer and apprentice/trainee of the need to choose another SRTO. Note that the transfer cannot go ahead unless there is an SRTO.
- Facilitate a change of SRTO if required.
- Facilitate a change of AASN Provider if required.
- Decide to approve or refuse applications to permanently transfer registered training contracts (refer to Attachment 1 for factors to be considered).
- If the application is approved by DESBT, DESBT must notify the AASN that a permanent transfer has occurred.
- In making a decision, take into account the 23 fundamental Human Rights under the [Human Rights Act 2019](#).
 - If the decision is to refuse the application, undertake a HR compatibility review (for the apprentice/trainee, and if applicable, the proposed new employer) by completing the associated compatibility review form.
 - i. DESBT officers - retain against the apprentices/trainees training contract record in CEDRIC
 - ii. AASN officers – retain on file and also forward a copy via DELTA.

Training and Skills, DESBT:

IMPORTANT – Limitation of delegated authority **MUST** be observed when actioning a permanent transfer application only by the apprentice/trainee and proposed new employer. Refer to the [Executive Director's sub-delegations under the FET Act 2014](#) for details of delegated authority.

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

- Check that the proposed new employer holds an unrestricted electrical contractor licence if the training contract relates to any of the following qualifications –
 - UEE30811/UEE30820 Certificate III in Electrotechnology
 - UEE40611/UEE40620 Certificate IV in Electrotechnology
 - UEE30811 & UEE31211/UEE30820 & UEE31220 Certificate III in Electrotechnology & Certificate III in Instrumentation and Control
- Check that the proposed new employer is not a declared prohibited employer – if they are a declared prohibited employer, the transfer cannot be approved.
- For school-based apprenticeships and traineeships, confirm continuing school support for the training contract with the proposed new employer.
- For school-based traineeships, establish the number of days the trainee has worked to date and inform the new employer and trainee about how many days remain to be worked to meet the minimum paid work requirement. Be aware that, regardless of the training contract's commencement date, upon permanent transfer the minimum paid work requirement is 375 hours (50 days) per year of the full-time nominal term for the traineeship.
- If the transfer involves a significant change to the apprentice/trainee's workplace location, confirm that the SRTO is able to continue as the SRTO – if it is impracticable for the current SRTO to continue, advise the proposed new employer and apprentice/trainee of the need to choose another SRTO. Note that the transfer cannot go ahead unless there is an SRTO.

- Provide the original employer an opportunity to object to the permanent transfer.
- Facilitate a change of SRTO if required.
- Facilitate a change of AASN Provider if required.
- Decide to approve or refuse applications to permanently transfer registered training contracts (refer to Attachment 1 for factors to be considered).
- If the application is approved, notify the AASN Provider that a permanent transfer has occurred.
- In making a decision, take into account the 23 fundamental Human Rights under the [Human Rights Act 2019](#).
 - If the decision is to refuse the application, undertake a HR compatibility review (for the apprentice/trainee, and if applicable, the proposed new employer) by completing the associated compatibility review form.
 - i. Retain against the apprentices/trainees training contract record in CEDRIC

Delta Help Desk, DESBT

- On becoming aware that the proposed new employer has nominated a different AASN Provider to the one identified on the apprentice/trainee's registered training contract in DELTA, update DELTA accordingly and inform the Australian Government of the new AASN Provider's details.

Temporary transfer:

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

- To temporarily transfer a registered training contract to a new employer, the original employer and apprentice/trainee must agree to the transfer and provide written notice to the relevant AASN Provider or DESBT in the approved form within 7 calendar days after the day the transfer takes effect. The written notice must state –
 - The name of the new employer;
 - The day the transfer took effect;
 - The period of the transfer;
 - That the transfer is agreed to by each of the parties to the registered training contract
 - Be signed by each of the parties, the new employer, and parent/guardian if applicable and appropriate.

A [Temporary transfer of a registered training contract form \(ATF-038\)](#) is available to assist the applicants apply.

Note - the period of temporary transfer must not exceed 1 year (i.e. 365 days, or 366 days if a leap year) and must end before the nominal term of the training contract ends (i.e. prior to the nominal completion date).

- Check that the proposed new employer holds an unrestricted electrical contractor licence if the training contract relates to any of the following qualifications –
 - UEE30811/UEE30820 Certificate III in Electrotechnology
 - UEE40611/UEE40620 Certificate IV in Electrotechnology
 - UEE30811 & UEE31211/UEE30820 & UEE31220 Certificate III in Electrotechnology & Certificate III in Instrumentation and Control
- The original employer must notify their SRTO within 7 calendar days after a temporary transfer takes effect.

Supervising Registered Training Organisation (SRTO):

- Develop a new training plan and have it signed within 28 calendar days of the notification of the transfer taking effect.

- Conduct an assessment of the new employer's capacity to provide the facilities, supervision and the range of work required.
- Notify the AASN Provider or DESBT if the new employer cannot provide the facilities, range of work and/or supervision required under the new training plan.

Australian Apprenticeship Support Network (AASN) Provider and Training and Skills, DESBT:

- If the notification is incomplete or does not meet the requirements set out in s24 of the FET Act, contact the employer and apprentice/trainee to assist.
- When processing a temporary transfer, ensure it does not exceed 1 year and ends before the nominal term of the training contract is to end.

Definitions

AIRDOCS	A system used by DESBT for letter templates which are subsequently generated through DELTA.
Approved form	A form approved by the chief executive (Department of Employment, Small Business and Training).
Australian Apprenticeship Support Network (AASN) Provider	AASN Providers, also known as Apprenticeship Network Providers, are contracted by the Australian Government to provide targeted services which deliver tailored advice and support to employers, apprentices and trainees. AASN Providers also have an agreement with DESBT to provide training contract related services. The AASN Provider is the first point of contact for the administration of all training contracts.
CEDRIC	A Client Relationship Management system used by DESBT to capture information on client and stakeholder engagement and correspondence (for internal access only).
Delegated officer	An appropriately qualified person to whom the chief executive has delegated functions and powers
DELTA	Direct Entry Level Training Administration, DESBT's database of registered apprentices and trainees (for internal access only)
DESBT	Department of Employment, Small Business and Training
Nominal completion date	The date set by DELTA, which signifies the end of the nominal term for a registered training contract.
Signed consent of a parent (if appropriate)	It may be inappropriate for a parent to sign the application if the apprentice or trainee is living independently of his or her parents.
Status and sub-status in DELTA	The status of a training contract record in DELTA reflects information provided to, DESBT. A training contract record in DELTA will always have a status, e.g. 'Active' or 'Complete', and may also have a sub-status which generally provides additional information – e.g. sub-status 'Active' and sub-status 'Permanent Transfer'.
Supervising registered training organisation (SRTO)	A registered training organisation that: <ol style="list-style-type: none"> 1. accepts a nomination to deliver training and assessment to apprentices or trainees as negotiated and agreed under individual training plans 2. assesses an employer's capacity to provide the supervision, facilities and training required under the training plan for an apprentice or trainee 3. assesses whether the apprentice or trainee has completed the training and assessment required to be completed under a training plan 4. when satisfied the apprentice or trainee has completed the training and assessment required, issues the qualification or statement of attainment stated in the training plan, and is a signatory on a completion agreement verifying that all training and assessment required under the training plan has been completed by the apprentice or trainee.



Legislation

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

Delegations/Authorisations

- [Director-General's Delegations under the Further Education and Training Act 2014](#)
- [Executive Director's sub-delegations under the Further Education and Training Act 2014](#)

Related policies

- [Declaration of apprenticeships and traineeships in Queensland policy](#)
- [Electronic signing policy for apprenticeships and traineeships in Queensland](#)
- [School-based apprenticeships and traineeships policy – Queensland and Norfolk Island](#)

Related procedures

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

Supporting information/websites

Agreements (DESBT and AASN Providers only)

- Protocols between DESBT and the AASN Providers
- Services Agreement (or Deed of Agreement) between DESBT and AASN Providers

Forms

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

Work instructions

- Permanent transfer - application by all parties and proposed new employer (AASNs)
- Permanent transfer of a registered training contract (DESBT)
- Temporary transfer of a registered training contract (AASNs and DESBT)

AASN officers can access AASN Work Instructions in the [AASN library on SharePoint](#)
DESBT officers can access DESBT Work Instructions at this [internal website](#).

Online materials

- [Australian Apprenticeships website](#)
- [Guide to school-based apprenticeships and traineeships](#)

Letters

- AIRDOCS – Permanent transfer (DESBT employees only)
- DocumentCorePack – Permanent transfer – Notify AASN Provider (DESBT employees only)
- DocumentCorePack – Permanent transfer – approved - EMP old (DESBT employees only)
- DocumentCorePack – Permanent transfer – NOT approved – EMP new-EMP old-APP-Parent-School (DESBT employees only)
- DocumentCorePack – Permanent transfer –inviting objections - EMP current (DESBT employees only)
- DocumentCorePack – Permanent transfer – after inviting objections - decision to approve (DESBT employees only)
- DocumentCorePack – Permanent transfer – after inviting objections - decision NOT to approve (DESBT employees only)
- SharePoint - Permanent transfer original employer (AASN employees only)
- SharePoint – Permanent transfer Not Approved (AASN employees only)

Website

- Human Rights: www.qld.gov.au/law/your-rights/human-rights

Contact

For further information, please contact Apprenticeships Info:

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





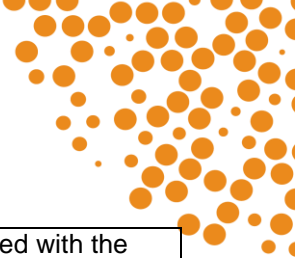
Attachment 1

Factors to be considered in decision making process – Permanent Transfer

A range of factors may impact on the decision of the delegated officer and these will vary from case to case. Whilst this is not an exhaustive list of factors and considerations, the information below may assist with taking the most appropriate action.

Factor	Consideration
<p>Has the application been received in the approved form?</p>	<p>That is –</p> <ul style="list-style-type: none"> ○ application by the employer, apprentice/trainee (and, if the apprentice/trainee is under 18, their parent/guardian if appropriate) and the new employer OR the apprentice/trainee (and, if the apprentice/trainee is under 18, their parent/guardian if appropriate) and the new employer; ○ state the name of the proposed new employer; ○ state the proposed day for the transfer; ○ state that the proposed transfer is agreed to be each of the applicants; ○ state the reasons for the proposed transfer. <p>The FET Act requires that the application be in the approved form, and DESBT has developed a form template to assist the applicants to provide all the required information. 'In the approved form' does not, however, require the applicants to use the available template, but that they provide all the required information in writing, under signature (which includes, for example, by electronic signature).</p>
<p>Is the delegated officer satisfied the criteria mentioned in s17(5)(c) to (g) have been met?</p> <p>Note – s17 of the FET Act relates to registering a training contract. The criteria is to be considered in the context of a permanent transfer.</p>	<p>That is –</p> <ul style="list-style-type: none"> ○ The employer is not a prohibited employer; ○ If the employer is actively employing 25 or more apprentices and trainees under a hosting arrangement – the employer is a group training organisation or principal employer organisation; ○ The apprentice or trainee is not prohibited under an Act or law from undertaking paid employment; ○ A registered training organisation has accepted the nomination to be the SRTO for the apprentice or trainee, and undertaken to prepare a training plan, including an employer resource assessment; ○ If the apprentice or trainee is school-based – that it is appropriate in all the circumstances for the training contract to be registered.
<p>How does a permanent transfer of a school-based trainee affect the minimum work hours?</p>	<p>A permanent transfer is, essentially, a recommencement, in that the trainee ceases with the original employer and recommences with a new employer on permanent transfer. The trainee and the new employer need to know how many hours the trainee has already worked and how many hours they have yet to work before the traineeship can be completed.</p> <p>The trainee must work at least 375 hours (50 days) for each 12 months of the traineeship's full-time nominal term.</p> <p>When a delegated officer facilitates and approves a permanent transfer of a school-based training contract, they are required to calculate and let the employer and trainee</p>





	<p>know the minimum number of hours to be worked with the new employer to enable the training contract to be completed. The calculation is: the number of hours required to be worked, less the hours already worked, resulting in the remaining hours still to be worked.</p> <p>Note – limits on the amount of institutional training which may be delivered to school-based apprentices precludes them from completing whilst at school, therefore it is not a requirement to calculate or let the employer and apprentice know the minimum number of hours yet to be worked with the new employer to enable a training contract for an apprenticeship to be completed.</p>
What is the reason indicated on the permanent transfer application?	<ul style="list-style-type: none"> ○ a reason of 'mutual consent' (or similar) is not a 'reason' for requiring a permanent transfer. Follow-up with the applicants is required, and all applicants need to submit the reason (or agreement to the reason) in writing (e-signature processes are acceptable). ○ Reasons such as 'going to another employer' or 'found another job' should be follow-up with the apprentice/trainee to establish if there were any concerns with the original workplace. <p>If a reason leads a delegated officer to believe that one or more of the parties may be failing to fulfil their obligations, the permanent transfer can still be approved, however an investigation might be required by a DESBT regional officer.</p>
What if there are concerns about the supervision arrangements with the new employer?	A DESBT regional officer may need to investigate.

Attachment 2

Factors to be considered when actioning a Temporary Transfer

Factor	Consideration
Has the application/notice been received in the approved form?	<p>That is –</p> <ul style="list-style-type: none"> ○ a notice signed by the employer, apprentice/trainee (and, if the apprentice/trainee is under 18, their parent/guardian if appropriate) and the new employer; and ○ state the name of the new employer; ○ state the day the transfer took effect; ○ state the period of the transfer; ○ state that the transfer is agreed to be each of the parties to the registered training contract. <p>The FET Act requires that the notice be in the approved form, and DESBT has developed a form template to assist the applicants to provide all the required information. 'In the approved form' does not, however, require the applicants to use the available template, but that they provide all the required information in writing, under signature (which includes, for example, by electronic signature).</p>
What if there are concerns about the supervision arrangements with the new employer?	A DESBT regional officer may need to investigate.

