



FACT SHEET

Appealing a decision made by the Department

If a party to a training contract is dissatisfied with a decision made by the Department of Training and Workforce Development (the Department) in relation to a training contract, they may lodge an appeal with the Western Australian Industrial Relations Commission (the Commission).

An appeal may be made where the Department's decision related to the following.

- Extension to the probation period of a training contract – Regulation 39.
- Variation of a training contract by parties – Regulation 46.
- Assignment of training contract to another employer – Regulation 47.
- Suspension of training contract by parties – Regulation 48.
- Resolution of disputes by chief executive – Regulation 52A.
- Refusal to register a training contract – Section 60(F)3.
- Chief executive's decision in relation to an employer application to terminate a training contract – Section 60(G)4.

Appeal process

To lodge an appeal, a party to the training contract needs to complete Form 9A and lodge it with the Commission within 14 days of the Department's decision. The form can be downloaded from the Commission's website at wairc.wa.gov.au.

If the Commission decides to hear the matter, they will rehear the matter and may confirm the decision, or set it aside and either:

- substitute a decision the Department has made; or
- order the Department to decide the matter.

Further information on the appeal process can be obtained from the Commission by phoning 08 9240 4444.

Unfair dismissal

If an apprentice* wants to make an application for unfair dismissal, they should contact either:

- the Fair Work Commission (fwc.gov.au) if their employment was under the national workplace relations system (such as a modern Award or Agreement); or
- the Western Australian Industrial Relations Commission (wairc.wa.gov.au) if their employment was under the State Award system.

**The term 'apprentice' includes apprentices, trainees, cadets and interns*