

## Cancellation - mutual agreement and reinstatement in previous position

Employers, apprentices or trainees (and the parent/guardian where applicable), may agree in writing to cancel a training contract at any time.

### Information to get you started

#### Mutual cancellation process

Where all parties to the training contract agree to the cancellation and the **training contract has been registered** with the Department of Education and Training (DET), the employer must send written notice of the cancellation to DET within **14 days** of the agreement. This written notice **must** be signed by all parties and may be done by using the [cancellation of training contract form](#).

DET will process the cancellation notice with a date of effect as the date agreed to by all parties. DET will then provide written notification of the processed cancellation to all parties.

Where all parties to the training contract agree to the cancellation and the **training contract has not been registered** with DET, the parties must compile a written agreement to the cancellation to be kept as a record by all parties.

The employer must advise the training organisation of the cancellation within **seven days** after the parties agree to cancel the contract.

It is important to note that a party to a training contract **must not coerce**, or attempt to coerce, another party to cancel the training

contract. Coercion could be described as using direct or implied pressure in an attempt to compel somebody to do something against his or her own will. Penalties exist if coercion is proven to have occurred.

#### Reinstatement in previous position

The *Industrial Relations Act 1999* provides for reinstatement where an apprentice or trainee held a position with their employer immediately prior to the commencement of an apprenticeship or traineeship. The person is taken to be immediately reinstated with the employer in the person's previous position, if one of the following events occurs:

- the training contract can not be registered by DET;
- the training contract is cancelled;
- the apprenticeship or traineeship ends before the probationary period ends; or
- the person completes the apprenticeship or traineeship.

#### Who to contact?

For further information:

- on cancellation by mutual agreement contact Apprenticeships Info on 1800 210 210
- on reinstatement in previous position contact Wageline on 1300 369 945.