

Appeal against a decision

An employer, apprentice or trainee (and parent/guardian where applicable) aggrieved by a decision made by the Department of Education and Training (DET), in regards to their apprenticeship or traineeship, may request a review of that decision.

Information to get you started

What is it?

If you disagree with a decision made by DET, you may exercise the following options:

- request a review of the decision by your local district office
- lodge a complaint with the Training Ombudsman
- appeal to the Queensland Industrial Relations Commission.

Review by DET

When DET makes a decision in relation to an apprenticeship or traineeship training contract, the parties to the training contract are given an **information notice** stating the decision, and the reasons for making that decision.

If you disagree with the decision you may apply **in writing within 14 days** of the date of the information notice, asking for the decision to be reviewed. In your application you should state:

- why you believe the decision should be reviewed; and
- any relevant information that may not have been considered in the initial decision.

DET may request the **'affected person'** to provide, within a reasonable stated time, any additional documents or information considered necessary to the review.

Complaints to the Training Ombudsman

The Training Ombudsman receives written submissions about certain decisions or general complaints. An employer, apprentice or trainee,

parent/guardian and other persons with sufficient interest may make a complaint.

The Training Ombudsman is only able to review decisions relating to the following matters:

- training delivered to the apprentice or trainee under the training contract
- adequacy of the facilities, range of work and supervision provided by the employer
- circumstances in which the contract was signed or amended or cancelled
- failure of the employer to register the contract within one month of the probation period ending
- failure of the apprentice or trainee to make progress
- DET's exercise of power, or performance of a function, under Chapter 3 of the *Vocational Education, Training and Employment Act 2000* (VETE Act).

The Training Ombudsman may refuse to deal with a complaint where:

- the complaint is considered to be frivolous, lacks substance or is unnecessary or unjustifiable; or
- the person making the complaint does not have a sufficient interest.

*It is important to note that the Training Ombudsman **cannot** review a complaint about a matter that is already being considered or has been decided by the Queensland Industrial Relations Commission.*

Appeal to the Queensland Industrial Relations Commission

A person aggrieved by certain decisions made by DET may appeal to the Queensland Industrial Relations Commission. A parent/guardian of an apprentice or trainee **cannot** be the aggrieved person for any of the decisions listed below.

The Commission may only hear an appeal on decisions relating to:

- cancellation of, or refusal to cancel, a qualification or statement of attainment
- refusal to register a training contract
- refusal to amend or assign a training contract
- cancellation of, or refusal to cancel, the registration of a training contract
- cancellation of, or refusal to cancel, a training contract
- suspension of, or refusal to suspend, a training contract for serious misconduct
- reinstatement or cancellation of a training contract that has not been cancelled in accordance with the VETE Act
- an order for discipline
- authorisation of a registered training organisation to issue a qualification or statement of attainment to an apprentice or trainee
- cancellation of, or refusal to cancel, a completion certificate
- refusal to extend the nominal term of a registered training contract
- the declaration, variation of, or refusal to vary a declaration, of a prohibited employer
- the stand down, or refusal to approve stand down, of an apprentice or trainee.

The application to appeal must comply with the requirements of the *Industrial Relations Act 1999* and be filed with the Commission within

21 days of the aggrieved person being given an information notice by DET.

In addition to appealing against a decision to the Commission, a person may apply to the Commission, at the same time, for a stay of the decision they are appealing against. An approved stay of a decision temporarily stops the decision from being carried out.

The Commission has the authority to dismiss the appeal, amend the decision, or make an entirely new decision. **The decision of the Commission is final and conclusive.**

Who to contact?

For further information on complaints to the Training Ombudsman, contact:

Training Ombudsman's Office
PO Box 15033
City East QLD 4002

Phone: 1300 306 699 or (07) 3404 3497

Email:

ombudsman@trainingombudsman.qld.gov.au

Web: www.trainingombudsman.qld.gov.au

For further information on appeals to QIRC, contact:

Queensland Industrial Relations Commission
GPO Box 373
Brisbane QLD 4001

Phone: (07) 3227 8060

Email: qirc.registry@deir.qld.gov.au

Web: www.qirc.qld.gov.au

For further information on reviews by DET, contact Apprenticeships Info on 1800 210 210.