

Cancellation - inability to perform the contract

An employer, apprentice or trainee may apply to cancel the training contract for an apprenticeship or traineeship because of their inability to fulfil the obligations under the training contract in specified situations.

Information to get you started

Important information

Specified situations for cancelling the training contract by the **employer** include:

- where the employer has ceased business; or
- where there is a substantial change in the employer's circumstances, affecting their capacity to perform their obligations under the training contract. For example, the employer may no longer perform a large percentage of the work in which the apprentice or trainee was to receive training.

Specified situations for cancelling the training contract by the **apprentice or trainee** include:

- where the employer's business has relocated to a place to which it is impracticable or unreasonable for the apprentice or trainee to travel; or
- where there is a substantial change in the apprentice's or trainee's circumstances affecting their capacity to perform their obligations under the contract. For example, the apprentice or trainee may no longer be able to perform the work because of a physical condition, allergy etc.

A party to the training contract who wishes to apply for the cancellation of the contract

because of one of these specific situations must send a written application to the Department of Education and Training (DET). The [cancellation of training contract form](#) can be used for this purpose.

It is important to note that a cancellation – inability to perform the contract will only have the signature of the party applying for cancellation on the form.

It must be noted that where all parties do not consent, **cancellation will not be effective unless or until DET approves the application and provides a date of effect of cancellation.** The employer and apprentice or trainee are still required to fulfil their obligations of maintaining employment and training until DET decides the matter. Additionally, the apprentice or trainee may continue to attract industrial entitlements.

In cases where the application for cancellation is disputed, DET is required to address the matter under 'fair procedures'. This will require an investigation to be undertaken.

Who to contact?

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