



Australian Apprenticeships Incentive System

Program Guidelines

Opening and closing date: 1 July 2022 to 30 June 2024

Commonwealth policy and administering entity: Department of Employment and Workplace Relations

Date guidelines published: 3 August 2023

Type of Grant opportunity: Demand-driven (eligibility-based)

Table of Contents

Table of Contents.....	2
Participating in the Australian Apprenticeships Incentive System	5
Part A. Introduction	6
1. Australian Apprenticeships Incentive System Overview	6
2. Purpose of Australian Apprenticeships Incentive System Program Guidelines and the Australian Apprenticeship Support Network.....	6
3. Australian Apprenticeships Incentive System Policies and Funding	7
3.1 Interpreting Incentives System policies.....	7
3.2 Changes to requirements and funding	7
3.3 Approval to spend public monies	7
Part B. Primary eligibility requirements and standard requirements for claiming payments	9
1. Primary eligibility requirements	10
1.1 Citizenship or residency status	10
1.2 Employment and training arrangements	10
1.3 Previously completed and concurrent qualifications	12
2. Standard requirements for claiming payments.....	13
2.1 Waiting period	13
2.2 Effect dates and time limits for lodging a claim	14
2.3 Lodging claims using claim forms and evidence required	14
3. Additional eligibility considerations	15
3.1 Existing Worker.....	15
3.2 Custodial Australian Apprentices	16
3.3 Australian Apprenticeships Priority List	16
Part C. Apprenticeship administration for the purposes of the Incentives System	17
1. Overview	17
1.1 Commencements and Recommencements.....	17
2. Changes in an employer or Australian Apprentice's circumstances and impact on eligibility.....	17
2.1 Change of business ownership	17
2.2 Group Training Organisations and host employers	18
Part D. Payments to Employers of Australian Apprentices.....	19
1. Priority Wage Subsidy.....	19
1.1 Overview.....	19

1.2	Eligibility requirements.....	19
1.3	Payment rates.....	20
1.4	Claiming payments	21
1.5	Apprenticeship administration for the purposes of the Priority Wage Subsidy	22
2.	Hiring Incentive.....	23
2.1	Overview.....	23
2.2	Eligibility requirements.....	23
2.3	Payment schedule and rates	24
2.4	Claiming payments	24
2.5	Apprenticeship administration for the purposes of the Hiring Incentive	25
Part E. Assistance for Australian Apprentices with Disability		26
1.	Disability Australian Apprentice Wage Support	26
1.1	Overview.....	26
1.2	Eligibility requirements.....	26
1.3	Payment rate	29
1.4	Claiming payments	29
2.	Off-the-job Tutorial, Mentor, and Interpreter Assistance.....	30
2.1	Overview.....	30
2.2	Eligibility requirements.....	30
2.3	Payment rates.....	30
2.4	Claiming payments	31
Part F. Payments to Australian Apprentices		32
1.	Australian Apprentice Training Support Payment.....	32
1.1	Overview.....	32
1.2	Eligibility requirements.....	32
1.3	Payment schedule and rates	33
1.4	Claiming payments	33
1.5	Apprenticeship administration for the purposes of the Australian Apprentice Training Support Payment.....	34
2.	New Energy Apprentice Support Payment.....	35
2.1	Overview.....	35
2.2	Eligibility requirements.....	35
2.3	Payment schedule and rates	36
2.4	Claiming payments	37
2.5	Apprenticeship administration for the purposes of the New Energy Apprentice Support Payment	38
3.	Living Away From Home Allowance	39

3.1	Overview.....	39
3.2	Eligibility requirements.....	39
3.3	Payment rates.....	41
3.4	Applying for the Living Away From Home Allowance	41
3.5	Claiming payments	42
3.6	Apprenticeship Administration for the purposes of the Living Away From Home Allowance.....	43
Part G. General administrative matters		44
1.	How payments are made.....	44
2.	Withholding or refusing payment and suspect claims	44
2.1	Right to withhold or refuse payment	44
2.2	Suspect claims	44
3.	Debt recovery	45
3.1	Departmental responsibilities	45
3.2	Australian Apprenticeship Support Network provider responsibilities.....	45
4.	Waivers and review of decisions	45
4.1	Overview.....	45
4.2	Notification of ineligibility	45
4.3	Process for the review of a decision.....	46
4.4	Consideration of exceptional circumstances.....	47
5.	Taxation	48
5.1	Goods and Services Tax	48
5.2	Australian Business Number of an employer	49
5.3	Tax withholding	49
5.4	Tax-exempt payments	50
6	Conflicts of interest	50
7	Privacy.....	50
7.1	Overview.....	50
7.2	Use and disclosure of personal information.....	50
7.3	Possible interferences with privacy.....	51
8.	Freedom of Information	51
Part H. Glossary		52

Participating in the Australian Apprenticeships Incentive System

The Australian Apprenticeships Incentive System is designed to encourage employers to take on Australian Apprentices and to assist with the cost of training

This Grant program contributes to the Department of Employment and Workplace Relations, Outcome 2 which promotes growth in economic productivity and social wellbeing through access to quality skills and training.



The Australian Apprenticeships Incentive System Program Guidelines are published

The Department of Employment and Workplace Relations publishes the Australian Apprenticeships Incentives System Program Guidelines on [GrantConnect](#), as well as on the Department's website and the Australian Apprenticeships website.



An employer or potential Australian Apprentice liaises with an Australian Apprenticeship Support Network provider to enter into an Australian Apprenticeship arrangement

Australian Apprenticeship Support Network providers are contracted by the Department of Employment and Workplace Relations to provide services. These providers are located across Australia and details can be found on the Australian Apprenticeships website at www.australianapprenticeships.gov.au/search-aasn.



An Australian Apprenticeship Support Network provider facilitates the signing of a Training Contract between the employer and the Australian Apprentice; and undertakes a preliminary assessment to inform the employer, Australian Apprentice, and Registered Training Organisation's potential eligibility for relevant payments

The State or Territory Training Authority-approved Apprenticeship/Traineeship Training Contract is a legally binding agreement that underpins an Australian Apprenticeship. It is also used to identify potential eligibility for payments.



The Australian Apprentice undertakes both on-the-job and off-the-job training delivered by the employer and the Registered Training Organisation

The commencement date specified on the Training Contract is the commencement date of the Australian Apprenticeship. Once signed by all parties, and approved by the relevant State or Territory Training Authority, the Training Contract is uploaded to the Apprenticeships Data Management System (ADMS)



On the Effect date, the Department notifies the Claimant that the relevant payment (based on the preliminary assessment by the Australian Apprenticeship Support Network provider) is ready to be claimed

The Claimant completes and lodges the claim form in the Apprenticeships Data Management System.



Claim form details are assessed to determine whether eligibility requirements for the payment type are met

The eligibility requirements and Effect dates are dependent on the payment type. Specified requirements for claiming payments must also be met.



If a claim is approved by the program delegate, the payment is made by direct credit to the Claimant's bank account

Payments may be used at the discretion of the Claimant, unless specified otherwise.



A Claimant may seek review of an eligibility or payment decision through their Australian Apprenticeship Support Network provider

Only the Department of Employment and Workplace Relations can review and make determinations on request to waive the Australian Apprenticeships Incentive System Program Guidelines.

Part A. Introduction

1. Australian Apprenticeships Incentive System Overview

The Australian Apprenticeships Incentive System (Incentives System) plays a key role in building a more inclusive and sustainable economy, ensuring Australians receive quality training while in employment. It builds a pipeline of skills and talent in the Australian workforce, helping businesses to meet their current and future skills gaps and realise the opportunities of a recovering economy.

The Incentives System supports Australian Apprenticeships in priority occupations as listed on the Australian Apprenticeships Priority List (Priority List). Support includes a wage subsidy for employers and financial support to Australian Apprentices in priority occupations. Employers of Australian Apprentices undertaking an occupation that is not on the Priority List may be eligible for a Hiring Incentive. The Incentives System also includes support for Australian Apprentices with disability and a Living Away from Home Allowance for those who are required to move away from home to take up their Australian Apprenticeship. Both the Disability Australian Apprentice Wage Support and the Living Away from Home Allowance have been carried over from the Australian Apprenticeships Incentives Program with no changes to eligibility or payment rates.

The Incentives System sits alongside a suite of other financial and non-financial supports that are designed to support apprenticeship commencements and completions. This includes support provided through the Australian Apprenticeship Support Network for all people considering undertaking an apprenticeship, or considering hiring an apprentice, to help them understand and navigate the apprenticeship system and in-training support. In-training support provides apprentices with flexible, wrap-around care to address individual barriers that might prevent the apprentice from completing their apprenticeship, such as mentoring, pastoral care and help to find a new employer.

The Incentives System complements the Trade Support Loans program, that provides access to income contingent loans for apprentices to help with the cost of living.

The Incentives System replaces the Australian Apprenticeships Incentives Program which included the Boosting Apprenticeship Commencements and Completing Apprenticeship Commencements measures. The Australian Apprenticeships Incentives Program will continue to support Australian Apprentices who commenced prior to 1 July 2022 through grandfathering arrangements.

Progress towards meeting the objectives for the Incentives System, as outlined in this paragraph, will be assessed in a checkpoint review in 2023–24.

2. Purpose of Australian Apprenticeships Incentive System Program Guidelines and the Australian Apprenticeship Support Network

The Australian Apprenticeships Incentive System Program Guidelines (the Incentives System Guidelines) set out the requirements for the administration and delivery (Parts B, C and G) of the Incentives System, as well as the specific payments available (Parts D, E and F).

Australian Apprenticeship Support Network providers are contracted by the Department of Employment and Workplace Relations to support the administration of the Incentives System and to provide services to

Australian Apprentices, employers and interested stakeholders. These services include the provision of support to employers and Australian Apprentices to enter into a Training Contract, and advice in relation to eligibility for, and access to, financial assistance under the Incentives System.

Australian Apprenticeship Support Network providers also offer individualised and targeted pre-commencement advice to potential Australian Apprentices and employers, to ensure that both find the 'right fit'. This includes assessing the potential Australian Apprentice or employer, streaming them into or recommending the right training or employment pathway and matching individuals with suitable employers.

A Training Contract forms a legally binding agreement between the employer and employee for the training of Australian Apprentices in a nationally recognised qualification which leads to a defined occupational outcome. In signing a Training Contract, the parties are bound by the obligations that are specified in the contract, and the legislation of a state or territory in which the Training Contract is to be registered. All Training Contracts are approved by the relevant State or Territory Training Authority.

3. Australian Apprenticeships Incentive System Policies and Funding

3.1 Interpreting Incentives System policies

The policy framework for the Incentives System has been approved by the Minister for Employment, on behalf of the Australian Government.

Departmental officers must not waive or amend the Guidelines in any way that would alter the policy intent of the payments detailed in the Guidelines without reference to the Minister or their delegate.

3.2 Changes to requirements and funding

Payments under the Incentives System are available to employers, Australian Apprentices, and Registered Training Organisations.

The requirements and payments available under the Incentives System, including eligibility, availability, and payment amount, may change during the term of an Australian Apprenticeship in line with Government priorities.

Payments are payable, subject to meeting the relevant eligibility requirements, at the date the payment is due to be claimed (referred to through the Incentives System Guidelines as the Effect date).

The qualification and occupational outcome listed on the Training Contract determines eligibility for payments linked to the Australian Apprenticeships Priority List as published at the time of commencement or recommencement of the Australian Apprenticeship.

3.3 Approval to spend public monies

The *Public Governance, Performance and Accountability Act 2013* (the PGPA Act) establishes the framework for the use and management of public resources by Commonwealth entities.

For the purposes of section 23 of the PGPA Act and section 18 of the *Public Governance, Performance and Accountability Rule 2014*, the Deputy Secretary of the Skills and Training Group of the Department of

Employment and Workplace Relations has been delegated by the Secretary of the Department of Employment and Workplace Relations to approve the commitment and expenditure of relevant money to make payments to employers, Australian Apprentices and Registered Training Organisations in accordance with the eligibility requirements set out in the Guidelines.

The *Commonwealth Grant Rules and Guidelines 2017* (the CGRGs) are a legislative instrument under the PGPA Act and establish the Australian Government's overarching Grants policy framework. In accordance with paragraph 2.3 of the CGRGs, payments under the Incentives System are defined as a 'grant' and are subject to the provisions of the CGRGs.

Part B. Primary eligibility requirements and standard requirements for claiming payments

To participate in the Incentives System, an Australian Apprentice must:

- commence or recommence an Australian Apprenticeship under a new Training Contract with a new employer on or after 1 July 2022; or
- recommence an Australian Apprenticeship on or after 1 July 2022 under a new Training Contract with the same employer after a period of cancellation or suspension where the break is greater than:
 - six months if commencement date was prior to 1 July 2022; or
 - 12 months if the commencement date was after 1 July 2022.

Australian Apprenticeships commenced prior to 1 July 2022 will continue to attract support under the Australian Apprenticeships Incentives Program (AAIP).

A commencement occurs where an Australian Apprentice starts a qualification that they have not previously commenced as an Australian Apprenticeship.

A recommencement occurs where an Australian Apprentice continues a qualification that they have previously commenced and not completed.

The 6-month break rule is used to determine when the apprenticeship ceases to be eligible for AAIP payments and becomes eligible for Incentives System payments. An apprentice commencing on AAIP who breaks for more than six months is therefore no longer eligible under AAIP. They are a new commencement under the Incentives System.

Once in the Incentives System, to be considered as though the Australian Apprentice is a new commencement, the Australian Apprentice needs to have had a break of 12 months or more.

Participants must meet primary eligibility requirements and standard requirements to claim and receive payments under the Incentives System. Additional eligibility requirements must also be met for individual payment types.

Primary eligibility requirements include:

- the Australian Apprentice's citizenship or residency status; and
- employment and training arrangements; and
- whether the Australian Apprentice has previously completed a qualification.

To claim payments under the Incentives System, Claimants must meet standard requirements, including:

- meeting Effect dates; and
- lodging claim forms within specified time limits; and
- providing accurate documentary evidence where specified in the relevant claim form.

Where specified, eligibility for some payment types may be affected if an Australian Apprentice is:

- an Existing Worker; or

- part-time; or
 - a Custodial Australian Apprentice.
-

1. Primary eligibility requirements

1.1 Citizenship or residency status

(a) Overview

The citizenship or residency status requirement supports the development of a skilled Australian workforce.

(b) Eligibility requirement

For an employer, Australian Apprentice, or Registered Training Organisation to be eligible for any payment under the Incentives System, the Australian Apprentice, at the date of commencement or recommencement must be:

- an Australian citizen; or
- a foreign national with permanent residency; or
- a New Zealand passport holder with at least six months' residence in Australia.

(c) Residency status for foreign nationals

The visa granted by the Australian Government Department of Home Affairs determines the residency status of foreign nationals.

1.2 Employment and training arrangements

(a) Overview

Payments available under the Incentives System are payable in respect of an Australian Apprentice whose employment and training arrangements are formally approved as an Australian Apprenticeship by the relevant State or Territory Training Authority.

(b) Eligibility requirements

For an employer, Australian Apprentice, or Registered Training Organisation to be eligible for payments under the Incentives System, the Australian Apprentice must be:

- employed in an Australian Apprenticeship arrangement in an Australian state or territory; and
- employed under the terms and conditions of a Training Contract, which must:
 - include a signed Training Plan; and
 - be signed by the Australian Apprentice and the employer; and
 - be formally approved by the State or Territory Training Authority; and

- undertaking accredited training which includes both paid work and structured training.

(c) Ineligibility for any payment

The following employment arrangements are not eligible for any payment under the Incentives System:

- employment offered by a private household; or
- casual employment or sub-contracting arrangements; or
- commission-based positions, piece-rate work, or any other employment arrangement which does not guarantee a regular salary; or
- contract or seasonal employment; or
- Supported Wage Arrangements (payment based on a productivity or competency-based arrangement as a proportion of wages set by an award).

(d) Ineligibility for employer incentives only

The following eligibility exclusions apply to employer payments only.

(i) Business arrangements

An employer is not eligible to attract employer payments under the Incentives System if:

- they are also the Australian Apprentice themselves; or
- the Australian Apprentice has a financial interest in their employer's (or host employer's) business.

This includes, but is not limited to business arrangements:

- where the Australian Apprentice is:
 - a partner or director in the employer's business; or
 - the trustee of a trust; or
 - a franchisee or a shareholder.

(ii) Australian Government departments and agencies

An employer is not eligible for any employer payments under the Incentives System for the duration that the Australian Apprentice is employed by an Australian Government department or agency, including:

- corporate Australian Government entities; or
- non-corporate Australian Government entities, such as departments of state and parliamentary departments

as provided for under the PGPA Act.

(iii) State or territory government departments and agencies

An employer is not eligible for any employer payments under the Incentives System for the duration that the Australian Apprentice is employed by a:

- state or territory government department or agency; or
- department of state or a parliamentary department, and is seconded to a statutory authority, statutory body, body corporate or local government organisation.

However, an employer is eligible for employer payments for the duration that the Australian Apprentice is employed or hosted by a:

- state or territory government body which is a statutory authority, statutory body, or body corporate; or
- local government organisation; or
- statutory authority, statutory body, body corporate or local government organisation and is seconded to a department of state or parliamentary department.

(iv) Foreign entities

An employer is not eligible for any employer payments under the Incentives System if they are a foreign entity.

(v) Organisations listed on the National Redress Scheme

An employer is not eligible for any employer payments under the Incentives System if they are an organisation included on the National Redress Scheme website on the list of 'Institutions that have not joined or signified their intent to join the Scheme' (www.nationalredress.gov.au).

1.3 Previously completed and concurrent qualifications

(a) Overview

The Incentives System aims to increase the number of skilled workers available to participate in the Australian workforce by assisting and supporting workers to gain new and formally recognised qualifications relevant to Australia's current and future workforce requirements. Payments are intended to encourage increased employability and workforce participation.

Qualifications that the Australian Apprentice:

- has previously completed; or
- has commenced but not completed; or
- is undertaking concurrently,

may affect eligibility for payments, as specified below.

(b) Qualifications previously completed within the last seven years

Australian Apprentices and their employers are not eligible for payments under the Incentives System if the Australian Apprentice:

- has previously completed the same qualification within the last seven years from the date of commencement; or
- is undertaking a qualification that supersedes a qualification that was completed within the last seven years from the date of commencement.

(c) Concurrent qualifications

Australian Apprentices undertaking two part-time Australian Apprenticeships concurrently, may attract payments for both Australian Apprenticeships, subject to all other eligibility criteria being met.

(d) Overseas qualifications

Where a qualification has been completed overseas, the Australian Apprenticeship is eligible for payments under the Incentives System.

If the overseas qualification aligns with a qualification on the Australian Qualifications Framework, the Australian Apprentice must obtain a comparable level Certificate that aligns with the Australian Qualifications Framework from the appropriate authority before eligibility for payments under the Incentives System can be assessed.

(e) Historical qualifications

Where a qualification has been previously completed more than seven years from the date of the new commencement, the Australian Apprenticeship is eligible to attract payments under the Incentives System.

2. Standard requirements for claiming payments

2.1 Waiting period

(a) Overview

All payment types are subject to a waiting period, unless otherwise specified.

The waiting period ensures the employer, and the Australian Apprentice are committed to continuing the Australian Apprenticeship.

(b) Definition of waiting period

The waiting period is defined as the greater of:

- three calendar months from the date of commencement or recommencement (refer Part C. 1.1 Commencement and Recommencement); or
- the probationary period as specified by the relevant State or Territory Training Authority.

Where an extension to a probationary period has been approved by the relevant State or Territory Training Authority, the updated probationary period determines the waiting period.

2.2 Effect dates and time limits for lodging a claim

(a) Effect dates

The Effect date is the date a claim becomes payable. Effect dates are specified under their respective payment type.

The Australian Apprentice must be employed by the employer as an Australian Apprentice at the Effect date to be able to claim payments, unless otherwise specified.

(b) Time limit for lodging a claim

Claimants have 12 calendar months from each Effect date to claim a payment, unless otherwise specified.

(c) Custodial Australian Apprentices

Payments are payable to Custodial Australian Apprentices and their employers if the Australian Apprenticeship is continued following release from custody. The Effect date will be the later of:

- the waiting period; or
- the Effect date of the claim; or
- the day after the Custodial Australian Apprentice was released from custody.

2.3 Lodging claims using claim forms and evidence required

Payments must be claimed in the Apprenticeships Data Management System unless otherwise specified.

A claim cannot be lodged until:

- the Effect date has been reached; and
- the State or Territory Training Authority has approved the Training Contract; and
- training has commenced.

All claims must include accurate supporting evidence where specified.

(a) Standard evidence to show training has commenced

Training is deemed to have commenced when the employer, Australian Apprentice and Registered Training Organisation sign an agreed individual Training Plan for the Australian Apprenticeship. Claims must include evidence to show training has commenced if this has not already been provided for the same Australian Apprenticeship. This evidence must be in the form of:

- a copy of the signed Training Plan, or state or territory equivalent; or
- written advice from the Registered Training Organisation indicating the parties to the Training Plan and the date signed; or
- a completed *RTO Declaration for Australian Government Australian Apprenticeships Employer Incentives*, stating that a Training Plan has been signed; or

- evidence from the State or Territory Training Authority that the Training Plan has been completed and signed.
-

3. Additional eligibility considerations

Eligibility for some payments may be affected if an Australian Apprentice falls within any of the following categories. The applicability of these additional eligibility considerations is set out in each payment section.

3.1 Existing Worker

(a) Definition of an Existing Worker

An Existing Worker is a person who has had an employment relationship with their employer for more than three full-time equivalent months, including approved leave, on the date of commencement of the Australian Apprenticeship.

The full-time equivalent period of employment is calculated by dividing any period of part-time or casual work by four, and adding that to any full-time periods worked, or by using the following formula:

$$\frac{\text{Part-time or casual periods worked}}{4} + \text{Full-time periods worked}$$

Periods worked do not include:

- any service prior to a break of six months or more in the employment relationship, which was prior to the commencement of the Australian Apprenticeship; and
- any periods of employment where the Australian Apprentice was:
 - employed whilst attending a secondary school as a student; or
 - undertaking a previous Australian Apprenticeship;
 - participating in a Community Development Program (CDP) project; or
 - participating in the Youth Jobs PaTH initiative.

(b) Change of circumstances and effect on Existing Worker status

For the purposes of assessing Existing Worker status:

- a change in business ownership does not reset the timeframe of the employment arrangement, any period of employment with a previous owner of a business is to be considered as prior employment; and
- a Group Training Organisation and the host employer are regarded as the same employer.

3.2 Custodial Australian Apprentices

Australian Apprentices who are serving a prison sentence and commence an Australian Apprenticeship in preparation for release into the community may be able to attract payments under the Incentives System. Custodial Australian Apprentices are those who:

- were in custody at the time of commencement or recommencement; and
- are released from custody on day release, or similar arrangements, in order to participate in an Australian Apprenticeship.

Australian Apprentices who are required to attend periodic detention that does not coincide with their employment under their Australian Apprenticeship are not considered to be Custodial Australian Apprentices for the purposes of the Incentives System.

3.3 Australian Apprenticeships Priority List

The Incentives System aims to increase the national skills base relevant to the Australian economy now and into the future by focusing support for qualifications and occupations listed on the Australian Apprenticeships Priority List (Priority List). The Priority List includes eligible qualifications with an occupational outcome which is classified by the Australian Bureau of Statistics as either Technician and Trade Workers or Community and Personal Service Workers and assessed as being in national skills shortage. The Priority List identifies a subset of these qualifications and occupations which apply to the New Energy Apprentice Support Payment (see Section F, Item 2 of these Guidelines).

(a) Criteria for inclusion on the Australian Apprenticeships Priority List

The Priority List of eligible qualifications and occupations is included in *Appendix A – Australian Apprenticeships Priority List*. The Priority List will be updated regularly to reflect updated skills forecasting. Any updates to the Priority List will be appended to revised Incentives System Guidelines.

The Priority List includes:

- occupations assessed as in shortage with a future demand; and
- classified by the Australian Bureau of Statistics Australian and New Zealand Standard Classification of Occupations (ANZSCO) as either Technician and Trade Workers (Level 3) or Community and Personal Service Workers (Level 4); and
- concordant qualifications at Certificate Level III, Certificate Level IV, Diploma or Advanced Diploma.

The Priority List also provides a subset of occupations that have been identified as being relevant to clean energy sector roles. To be included in this clean energy subset, the occupation and qualification must meet the criteria for inclusion on the Priority List, as well as present skills in demand that align to the needs of the Clean Energy Sector as identified through consultation and feedback from industry.

The occupation and qualification identified on the Training Contract must be on the Priority List in order for the Australian Apprenticeship to attract the Priority Wage Subsidy, the Australian Apprentice Training Support Payment or the New Energy Apprentice Support Payment.

The Priority List published at the time of commencement of the Australian Apprenticeship determines eligibility for payments over the life of that Australian Apprenticeship.

Part C. Apprenticeship administration for the purposes of the Incentives System

1. Overview

Unless otherwise specified, eligibility rules for employer payments are determined by the relationship between the employer and the Australian Apprentice as reflected in the Training Contract. A relationship between an employer and an Australian Apprentice can have more than one Training Contract where the Australian Apprentice commences with the same employer in the same qualification/occupation following a period of suspension or cancellation.

Unless otherwise specified, eligibility rules for apprentice payments are determined by the Australian Apprenticeship Journey as reflected in the Training Contract. An Australian Apprenticeship Journey can involve more than one employer and more than one Training Contract over the life of an Australian Apprenticeship.

1.1 Commencements and Recommencements

For the purposes of the Incentives System, the date registered on the Training Contract is the commencement date of the Australian Apprenticeship.

Where an Australian Apprentice commences an Australian Apprenticeship under an approved Training Contract on or after 1 July 2022 with either a new employer or with a previous employer (after a break greater than six months), they are eligible to attract payments under the Incentives System, as long as all other eligibility requirements are met.

2. Changes in an employer or Australian Apprentice's circumstances and impact on eligibility

2.1 Change of business ownership

(a) Definition

For the purposes of the Incentives System, a change of ownership is defined as where a business:

- changes its legal name; or
- changes its ownership; or
- changes its Australian Company Number (ACN); or
- takes over the functions or employees of another business, including through an outsourcing or contracting arrangement,

in such a way that does not affect the status of the employment relationship between the new business entity and existing or former employees.

(b) Eligibility under the Incentives System

Where there is a change of ownership, eligibility for all payments under the Incentives System are assessed as if a continuous employment relationship has been maintained.

(c) Payments due prior to change of ownership

For the purposes of the payments made under the Incentives System, and unless specifically stated as part of the bill of sale, payments should be paid to the legal entity at the time of the Effect date.

Unless otherwise specified, where a Claim period overlaps with the change of ownership, the payment should be shared between the parties. In this instance, each entity should submit a claim form for the relevant period.

2.2 Group Training Organisations and host employers

(a) Transfers between host employers

Unless otherwise specified, Group Training Organisations and the Australian Apprentice's host employer are to be treated as the same employer, including where an Australian Apprentice is hosted by more than one host employer over the course of the Australian Apprenticeship.

(b) Transfers between Group Training Organisation and direct employment with a host employer

Where an Australian Apprentice transfers from a Group Training Organisation to direct employment by a host employer, eligibility is assessed the same as a commencement.

Part D. Payments to Employers of Australian Apprentices

1. Priority Wage Subsidy

1.1 Overview

The Priority Wage Subsidy aims to maintain strong Australian Apprenticeship commencement levels and improve retention and completion rates in priority occupations experiencing national skills shortage.

Eligible employers who commence a new or an Existing Worker Australian Apprentice in a qualification and occupation listed on *Appendix A - Australian Apprenticeships Priority List*, including those identified as leading to a clean energy apprenticeship pathway, can claim a wage subsidy of 10 percent of wages paid for the first and second years (equivalent to two periods of 365 days) of a Training Contract and five percent of wages paid for the third year (equivalent to a period of 365 days) of a Training Contract, to help offset the cost of taking on an Australian Apprentice.

1.2 Eligibility requirements

For an employer or Group Training Organisation to be eligible for the Priority Wage Subsidy:

- all primary eligibility requirements must be met, and
- the Australian Apprentice must have:
 - commenced or recommenced with a new employer their Australian Apprenticeship between 1 July 2022 and 30 June 2024; or
 - recommenced their Australian Apprenticeship with their original employer between 1 July 2022 and 30 June 2024, where the period of suspension or cancellation was greater than:
 - six months if the commencement date was prior to 1 July 2022; or
 - 12 months if the commencement date was after on or after 1 July 2022; and
- the Australian Apprentice must at the date of commencement or recommencement, be undertaking:
 - a qualification at the Certificate III, Certificate IV, Diploma or Advanced Diploma level listed on *Appendix A - Australian Apprenticeships Priority List*; including those identified as leading to a clean energy apprenticeship pathway and
 - an Australian Apprenticeship with an occupational outcome listed on *Appendix A - Australian Apprenticeships Priority List*, including those identified as leading to a clean energy apprenticeship pathway.

In addition to the above requirements, employers must not be in receipt of the Disability Australian Apprentice Wage Support, Hiring Incentive or any other form of Australian Government assistance for the same Australian Apprenticeship.

(a) Existing Worker Australian Apprentices

Existing Worker Australian Apprentices are eligible to attract the Priority Wage Subsidy for their employer, provided all other eligibility requirements are met.

(b) Concurrent Apprenticeships

Where an Australian Apprentice is undertaking two Australian Apprenticeships (with qualifications and occupations listed on *Appendix A – Australian Apprenticeships Priority List*) concurrently with the same employer:

- both Australian Apprenticeships may be eligible to attract up to three years of support in total, based on wages paid; and
- the employer will be responsible for apportioning the correct amount of wage paid for each Apprenticeship as evidence to support each claim.

Where an Australian Apprentice is undertaking two Australian Apprenticeships (with qualifications and occupations listed on *Appendix A – Australian Apprenticeships Priority List*) concurrently with different employers:

- both Australian Apprenticeships will be eligible to attract up to three years of support in total, based on wages paid.

1.3 Payment rates

Payment Rate Period	Rate
Priority Wage Subsidy Year 1 –	10 per cent of an Australian Apprentice’s gross wage up to a maximum of \$1,500 per quarter or up to a maximum of \$6,000 per Payment Rate Period (where more than four quarters are required due to suspension or cancellation)
Priority Wage Subsidy Year 2	10 per cent of an Australian Apprentice’s gross wage up to a maximum of \$1,500 per quarter or up to a maximum of \$6,000 per Payment Rate Period (where more than four quarters are required due to suspension or cancellation)
Priority Wage Subsidy Year 3	5 per cent of an Australian Apprentice’s gross wage up to a maximum of \$750 per quarter or up to a maximum of \$3,000 per Payment Rate Period (where more than four quarters are required due to suspension or cancellation)

For the purposes of the Priority Wage Subsidy, gross wage is defined as the total amount an employer pays an Australian Apprentice including:

- allowances
- overtime
- penalty rates
- any other amount, before any deductions are made.

No one employer can claim more than three years’ worth of the Priority Wage Subsidy for one Australian Apprenticeship.

1.4 Claiming payments

For an employer to claim the Priority Wage Subsidy:

- all standard requirements for claiming payments must be met; and
- the employer must:
 - ensure that they have received the Single Touch Payroll factsheet from their Australian Apprenticeship Support Network provider; and
 - register and use Single Touch Payroll for wage reporting to the Australian Taxation Office, unless the Australian Taxation Office has granted an exemption; and
 - fully and accurately report wages via Single Touch Payroll for the Claim period (unless exempt), before a claim for the Priority Wage Subsidy is lodged for that period; and
 - lodge their claim through the Apprenticeships Data Management System accompanied by the correct wage evidence for the Claim period.

(a) Payment Rate Period, Effect date, and time limit for lodging a claim

The Payment Rate Period is the amount of time that a payment rate is applied.

The first Payment Rate Period corresponds to the 12 calendar month period from:

- commencement; or
- recommencement with a new employer or
- recommencement with original employer where the period of suspension or cancellation was greater than:
 - six months if the commencement was prior to 1 July 2022; or
 - 12 months if the commencement was after on or after 1 July 2022,

as recorded on the Training Contract.

Payment Rate Periods thereafter are calculated as 12 calendar months from the previous Payment Rate Period end date.

The Effect date is the date the claim becomes payable. Claims for the Priority Wage Subsidy are claimed quarterly in arrears.

The first Effect date corresponds to the later of: three months from commencement as recorded on the Training Contract or the completion of the waiting period. Effect dates thereafter are three calendar months from the date of the previous Effect date.

The time limit for lodging a claim is 12 months from the Effect date for each claim.

(b) Claim lodgement

Eligible employers must claim the Priority Wage Subsidy using the Apprenticeships Data Management System, unless otherwise specified.

Employers must declare the gross wages paid to the Australian Apprentice during the relevant Claim period in the claim form. The wage subsidy amount will be calculated based on the gross wage amount declared by the employer.

(c) Wage evidence and additional evidence required

When submitting a claim in the Apprenticeships Data Management System, employers are required to upload evidence of gross wages paid to the Australian Apprentice during the Claim period. The Apprenticeships Data Management System will support employers through this process and assist in calculating the total gross wages paid during the Claim period. This amount is shown in the claim as the *Gross Amount Recorded*.

This evidence can be in the form of a payroll print out, time and wages sheet, payslip, or payroll summaries which must be able to confirm:

- the legal name or Australian Business Number (ABN) of the employer making the claim for the Priority Wage Subsidy
- Australian Apprentice name
- a date range aligning to the period claimed for in the claim
- gross wage amount.

(i) Time limits to providing additional evidence

Where an employer provides incomplete, insufficient, or incorrect wage evidence when claiming the Priority Wage Subsidy, the claim will be returned to the employer and must be resubmitted in the Apprenticeships Data Management System, with the required additional wage evidence provided, within 20 business days of the request for additional wage evidence.

1.5 Apprenticeship administration for the purposes of the Priority Wage Subsidy

(a) Suspensions and cancellations

An employer is eligible to claim the Priority Wage Subsidy for wages paid up to the date of suspension or cancellation if:

- they have met the three-month waiting period requirement; and
- there is evidence that training has commenced (for example a signed Training Plan); and
- the Effect date has been reached for that Claim period.

Where an Australian Apprentice, following a period of suspension or cancellation, returns to the same employer within a 12-month period, the Payment Rate Period will be extended by the number of days the Australian Apprenticeship was suspended or cancelled. In this situation, an employer may be eligible to claim up to a maximum of three years of payment over more than 12 quarters/Claim periods.

Where an Australian Apprentice, following a period of suspension or cancellation, commences an Australian Apprenticeship with a different employer, the Australian Apprenticeship is a new commencement for the purposes of eligibility for the Priority Wage Subsidy. As such, the employer is eligible for a maximum of up to three-years of wage subsidy regardless of the point at which the Australian Apprentice is in their Australian Apprenticeship.

(b) Early successful completions

Where an Australian Apprentice successfully completes their Australian Apprenticeship early and the employer has not claimed the full allocation of the Priority Wage Subsidy, the employer will be eligible to claim the Priority Wage Subsidy for wages paid to the date of successful completion only.

2. Hiring Incentive

2.1 Overview

The Hiring Incentive supports Australian Apprenticeship commencements and recommencements in Certificate II through to Advanced Diploma level qualifications and in occupations not included on the Australian Apprenticeships Priority List.

Eligible employers and Group Training Organisations that hire a new worker Australian Apprentice can claim a Hiring Incentive payment at six and 12 months from the commencement or recommencement of an Australian Apprentice to help offset the cost of taking on an Australian Apprentice.

2.2 Eligibility requirements

For an employer or Group Training Organisation to be eligible for the Hiring Incentive:

- all primary eligibility requirements must be met; and
- the Australian Apprentice must have:
 - commenced or recommenced with a new employer their Australian Apprenticeship between 1 July 2022 and 30 June 2024; or
 - recommenced their Australian Apprenticeship with their original employer between 1 July 2022 and 30 June 2024, where the period of cancellation or suspension was greater than:
 - six months if the commencement date was prior to 1 July 2022; or
 - 12 months if the commencement date was on or after 1 July 2022; and
- the Australian Apprentice must:
 - be undertaking a qualification at the Certificate II level leading to any occupational outcome; or
 - be undertaking a qualification at the Certificate III, Certificate IV, Diploma or Advanced Diploma level where the qualification and/or occupational outcome are not listed on *Appendix A – Australian Apprenticeships Priority List*; and
- the Australian Apprentice must:
 - not be an Existing Worker; and
 - must be in-training with their employer at the Effect date.

In addition to the above requirements, employers must not be in receipt of the Disability Australian Apprentice Wage Support or the Priority Wage Subsidy.

(a) Part-time Apprenticeships

Where an Australian Apprentice undertakes an Australian Apprenticeship part-time, the employer will be able to claim the Hiring Incentive payment at the part-time rate, calculated as a flat rate for all part-time employment and training arrangements.

Where an Australian Apprentice changes their employment and training arrangements during any Claim period, the claim rate will be assessed based on the employment and training arrangements at the Effect date of each Claim period.

(b) Concurrent Apprenticeships

Where an Australian Apprentice is undertaking two part-time Australian Apprenticeships concurrently with the same employer, both Australian Apprenticeships may be eligible to attract the Hiring Incentive at the part-time rate.

Where an Australian Apprentice is undertaking two part-time Australian Apprenticeships concurrently with different employers, both Australian Apprenticeships may be eligible to attract the Hiring Incentive at the part-time rate. Where there are overlapping Claim periods, an employer can only claim up to one full-time rate for any one apprentice.

2.3 Payment schedule and rates

The Hiring Incentive is paid according to the following schedule and rates:

Time Period	Full-time Rate	Part-time Rate
Six months from commencement or recommencement	\$1,750	\$875
12 months from commencement or recommencement	\$1,750	\$875

The part-time payment rate is applied as a flat rate regardless of part-time hours worked in any given Claim period.

2.4 Claiming payments

For an employer to claim the Hiring Incentive:

- all standard requirements for claiming payments must be met; and
- the employer must lodge their claim through the Apprenticeships Data Management System, unless otherwise specified.

(a) Effect date and time limit for lodging a claim

The Effect date is the date the claim becomes payable.

Payment	Effect date
First payment	Six months from the date of commencement or recommencement
Second payment	Six months from Effect date for first payment

The time limit for lodging a claim is 12 months from each Effect date.

(b) Claim form and lodgement

Eligible employers must claim the Hiring Incentive using the claim form in the Apprenticeships Data Management System, unless otherwise specified.

Eligible employers must provide evidence with the claim form that the Australian Apprentice was employed at the Effect date of a claim.

This evidence can be in the form of a payroll print out, time and wages sheet, payslip, or payroll summaries which must be able to confirm:

- the legal name or Australian Business Number (ABN) of the employer making the Hiring Incentive claim
- apprentice name
- a date range covering the Effect date of the claim
- gross wage amount.

2.5 Apprenticeship administration for the purposes of the Hiring Incentive

(a) Suspensions and Cancellations

An employer is not eligible to claim the Hiring Incentive payment while their Australian Apprentice is in a period of suspension or if their Australian Apprentice cancels their Training Contract prior to an Effect date.

Where an Australian Apprentice has commenced under the Incentives System, following a period of suspension or cancellation, returns to the same employer within a 12-month period, the Effect date will be extended by the number of days the Australian Apprentice was in suspension.

(b) Early successful completions

Where an Australian Apprentice successfully completes the Australian Apprenticeship prior to the Effect date, the employer will not be eligible to claim the Hiring Incentive payment for that six-month period.

Part E. Assistance for Australian Apprentices with Disability

1. Disability Australian Apprentice Wage Support

1.1 Overview

Disability Australian Apprentice Wage Support aims to encourage employers to provide Australian Apprenticeships to people with disability who are able to participate in open employment with suitable support and training.

1.2 Eligibility requirements

(a) Initial eligibility assessment

For an employer to be initially eligible for the Disability Australian Apprentice Wage Support:

- all primary eligibility requirements must be met; and
- the employer must:
 - be paying a suitable wage of at least \$104.30 per week, or its part-time equivalent for the duration they are receiving the Disability Australian Apprentice Wage Support; and
 - not be receiving any other form of Australian Government wage subsidy or equivalent assistance for the same Australian Apprentice; and
 - not be in receipt of any of the employer incentives set out in Section D; and
- *Form 1288 (Application Form: Assistance for an Australian Apprentices with Disability)* must be completed in a timely manner; and
- the disability is not described as a lack of language, literacy, or numeracy skills.

Employers must not be in receipt of the Priority Wage Subsidy or Hiring Incentive.

Employers of Australian Apprentices who have been diagnosed with Attention Deficit Disorder (ADD) or Attention Deficit Hyperactive Disorder (ADHD) are eligible to apply for the Disability Australian Apprentice Wage Support.

In addition to the above requirements:

- the Australian Apprentice's capacity to work must be initially assessed as per the requirements outlined below in section 1.2 (i); and
- if the Australian Apprentice is an Existing Worker, the relevant requirements outlined below in section 1.2 (ii) must be met.

(i) Assessment of Australian Apprentice's capacity to work

The Australian Apprentice's capacity to work must be assessed and confirmed through the completion of *Form 608 (Occupational Assessment for an Australian Apprentice with Disability)*. In completing the form, the assessment must be undertaken by a medical practitioner or registered psychologist.

At the time of application, *Form 608* or *Form 608a* in conjunction with *Form 1288* must have been completed less than:

- six months earlier for Australian Apprentices with a permanent or long-term disability; or
- three months earlier for Australian Apprentices with a temporary disability.

Where the Australian Apprentice has:

- a current and valid Job Capacity Assessment; or
- an Employment Services Assessment.

a completed *Form 608a* (*Evidence of Completion of a Job Capacity Assessment or an Employment Services Assessment for an Australian Apprentice with Disability*) may be submitted in conjunction with *Form 608*, in place of a medical assessment by a medical practitioner or registered psychologist.

The completed *Form 608* or *Form 608a*, must indicate that:

- the Australian Apprentice has a disability or disabilities which will impact upon their capacity to perform the employment-based duties of the Australian Apprenticeship position; and
- the Australian Apprentice's medication or basic self-management strategies have been assessed and it has been determined that they do not overcome the impact of the disability on the performance of the employment-based duties of the Australian Apprenticeship position; and
- the Australian Apprentice will be able to carry out the duties of the occupation if they are provided suitable support by the employer.

(ii) Existing Workers

If the Australian Apprentice is an Existing Worker, the Australian Apprentice must have:

- commenced or recommenced a qualification at the Certificate III or Certificate IV level and meet one of the following:
 - the nominal full-time duration of the Training Contract, as declared by the relevant State or Territory Training Authority, is two years or more (pro-rata for part-time Australian Apprenticeships); or
 - the Australian Apprentice commenced within 12 months of successfully completing a qualification at the Certificate II level with the same employer; or
- commenced or recommenced a qualification at the Diploma or Advanced Diploma level.

(b) Ongoing eligibility assessment

Employers who are seeking continuation of the Disability Australian Apprentice Wage Support must provide evidence that the Australian Apprentice is progressing satisfactorily towards a successful completion of their Australian Apprenticeship.

(i) Australian Apprentice with a permanent disability

Employers of Australian Apprentices with a permanent disability must:

- have their Australian Apprentice undertake a medical assessment by a medical practitioner or registered psychologist on *Form 608*; or
- provide a letter detailing the progress of the Australian Apprentice and the Registered Training Organisation delivering the Australian Apprentice's training; or
- have the Employment Services Provider complete and sign a new *Form 608a*, in conjunction with a new *Form 608*, where the Australian Apprentice has a valid Job Capacity Assessment or Employment Services Assessment.

(ii) Australian Apprentice with a temporary disability

Employers of Australian Apprentices with a temporary disability must have their eligibility reassessed at the expiration of the approved disability period by submitting:

- a new *Form 1288*; and
- a new *Form 608*.

Where the Australian Apprentice has a current and valid Job Capacity Assessment or Employment Services Assessment, a new *Form 608a* may be completed in conjunction with *Form 608*, in place of a medical assessment by a medical practitioner or registered psychologist.

(c) Circumstances where an employer is eligible for the Disability Australian Apprentice Wage Support for a second Australian Apprenticeship

An employer may receive the Disability Australian Apprentice Wage Support for a second Australian Apprenticeship for the same Australian Apprentice where:

- the Australian Apprentice is undertaking a Certificate III, IV, Diploma or Advanced Diploma level qualification and an occupation listed on *Appendix A – Australian Apprenticeships Priority List*; or
- the previous eligibility period of the Disability Australian Apprentice Wage Support occurred while the Australian Apprenticeship was being undertaken while at school and the employer did not continue to receive the Disability Australian Apprentice Wage Support after leaving school; or
- the previous eligibility period of the Disability Australian Apprentice Wage Support was for a qualification at the Certificate II level and the Australian Apprentice:
 - successfully completed the qualification at the Certificate II level; and
 - is currently undertaking the qualification at the Certificate III level or higher which was commenced within 12 months of completing the Certificate II level qualification.

If the Australian Apprentice previously attracted the Disability Australian Apprentice Wage Support for an Australian Apprenticeship that was cancelled or withdrawn around the time of the conclusion of the waiting period, the Australian Apprenticeship Support Network provider should consult with their State or Territory Contract Manager for a determination.

(d) Circumstances where an Australian Apprentice experiences disability, or their disability becomes apparent during their Australian Apprenticeship

The Australian Government recognises that an Australian Apprentice may experience circumstances that lead to disability during their Australian Apprenticeship or that a disability may become apparent as the work duties

become difficult. In these cases, an employer may apply for the Disability Australian Apprentice Wage Support after the Australian Apprenticeship has commenced or recommenced. The application process is the same as that outlined above.

In these cases, an employer Hiring Incentive or Priority Wage Subsidy may have been paid before the disability occurred or became apparent. If an employer successfully applies for the Disability Australian Apprentice Wage Support, it is not the intention of the Australian Government to recover any incentives that the employer had claimed in good faith before the Disability Australian Apprentice Wage Support eligibility was assessed. The Disability Australian Apprentice Wage Support can be claimed from the date the Australian Apprenticeship Support Network provider assesses eligibility for the Disability Australian Apprentice Wage Support and will not be backdated to the date of commencement.

1.3 Payment rate

Payment type	Rate
Disability Australian Apprentice Wage Support	\$104.30 per week in arrears

The Disability Australian Apprentice Wage Support is paid for the following time periods:

- 12 months in the case of a long-term or permanent disability; or
- a specific period in the case of temporary disability,

for a full-time Australian Apprentice, or on a pro-rata basis, according to the hours worked for a part-time Australian Apprentice.

1.4 Claiming payments

For an employer to claim the Disability Australian Apprentice Wage Support payment, *Form 1288* must be approved.

Where the Training Contract has not yet been approved by the State or Territory Training Authority, payments may only be made for up to three months from the date of commencement or recommencement pending approval of the Training Contract from the State or Territory Training Authority.

Claims can only be made in respect of Australian Apprentices who were employed as an Australian Apprentice during the Claim period and are not payable if the Australian Apprentice is on worker's compensation for one week or more.

(a) Claim periods and time limit for lodging a claim

The time limit for lodging claims is 12 months from the first day of the Claim period.

(b) Claim forms

An eligible employer must claim the Disability Australian Apprentice Wage Support using the *Disability Australian Apprentice Wage Support Claim Form* (Form 1238).

2. Off-the-job Tutorial, Mentor, and Interpreter Assistance

2.1 Overview

The Off-the-job Tutorial, Mentor, and Interpreter Assistance is provided to support Australian Apprentices with disability who are experiencing difficulty with the off-the-job component of their Australian Apprenticeship.

Type of assistance	Description
Tutorial assistance	Provided to an Australian Apprentice by a tutor in addition to the standard off-the-job training for an Australian Apprenticeship.
Mentor assistance	<p>Provided to an Australian Apprentice to assist with organisational or personal issues which impact upon the ability of the Australian Apprentice to undertake their off-the-job training.</p> <p>Mentoring may take place on or off-the-job but should address difficulties experienced with the off-the-job component of the training.</p>
Interpreter assistance	Provided by an interpreter to assist an Australian Apprentice to understand aspects of the off-the-job training and is in most cases provided to Australian Apprentices with disability such as visual or hearing impairment.

2.2 Eligibility requirements

For a Registered Training Organisation to be eligible for the Tutorial, Mentor, and Interpreter Assistance:

- the employer of the Australian Apprentice must be assessed as being eligible for the Disability Australian Apprentice Wage Support, even if the employer chooses not to claim it; and
- the Australian Apprentice must be experiencing difficulties with the off-the-job training component of their Australian Apprenticeship; and
- an occupational assessment must have been undertaken through the completion of:
 - *Form 608 (Occupational Assessment for an Australian Apprentice with Disability)*; or
 - *Form 608a (Evidence of Completion of a Job Capacity Assessment or an Employment Services Assessment for an Australian Apprentice with Disability)*, in conjunction with *Form 608*; and
- the Australian Apprentice must not be in receipt of assistance for tutorial, mentor or interpreter services funded by another source.

2.3 Payment rates

The Tutorial, Mentor, and Interpreter Assistance is paid in arrears as follows, and are inclusive of the Goods and Services Tax:

Type of service	Payment rate
Tutorial services	<p>\$38.50 per hour, up to a maximum of \$5,500 per year</p> <ul style="list-style-type: none"> The number of hours of tutorial assistance provided each week must not exceed the total number of hours of off-the-job training. Tutorial hours must be additional to the off-the-job training hours.
Mentor or interpreter services	<p>\$38.50 per hour, up to a maximum of \$5,500 per year</p> <p>The combined number of hours of mentor and interpreter services provided each week must not exceed the total number of hours that the Australian Apprentice spends in off-the-job training.</p>

For the purposes of the Tutorial, Mentor, and Interpreter Assistance, a year commences on the date deemed by the Australian Apprenticeship Support Network provider to be the commencement date of eligibility for disability assistance.

If the Registered Training Organisation makes a case proposing financial assistance of more than the stipulated hourly rate or yearly maximum, the proposal must be referred to the Department of Employment and Workplace Relations' State or Territory Contract Manager for determination.

2.4 Claiming payments

For a Registered Training Organisation to claim the Tutorial, Mentor, and Interpreter Assistance, *Form 1288 (Application Form: Assistance for an Australian Apprentice with Disability)* must be approved.

Where the Training Contract has not yet been approved by the State or Territory Training Authority, payments may only be made for up to three months from the date of commencement or recommencement pending approval of the Training Contract from the State or Territory Training Authority.

(a) Claim periods and time limit for lodging a claim

The time limit for lodging claims is 12 months from the first day of the Claim period.

(b) Claim form

An eligible Registered Training Organisation must claim the Tutorial, Mentor, and Interpreter Assistance using the *Form 1244 (Mentor/Interpreter and/or Tutorial Assistance for an Australian Apprentice with Disability Claim Form/Tax Invoice)*.

Claim forms must be signed and dated after the last date of the Claim period.

Part F. Payments to Australian Apprentices

1. Australian Apprentice Training Support Payment

1.1 Overview

The Australian Apprentice Training Support Payment provides up to a maximum of two years of direct financial support to Australian Apprentices commencing an Australian Apprenticeship in priority occupations experiencing national skills shortage.

Eligible Australian Apprentices undertaking a Certificate III, Certificate IV, Diploma or Advanced Diploma qualification with an occupational outcome listed on *Appendix A - Australian Apprenticeships Priority List* can claim up to four six-monthly payments over two years of the Australian Apprenticeship.

1.2 Eligibility requirements

For an Australian Apprentice to be eligible for the Australian Apprentice Training Support Payment:

- all primary eligibility requirements must be met; and
- the Australian Apprentice must have:
 - commenced or recommenced with a new employer their Australian Apprenticeship between 1 July 2022 and 30 June 2024; or
 - recommenced their Australian Apprenticeship with their original employer between 1 July 2022 and 30 June 2024, where the period of cancellation or suspension was greater than:
 - six months if the commencement date was prior to 1 July 2022; or
 - 12 months if the commencement date was after 1 July 2022; and
- the Australian Apprentice must, at the date of commencement or recommencement, be undertaking:
 - a qualification at the Certificate III, Certificate IV, Diploma or Advanced Diploma level listed on *Appendix A - Australian Apprenticeships Priority List*; and
 - an Australian Apprenticeship with an occupational outcome listed on *Appendix A - Australian Apprenticeships Priority List*; and
- the Australian Apprentice must be in-training with their employer at the Effect date

In addition to the above requirements, the Australian Apprentice must not be in receipt of the New Energy Apprentice Support Payment.

(a) Part-time Apprenticeships

Where an Australian Apprentice undertakes an Australian Apprenticeship part-time, they will be able to claim the Australian Apprentice Training Support Payment at the part-time rate, calculated as a flat rate for all part-time employment and training arrangements.

Where an Australian Apprentice changes their employment and training arrangements during any Claim period, the claim rate will be assessed based on the employment and training arrangements at the Effect date of each Claim period.

(b) Concurrent Apprenticeships

Where an Australian Apprentice undertakes two part-time Australian Apprenticeships concurrently either with the same or with a different employer, and where there are overlapping Claim periods, an Australian Apprentice can only claim up to the full-time rate for any one Claim period.

1.3 Payment schedule and rates

Eligible Australian Apprentices can claim up to four six-monthly payments over the first two years of the Australian Apprenticeship according to the following schedule and rate:

Payment	Full-time Rate	Part-time Rate
6 month	\$1,250	\$625
12 month	\$1,250	\$625
18 month	\$1,250	\$625
24 month	\$1,250	\$625

The part-time payment rate is applied as a flat rate regardless of part-time hours worked in any given Claim period.

(a) Tax File Number Declaration

The Australian Apprentice Training Support Payment is treated as taxable income.

A Tax File Number Declaration must be provided to avoid tax being withheld at the highest marginal rate, as required by the Australian Taxation Office. [Apply for a TFN | Australian Taxation Office \(ato.gov.au\)](https://www.ato.gov.au/Apply-for-a-TFN/)

For more information on taxation and tax rates see Part G section 5.

1.4 Claiming payments

For an Australian Apprentice to claim the Australian Apprentice Training Support Payment:

- all standard requirements for claiming payments must be met; and
- the Australian Apprentice must lodge their claim through the Apprenticeships Data Management System.

(a) Effect date and time limit for lodging a claim

The Effect date is the date the claim becomes payable.

The first Effect date corresponds to six months from commencement or recommencement (excluding periods of suspension). Effect dates thereafter are six calendar months from the date of the previous Effect date (excluding periods of suspension).

The time limit for lodging a claim is 3 months from each Effect date.

(b) Claim form and lodgement

Eligible Australian Apprentices must claim the Australian Apprentice Training Support Payment in the Apprenticeships Data Management System, unless otherwise specified.

The Australian Apprentice must provide evidence with the claim form that they were employed at the Effect date of a claim.

This evidence can be in the form of a payroll print out, time and wages sheet, payslip, or payroll summaries which must be able to confirm:

- the legal name or Australian Business Number (ABN) of the business the apprentice is employed by; and
- apprentice name; and
- a date range aligning with the Effect date of the claim; and
- gross wage amount.

1.5 Apprenticeship administration for the purposes of the Australian Apprentice Training Support Payment

(a) Suspensions and cancellations

An Australian Apprentice is not eligible to claim an Australian Apprentice Training Support Payment while they are in a period of suspension or have cancelled their Australian Apprenticeship.

Where an Australian Apprentice, following a period of suspension or cancellation of less than 12 months, recommences their Australian Apprenticeship in the same qualification and occupation with either the same or a different employer, the Effect date for the next available claim will be extended by the number of days the Australian Apprentice was in suspension or cancelled.

An Australian Apprentice can claim a maximum of up to \$5,000 for one Australian Apprenticeship Journey, regardless of the number of Training Contracts (or returns from suspension or cancellation), where there is no change to the qualification or occupation.

(b) Early completions

Where an Australian Apprentice successfully completes the Australian Apprenticeship prior to an Effect date, the Australian Apprentice will not be eligible for the Australian Apprentice Training Support Payment.

2. New Energy Apprentice Support Payment

2.1 Overview

The New Energy Apprentice Support Payment is designed to encourage apprentices to choose clean energy careers, improve retention rates and deliver more successful completions by providing direct financial support to Australian Apprentices commencing an Australian Apprenticeship in a clean energy occupation.

The New Energy Apprentice Support Payment will be available to eligible Australian Apprentices undertaking a Certificate III, Certificate IV, Diploma or Advanced Diploma level qualification with an occupational outcome listed on *Appendix A - Australian Apprenticeships Priority List* and identified as a clean energy occupation. Clean energy occupations are identified by the symbol ❖ and green highlighting at *Appendix A - Australian Apprenticeships Priority List*.

2.2 Eligibility requirements

For an Australian Apprentice to be eligible for the New Energy Apprentice Support Payment:

- all primary eligibility requirements must be met; and
- the Australian Apprentice must have:
 - commenced or recommenced their Australian Apprenticeship, with a new employer, on or after 1 January 2023; or
 - recommenced their Australian Apprenticeship with their original employer on or after 1 January 2023, where the period of suspension or cancellation was greater than:
 - 6 months if the commencement date was prior to 1 July 2022; or
 - 12 months if the commencement date was on or after 1 July 2022; and
- the Australian Apprentice, at the date of commencement or recommencement with a new employer, must be undertaking:
 - a qualification at the Certificate III, Certificate IV, Diploma or Advanced Diploma level listed on *Appendix A - Australian Apprenticeships Priority List* and identified as a clean energy qualification; and
 - an Australian Apprenticeship with an occupational outcome listed on *Appendix A - Australian Apprenticeships Priority List* and identified as a clean energy occupation; and
- the employer must demonstrate:
 - business engagement and operation with the clean energy sector; and
 - the Australian Apprentice will be provided with a significant*proportion of their work in the clean energy sector; on an ongoing basis and at commencement or recommencement; and
- a signed declaration must be received from:
 - the Australian Apprentice stating their commitment to participate in the two onsite workplace site checks (conducted by their AASN provider) and to build skills in the clean energy sector, including selecting clean energy electives in their training, where available and appropriate: and
 - their employer stating their commitment to participate in two onsite workplace site checks (conducted by their AASN provider) and provide ongoing on the job training in a clean energy work and/or project(s); and
- the Australian Apprentice must be in-training with their employer at the Effect date.

* a significant proportion of their work means the Australian Apprentice will need to be exclusively working on clean energy related activities, except when undertaking other training or work activities required to attain core competencies as part of their mandatory training.

In addition to the above requirements, the Australian Apprentice must not be in receipt of the Australian Apprentice Training Support Payment for the same Australian Apprenticeship.

(a) Part-time Apprenticeships

Where an Australian Apprentice undertakes an Australian Apprenticeship part-time, they will be able to claim the New Energy Apprentice Support Payment at the part-time rate, calculated as a flat rate for all part-time employment and training.

Where an Australian Apprentice changes their employment and training arrangements during any Claim period, the claim rate will be assessed based on the employment and training arrangements at the Effect date of each Claim period.

(b) Concurrent Apprenticeships

Where an Australian Apprentice undertakes two part-time Australian Apprenticeships concurrently with either the same or with a different employer, and where there are overlapping Claim periods, an Australian Apprentice can only claim up to the full-time rate for any one Claim period.

If the Australian Apprentice is employed by different employer in a clean energy apprenticeship, both employers will be required to sign a declaration.

2.3 Payment schedule and rates

Eligible apprentices can claim **up to** \$10,000 for a full-time apprenticeship and up to \$5,000 for a part-time apprenticeship over the life of the Australian Apprenticeship depending on the length of their apprenticeship, according to the following schedule and rates:

Payment	Full-time Rate	Part-time Rate
6 month	\$2,000	\$1,000
12 month	\$2,000	\$1,000
24 month	\$2,000	\$1,000
36 month	\$2,000	\$1,000
Completion	\$2,000	\$1,000

The part-time payment rate is applied as a flat rate regardless of part-time hours worked in any given Claim period.

A completion payment is only made when the Australian Apprenticeship has been successfully completed. This payment may coincide with another payment if the Australian Apprentice happens to complete their Australian Apprenticeship **on** an Effect date.

(a) Tax File Number Declaration

The New Energy Apprentice Support Payment is treated as taxable income.

A Tax File Number Declaration must be provided to avoid tax being withheld at the highest marginal rate, as required by the Australian Taxation Office. [Apply for a TFN | Australian Taxation Office \(ato.gov.au\)](https://www.ato.gov.au/Apply-for-a-TFN/)

For more information on taxation and tax rates see Part G section 5.

2.4 Claiming payments

For an Australian Apprentice to claim the New Energy Apprentice Support Payment:

- all standard requirements for claiming payments must be met; and
- the Australian Apprentice must lodge their claim through the Apprenticeships Data Management System, unless otherwise specified.

(a) Effect date and time limit for lodging a claim

The Effect date is the date the claim becomes payable as per the following table.

Payment	Timing
6 month	6 elapsed calendar months from the date of commencement or recommencement (excluding periods of suspension). eg if commencement date is 1 January 2023, the Effect date for this payment is 1 July 2023
12 month	6 elapsed calendar months from previous Effect date (excluding periods of suspension). eg if previous Effect date is 1 July 2023, the Effect date for this payment is 1 January 2024.
24 month	12 elapsed calendar months from the previous Effect date (excluding periods of suspension). eg if previous Effect date is 1 January 2024, the Effect date for this payment is 1 January 2025.
36 month	12 elapsed calendar months from the previous Effect date (excluding periods of suspension).

	eg if previous Effect date is 1 January 2025, the Effect date for this payment is 1 January 2026.
Completion	The date the Australian Apprenticeship is successfully completed.

The time limit for lodging a claim is 3 months from each Effect date.

(b) Claim form and lodgement

Eligible Australian Apprentices must claim the New Energy Apprentice Support Payment in the Apprenticeships Data Management System, unless otherwise specified.

The Australian Apprentice must provide evidence with the claim form that they were employed at the Effect date of a claim.

This evidence can be in the form of a payroll print out, time and wages sheet, payslip, or payroll summaries which must be able to confirm:

- the legal name or Australian Business Number (ABN) of the business the apprentice is employed by; and
- apprentice name; and
- a date range aligning with the Effect date of the claim; and
- gross wage amount.

2.5 Apprenticeship administration for the purposes of the New Energy Apprentice Support Payment

(a) Suspensions and cancellations

An Australian Apprentice is not eligible to claim a New Energy Apprentice Support Payment while they are in a period of suspension or have cancelled their Australian Apprenticeship.

Where an Australian Apprentice, following a period of suspension or cancellation of less than 12 months, recommences their Australian Apprenticeship in the same qualification and occupation with either the same or a different employer, who commits to offering clean energy occupation opportunities, the Effect date for the next available claim will be extended by the number of days the Australian Apprentice was in suspension or cancelled.

An Australian Apprentice can claim up to a maximum of \$10,000 for one Australian Apprenticeship Journey, regardless of the number of Training Contracts (or returns from suspension or cancellation), where there is no change to the qualification or occupation.

(b) Early completions

Where an Australian Apprentice successfully completes the Australian Apprenticeship prior to an Effect date, the Australian Apprentice will not be eligible for the next scheduled instalment of the New Energy Apprentice Support Payment.

A completion payment is made when the Australian Apprenticeship has been successfully completed. This payment may coincide with another payment instalment if the Australian Apprentice happens to complete their Australian Apprenticeship on an Effect date.

3. Living Away From Home Allowance

3.1 Overview

The Living Away From Home Allowance provides assistance to Australian Apprentices who are required to move away from their parent's or guardian's residence to take up or remain in an Australian Apprenticeship. The Living Away From Home Allowance is available during the first three years of an Australian Apprenticeship.

3.2 Eligibility requirements

For an Australian Apprentice to be eligible for the Living Away From Home Allowance payment:

- all primary eligibility requirements must be met; and
- the Australian Apprentice must:
 - be undertaking a qualification at the Certificate II level or above; and
 - be within 36 months of the commencement date of their Australian Apprenticeship (whether full-time or part-time); and
- the Australian Apprentice must:
 - not have a current claim for Youth Allowance, Austudy, or ABSTUDY; or
 - not receive rental or accommodation assistance from Centrelink or free or subsidised quarters or board from their employer; or
 - not move away from home to:
 - attend block release off-the-job training, as state and territory governments may provide assistance in these circumstances; or
 - undertake a course initiated by their employer that is not part of the Australian Apprenticeship; or
 - attend boarding school.

In addition to the above requirements, the Australian Apprentice must meet the residential criteria outlined below.

(a) Residential criteria

An Australian Apprentice meets the residential criteria if they:

- move from their parent or guardian's home for the first time:
 - within three months before commencing or recommencing an Australian Apprenticeship; or
 - to remain in an Australian Apprenticeship; or

- to pursue essential supplementary on-the-job training with another employer; and
- demonstrate that if they had not moved, one of the following criteria would have applied:
 - more than 90 minutes travel time each way between work and home; or
 - unreasonable travel delays; or
 - limited or unsuitable transport arrangements; or
 - prohibitive transport costs.

For Australian School-based Apprentices, moving to boarding school does not satisfy the residential criteria.

Where a Group Training Organisation is the employer, the host employer's workplace address is to be used when considering residential criteria.

(i) Homelessness

An Australian Apprentice who is homeless may be eligible for the Living Away From Home Allowance as it is recognised that the lack of stable housing is a major impediment to completion of an Australian Apprenticeship.

(ii) Custodial Australian Apprentices

Australian Apprentices who have been released from a Custodial sentence may become eligible for the Living Away From Home Allowance if they meet the homelessness criteria. (see Item 2.4 (a) (i))

(b) Australian School-based Apprentices post-boarding school

Australian School-based Apprentices who commenced their Australian Apprenticeship while at boarding school will be eligible to receive the balance of the remaining Living Away From Home Allowance from the date they establish a new residence which is away from their parent's or guardian's home, when they continue with the qualification leading to the same occupational outcome post-school.

(c) Eligibility for the Living Away From Home Allowance for more than one registration

(i) Progression from a Certificate II to a Certificate III or IV

An Australian Apprentice is eligible for the balance of the 36-month Living Away From Home Allowance entitlement if they commence an Australian Apprenticeship at the Certificate III or IV level with the same employer within 12 months of successfully completing an Australian Apprenticeship at the Certificate II level, for which they were eligible for the Living Away From Home Allowance.

(ii) Commencement of a second Australian Apprenticeship after a withdrawal or cancellation

An Australian Apprentice is eligible for the Living Away From Home Allowance for a further 36 months from the commencement of the subsequent Australian Apprenticeship if they withdrew or cancelled the previous Australian Apprenticeship prior to the end of the three month probation period. In these instances, the subsequent Australian Apprenticeship is deemed to be the first Australian Apprenticeship.

(iii) Post-Australian School-based Apprenticeships

Australian Apprentices who received the Living Away From Home Allowance while undertaking an Australian School-based Apprenticeship will be eligible to receive the Living Away From Home Allowance for a further 36 months if they:

- completed at least three calendar months of the Australian School-based Apprenticeship prior to leaving school; and
- did not continue the same occupational outcome after leaving school; and
- commence an Australian Apprenticeship in a different occupational outcome or at a higher level.

3.3 Payment rates

The Living Away From Home Allowance is paid in arrears at the following rates:

Time period	Rate
First 12-month period from the date of commencement	\$77.17 per week
Second 12-month period	\$38.59 per week
Third 12-month period	\$25.00 per week

Where an Australian Apprentice moves away from their parent or guardian's home after commencing the Australian Apprenticeship, they will be eligible for the Living Away From Home Allowance from the date of establishing the new residence until 36 months from the date of commencement of the Australian Apprenticeship, or completion of the Australian Apprenticeship (whichever comes first).

3.4 Applying for the Living Away From Home Allowance

To apply for the Living Away From Home Allowance, an Australian Apprentice must:

- complete an *Application for Living Away From Home Allowance* (Form 530); and
- attach the evidence specified below.

An application should be received within 12 months of the date the Australian Apprentice became eligible for the Living Away From Home Allowance.

An application form received more than 12 months from the date an Australian Apprentice became eligible for the Living Away From Home Allowance may be approved subject to meeting the eligibility requirements.

Consistent with the time limits for lodging claims, the eligibility period can only be backdated 12 months from the date the application was received.

(a) Evidence required

An Australian Apprentice must attach the following evidence to their application to support their claim:

- a statutory declaration from the parent or legal guardian stating:
 - their residential address; and

- that the Australian Apprentice resided at that address immediately prior to moving to take up the Australian Apprenticeship; and
- this is the first time the Australian Apprentice has moved away from home; and
- the date the Australian Apprentice moved from the parental or legal guardian home.
- proof of their current residential address which may be in the form of:
 - a rental receipt or
 - any local government or statutory authority document; or
 - a statutory declaration from the owner of the residential premises; or
 - a document from the real estate agent from whom the Australian Apprentice is renting the property.

If an Australian Apprentice is applying for the Living Away From Home Allowance on the grounds of homelessness, they must attach the following information to their application:

- a personal statement of their circumstances, including all details of other support received; and
- a statement containing an objective, independently investigated account verifying the Australian Apprentice's homelessness status from one of the following:
 - a social worker; or
 - a medical practitioner or other professional health worker; or
 - a police worker; or
 - a trained youth counsellor employed by a government-registered agency; or
 - a minister of religion; or
 - an appropriate Centrelink delegate; or
 - a Centrelink Placement, Employment and Training provider.

3.5 Claiming payments

Where the Training Contract has not been approved by the State or Territory Training Authority, the Living Away From Home Allowance can be paid for three months from the date of commencement, or recommencement.

(a) Claim periods and time limits for lodging a claim

The Claim periods are determined by the Australian Apprentice (that is, the regularity in which claim forms are lodged). The first day of the Claim period is the later of the:

- date of commencement; or
- date the Australian Apprentice meets all eligibility requirements; or
- day after the submission date of the Australian Apprentices last claim.

The time limit for lodging claims is 12 months from the first day of the Claim period.

Late claims (that is, claims received more than 12 months after the Australian Apprentice became eligible for the Living Away From Home Allowance) may be approved subject to meeting eligibility criteria. The claim can only be backdated 12 months from the date it was received.

(b) Claim forms

An eligible Australian Apprentice must claim the Living Away From Home Allowance using the *Living Away From Home Allowance (LAFHA) Claim Form* (Form 1238).

Claim forms must be:

- signed and dated on or after the last day of the Claim period; and
- lodged in the Apprenticeships Data Management System within 12 months of the first day of the Claim period.

Where the employer is a Group Training Organisation, either the host employer or the Group Training Organisation can sign the claim form.

3.6 Apprenticeship Administration for the purposes of the Living Away From Home Allowance

(a) Suspensions and cancellation rules

The Living Away From Home Allowance may continue to be paid for three months from the date of suspension or cancellation provided that the Australian Apprentice:

- maintains their Living Away From Home residence; and
- does not resume living at their parent's or guardian's home on an ongoing basis; and
- has not lodged a claim for Youth Allowance, Austudy, or ABSTUDY.

Where an Australian Apprenticeship has been cancelled, the Australian Apprentice must also be registered with Centrelink as a job seeker.

(b) Receipt of other allowances

An Australian Apprentice may not receive the Living Away From Home Allowance and the following support at the same time:

- Youth Allowance; or
- Austudy; or
- ABSTUDY.

Any existing claims for Youth Allowance, Austudy, or ABSTUDY must be cancelled prior to making a claim for the Living Away From Home Allowance.

An Australian Apprentice who wishes to make a claim for Youth Allowance, Austudy, ABSTUDY must cancel their Living Away From Home Allowance prior to doing so.

Part G. General administrative matters

1. How payments are made

Once the Effect date has been reached, the Department of Employment and Workplace Relations will provide the claim form to the Claimant for all claim types.

If all eligibility requirements and requirements to claim payments are met, payments will be made by direct credit to the Claimant's bank account as identified on the claim form.

Payments may be used at the discretion of the Claimant, unless otherwise specified.

2. Withholding or refusing payment and suspect claims

The Guidelines establish processes for withholding or refusing payments, as well as managing suspect claims.

2.1 Right to withhold or refuse payment

The Department reserves the right to withhold or refuse payment, or require return of payments made in situations including, but not limited to, where:

- it is considered that the Australian Apprenticeship does not provide a valid or genuine employment and training opportunity for the Australian Apprentice; or
- fraud or manipulation of the Guidelines has occurred to maximise payments which would otherwise not have been payable, such as:
 - releasing an Australian Apprentice and re-engaging the same or a new Australian Apprentice; or
 - coercing or directing an employee to commence an Australian Apprenticeship; or
- the employer or Australian Apprentice has engaged in abusive or criminal conduct during the Australian Apprenticeship.

2.2 Suspect claims

Australian Apprenticeship Support Network providers are required to advise the Department of Employment and Workplace Relations, as soon as practicable, if they become aware of:

- allegations of fraudulent activities or attempts to manipulate the Incentives System by an employer, Australian Apprentice or Registered Training Organisation to maximise payments that would otherwise not have been payable; or
- employer recruitment and retrenchment patterns that suggest possible abuse of the system; or
- suspected breaches of the provisions of the Training Contract; or
- any investigations of an employer or Australian Apprentice by the State or Territory Training Authority; or
- any instance where an Australian Apprentice, or person acting on their behalf, makes an allegation or complaint against an employer, including claims of harassment or non-payment of wages.

3. Debt recovery

3.1 Departmental responsibilities

Where a payment has been made under the Incentives System to an ineligible Claimant, including where the payment type has since lapsed, the Department of Employment and Workplace Relations will make every reasonable effort to recover the overpaid amount.

3.2 Australian Apprenticeship Support Network provider responsibilities

Australian Apprenticeship Support Network providers are required to notify their State or Territory Contract Manager as soon as practicable once they become aware that an overpayment has occurred.

Australian Apprenticeship Support Network providers are not authorised to recover payments on behalf of the Australian Government.

4. Waivers and review of decisions

4.1 Overview

The Department of Employment and Workplace Relations is committed to procedural fairness in the administration of the Incentives System. It is intended that all decisions are consistent, equitable and transparent within the limits and constraints of the approved policies for the Incentives System.

In the interests of procedural fairness, a Claimant can seek review of a decision by the Department of Employment and Workplace Relations.

The Claimant can also seek investigation of the decision by the Commonwealth Ombudsman.

4.2 Notification of ineligibility

Where a Claimant is assessed as not eligible to claim a payment, their Australian Apprenticeship Support Network provider must provide advice in writing, which must:

- include a clear and concise explanation of the decision, with reference to the relevant section of the Guidelines and outline of the intent of the policy; and
- explain that the only basis for a review is where:
 - the Claimant considers that an incorrect decision has been made; or
 - the Claimant considers that there have been exceptional circumstances; and
- specify that a Claimant must submit a request for review within three months of receiving notification that they are not eligible to claim and / or receive the payment.

4.3 Process for the review of a decision

(a) Claimant requests a review of a decision

If a Claimant requests a review of a decision regarding a claim for payment, this must be made in writing directly to the Australian Apprenticeship Support Network provider in the first instance.

All requests for a review of decision must:

- outline:
 - why the Claimant considers the decision to be incorrect; or
 - what the exceptional circumstances are; and
- provide any additional evidence that may support a review of the case; and
- be submitted within 3 months of receiving the decision regarding the rejected claim.

A top up payment is a review of decision and as such a request for a Manual claim to top up a previously paid claim, must be made within 3 months of the payment date. The employer or apprentice will have 3 months to return the completed form to the AASN for processing.

(b) Review by the Australian Apprenticeship Support Network provider

Where the Claimant considers that an incorrect decision has been made, the Australian Apprenticeship Support Network provider must re-examine the decision based on the policies and procedures of the Incentives System, taking into account the reasons that the Claimant has put forward for review of the decision as well as any additional information provided.

If the Australian Apprenticeship Support Network provider:

- identifies an error in their original decision, they must correct the error and notify the person requesting the review in writing of their decision with a full explanation; or
- upholds the original decision, the decision must be reviewed by the Department of Employment and Workplace Relations; or
- receives a request for review on the basis of exceptional circumstances, refer the matter to the Department of Employment and Workplace Relations for review.

(c) Review by the Department of Employment and Workplace Relations

The decision must be reviewed by the Department of Employment and Workplace Relations where:

- the original decision is upheld by the Australian Apprenticeship Support Network provider; or
- the Claimant has put forward exceptional circumstances as the basis for the review.

Where relevant, the Australian Apprenticeship Support Network provider must forward the evidence provided by the Claimant, as well as all relevant documentation to the relevant State or Territory Contract Manager.

In reviewing the decision, the Department of Employment and Workplace Relations must take into account the policies and intent of the Incentives System. The Department of Employment and Workplace Relations has an overarching obligation to ensure the policy intent of the Incentives System is achieved. To this end, the Department of Employment and Workplace Relations has some scope to waive the Incentives System rules in

line with exceptional circumstances provisions only, to determine if a Claimant would have been eligible if it were not for the exceptional circumstances highlighted.

The Department of Employment and Workplace Relations must notify the Claimant of the reviewed decision, in writing, as soon as possible after an assessment is complete and a decision has been made.

If unsuccessful, the notification must provide:

- a clear and concise explanation of the reason(s) that the request for review was unsuccessful, outlining the intent of the policy and referring to the Guidelines; and
- advise the Claimant if they are dissatisfied with the outcome, they have the right to ask the Commonwealth Ombudsman to investigate the decision.

(d) Review by the Commonwealth Ombudsman

The Commonwealth Ombudsman can investigate complaints about the actions and decisions of Australian Government agencies.

Where a complaint is investigated by the Commonwealth Ombudsman, they can make a recommendation to the Department of Employment and Workplace Relations that it reconsider its action or decision. The Commonwealth Ombudsman cannot compel the Department of Employment and Workplace Relations to comply with those recommendations, but the Department of Employment and Workplace Relations will take recommendations into consideration when making a further determination of a claim.

The Commonwealth Ombudsman can be contacted on:

Phone (Toll free): 1300 362 072

Email: ombudsman@ombudsman.gov.au

Website: www.ombudsman.gov.au

4.4 Consideration of exceptional circumstances

The Department of Employment and Workplace Relations is the only entity that has the capacity to consider exceptional circumstances when reviewing a decision. Exceptional circumstances are circumstances that are unusual, uncommon, or unexpected, including:

- an unexpected event that has affected the Claimant, such as a natural disaster or other serious unforeseen disruption to the business; or
- circumstances which mean requirements under the Incentives System cannot be met, such as an Australian Apprentice being affected by illness, injury, or trauma.

The Department of Employment and Workplace Relations must consider all declarations and supporting documentation when reviewing a decision and balance the rights of the Claimant with the prudent use of public monies and Incentives System administration. When considering a request for a waiver of the Incentives System Guidelines the following issues are to be taken into account:

- Has the claim been disrupted by unusual, uncommon, or unexpected events that have impacted the ability to provide supporting evidence or take necessary actions within the required time limits? If yes, then exceptional circumstances may be in play.

- Would the Claimant be eligible for the payment if the claimed exceptional circumstances had not occurred? This determines the Claimant's eligibility for the payments in dispute.
- Are the exceptional circumstances out of the control of the Claimant? If yes, then exceptional circumstances may be in play.
- Could the Claimant have reasonably been expected to do more to ensure that the claim was approved? If not, then exceptional circumstances may be in play.
- Did the Australian Apprenticeship Support Network provider, the Department of Employment and Workplace Relations or any of its agents provide timely and appropriate advice, information, and service to enable the Claimant to meet the requirements for the approval of the claim? If not, then exceptional circumstances may be in play.

Example of an exceptional circumstance

An employer lodges a claim for the Hiring Incentive 16 months after the claim Effect date. The claim is denied as it must be lodged within 12 months of the Effect date. The employer requests a review of the decision stating that the reason the claim was lodged out of time is that there was a fire in their office six months ago which destroyed their records. Provided that no other claims from that employer were received during this period, it is likely that this would be considered exceptional circumstances and the claim would be accepted by the Department of Employment and Workplace Relations.

Example of a circumstance that is not an exceptional circumstance

An Australian Apprentice applied for the Living Away From Home Allowance 15 months after the commencement date and would like the payments paid from commencement. The Guidelines do not allow for payments to be backdated beyond 12 months from the claim date. The apprentice has asked for the claim to be reviewed so that it can be backdated for the full 15-month period. The reason that the claim was not submitted within the required timeframe was that she had misplaced the forms and forgot to make the claim. This situation should not be considered an exceptional circumstance and the original decision would be upheld.

5. Taxation

5.1 Goods and Services Tax

The Goods and Services Tax (GST) does not apply to payments made to employers and Australian Apprentices under the Incentives System. However, GST does apply to Registered Training Organisations who are in receipt of the Tutorial, Mentor, and Interpreter Services payment.

A New Tax System (Goods and Services Tax) Act 1999 (the GST Act) imposes an obligation on the part of the payment Claimant to remit GST to the Australian Taxation Office (ATO) in respect of payments received under the Incentives System (where GST is applicable to the payment), as 'entering into an obligation' represents a taxable supply in cases where the Claimant of the payment is registered for GST.

For the purposes of the GST Act, a connection between the payment and the supply is established once a claim form is completed for each payment. Payments under the Incentives System are made in response to the payment Claimant (not including Australian Apprentices in receipt of the Living Away From Home Allowance) entering into an obligation with the Australian Government.

Registered Training Organisations claiming payments under the Incentives System must complete a claim form which constitutes a tax invoice for the purposes of the GST Act once signed by an authorised representative.

5.2 Australian Business Number of an employer

Employers or Registered Training Organisations making a claim for any payment under the Incentives System are asked to provide their current Australian Business Number (ABN). The ABN should be the ABN of the legal entity.

Legal entities include:

- an individual
- a company
- a trustee of a trust
- a cooperative
- partners of a partnership
- an authority established as a body corporate by legislation

A trading name, business name, unincorporated association, partnership name or trust name is not a legal entity.

Where the employer is employing an Australian Apprentice as part of its function as trustee of a trust, partner of a partnership, member of an unincorporated association, or manager of a superannuation fund, the ABN provided should be the ABN of the relevant trust, partnership, unincorporated association or superannuation fund. These entities are given ABNs even though they are not legal entities.

The use of an ABN has tax consequences but does not affect the legal obligations of the legal entity under the contract or its entitlement to receive incentives.

5.3 Tax withholding

(a) Employers

Where an ABN is not provided, the full payment will be divided into two parts – a payment to the employer, and tax withheld and remitted to the ATO. The full payment will be divided as follows:

- 53 per cent of the claimed amount paid to the employer or other entity; and
- 47 per cent withheld and remitted to the ATO.

(b) Australian Apprentices

The Australian Apprentice Training Support Payment and the New Energy Apprentice Support Payment are treated as taxable income.

A Tax File Number Declaration must be provided to avoid tax being withheld at the highest marginal rate, as required by the ATO.

There are four taxation withholding rates applicable to the Incentives System and these amounts are:

- 21.0 per cent where the Australian Apprentice declares that their annual income does not exceed \$37,000; or
- 34.5 per cent where the Australian Apprentice declares that their annual income exceeds \$37,000; or
- 47.0 per cent where the Australia Apprentice has not provided their TFN; or
- at a rate agreed by the ATO.

Taxation treatment for payments to Australian Apprentices under the Australian Apprenticeships Incentive System are detailed in the TFN declaration Handling Strategy available through AASN providers.

5.4 Tax-exempt payments

The Living Away From Home Allowance paid to Australian Apprentices is tax-exempt and is therefore not treated as taxable income.

6 Conflicts of interest

Conflicts of interest for Australian Government staff are handled as set out in the Australian Public Service Code of Conduct (Section 13 (7)) of the *Public Service Act 1999*.

Australian Apprenticeship Support Network provider conflict of interest management plans are approved by the Department of Employment and Workplace Relations as part of the tender process and are included as part of the Contract between the Department and Australian Apprenticeship Support Network providers.

7 Privacy

7.1 Overview

Australian Apprenticeship Support Network providers and Services Australia may collect, disclose, make a record, or otherwise use personal information for the purposes of administering the Incentives System. The *Privacy Act 1988* and the Australian Privacy Principles (APPs) govern how personal information is collected, used, disclosed, and stored. The Department of Employment and Workplace Relations' contracts with Australian Apprenticeship Support Network providers, and the Memorandum of Understanding with Services Australia contain further obligations regarding privacy.

The Information Commissioner has powers to investigate possible interferences with privacy, either following a complaint by the individual or on the Commissioner's own initiative.

7.2 Use and disclosure of personal information

An individual's personal information can be collected, disclosed, or otherwise used if the recording, disclosure or use of that information is made for the purposes of the Incentives System or with the express or implied authorisation of the person to whom the personal information relates.

Personal information may be used for research, statistical analysis, and policy development where use of this information is reasonably necessary.

Personal information may be disclosed to third parties for the purposes of administering and carrying out the functions of the Incentives System. Third parties include, but are not limited to:

- the Department of Employment and Workplace Relations and other Australian Government departments and agencies, such as the ATO or Services Australia; or
- state or territory government departments and agencies; or
- staff of the minister's office; or
- Australian Apprenticeship Support Network providers; or
- Registered Training Organisations; or
- the contractors or agents of these organisations, departments, and agencies.

Personal information will not be used or disclosed without consent other than as described in these Guidelines, or unless required or authorised by Australian law.

7.3 Possible interferences with privacy

The Information Commissioner has powers to investigate possible interferences with privacy, either following a complaint by the individual or of the Commissioner's own initiative.

8. Freedom of Information

All documents in the possession of the Australian Government are subject to the *Freedom of Information Act 1982* (FOI Act).

The purpose of the FOI Act is to give members of the public rights of access to information held by the Australian Government and its entities. Under the FOI Act, members of the public can seek access to documents held by the Australian Government. This right of access is limited only by the exceptions and exemptions necessary to protect essential public interests and private and business affairs of persons in respect of whom the information relates.

All Freedom of Information requests must be referred to the Freedom of Information Coordinator in writing to foi@dewr.gov.au

Part H. Glossary

Australian Apprentice

A person who is:

- employed under a Training Contract that has been registered with, and validated by, their State or Territory Training Authority; and
- undertaking paid work and structured training which commonly comprises both on and off-the-job training; and
- undertaking a negotiated training program that involves obtaining a nationally recognised qualification.

In some states and territories, Australian Apprentices may be referred to as apprentices or trainees.

Australian Apprenticeship

The contracted employment and training arrangement between an Australian Apprentice and an employer.

In some states and territories, Australian Apprenticeships may be referred to as apprenticeships or traineeships.

Australian Apprenticeship Journey

An Australian Apprenticeship Journey is the period of time between the commencement and completion of an Australian Apprenticeship. One Australian Apprenticeship Journey can involve more than one employer and more than one Training Contract over the life of an Australian Apprenticeship.

Apprenticeships Data Management System

A modern and secure platform supporting the delivery of Australian Apprenticeship programs.

Australian and New Zealand Standard Classification of Occupations (ANZSCO)

List of standard classifications for occupations developed for use in Australia and New Zealand. Further information is on the Australian Bureau of Statistics website – www.abs.gov.au/classifications.

Australian Apprenticeships Priority List (Priority List)

The Australian Apprenticeships Priority List identifies Certificate III, Certificate IV, Diploma and Advanced Diploma qualifications and occupations classified by the Australian Bureau of Statistics on the Australian and New Zealand Standard Classification of Occupations (ANZSCO) as Technician and Trade Workers (Major Group 3) and Community and Personal Service Workers (Major Group 4) and assessed by the National Skills Commission as being in national skills shortage. See Appendix A: Australian Apprenticeships Priority List.

Australian Apprenticeship Support Network Contract

The contract between the Department of Employment and Workplace Relations and Australian Apprenticeship Support Network providers that stipulates the conditions under which Australian Apprenticeship Support Network services are delivered.

Australian Apprenticeship Support Network providers

Australian Apprenticeship Support Network providers are organisations contracted by the Department of Employment and Workplace Relations to deliver Australian Apprenticeship Support Network services. The Australian Apprenticeship Support Network Operating Guidelines outline the operating processes for providers.

Australian Qualifications Framework (AQF)

The national policy for regulated qualifications in Australian education and training. It incorporates the qualifications from each education and training sector into a single comprehensive national qualifications framework. Further information can be found on the Australian Qualifications Framework website – www.aqf.edu.au.

Actual wage

The ordinary weekly wage calculated at a weekly or hourly rate before tax, and excluding:

- overtime; and
- allowances; and
- penalty rates; and
- leave loading; and
- superannuation.

This differs from 'gross wage'

Claimant

The person or entity making the claim, which may include:

- employers
- Australian Apprentices
- Registered Training Organisations

Claim period

The defined period of time for which a claim can be made.

Clean Energy Sector

Activities principally motivated by the production of renewable energy, and/or by the design, construction and/or operation and maintenance of renewable energy infrastructure

Commonwealth entity

A Department of State, or a Parliamentary Department, or a listed entity or body corporate established by a law of the Commonwealth. See section 10 of the *Public Governance, Performance and Accountability Act 2013*.

Commonwealth Grants Rules and Guidelines

The *Commonwealth Grants Rules and Guidelines* (CGRGs) establish the overarching Commonwealth grants policy framework and articulate the expectations for all non-corporate Commonwealth entities in relation to grants administration. Under this framework, non-corporate Commonwealth entities undertake grants administration based on the mandatory requirements and key principles of grants administration.

Completion payment

A completion payment is dependent on the Australian Apprentice successfully completing their Australian Apprenticeship.

Custodial Australian Apprentice

Is an Australian Apprentice who is in custody at the time of commencement and is released from custody on day release or similar arrangements in order to participate in an Australian Apprenticeship.

An Australian Apprentice who is required to attend periodic detention that does not coincide with their employment under their Australian Apprenticeship is not considered to be a Custodial Australian Apprentice for the purposes of the Incentives System.

Department

Refers to the Australian Government Department of Employment and Workplace Relations, or any of its successor departments.

Effect date

The date that a claim becomes payable subject to the completion of the waiting period, where applicable.

An Effect date is dependent on the commencement date of the Australian Apprenticeship, and the time spent in the Australian Apprenticeship thereafter, excluding periods of suspension.

Eligibility requirements

Mandatory requirements which must be met to qualify for payment. Assessment requirements may apply in addition to eligibility requirements.

Existing Worker

An Existing Worker is a person who has had an employment relationship with their employer for more than three full-time equivalent months, including approved leave, on the date of commencement of the Australian Apprenticeship.

Formally Approved

Where the relevant State or Territory Training Authority has approved the Training Contract. For Australian Apprentices in New South Wales, this is the date of approval of the Training Contract, not its date of registration.

Full-time equivalent

The calculated full-time equivalent duration of employment or training that was completed on a non-full-time basis, or a combination of full-time and non-full-time employment.

Grant

For the purposes of the CGRGs, a 'grant' is an agreement for the provision of financial assistance by the Commonwealth or on behalf of the Commonwealth:

- under which relevant money or other Consolidated Revenue Fund money is to be paid to a grantee other than the Commonwealth; and
- which is intended to help address one or more of the Australian Government's policy outcomes while assisting the grantee achieve its objectives.

GrantConnect

GrantConnect is the Australian Government's whole-of-government grants information system, which centralised the publication and reporting of Commonwealth grants in accordance with the CGRGs.

Group Training National Register

Identifies all Group Training Organisations which have complied with national standard set by State and Territory Vocational Education and Training Ministers and are eligible to use the Group Training National logo.

All Group Training Organisations listed on this National Register have been recognised as compliant against the National Standards for Group Training Organisations, by State or Territory Training Authorities.

The Register can be accessed from the Australian Apprenticeships website.

Group Training Organisation (GTO)

An organisation that employs Australian Apprentices under a Training Contract and places them with host employers. The Group Training Organisation undertakes the employer responsibilities for the quality and continuation of the Australian Apprentices' employment and training, including payment of Australian Apprentices' wages. The Group Training Organisation also manages the additional care and support necessary to achieve the successful completion of the Training Contract.

A Group Training Organisation is not the same as a labour hire company.

Guidelines

The *Australian Apprenticeships Incentive System Guidelines*.

Gross wage

The total amount an employer pays an Australian Apprentice before deductions are made, including:

- allowances; and
- overtime; and
- penalty rates; and
- any other amount.

This differs from 'actual wage'.

Medical Practitioner

A person registered or licensed as a medical practitioner under a law of a state or territory that provides for the registration or licensing of medical practitioners but does not include a person so registered or licensed:

- a. whose registration, or license to practise, as a medical practitioner in any state or territory has been suspended, or cancelled, following an inquiry relating to his or her conduct; and
- b. who has not, after that suspension or cancellation, again been authorised to register or practise as a medical practitioner in that state or territory.

National Redress Scheme

The Australian Government set up the National Redress Scheme to provide redress to people who experienced institutional child sexual abuse. The offer of redress can include access to counselling, a redress payment and a direct personal response.

Occupational outcome

The occupation (as defined by the Australian Bureau of Statistics on the ANZSCO) which the Australian Apprentice is working towards and will achieve upon the successful completion of their Australian Apprenticeship.

Further information can be found on the Australian Bureau of Statistics website – www.abs.gov.au.

Part-time

Part-time provisions vary across Australia and across occupations. For the purposes of the Guidelines, the relevant State or Territory Training Authority's definition should be used. All Australian School-based Apprenticeships are undertaken on a part-time basis.

Payment Rate Period

The period of time that a payment rate is applied for Priority Wage Subsidy payments.

Recommencement

A recommencement occurs where an Australian Apprentice continues a qualification that they have previously commenced and not completed.

Where an Australian Apprentice is returning to the same apprenticeship but with a new employer, then it is a recommencement.

Registered Training Organisation (RTO)

An organisation that is registered by the appropriate registering body to deliver training, conduct assessments and issue nationally recognised qualifications in accordance with the vocational education and training (VET) Quality Framework.

Secondary School

For the purposes of the Incentives System, 'secondary school' generally encompasses years 7-12. In general, the completion of 'secondary school' refers to the student attaining a year 12 certificate or equivalent. In some States and Territories, students can complete secondary school (or year 12) in more than 12 years.

Services Australia

Services Australia is a Government body who verifies wage evidence for wage subsidy claims on behalf of the Department of Employment and Workplace Relations.

Significant Proportion

In regard to the New Energy Apprentice Support Payment, a significant proportion of work means the Australian Apprentice will need to be exclusively working on clean energy related activities, except when undertaking other training or work activities required to attain core competencies as part of their mandatory training.

State or Territory Contract Manager

The person in each of the Department's state or territory offices responsible for the day-to-day administration of the Australian Apprenticeship Support Network Contract.

State or Territory Training Authority

The State or Territory Government body responsible for the operation of the vocational education and training system, including Australian Apprenticeships, within that state or territory.

Successful completion

Successful completion occurs when the State Training Authority recognises that the Australian Apprentice has successfully completed both the on-the-job and off-the-job training and acquired the competencies required for the Australian Apprenticeship.

Training Contract

A formal contract approved by the relevant State or Territory Training Authority that established the terms and conditions of the Australian Apprenticeship. Each Australian Apprentice and employer must enter into a Training Contract to be eligible for payments under the Incentives System. The Training Contract is a state or territory requirement.

Training Plan

A plan entered into between an Australian Apprentice, their employer and the Registered Training Organisation delivering the off-the-job training component of the Australian Apprenticeship. The Training Plan outlines how, when, where and by whom training will be delivered and how assessments will occur.

Upskill

Where an Australian Apprentice undertakes an additional qualification/s to advance or widen their skillset.