

## What happens on the day?

- The independent third party delegate will start by introducing everyone, explaining the format of the proceeding and the nature of the issues to be discussed.
- The party requesting the proceeding will then make their submission, calling on their witnesses.
- The other party will then be given an opportunity to ask questions to those present and present his/her point of view, again calling on any witnesses they have asked to attend.
- The party requesting the proceeding may then also ask questions of the witnesses.
- At any stage, the delegate may ask questions.

## How long will the proceeding last?

Every case is different, but usually proceedings only run for an hour or two. In some, more complex, cases it may continue longer than a day, particularly if there are many witnesses to be called. If either party requires a break, or adjournment, they must ask the permission of the presiding delegate. The other party might object to this so the decision will be at the discretion of the delegate.

## What happens if I miss the proceeding?

Unless you have a very good reason why you cannot attend, or your adjournment request has been approved, the proceeding may go ahead without you. You are permitted to submit a written report to be considered by the delegate; however, it is recommended that you make every effort to be there on the day.

## What decisions are made after the proceeding?

The presiding delegate can only make decisions within the parameters of the *Education and Training Reform Act 2006*. Sometimes a decision will be reached on the day, in other cases it may take a little longer, so the delegate will indicate to both parties when they expect the outcome to be made.

## Further information and advice?

If you require further information about proceedings please call:

### Skills Victoria

Telephone: 1300 722 603

A request for a proceeding may be made to:  
Director Regulated Training & Curriculum  
Skills Victoria  
PO Box 266  
Melbourne VIC 3001  
Facsimile: (03) 9637 3220

The organisations listed below may also be able to assist you to prepare for the proceeding:

### Your Trade Union

Victorian Trades Hall  
Telephone: (03) 9662 3511  
[www.vthc.org.au](http://www.vthc.org.au)

### Your Employer Association

### Job Watch

A specialist community legal centre that focuses on employment law and issues for workers in Victoria.  
Freecall (regional Victoria): 1800 33 1617  
Melbourne: (03) 9662 1933  
[www.job-watch.org.au](http://www.job-watch.org.au)

### Your Legal Adviser/Community Legal Centre

### Wage queries

Employment and workplace relations services for Australians  
[www.workplace.gov.au](http://www.workplace.gov.au)

### Workplace Info Line

1300 363 264



Apprenticeships and traineeships in Victoria



Information contained in this booklet can be accessed at [www.skills.vic.gov.au](http://www.skills.vic.gov.au)

# APPRENTICESHIP DISPUTES: YOUR GUIDE TO PROCEEDINGS

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SKILLS VICTORIA



## What is a proceeding?

Disputes or disagreements can sometimes arise between an employer and an apprentice during the training contract. When disputes can not be resolved by an apprentice and employer or an Apprenticeship Field Officer a proceeding will be held.

A proceeding is a means to resolving any differences or issues by giving both parties an equal opportunity to put forward their point of view to an independent person (known as a third party delegate). Often proceedings are held when one party wants to terminate the training contract and does not have the mutual consent of the other person.

A proceeding can be requested by the employer or apprentice (or their parent/guardian if they are under 18 years of age) if they have a specific concern relating to the training contract.

Proceedings are generally informal and dress is usually casual however court-like courtesies are observed to ensure that each party is given an equal chance to speak and present their case.

The independent third party delegate can only make decisions within the parameters of the *Education and Training Reform Act 2006* (the Act). If you would like to read about the Act please refer to the Skills Victoria website: [www.skills.vic.gov.au](http://www.skills.vic.gov.au)

## Who will be at the proceeding?

Who attends the proceeding?	Their role in the proceeding
Independent third party delegate	They chair the proceedings, ensuring that each party gets a fair hearing. They will come to a decision regarding the dispute
Officer of Skills Victoria	They will provide assistance to the third party delegate
Apprenticeship Field Officer	They will already have background knowledge of the situation and will have prepared a written report
The Employer	They are given the opportunity to present their viewpoint of the situation
The Apprentice	They are given the opportunity to present their viewpoint of the situation
Witness/Supporter	Both the employer and the apprentice can ask witnesses or supporters to attend to give evidence and support. A witness or supporter may be a friend, colleague, family member, advisor, union representative or employer organisation representative

## How will I be notified of a proceeding?

A formal notice will be issued to inform both parties of the time, date and location of the proceeding, along with other relevant documents. You may want to ask someone to accompany you to the proceeding; this can be a friend, colleague, family member, adviser, union representative or employer organisation representative. Please note however, that neither party is entitled to legal representation.

## How do I prepare for a proceeding?

The proceeding is your chance to explain your point of view. It will help if you are clear in your own mind of the outcome you wish to achieve from the proceeding. For example, do you want to continue with the training contract or would you prefer the contract to be terminated?

Think carefully beforehand about what you want to say and how best to put it across to the group; giving complete and accurate information will help the delegate to come to the decision that is best for everyone concerned. Gather together any supporting documents you think will help you on the day, diaries, records of telephone conversations, meetings and appointments and any relevant correspondence may be useful.

Witnesses or supporters also help to back up your point of view and provide a better picture of the issues in hand. Make sure you tell them about the proceeding in plenty of time. If for any reason they cannot attend, they can provide a written statement if they have not already done so.



## What are the steps involved in the Dispute Resolution Process?

