Further Education and Training Act 2014 - **ATF-039**

Permanent transfer application by all parties and proposed new employer

An apprentice or trainee, their employer under an active training contract and a proposed new employer may use this form to apply to permanently transfer the contract to the new employer. Permanently transferring the contract removes the need to cancel with the original employer and sign a new training contract with the new employer.

The application will be decided within 28 days of receipt. If the proposed new employer and apprentice or trainee wish to change their supervising registered training organisation (SRTO) during the transfer process they should also complete and submit form ATF–010: 'Change of supervising registered training organisation', which is available from **BUSY At Work** or the website at **www.busyatwork.com.au.**

How to return this form

- Please return the completed form to **BUSY At Work via email: busy@busyatwork.com.au or fax to 07 5571 0192 or post to BUSY At Work, PO Box 303, Southport, Qld, 4215.**

Training Contract Obligations

The employer, apprentice or trainee, and parent or guardian (where applicable) agree that:

a) the transfer commences from the date determined by our AASN Provider or the Department of Employment, Small Business and Training (DESBT) upon approval of the transfer
b) the transfer can only be changed by our agreement and we acknowledge written notification or application may need to be made to our AASN Provider or DESBT within strict timeframes
c) the apprentice or trainee can see, and correct, any information about himself/herself in the training contract or held by the employer in relation to this training contract
d) we will try to resolve any dispute we have between us, and if we can't, we will contact our AASN Provider or DESBT to request assistance or to access the appropriate dispute resolution processes
e) the training contract can be audited by DESBT or an Australian Government department
f) the training contract is successfully completed when there is agreement from the employer, SRTO and apprentice or trainee, and approval by DESBT, that the apprentice or trainee has attained all the required competencies
g) the training contract expires if it reaches the term of the contract without the apprentice or trainee having attained all the required competencies or a request for an extension of the contract having been endorsed by our AASN Provider or DESBT
h) the training contract may be terminated in accordance with the *Further Education and Training Act 2014*.

The new employer agrees to:

a) employ and train the apprentice or trainee as agreed in our training plan and ensure the apprentice or 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 or trainee while at work, in accordance with the training plan
c) make sure the apprentice or 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 the training contract
e) release the apprentice/trainee from work and pay the appropriate wages to attend any training and assessment specified in our training plan
f) meet all legal requirements regarding the apprentice or trainee, including but not limited to, occupational health and safety requirements and payment of wages and conditions under the relevant employment arrangements
g) repay any payment I receive that I am not entitled to
h) work with our SRTO and the apprentice or 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
i) let our AASN Provider or DESBT know within 14 days if the training contract has become jeopardised because the apprentice or trainee is unlikely to meet the requirements of his or her training plan or the training required under the apprentice's or trainee's training plan cannot be completed within the nominal term of the training contract.

The new employer acknowledges that it is an offence to use information in the training contract to discriminate against any person, including the apprentice/trainee.

Declaration by the new employer and apprentice or trainee

This transfer forms a legally binding agreement between an employer and employee for the training of an apprentice or trainee leading to a nationally recognised qualification. In signing this transfer the parties are bound by the obligations detailed below and as outlined in the *Further Education and Training Act 2014* (the Act).

We, the new employer, apprentice or trainee and parent or guardian (where applicable) have read and understood the **Training Contract Obligations** outlined above, and declare that to the best of our knowledge the details entered on this transfer are true and correct. We understand that giving false or misleading information is a serious offence, and that the information provided in this transfer:

- 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;

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Declaration by the employer and apprentice or trainee (continued)

- may be disclosed to and used for these purposes by the Australian Government, including the Australian Government Department of Education and Training and Centrelink, State/Territory government departments and agencies, employers, Australian Apprenticeship Support Network Providers, registered training organisations (RTO), non-government education authorities and the contractors or agents of any of these organisations, departments and agencies;
- may also be exchanged between Australian Government agencies (for Youth Allowance, Austudy and ABSTUDY administration) to provide confirmation that the apprentice or trainee who signed this declaration is an Australian apprentice; and
- may otherwise be disclosed without consent where authorised or required by law.

The new employer, apprentice/trainee and SRTO undertake to negotiate and sign a training plan.

IMPORTANT – Failure to complete all details on this form may delay processing of this transaction. The transfer will not take effect until approved. If not approved and the apprentice or trainee has already left the original employer, the current training contract will need to be cancelled – if this happens, the apprentice or trainee and proposed new employer may contact their AASN Provider and submit a new training contract for consideration.

Reason(s) for the proposed transfer (attach additional documents if more space is required)	
The proposed date of effect for the transfer:	

Original employer declaration			
Trading name:		**ABN:**	
I/We wish to permanently transfer the registered training contract for the below apprentice or trainee to the new employer as stated on this form.			
Apprentice or trainee's name:		**Training contract registration number:**	
Qualification:		**Qualification code:**	
Name of authorised person signing for employer:		**Phone number:**	
Signature:		**Date:**	

Details of proposed new employer			
Legal name:			
Trading name:		**ABN:**	
Business address: **If transferring to a GTO use GTO head office address**			
Postal address:			
Email:			
Contact person:		**Phone number:**	
Total number of qualified persons in the apprentice or trainee's occupation:			
Total number of apprentices and trainees:		**Total number of employees:**	
Address where the apprentice(s) or trainee(s) will be employed:			
The registered training contract mode will be ☐ full-time ☐ part-time ☐ school-based			
Australian Apprenticeship Support Network Provider: If left blank, the existing provider on the training contract will be retained.			
I/We confirm that the above details are true and correct. I/We understand that the apprenticeship or traineeship training contract is legally binding in accordance with the training contract obligations as detailed on this application and in the *Further Education and Training Act 2014*. (Please tick as appropriate) ☐ The apprentice/trainee is an Australian citizen or a New Zealand citizen. ☐ The apprentice/trainee holds a valid visa which provides work rights allowing them to undertake this apprenticeship or traineeship.			
Name of authorised person signing for employer:			
Signature:		**Date:**	

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AGREEMENT OF THE APPRENTICE OR TRAINEE (and parent or guardian if applicable and appropriate)			
Apprentice or trainee's name:		**Phone number:**	
I am/we are aware that the registered training contract and all the obligations associated with it are being transferred to the new employer as detailed on this form.			
Signature:		**Date:**	
Parent or guardian's name:			
Parent or guardian's signature: *The nominated parent/guardian for the training contract must sign this form.		**Date:**	

ADDITIONAL APPRENTICE OR TRAINEE INFORMATION FOR THE AUSTRALIAN APPRENTICESHIP SUPPORT NETWORK PROVIDER					
Is the apprentice or trainee in a business relationship with the new employer (e.g. partnership, franchisee, director, trust)?	☐ No ☐ Yes	**If yes, please state date period below.**			
		Date from:		**Date to:**	
		If yes, please identify if it was a family trust: ☐ No ☐ Yes			
Since commencing your apprenticeship or traineeship have you <u>completed</u> any of the following?	☐ Bachelor Degree or higher				
	☐ Advanced Diploma (e.g. Associated Degree)				
	☐ Diploma (e.g. Associate Diploma)				
	☐ Certificate IV (e.g. Adv. Certificate/Technician)	**If yes, date commenced:**	**Date completed:**		
	☐ Certificate III (e.g. Trade Certificate)	**If yes, date commenced:**	**Date completed:**		
	☐ Certificate II	**If yes, date commenced:**	**Date completed:**		
	☐ Certificate I				
	☐ Pre-apprenticeship / pre-vocational				
	☐ Certificates or qualifications other than above. **If yes, provide details below:**				
Title and level of qualification(s) obtained: (attach additional documents if more space is required)					
Are you currently undertaking any other study? ☐ No ☐ Yes	**If yes, please give details below:** (attach additional documents if more space is required)				

Privacy Notice – The Department of Employment, Small Business and Training (DESBT) or Australian Apprenticeship Support Network P is collecting the information on this form in accordance with Sections 26–28 of the *Further Education and Training Act 2014 (Qld)* in order to amend the training contract between the abovementioned parties. Information collected on this form may also be used by DESBT for generating statistics. DESBT routinely gives some or all of this information to the Australian Government Department of Education and Training, Australian Apprenticeship Support Network Providers, Queensland Curriculum and Assessment Authority and schools (for school-based apprentices/trainees) and registered training organisations for the purpose of updating the status of the training contract and/or for verifying subsidy claims. Your information will not be disclosed to any other person or agency unless you have given us permission or it is required or authorised by law.contract and/or verifying subsidy claims. Your information will not be disclosed to any other person or agency unless you have given us permission or it is required or authorised by law.