

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) 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*.

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.

A person has **three months** from the date of the information notice to lodge a complaint with the Training Ombudsman.

*It is important to note that the Training Ombudsman **cannot** review a complaint about a matter that is already being considered or*

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has been decided by the Queensland Industrial Relations Commission.

Contact:

Training Ombudsman's Office
Locked Mail Bag 527
GPO Brisbane QLD 4001

Ph: (07) 3404 3497 or 1300 306 699

Email:
ombudsman@trainingombudsman.qld.gov.au.

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 a training contract for serious misconduct or a reason other than serious misconduct
- cancellation of the registration of a training contract
- cancellation of a completion certificate
- cancellation of, or refusal to cancel, a qualification or statement of attainment by a registered training organisation
- refusal to register a training contract
- an order for discipline
- extension of 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 by the Commission within **21 days** of the aggrieved person being given an information notice by DET.

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.**

Contact:

Queensland Industrial Relations Commission
GPO Box 373
Brisbane QLD 4001

Ph: (07) 3227 8060

Who to contact?

For further information, contact Apprenticeships Info on 1800 210 210.