

# Further Education and Training Bill 2014

Amendments during consideration in detail to be moved by  
The Honourable the Minister for Education, Training and Employment

## 1 **Clause 12 (Application to extend probationary period)**

Page 19, line 6—

*omit, insert—*

Section 15 states who are the parties to the contract.

## 2 **Clause 12 (Application to extend probationary period)**

Page 19, after line 15—

*insert—*

- (5) If the apprentice or trainee is under 18 years, the application must include the signed consent of a parent of the apprentice or trainee.
- (6) However, subsection (5) does not apply if it would be inappropriate in all the circumstances for a parent to give signed consent.

*Example—*

It may be inappropriate for a parent to give signed consent if the apprentice or trainee is living independently of his or her parents.

## 3 **Clause 20 (Amending registered training contract)**

Page 26, line 7, ‘by signed notice, require’—

*omit, insert—*

by written notice, request

## 4 **Clause 20 (Amending registered training contract)**

Page 26, line 26, ‘the parties’—

*omit, insert—*

each party

**5 Clause 23 (Extension of nominal term of registered training contract)**

Page 28, lines 19 to 31 and page 29, lines 1 to 5—

*omit, insert—*

**23 Application for extension of nominal term of registered training contract**

- (1) This section applies if the nominal term of a registered training contract is to end before the apprentice or trainee who is a party to the contract completes the apprenticeship or traineeship.
- (2) The parties and the supervising registered training organisation for the apprentice or trainee may apply to the chief executive to extend the nominal term.
- (3) The application must be in the approved form and state—
  - (a) that each applicant agrees to an extension of the registered training contract; and
  - (b) the reasons for the requested extension.
- (4) On receiving the application, the chief executive may approve or refuse to approve the application.
- (5) Despite subsection (4), the chief executive may approve an application made after the end of the nominal term only if the chief executive is satisfied it is appropriate to do so in all the circumstances.
- (6) If the chief executive approves the application, the chief executive must give notice to the parties and the supervising registered training organisation that the nominal term has been extended.
- (7) If the chief executive refuses to approve the application, the chief executive must give the parties and the supervising registered training

organisation written notice of the decision, including the reasons for the decision.

- (8) If the nominal term of a training contract is extended, the contract is taken to be similarly extended.
- (9) If the chief executive approves an application after the end of the nominal term, the training contract and training plan are taken to have continued in force until the approval.

**6 Clause 41 (Definition for div 7)**

Page 41, lines 13 and 14—

*omit, insert—*

- (ii) when requested by any of the following persons, produce the record for the person's inspection—
  - (A) another party to the contract;
  - (B) the chief executive;
  - (C) the supervising registered training organisation for the apprentice or trainee under the registered training contract; or

**7 Clause 48 (Notification of failure to sign completion agreement)**

Page 45, lines 12 to 14—

*omit, insert—*

- (b) the employer or apprentice or trainee—
  - (i) has refused or neglected to sign a completion agreement after being requested to do so; or
  - (ii) has not signed a completion agreement because they can not be contacted.

**8 Clause 49 (Chief executive must give notice to the parties to the training contract)**

Page 45, line 23, ‘training contract’—

*omit, insert—*

**registered training contract**

**9 Clause 49 (Chief executive must give notice to the parties to the training contract)**

Page 46, line 1, ‘14 days’—

*omit, insert—*

21 days

**10 Clause 50 (Decision by chief executive about issue of completion certificate if all parties do not agree)**

Page 46, line 10, ‘14 days’—

*omit, insert—*

21 days

**11 Clause 54 (Apprenticeship or traineeship ends when nominal term ends)**

Page 48, line 25, ‘assessment and training’—

*omit, insert—*

training and assessment required

**12 Clause 54 (Apprenticeship or traineeship ends when nominal term ends)**

Page 48, after line 28—

*insert—*

*Note—*

Section 23 provides for an application to extend the nominal term of a registered training contract.

**13 Clause 62 (Revocation of declaration as prohibited employer)**

Page 54, lines 12 and 13, ‘an information notice for the decision’—  
*omit, insert—*

written notice of the decision, including the reasons  
for the decision

**14 Clause 70 (Replacing supervising registered training organisation)**

Page 57, lines 9 to 13—  
*omit, insert—*

- (2) If the supervising registered training organisation is to be replaced, the employer must—
- (a) give the organisation a signed notice stating the day, no sooner than 14 days after the day the notice is given, when the replacement becomes effective; and
  - (b) at least 14 days before the replacement becomes effective, give the chief executive a signed notice stating the name of the new supervising registered training organisation for the apprentice or trainee.

Maximum penalty—40 penalty units.

**15 Clause 82 (Supervising registered training organisation may make minor change to training plan)**

Page 61, line 12, ‘received’—  
*omit, insert—*

receive

**16 Clause 98 (Decision about cancellation after show cause notice)**

Page 69, line 9, ‘the certificate’—

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*omit, insert—*

the organisation's certificate

**17 Clause 132 (Additional procedure if electronic application)**

Page 88, line 5, 'under 131'—

*omit, insert—*

under section 131

**18 Clause 176 (Proof of signatures unnecessary)**

Page 112, line 18, 'inspector;'—

*omit, insert—*

inspector.

**19 Clause 191 (Protection of confidentiality)**

Page 120, line 15, 'disclosure—'—

*omit, insert—*

disclosure, communication, making of a record, or use, of the information—

**20 Schedule 1 (Minor and consequential amendments)**

Page 134, line 3, 'section 201'—

*omit, insert—*

section 223

**21 Schedule 1 (Minor and consequential amendments)**

Page 150, after line 6—

*insert—*

**13A Section 278(1)(e)—**

*omit.*

**13B Section 278(12), definitions *employee* and *employer*—**

*omit.*

**22 Schedule 1 (Minor and consequential amendments)**

Page 150, after line 10—

*insert—*

**14A Section 366(6), definition *employer*—**

*omit.*

**14B Section 366(6), definition *industrial instrument employee*—**

*omit, insert—*

*industrial instrument employee* means a person who—

- (a) is or has been employed by an employer; and
- (b) works or has worked under an industrial instrument or permit.

**23 Schedule 1 (Minor and consequential amendments)**

Page 150, after line 22—

*insert—*

**16A Section 399(1)(d)—**

*omit.*

**16B Section 399(7)—**

*omit.*

**16C Section 400(1)(e) and (f)—**

*omit, insert—*

- (e) costs in proceedings relating to unpaid amounts mentioned in paragraphs (a) to (d).

**16D Section 400(6), definition *employer*—**

*omit, insert—*

*employer* includes an apparent employer to whom an order made under section 400F applies.

**16E Section 666(8)—**

*omit, insert—*

(8) In this section—

*wages* includes remuneration payable to an apprentice or trainee under section 391(2).

**24 Schedule 2 (Dictionary)**

Page 163, lines 18 to 21—

*omit, insert—*

(c) that the person to whom the notice is given may—

(i) for a decision mentioned in section 167—apply to QCAT for a review of the decision within 20 business days after the person receives the notice; or

**25 Schedule 2 (Dictionary)**

Page 166, line 9, ‘executive’—

*omit, insert—*

chief executive

**26 Schedule 2 (Dictionary)**

Page 167, lines 1 to 3—

*omit.*