

Vocational Education and Training (General) Amendment Regulations 2014

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Vocational Education and Training (General) Amendment Regulations 2014*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Vocational Education and Training (General) Regulations 2009*.

4. Regulation 42 amended

(1) After regulation 42(2)(b) insert:

- (ca) the chief executive is not satisfied that the vocational outcome set out in the contract is appropriate for the intended occupation during the contract; or
- (cb) the chief executive is satisfied that registering that contract would result in an effect or outcome that is contrary to the objects of the Act; or
- (cc) the party to be trained is not an Australian citizen, or does not hold an Australian visa that will support the employment and study arrangements specified in the training contract; or

(2) After regulation 42(2) insert:

- (3A) For the purposes of subregulation (2)(ca), if the occupation during the contract is, in fact, the vocational outcome set out in the contract, that is an appropriate vocational outcome.

5. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Training contract

[r. 38]

Apprenticeship/Traineeship

Training Contract

Western Australia

including

Assessment for Australian
Government

Australian Apprenticeships Incentives.

This contract must be completed with
the assistance of an Australian
Apprenticeships Centre.

This is a free service.

Please read this before completing the Training Contract.

**This Training Contract must be completed with the
assistance of your chosen Australian Apprenticeships
Centre.**

- Find out the Australian Apprenticeships Centres that are contracted in your region by calling **13 38 73**; or
- Visit the Australian Apprenticeships website at **www.australianapprenticeships.gov.au**

Australian Apprenticeships Centres are contracted by the Australian Government Department of Industry to provide a FREE service to employers and apprentices/trainees. Australian Apprenticeships Centres are required to personally visit employers and apprentices/trainees to assist in the completion of this Training Contract and related State/Territory Training Authority documentation.

Only an officially contracted Australian Apprenticeships Centre is authorised to provide advice on the eligibility and payment of Australian Government Australian Apprenticeships Incentives.

Before completing the Training Contract please read the following sections:

- **Information You Need to Know and Information to Help Complete the Training Contract.**
- **Training Contract Declaration and Obligations.**
- **Information on Australian Government Australian Apprenticeships Incentives.**

If filling this Contract out by hand, please write clearly, in BLOCK LETTERS, and push firmly with a ball point pen. Do not use correction fluid. Cross out the error and write the correct information above it.

ALL corrections must be initialled by all parties to the Contract.

When the Training Contract is completed your Australian Apprenticeships Centre will lodge it for approval/registration with the relevant State/Territory Training Authority.

- You should give the original Training Contract with original signatures to your Australian Apprenticeships Centre.
- You should keep a copy of the Training Contract for your records.
- You should give your apprentice or trainee a copy of the Training Contract.

An unsigned or incomplete Training Contract cannot be processed and will be returned for completion. Before you lodge it, make sure you have taken the steps in the following checklist:

- Additional information and/or evidence required by questions 21, 22 and 24 is provided if necessary.
- The employer, the apprentice/trainee, and any guardian or parent as required, have all read, signed and dated the Training Contract.
- Any alterations to any part of the document are initialled by all those who sign the Training Contract.

Contacts for Further Information & Assistance

Australian Apprenticeships Centres

- administer Australian Government incentive payments to employers and allowances for apprentices/trainees;
- provide information on Australian Apprenticeships options to employers and other interested people;
- market and promote Australian Apprenticeships;
- work with the State/Territory government department or agency to provide an integrated service;
- work with training providers, schools and other organisations to support Australian Apprenticeships; and
- provide support to employers and Australian Apprentices throughout the Australian Apprenticeship to encourage successful completion.

Australian Apprenticeships Centres are located throughout each State and Territory.

- Find an Australian Apprenticeships Centre in your region by calling 13 38 73; or
- Visit the Australian Apprenticeships website at www.australianapprenticeships.gov.au

Western Australia Government

Further information can be obtained from:

Department of Training and Workforce Development
Locked Bag 16, Osborne Park DC WA 6916

Ph: 13 19 54

Ph: (08) 6551 5499

Fax: (08) 6551 5307

Web: www.apprenticentre.wa.gov.au

Training Contract

This contract forms a legally binding agreement between an employer and employee for the training of Apprentices and Trainees leading to a nationally recognised qualification. In signing this contract the parties are bound by the obligations detailed below and the legislation of the State or Territory in which this training contract is to be registered.

Training Contract Declaration

We, the employer, apprentice/trainee and parent or guardian (where applicable) have read and understood the **Training Contract Obligations** outlined below.

We declare that to the best of our knowledge the details entered on this Training Contract are true and correct. We understand that the giving of false or misleading information is a serious offence.

We understand that the information provided in this Training Contract:

- is collected for the purposes of registration, preparing statistics, reporting, program administration, monitoring and evaluation, calculating incentives and allowances paid to employers and apprentices/trainees and preventing dual payments;
- may be disclosed to and used for these purposes by the Australian Government, including the Department of Industry and Centrelink, State/Territory government departments and agencies, employers, our Australian Apprenticeships Centre, Registered Training Organisation (RTO), non-government education authorities and the contractors or agents of any of these organisations, departments and agencies;
- may also be exchanged between the Department of Industry and Centrelink (for Youth Allowance, Austudy and ABSTUDY administration) to provide confirmation that the apprentice/trainee who signed this declaration is an Australian Apprentice;
- may otherwise be disclosed without consent where authorised or required by law.

We understand that this Apprenticeship/Traineeship Contract is legally binding in accordance with the **Training Contract Obligations** set out below and the legislation of the State or Territory in which this Training Contract is to be registered.

We understand that this Training Contract can only be terminated within the period of the probation and/or, in accordance with the requirements of the relevant State/Territory

legislation, and that the probation periods are determined by the State/Territory Training Authority or relevant industrial award/agreement for this qualification and vocation.

We undertake to negotiate and sign a Training Plan with the chosen RTO as required by the relevant State/Territory Training Authority.

The employer representative (on behalf of the employer named in Question 28)	
Surname (family name)	Given names (in full)
Signed this day: Day /Month /Year	Signature of employer representative
The apprentice/trainee	
Surname (family name)	Given names (in full)
Signed this day: Day /Month /Year	Signature of apprentice/trainee
Signed this day: Day /Month /Year	Signature of parent/guardian (for apprentice/trainee under 18 years of age)
Name of Apprenticeship/Traineeship (as designated by legislation/regulation):	

Training Contract Obligations

For the employer, apprentice or trainee, and parent or guardian (where applicable). We agree that:

- a) the Contract commences from the date stated in question 3, provided that it has been registered or approved under the provisions of the relevant State/Territory legislation;
- b) the Contract can only be changed by our agreement and according to State/Territory legislation and the State/Territory Training Authority must be informed of the proposed change/s. In some States/Territories approval for the change/s must be sought;
- c) the apprentice/trainee can see, and correct, any information about himself/herself in this Contract or held by the employer in relation to this Contract;
- d) the apprentice/trainee is not liable for any unintentional damage to material or property in the course of their work and training;
- e) we will try to resolve any dispute we have between us, and if we can't, we will contact our State/Territory Training Authority to request assistance or to access the appropriate dispute resolution processes;

- f) the Contract can be audited by the relevant State/Territory Training Authority or Australian Government Department;
- g) the Contract is successfully completed when there is agreement from the employer, Registered Training Organisation and apprentice/trainee, and/or an acknowledgment by the State/Territory Training Authority, that the apprentice/trainee has attained all the required competencies;
- h) this Contract expires if it reaches the expected term of the apprenticeship/traineeship referred to in question 4 without the apprentice/trainee having attained all the required competencies or a request for an extension of the contract having been endorsed by a State/Territory Training Authority;
- i) this Contract may be terminated in accordance with State/Territory legislation.

For the employer. I agree that I will:

- a) employ and train the apprentice/trainee as agreed in our Training Plan and ensure the apprentice/trainee understands the choices that he/she has regarding the training;
- b) 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;
- c) make sure the apprentice/trainee receives on-the-job training and assessment in accordance with our Training Plan;
- d) provide work that is relevant and appropriate to the vocation and also to the achievement of the qualification referred to in this Contract;
- e) release the apprentice/trainee from work to attend any training and assessment specified in our Training Plan;
- f) pay the apprentice/trainee the appropriate wages to attend any training and assessment specified in the Training Plan noting that any time spent by the apprentice/trainee in performing his or her obligations under the contract, whether at the employer's workplace or not, is to be taken for all purposes (including the payment of remuneration) to be time spent working for the employer;
- g) meet all legal requirements regarding the apprentice/trainee, including but not limited to, occupational health and safety requirements and payment of wages and conditions under the relevant employment arrangements;
- h) repay any payment I receive that I am not entitled to;
- i) work with our RTO and the apprentice/trainee to make sure we follow our Training Plan, keep training records up-to-date, and monitor and support the apprentice/trainee's progress; and
- j) let the relevant State/Territory Training Authority and the RTO know within five working days (or when the local State/Territory legislation requires, if this is different) if our Training Contract has become jeopardised.

I acknowledge that it is an offence to use information in the Contract to discriminate against any person, including the apprentice/trainee.

For the apprentice/trainee. I agree that I will:

- a) attend work, do my job, and follow my employer's instructions, as long as they are lawful;
- b) work towards achieving the qualification stated in our Training Contract;
- c) undertake any training and assessment in our Training Plan.

For the parent or guardian.

I agree that I will uphold the responsibilities listed above for the apprentice/trainee until this person is 18 years of age.

Apprenticeship/Traineeship details

1	Title and level of qualification
2	National Qualification Code
3	Commencement date of employment for Apprenticeship/Traineeship Day /Month /Year
4	Nominal term of Apprenticeship/Traineeship (months)
5	The period of probation for this Apprenticeship/Traineeship (months)
6	Type of Apprenticeship/Traineeship <input type="checkbox"/> Apprenticeship <input type="checkbox"/> Traineeship
7	Is the apprentice/trainee an existing worker? <input type="checkbox"/> No <input type="checkbox"/> Yes (Refer to Information to Help Complete the Training Contract)

Apprentice/Trainee details

8	Surname (family name) Given names (in full)
9	Address (residential) <div style="text-align: right;">State Postcode</div>
	Address (postal) <div style="text-align: right;">State Postcode</div>
10	Telephone number/s Home Mobile
	Email
11	Date of birth Day /Month /Year

12	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female						
13	<p>Citizenship (Tick applicable box)</p> <p><input type="checkbox"/> Australian citizen or permanent resident</p> <p><input type="checkbox"/> A New Zealand passport holder who has been resident in Australia for 6 months or more (Refer to Information to Help Complete the Training Contract)</p> <p><input type="checkbox"/> Other – Visa document number</p>						
14*	<p>Are you of Aboriginal or Torres Strait Islander origin?</p> <p>For persons of both Aboriginal AND Torres Strait Islander origin mark both 'Yes' boxes.</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes, Aboriginal <input type="checkbox"/> Yes, Torres Strait Islander</p>						
15*	<p>In which country were you born?</p> <p><input type="checkbox"/> Australia <input type="checkbox"/> Other (please specify)</p>						
16*	<p>Do you speak a language other than English at home? (If more than one language, indicate the one that is spoken most often.)</p> <p><input type="checkbox"/> English only <input type="checkbox"/> Other (please specify)</p>						
17*	<p>Do you consider yourself to have a disability, impairment or long-term condition?</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes (If you answered YES you may qualify for additional assistance)</p>						
18	<p>Are you still attending secondary school?</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes → What Year level are you currently in at school? (e.g. Year 11)</p> <p>Name of Secondary School</p>						
19	<p>Is this an approved Australian School-based Apprenticeship/Traineeship?</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes (Refer to Information to Help Complete the Training Contract)</p>						
20	<p>What is your highest COMPLETED school level?</p> <p><input type="checkbox"/> Year 12 or equivalent <input type="checkbox"/> Year 11 or equivalent</p> <p><input type="checkbox"/> Year 10 or equivalent <input type="checkbox"/> Year 9 or equivalent</p> <p><input type="checkbox"/> Year 8 or below <input type="checkbox"/> Did not go to school</p> <p>When did you complete that school level? Month /Year</p>						
21	<p>Have you successfully COMPLETED any of the following qualifications?</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes → tick and complete any applicable boxes</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Commenced</td> <td style="width: 50%; text-align: right;">Completed</td> </tr> <tr> <td colspan="2" style="text-align: center;"><input type="checkbox"/> Bachelor degree or higher</td> </tr> <tr> <td colspan="2" style="text-align: center;"><input type="checkbox"/> Advanced Diploma (or Associate Degree)</td> </tr> </table>	Commenced	Completed	<input type="checkbox"/> Bachelor degree or higher		<input type="checkbox"/> Advanced Diploma (or Associate Degree)	
Commenced	Completed						
<input type="checkbox"/> Bachelor degree or higher							
<input type="checkbox"/> Advanced Diploma (or Associate Degree)							

	<p><input type="checkbox"/> Diploma (or Associate Diploma)</p> <p>Month/Year <input type="checkbox"/> Certificate IV (eg Advanced Certificate/Technician) Month/Year</p> <p>Month/Year <input type="checkbox"/> Certificate III (eg Trade Certificate) Month/Year</p> <p>Month/Year <input type="checkbox"/> Certificate II Month/Year</p> <p><input type="checkbox"/> Certificate I</p> <p><input type="checkbox"/> Pre-Apprenticeship/Pre-Vocational</p> <p><input type="checkbox"/> Certificates of qualifications other than above Month/Year</p> <p>Title and level of qualification/s obtained (Attach list if necessary)</p>
22*	<p>If you have completed a qualification at Certificate Level III or above, do any of the following apply to you?</p> <p>The qualification cannot be used because of an <input type="checkbox"/> No <input type="checkbox"/> Yes injury or disability</p> <p>You are an Intensive Support Customised <input type="checkbox"/> No <input type="checkbox"/> Yes Assistance Client</p> <p>You are unemployed and have been registered <input type="checkbox"/> No <input type="checkbox"/> Yes with Centrelink for 12 months or more</p> <p>(If you answered YES to any of the above, you will need to attach evidence. Contact your Australian Apprenticeships Centre regarding evidence requirements.)</p>
23	<p>Have you previously worked as an apprentice or trainee?</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes → Please provide details below. If you are unsure of any of these details, ask your Australian Apprenticeships Centre for assistance.</p> <p>Name of company</p> <p>Title and level of qualification</p> <p>State/Territory/ Overseas Year of commencement Apprentice/ Trainee number</p>
24	<p>Are you seeking credit to reduce the term of the Training Contract? (Refer to Information to Help Complete the Training Contract) (Evidence is required and must be attached.)</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes → How much credit are the parties seeking? (months)</p>

25	<p>Are you currently undertaking any other study?</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes → Please provide details below.</p> <p>Title and level of qualification</p>
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Parent or Guardian details

If under 18 years of age, go to **Question 26**. If 18 years or over, go to **Question 28**.

26	Surname (family name)		
	Given names (in full)		
27	Address		
		State	Postcode
	Telephone number		
	Home ()	Mobile	Work ()

Employer details

28	Legal name of employer (Refer to Information to Help Complete the Training Contract)		
29	Australian Business Number (ABN) of your legal entity		
30	Trading name		
31	Postal Address		
		State	Postcode
32	Telephone number		
	Business ()	Mobile	Fax ()
	Email		
33	What is the industry or principal activity of the business?		
34	Type of employer		
	<input type="checkbox"/> Private sector	<input type="checkbox"/> Local Government	
	<input type="checkbox"/> Government Business Enterprise	<input type="checkbox"/> State Government	
	<input type="checkbox"/> Group Training Organisation	<input type="checkbox"/> Federal Government	

Employment and Training details

(For apprentices/trainees employed through Group Training Organisations provide the name and address of the first host employer.)

35	Name of workplace where apprentice/trainee will be employed		
	Address of workplace where apprentice/trainee will be employed		
	State	Postcode	
36	Workplace details		
	Total number of people employed by the firm		
	Total number of apprentices/trainees in this workplace		
	Number of workers able to demonstrate the relevant competencies available to supervise or train the apprentices/trainees in this workplace		
37	Name of contact person for this workplace		
	Telephone number ()	Fax ()	
	Email		
38	Type of employment arrangement		
	<input type="checkbox"/> Federal Award <input type="checkbox"/> Australian Workplace Agreement <input type="checkbox"/> Certified Agreement <input type="checkbox"/> State Workplace Agreement <input type="checkbox"/> State Award <input type="checkbox"/> Other Name of Agreement/Award		
39	Please indicate the number of hours of employment and training per week and whether this Apprenticeship/Traineeship is full-time or part-time.		
	Number of hours work and training per week		
	<input type="checkbox"/> Full-time <input type="checkbox"/> Part-time		
40	Prior to commencing THIS Apprenticeship/Traineeship, has the apprentice/trainee worked for, or been hosted by/to, the employer/host employer?		
	<input type="checkbox"/> No <input type="checkbox"/> Yes → (To be completed with the assistance of your Australian Apprenticeships Centre)		
	Period of previous full-time employment/hosting: from	Day Month Year / /	to Day Month Year / /
	Period of previous part-time employment/hosting: from	Day Month Year / /	to Day Month Year / /
	Part-time: Number of hours per week		

	Period of previous casual employment/hosting: from	Day Month Year / /	to	Day Month Year / /
		Casual: Number of hours per week		
41	<p>Is the apprentice/trainee in a business relationship with this employer?</p> <p>(Examples include partnership, director or franchise arrangement – family trusts excluded.) (Refer to Information to Help Complete the Training Contract)</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes → Type of business relationship</p>			
42	<p>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?</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes → Please provide details below</p>			

Registered Training Organisation details

Name of Registered Training Organisation (RTO)	
Telephone number ()	Contact Officer

Australian Apprenticeships Centre details

Name of Australian Apprenticeships Centre	
Telephone number ()	Contact Officer
Office Use Only Project Code	

Information on Australian Government Australian Apprenticeships Incentives

Australian Apprenticeships encompass all apprenticeships and traineeships. They combine time at work with training and can be full-time, part-time or school-based. Australian Apprenticeships are a stepping stone to ongoing employment or further education and training, and a great way to get a head start to a career.

The Australian Apprenticeships Incentives Program encourages employers to offer the kinds of employment-related training opportunities that will encourage people to acquire and expand their working skills.

The criteria and funding of Australian Government Australian Apprenticeships Incentives payments may change during the term of this Training Contract in line with Government priorities. These changes will be notified by your Australian Apprenticeships Centre.

For further details about the incentives listed here, including application forms and advice about whether you may be eligible, contact your Australian Apprenticeships Centre.

Eligibility for Australian Government Incentives – Information for Employers

This Training Contract has been designed to assess your eligibility for Australian Government Australian Apprenticeships Incentives.

These Incentives can include Commencement, Recommencement, Completion and other special incentives.

Eligibility is assessed on a number of criteria, including but not limited to:

- the date the Australian Apprentice commences or recommences with an employer;
- the employment status of the Australian Apprentice at the date the incentive falls due;
- the location of the workplace;
- the accredited training program is in place;
- the type of employment relationship; and
- the formal approval by the State or Territory Training Authority.

If you are eligible for Australian Government Incentives, you will need to complete a separate Claim Form available from your Australian Apprenticeships Centre in order to be paid. This Claim Form should be lodged following:

- approval of the Training Contract;
- after the apprentice/trainee has commenced training according to the approved Training Plan; and
- after the Australian Government waiting period has expired and the apprentice/trainee is still employed by your business and any State/Territory probation period has been completed.

Taxation

If you are eligible for Australian Government Incentives you should be aware that if you do not provide your ABN when lodging a Claim Form, the Department of Industry will be obliged to withhold 46.5% of the incentive payment and remit it to the Australian Taxation Office.

You should seek independent advice regarding your taxation position.

Other Australian Government Assistance

Assistance for Apprentices/Trainees with a Disability

The Australian Government may provide assistance to employers of apprentices/trainees with a disability, including the Disabled Australian Apprenticeships Wage Support program, Tutorial Assistance, Mentor/Interpreter Assistance. Workplace modifications may be available for disabled apprentices and trainees. If applying for assistance you will need to complete an Application Form and an Occupational Assessment Form.

Living Away from Home Allowance

Apprentices/trainees may be eligible for a Living Away from Home Allowance for the first 36 months of an Apprenticeship/Traineeship, if they had to move

away from their parents'/guardians' home to commence or remain in the Apprenticeship/Traineeship, or if they are homeless.

Information You Need to Know

National Code of Good Practice for Australian Apprenticeships

This code explains the rights and responsibilities of the people who sign this contract. Free copies of the code are available from your Australian Apprenticeships Centre.

Making choices

a. Choosing a Registered Training Organisation (RTO)

The employer and the apprentice/trainee must select an RTO to provide training from a list available from your Australian Apprenticeships Centre or State/Territory Training Authority. The apprentice/trainee must be enrolled with the selected RTO. Contact your Australian Apprenticeships Centre or State/Territory Training Authority for the list. (See the **Contacts for Further Information and Assistance** section of this document for contacts.)

The employer and apprentice/trainee have a right to:

- ask RTOs for accurate and timely information about training options they can offer you;
- identify and select the training outcomes from nationally endorsed Training Packages or accredited courses that are available in your State/Territory;
- negotiate a Training Plan with the RTO according to the relevant State/Territory Training Authority.

b. Training Plans

A Training Plan sets out the training that an apprentice/trainee will do both on-the-job and off-the-job. It also sets out how the RTO will ensure the apprentice/trainee will receive quality training - both on-the-job and off-the-job.

It's important that the employer and the apprentice/trainee know how the Plan will work and are well-informed about it.

Training Plans reflect the choices made in relation to:

- the RTO that will provide the training;
- which competency standards will be covered and in what order;
- when, where and how training is provided;
- which trainer/facilitator provides the training;
- who assesses the apprentice/trainee;
- how the training is evaluated.

Qualifications and records

Once the apprentice/trainee successfully completes all assessment requirements of the Training Plan, the RTO must issue the qualification specified in the Plan. If the apprentice/trainee only completes some of the competency standards, the RTO must issue a Statement of Attainment. The RTO will keep the relevant records.

Allowances and Incentives

A range of Australian Government and State/Territory incentives and subsidies may be available from time to time. For more information, see the **Information on Australian Government Australian Apprenticeships Incentives** section of this document.

State/Territory government allowances may also be available where the apprentice/trainee has to travel away from home to attend training.

Check with an Australian Apprenticeships Centre in your region.

Existing workers who become apprentices/trainees may not attract Australian Government or State/Territory subsidies and incentives.

Information to Help Complete the Training Contract

Questions marked (*) 14, 15, 16, 17 and 22 are optional questions

You are not required to complete these questions, however, if you answer question 22 it may assist in processing your claim for incentives.

Questions 1, 2, 21 and 25 – Title, Level and Code of Qualification

Apprentices/trainees who successfully complete their training receive a nationally recognised qualification. Qualification titles and levels are laid out in the relevant nationally endorsed industry Training Package or accredited training course. Titles and levels are also on the Australian Qualifications Framework certificates issued by RTOs. Qualification codes are available from the National Register, training.gov.au (www.training.gov.au). Your Australian Apprenticeships Centre or RTO can also provide this information.

Question 7 – Existing Worker

An existing worker is defined as a person who has been employed by the applicant employer continuously for more than 3 months full-time or 12 months casual or part-time or a combination of both, immediately prior to the commencement date of the Training Contract as shown in question 3.

State/Territory/Australian Government incentives may not apply to existing worker arrangements. You should contact your nominated Australian Apprenticeships Centre for advice in relation to eligibility for any incentives.

Question 13 – New Zealand Passport Holders

Australian Government incentives are only available to New Zealand passport holders if the applicant has been resident in Australia for 6 months or more. However, a Training Contract with the New Zealand passport holder could still be registered. Contact your Australian Apprenticeships Centre or State/Territory Training Authority for more information.

Question 19 – Australian School-based Apprenticeship

Australian Apprenticeship training undertaken by a student will be an Australian School-based Apprenticeship when all of the following apply:

- the student is enrolled in a senior secondary certificate under the relevant Education Act;
- the school or education provider at which the student is enrolled acknowledges and endorses the Training Plan required by the Apprenticeship/Traineeship Training Contract;
- the Australian School-based Apprenticeship is recognised on the senior secondary certificate.

(Note: The term Australian Apprenticeships relates to apprenticeships and traineeships)

Question 24 – Credit

An apprentice/trainee may gain “credit” for relevant prior learning or experience. This prior learning or experience must be formally recognised and may mean the duration of the Training Contract can be changed. Credit may also affect industrial relations arrangements and incentive payments. For more information contact your Australian Apprenticeships Centre or RTO.

Your RTO should discuss the issue of credit for prior learning with you during the negotiation of the Training Plan associated with this contract of training.

Question 28 – Legal Name of Employer

The employer must provide the name of the employer’s legal entity. This will be a person’s name, a company name, or the name of an incorporated association, NOT a trading name, business name, or name of a trust.

Questions 34 and 35 – Group Training Organisation

A group training organisation employs apprentices/trainees and places them with host employers. The host employer and the company providing the group training services must be separate legal entities.

Question 39 – Full-time/Part-time Apprentices and Trainees

Apprenticeships/traineeships may be undertaken full-time or part-time. A full-time apprentice/trainee is one whose ordinary hours of employment, including the training component, are not less than the usual hours of employment for a full-time employee in that occupation. Part-time provisions vary across Australia and across occupations. For more information contact an Australian Apprenticeships Centre in your region or State/Territory Training Authority. See the **Contacts for Further Information and Assistance** section for further contact details.

Question 41 – Business Relationship

A business relationship includes a pre-existing or current business relationship between the employer and the apprentice/trainee; for example, when the apprentice/ trainee is a partner, a director of the company, a previous director or partner or involved in franchise arrangements.

FOR OFFICE USE ONLY

Australian Apprenticeships Centre Declaration

This section is completed by the Australian Apprenticeships Centre

I certify that:

- details entered have been verified.
- the application meets/does not meet all initial assessment criteria for payment as specified in the **Australian Government Australian Apprenticeships Incentives Program Guidelines**.
- I have advised the employer and the apprentice/trainee of their obligations and responsibilities under the Training Contract.
- I have informed the employer and the apprentice/trainee of their options under User Choice provisions.
- I have provided relevant publications to the employer and the apprentice/trainee.

I understand that:

- it is a serious offence to make a false or misleading statement in connection with an application for payment; and
- fees paid to the Australian Apprenticeships Centre and any incentives paid to any employer in relation to the processing of the Contract may be recovered if this Contract has not been processed in accordance with the **Australian Government Australian Apprenticeships Support Services Contract**.

Name of Australian Apprenticeships Centre

Printed name of person verifying details

Signature of person verifying details

Date *day/month/year*

TYIMS Registration ID

Training Contract ID No.

Eligible for incentives

Not eligible for incentives

Notes

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R. KENEDY, Clerk of the Executive Council.

Vocational Education and Training (Colleges) Amendment Regulations 2014

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Vocational Education and Training (Colleges) Amendment Regulations 2014*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Vocational Education and Training (Colleges) Regulations 1996*.

4. Regulation 3 amended

In regulation 3(1) in the definition of *secondary school aged person* delete “their compulsory education period,” and insert:

the calendar year in which their compulsory education period expires,

5. Regulation 5 amended

In regulation 5 delete the definition of *course* and insert:

course means a category 1, 2 or 3 course.

6. Regulation 9 amended

In regulation 9(2) delete “Division 2”.

7. Part 3 Division 2 Subdivision 1 deleted

Delete Part 3 Division 2 Subdivision 1.

8. Part 3 Division 2 Subdivision 2 heading deleted

Delete the heading to Part 3 Division 2 Subdivision 2.

9. Regulation 13B replaced

Delete regulation 13B and insert:

13B. Course fees for 2015 — Schedule 1

- (1) The course fee for a unit of a course to be commenced by a student in 2015 is as follows —
 - (a) the relevant fee determined in accordance with Schedule 1 item 2, 3, 4 or 5 (the *unit fee*);
 - (b) if more than one unit is to be commenced — the sum of the unit fees for each unit to be commenced.
- (2) Subregulation (1) does not apply to a course or unit for which there is a determination in force under regulation 15A.
- (3) Despite subregulation (1), the maximum amount of course fee payable in 2015 by a student who is not a secondary school aged person is \$7 700 for each course, that the student is enrolled in one or more than one unit of, that, if successfully completed, would result in the conferral of a prescribed VET qualification of a Diploma or Advanced Diploma.
- (4) Despite subregulation (1), the maximum amount of course fee payable in 2015 by a student who is a secondary school aged person is \$410.

10. Regulation 13 amended

- (1) Delete regulation 13(1).
- (2) In regulation 13(2):
 - (a) in paragraph (a) delete “52626WA”; and
 - (b) in paragraph (b) delete “52379”.
- (3) In regulation 13(3)(a) after “enrolled” insert:

on a full-time basis

11. Regulation 24A amended

- (1) In regulation 24A in the definition of *payment period* delete “due;” and insert:

due, or a period of up to 12 months (if within the same calendar year);

- (2) In regulation 24A in the definition of *unforeseen circumstances* delete “regulation 25(2).” and insert:

regulation 25(3).

12. Regulation 25 replaced

Delete regulation 25 and insert:

25. Full refund of certain fees if withdrawal within allowed period

- (1) A person enrolled for a whole of course is entitled to a full refund of all fees paid in respect of the payment period for that course if within the allowed period the person withdraws from the course.
- (2) A person enrolled for a unit is entitled to a full refund of all fees paid in respect of that unit or a payment period for that unit if within the allowed period the person withdraws from the unit.
- (3) For the purpose of subregulations (1) and (2) the allowed period —
- (a) for a course is the period ending 20% of the way through the payment period; and
 - (b) for a unit is the period ending 20% of the way through the period during which that unit is undertaken.

13. Regulation 26 amended

In regulation 26(1) and (2) delete “regulation 25(2),” and insert:

regulation 25(3),

Note: The heading to regulation 26 is to read:

Pro rata refund of fees if withdrawal after allowed period

14. Schedule 1 amended

- (1) Delete Schedule 1 Division 1.
- (2) Delete the heading to Schedule 1 Division 2.
- (3) In Schedule 1 amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
Sch. 1 Div. 2 it. 2	5.53	5.67
Sch. 1 Div. 2 it. 3(a)	2.49	3.09
Sch. 1 Div. 2 it. 3(b)	1.25	1.55
Sch. 1 Div. 2 it. 4(a)	3.92	4.65
Sch. 1 Div. 2 it. 4(b)	1.96	2.32
Sch. 1 Div. 2 it. 5	0.20	0.21

R. KENNEDY, Clerk of the Executive Council.

Vocational Education and Training (General) Amendment Regulations (No. 3) 2014

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Vocational Education and Training (General) Amendment Regulations (No. 3) 2014*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Vocational Education and Training (General) Regulations 2009*.

4. Regulation 38 amended

After regulation 38(2) insert:

- (3A) A training contract must specify a default maximum time of 9 months employment under that contract, or such lesser time as may be mutually agreed by the parties, before any competency based wage progression clause in an award can be invoked using units gained institutionally.
- (3B) In subregulation (3A) —
units gained institutionally means units gained as part of a prior qualification such as a pre-apprenticeship, but does not include units attained by fulfilling the obligations of an apprentice under a training contract.

5. Schedule 1 amended

In Schedule 1 in the Training Contract Obligations in the provision with the heading “**For the employer, apprentice or trainee, and parent or guardian (where applicable). We agree that:**”:

- (a) in paragraph i) delete “legislation.” and insert:

legislation;

(b) after paragraph i) insert:

- j) any competency based wage progression clause, in an award that this Contract is subject to, cannot be invoked using units gained institutionally**, until —
- i) the apprentice has completed 9 months of employment in this Contract; or
 - ii) the apprentice has completed, in this Contract, a period of employment mutually agreed by parties to the Contract. The period may be shorter than the 9 month requirement.

** **units gained institutionally** means units gained as part of a prior qualification such as a pre-apprenticeship, but does not include units attained by fulfilling the obligations of an apprentice under a training contract.

R. KENNEDY, Clerk of the Executive Council.
