



Government of **Western Australia**
Department of **Training**
and **Workforce Development**

JOBS AND SKILLS WA

APPRENTICESHIP AND TRAINEESHIP REENGAGEMENT INCENTIVE

TERMS AND CONDITIONS

EFFECTIVE: 1 JULY 2022
VERSION: 3.0

Apprenticeship and Traineeship Reengagement Incentive Scheme Terms and Conditions

1 Eligibility for the Apprenticeship and Traineeship Reengagement Incentive

Employers (including group training organisations [GTOs]) are eligible for the *Apprenticeship and Traineeship Reengagement Incentive* (the reengagement incentive) when they employ an apprentice or trainee (on a full time or part time basis) and provided that they enter into a training contract:

- with an apprentice or trainee whose training contract was terminated (including termination in probation) or cancelled, on or after 1 March 2020 and on or before 30 June 2022 and who is registered on the Department of Training and Workforce Development's (the Department) *Out of contract register* (OOCR);
- the commencement date of employment of the apprentice or trainee is between 1 July 2021 and 30 June 2022;
- the business is not a State or Commonwealth Government agency;
- the business is a WA employer;
- the apprentice or trainee resides in Western Australia. The Indian Ocean Territories are included for the purpose of the reengagement incentive; and
- the apprentice or trainee has passed the relevant probation period or completed the training contract, with the new Employer.

Local Government, Government Trading Enterprises and not for profit organisations are also eligible to access the reengagement incentive.

1.2 Employers who **are not eligible** for the reengagement incentive are:

- employers who have reinstated an apprentice or trainee whose employment it previously terminated;
- employers who have employed an apprentice or trainee whose employment was terminated by an Employer or GTO from the same group of companies or related bodies corporate;
- employers of apprentices or trainees who live outside Western Australia;
- employers who employ an apprentice or trainee following second and subsequent training contract termination or cancellation, including school based apprentices and trainees; and
- State and Commonwealth government agencies.

1.3 To be eligible to claim the reengagement incentive, Employers must:

- comply with the obligations of the training contract;
- comply with these terms and conditions; and
- submit a claim to the Department's Apprenticeship Office within three months of the apprentice or trainee passing the probation period.

1.4 If the probation period is extended, then the claim open date will also be extended.

2 Apprenticeship and Traineeship Reengagement Incentive payments

2.1 Incentive payments:

- are associated with the employment of an individual apprentice or trainee;
- will apply once for each individual apprentice or trainee. Employers taking on an apprentice or trainee for a second or subsequent termination or cancellation/reengagement will not be eligible for the reengagement incentive; and
- will apply once for each individual school-based apprentice or trainee while the student is at school. Employers taking on a school-based apprentice or trainee will not be eligible for a second or subsequent termination or cancellation/reengagement will not be eligible for the reengagement incentive.

2.2 The Employer or GTO agrees to provide the following evidence prior to the reengagement incentive claim being approved:

- notification has been made in the Western Australian Apprenticeship Management System (WAAMS) that a complying training plan has been signed by the Employer, apprentice or trainee (and parent/guardian where applicable) and the nominated registered training organisation (RTO);
- a copy of a payroll report, time and wages sheet or payslip which includes the following minimum information:
 - the name of the apprentice or trainee as recorded on the training contract in WAAMS;
 - the name of the employer as recorded on the training contract in WAAMS; and
 - the pay period which covers the claim open date; and
- any other information reasonably required by the Department or another Government agency from time to time.

2.3 Training contract changes (excluding the assignment or transfer of a training contract to another employer) that are made before or after the probation period expires, will not result in a change to the employer's eligibility to receive the full amount of the reengagement incentive. Payment will be based on the training contract status at the claim open date; that is, the date the probation period has passed.

2.4 If Employer A reengages a displaced apprentice or trainee and then assigns (transfers) the training contract to Employer B before the probation period expires, then:

- Employer A receives no payment.
- Employer B receives the full incentive payment.

3 Group training organisations

A GTO is not required to pass the incentive payment on to the host employer.

4 Collection of information

The Department may collect, make a record or otherwise use personal information for the purposes of administering the reengagement incentive scheme. Personal information may be disclosed to third parties for the purposes of administering and carrying out functions relating to the reengagement incentive scheme.

5 Audits

The reengagement incentive scheme is subject to audit by the Western Australian Auditor General. The Employer or GTO agrees to provide any information requested by the Auditor General's office or its authorised representative.

6 Taxation

6.1 Good and Services Tax

GST does not apply to incentives paid by the Department to employers under the reengagement incentive, and all incentive amounts paid are GST exclusive. Eligible applicants are solely responsible for obtaining their own independent legal and financial advice about tax and any other legal impact that receipt of incentives may have in their individual circumstances.

6.2 Taxable Payment Annual Reporting

- 6.2.1 From 1 July 2017, federal, state and territory government entities are required to report grants they make to people or organisations with an ABN each financial year from 1 July to 30 June. Reengagement incentive payments are therefore subject to the taxable payments reporting requirements of the Australian Taxation Office (ATO) following receipt of the payment.
- 6.2.2 Details of grants paid to each recipient are provided on a *Taxable Payment Annual Report* (TPAR) submitted electronically to the ATO on 28 August each year. The Department reports details of payments such as name of organisation receiving the payment, total amount paid and date of payment in the TPAR.
- 6.2.4 Reportable payments include grants under this Incentive paid to entities with an Australian Business Number (ABN) each financial year. Unpaid grants as at 30 June each year are reported in the following financial year's TPAR.
- 6.2.5 There is no requirement by the ATO for the Department to provide recipients with any details of the information reported to the ATO on the TPAR.
- 6.2.6 If you receive an Incentive payment under this reengagement incentive it will be reported to the ATO.

7 Debt management

The Employer or GTO agrees to promptly repay the Department any incentive payment or other payment credited to the Employer or GTO in error, or where:

- there is no lawful basis for, or entitlement to, the incentive payment;
- the Employer or GTO has provided to the Department incorrect, misleading or deceptive information under or in connection with the reengagement incentive scheme; or
- the Employer or GTO has, under or in connection with the reengagement incentive scheme, withheld relevant information from the Department.

8 General conditions

- 8.1 The Department may withhold or refuse an incentive payment, or require repayment of an incentive payment from the Employer or GTO, as follows:
- the Employer or GTO has not provided a genuine or appropriate employment and training opportunity for the apprentice or trainee; or
 - allegations of fraud or attempted manipulation of the reengagement incentive scheme to claim an incentive payment which would otherwise not have been payable; or
 - misinformation by or on the part of the employer or GTO; or
 - misleading or deceptive conduct by the employer or GTO; or

- information relevant to the Employer's or GTO's entitlement, if any, under the reengagement incentive was withheld from the Department; or
- suspected breach any of training contract obligations; or
- retrenchment or recruitment patterns that suggest possible manipulation of the reengagement incentive; or
- workplace obligations to an apprentice or trainee are not being met; or
- the training contract is suspended, terminated or cancelled; or
- allegation or complaint of abusive, negligent or criminal conduct during the apprenticeship or traineeship including claims of harassment or non-payment of wages; or
- breach of these terms and conditions by the Employer or GTO.

8.2 The Employer or GTO must keep and maintain accurate, complete, up-to-date and detailed records of apprentices or trainees and information relating to the reengagement incentive.

8.3 If the Department requests the Employer or GTO to do so, the Employer or GTO must promptly and properly provide the Department with information and access to documentation which the Department, acting reasonably, decides is in any way relevant to the reengagement incentive scheme (including the Employer's or GTO's entitlement, or claimed entitlement, under the reengagement incentive). All information and documentation which is so provided (or to which access is provided) must be accurate, complete, up to date, detailed and in no way misleading or deceptive.

8.4 The Employer or GTO shall indemnify and keep indemnified the Department and the State of Western Australia, and all their respective officers, employees and agents, in respect to any loss, expense, cost, damage, overpayment, liability or claims sustained, made, suffered or incurred by, or made against, the Department or the State, and all their respective officers, employees and agents, to the extent caused or contributed to by, or arising from or in connection with, any contractual breach, misrepresentation, civil wrong or other unlawful act or omission by or on the part of the Employer or GTO in connection with these terms and conditions or the Employer's or GTO's participation in the reengagement incentive scheme.

8.5 The Employer or GTO warrants that all information given and representations made by it (or on the Employer's or GTO's behalf) to the Department in anticipation of the incentive payment, or under or on account of, or in connection with the reengagement incentive scheme shall be and remain true and correct and complete and in no way misleading or deceptive, and that if any such information or representation becomes untrue or incorrect, incomplete, or misleading or deceptive, the Employer or GTO shall promptly apprise the Department accordingly (providing the Department with the requisite detail).

8.6 The Employer or GTO must at all times act and have acted reasonably, honestly and lawfully under and in relation to the reengagement incentive scheme (including under and in relation to the Employer's or GTO's claim to participate in the reengagement incentive).

Glossary of terms

Term	Description/Definition
Apprentice	An apprentice is defined in the <i>Vocational Education and Training Act 1996</i> , as: <i>the person who is named in a training contract as the person who will be trained under the contract, whether the person is termed an apprentice, a trainee, a cadet, an intern or some other term.</i>
Apprenticeship	A structured employment-based training program that leads to the apprentice gaining a nationally recognised qualification. An apprenticeship can be full time, part time or school-based.
Employer	A person, agency or organisation who engages workers under a contract of employment.
Group Training Organisation (GTO)	An organisation that employs apprentices and trainees under a training contract and places them with host employers. The GTO undertakes the employer responsibilities for the quality and continuity of the apprentice's employment and training. To be eligible for the scheme, GTOs are required to be registered with the Department and meet the <i>National Standards for Group Training Organisations</i> .
Incentive payment	Payment claimed or made under the reengagement incentive scheme
Registered training organisation (RTO)	An organisation registered with the WA Training Accreditation Council (TAC) or the Australian Skills Quality Authority (ASQA); to deliver training, conduct assessments and issue nationally recognised qualifications; in accordance with the VET Quality Framework.
Traineeship	See 'Apprenticeship'
Training contract	A legally binding agreement between an employer, an apprentice/trainee, and their parent/legal guardian and an RTO; to undertake an apprenticeship or traineeship.