



# Training contract registration assessment – Frequently asked questions

## **What is the Department's role in relation to training contracts?**

The Department of Training and Workforce Development (the Department) registers, administers and regulates Western Australian training contracts, consistent with Part 7 of the *Vocational Education and Training Act 1996* and the *Vocational Education and Training (General) Regulations 2009*.

## **Why does the Department assess the registration of training contracts?**

A training contract must satisfy the relevant legislative requirements for it to be approved to be registered. The training contract assessment also forms part of a broader compliance strategy aimed at upholding the integrity and quality of the vocational education and training (VET) system in Western Australia.

## **When is a training contract 'lodged' with the Department?**

A training contract is lodged with the Department when:

- the Department receives the training contract data transmitted by the Commonwealth Department of Education and Training's system; and
- the Department receives a copy of the training contract, either in hard copy or the smart form.

The lodgement date of a training contract is the latter of the above. For example; if the training contract data was received by the Department on 28 February 2016 but the hard copy/Smart Form was not received until 1 March 2016, the lodgement date is 1 March 2016.

## **How are training contracts assessed?**

All training contracts must undergo an assessment before they can be approved for registration.

When identifying training contracts for further assessment, the Department applies a risk-based approach based on historical data and potential risk of non-compliance with the assessment criteria and training contract obligations.

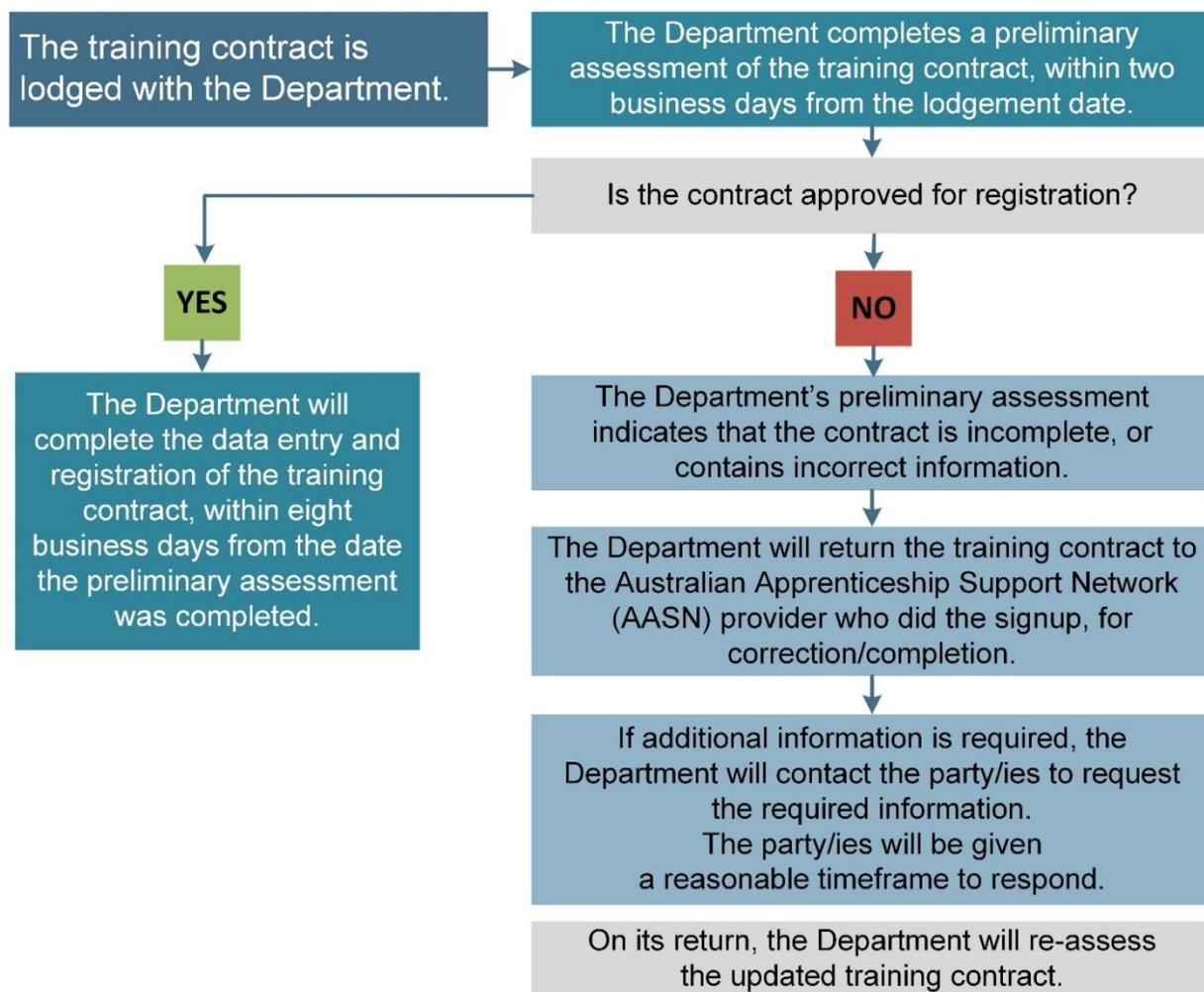
Training contracts may require further assessment in the following circumstances.

- **The intended occupation does not appear to be aligned with the qualification**  
For example; further assessment may be undertaken if a person indicated that they would be employed as an administrative assistant within a company and signed into a training contract in a qualification in Early Childhood and Education Care.
- **The registration of the contract may result in a contrary outcome or effect to the objects of the Act.**  
The objects of the *Vocational Education and Training Act 1996* can be found in Part 4 of the Act. One of the objects refers to the efficient and effective provision of vocational education and training. There may be further assessment required when it appears that the registration of a training contract or group of training contracts would impact on the efficient and effective provision of the State's VET system.
- **The visa does not appear to meet the requirements of the training contract.**  
For example; further assessment may be undertaken if it appeared that the person's visa conditions did not allow for them to work in Australia, or the visa validity period was inconsistent with the nominal term of the training contract.
- **The employer does not appear to be able to provide adequate training.**  
For example; further assessment may be undertaken if the employer is in the manufacturing industry but the nominated qualifications for the apprentices\* are hospitality related.

Please note this is not an exhaustive list.

### **How long will the assessment take?**

The Department endeavours to finalise the assessment of the contract and determine whether to approve or refuse to register the contract within the following timelines as illustrated in the diagram on the following page:



### Preliminary assessment and conditional approval

A preliminary assessment and conditional approval arrangement is in place for employers intending to sign up 10 or more training contracts. Employers undergo a preliminary assessment on the two key criteria for registration, that is; the appropriateness of the qualification to the intended occupation during the training contract, and the employer’s ability to provide adequate training.

If the preliminary assessment is satisfactory, conditional approval will be given for an employer to be able to lodge a certain number of training contracts for the pre-approved qualification(s) and corresponding intended occupation(s). The conditional approval is valid for a period of six months.

## **What is the process for requesting information when undertaking further assessments on training contracts?**

To assist in making a determination on whether to register the training contract, and as part of the assessment process, the Department may need to make contact with a party or parties to the training contract and request further information. This contact may be made by phone or email to the employer and prospective apprentice. If additional information or comment is required from the party/ies, a reasonable timeframe will be given; usually within seven to 14 days from the date contact is made.

If necessary, the Department may make further contact with the party/ies to seek additional information and/or clarification.

## **I have been asked to provide information to the Department, what shall I provide?**

When making contact with a party to the training contract, the Department will advise the party of the criteria being considered so that they can provide the relevant information.

## **What is my 'intended occupation'?**

The intended occupation for a prospective apprentice reflects the position they will be employed in during the training contract. It should not be confused with their current occupation, or the occupation they may be employed in upon completion of the training contract.

For example, if a prospective apprentice's current occupation within the company is as a receptionist, but they will be employed as payroll officer during the course of the training contract, then they should state 'payroll officer' as the intended occupation.

## **How does the Department assess whether the qualification is appropriate for the intended occupation?**

Under the apprenticeship or traineeship delivery of a qualification, an apprentice is expected to be employed and trained in a capacity relevant and appropriate to the nominated qualification for the duration of the nominal term.

In determining whether the nominated qualification is appropriate for the intended occupation, the Department considers:

- information submitted by parties to the training contract, including but not limited to the position title and day to day duties and functions of the intended occupation, and the organisational chart;
- the requirements outlined in the national training package for the qualification;
- the corresponding ANZSCO classification for the qualification; and
- advice and information from other authorities such as the training councils.

### **What happens after I have provided information to the Department?**

The following outcomes may occur once the Department has undertaken its assessment.

- If the information received satisfies the requirements, the registration assessment will progress.
- If there is no response from the party/parties, a determination will be made on whether to approve or refuse to register the training contract based on the information before the Department at the time.
- If the response received does not satisfy the requirements, the training contract registration cannot proceed. The parties will receive the notification and the reasons in writing.

### **If the Department does not register my training contract, can I appeal the decision?**

Yes, you can. If you are dissatisfied with the decision, you may appeal against it to the Western Australian Industrial Relations Commission within 14 days from the date of the decision. Please refer to the Commission's website [wairc.wa.gov.au](http://wairc.wa.gov.au), for detailed information about the appeal process.

### **Can I submit a new training contract if my training contract was not registered?**

Yes, you can. If the Department does not register a training contract, it does not prevent the parties from entering into and submitting a new training contract for registration.

*\*The term 'apprentice' covers apprentices, trainees, cadets and interns.*