

## EDUCATION, SCIENCE AND TRAINING

### SENATE LEGISLATION COMMITTEE - QUESTIONS ON NOTICE 2005-2006 SUPPLEMENTARY ESTIMATES HEARING

**Outcome:** 2  
**Output Group:** 2.2 –New Apprenticeships

#### **DEST Question No. E450\_06 – Final**

Senator Wong asked on 2 November 2006, EWRE Hansard page 80.

*Refers to DEST Question No E475\_05*

#### **Questions:**

Recommendation 12 from the ACCI report removes any obligation to provide any employment after the completion of the New Apprenticeship. Is that a recommendation under active consideration by the government?

#### **Answers:**

*ACCI Project Report – Addressing Workplace Barriers to Training*

Recommendation 12 of the ACCI report focuses on the ambiguity between treatment of trainees and apprentices regarding their employer's obligation, under the *Workplace Relations Act 1996*, to provide employment after the completion of training.

The *Workplace Relations Act 1996* currently exempts trainees who are employed under a traineeship agreement or an approved traineeship from accessing its unfair dismissal provisions. This exemption was originally introduced in 1994 with the agreement of the Australian Council of Trade Unions.

While no specific exemption from its unfair dismissal provisions exists for apprentices under the *Workplace Relations Act*, they are covered by the more general exemption that applies to all employees who are engaged under a contract of employment for a specified period of time or for a specified task.

This particular recommendation has not been the subject of active consideration.

The Department of Employment and Workplace Relations has advised that employers' obligations relating to the treatment of trainees and apprentices under the *Workplace Relations Act 1996* has been clarified under the *Workplace Relations Amendment (Work Choices) Act 2005*.

Under the *Work Choices Act 2005* apprentices and trainees employed by businesses with up to, and including, 100 employees, are not excluded from their employers exemption from unfair dismissal laws.

This means that apprentices and trainees will be treated the same as any other employee of a business with up to and including 100 employees, and will be not be able to make an unfair dismissal application.