

DISPUTES OR GRIEVANCES (APPRENTICES OR TRAINEES)

Sections 64 and 65 *South Australian Skills Act 2008*

Case number (SAET use only)

About this form

- This is the approved form for:
 - an **employer** to refer the suspension of an apprentice or trainee to SAET for consideration under section 64(1b) of the *South Australian Skills Act 2008*; or
 - any party to a training contract** to apply for SAET to resolve a dispute or grievance between parties to a training contract under section 65 of the *South Australian Skills Act 2008*.
- In accordance with section 67 of the *South Australian Skills Act 2008*, a party may not be represented by a lawyer or 'registered agent'. SAET may permit a party to be assisted by a person, who is not a lawyer or 'registered agent' only if that person is not acting for fee or reward.
- This form may be completed electronically and lodged as an email attachment (not a scan). A signature is not required.

1 TYPE OF APPLICATION

This application relates to:

- S.64(1b) referral by an employer to SAET in relation to the suspension of an apprentice or trainee for serious or wilful misconduct and following mediation by the Office of the SA Skills Commission (SKI-03)
Complete sections 2, 4, 5 & 7.
- S.65 dispute or grievance between an employer and an apprentice or trainee (SKI-04)
Complete sections 2, 4, 6 & 7.

2 OTHER PROCEEDINGS BEFORE SAET

Are there any other proceedings before SAET involving the same parties to this application?

- No Yes

If Yes, provide Case number

3 PARTIES (SUMMARY) *DO NOT COMPLETE*

This section will auto-populate with details you provide in [Attachment 1 - Parties \(Detail\)](#) (enclosed at the end of this form) which must be completed prior to lodgement.

Name (Party type)**Contact's last name****Applicant**

Representative
(if applicable)

Respondent

**Guardian of apprentice /
trainee** (if applicable)

Other party

If there are more parties to this application than this form provides for, please also complete an 'A10 - Details of Additional Party' (available from www.saet.sa.gov.au) form for all other parties and submit with your application.

4 TRAINING CONTRACT DETAILS

Training Contract number

5 SUSPENSION OF APPRENTICE OR TRAINEE

Only the employer completes this section (if a suspension has occurred).

Date of suspension

Time of suspension

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Has a mediation been conducted by the Office of the SA Skills Commission?

- Yes No – The employer must refer suspensions for wilful and serious misconduct to the Office of the SA Skills Commission for mediation. **SAET cannot consider your application** until after the conclusion of the mediation.

What date did the mediation take place?

Extension of time

Is this application being lodged within 3 days after the conclusion of the mediation?

- Yes No – set out in detail the reasons why an extension should be granted.

Go to 7 Lodging Your Completed Form

6 DISPUTE OR GRIEVANCE

Any party to a Training Contract may complete this section if the matter does not relate to a suspension of the apprentice or trainee.

Extension of time

Is this application being lodged within 6 months of the expiry, termination or cancellation of the training contract?

- Yes No – set out in detail the reasons why an extension should be granted.

Description of the dispute

Outline the events that resulted in the dispute. Only a brief outline is required, as all parties will have an opportunity to provide further detail at a conciliation conference. Attach any documents that support this application.

Outcome sought

Outline what you want to achieve from the proceedings

Are copies of the training contract and training plan attached to this application?

Yes No – outline reasons why not

Supporting attachments

Provide a brief description of any attachments supporting this application.

7 LODGING YOUR COMPLETED FORM

By lodging this application, I declare that:

- I am the applicant or I am legally authorised to lodge this application
- To the best of my knowledge, all information provided in this application is true and correct
- I will attach all relevant supporting documents to this application form
- I understand that the information provided will be used to determine eligibility to initiate proceedings
- I understand that a copy of this application, and any supporting documents, may be sent to others who may have a direct interest in the proceedings. The *South Australian Employment Tribunal Act 2014* governs what information is available to be viewed publicly.

Name of person lodging the application

Date

To lodge your completed form:

1. **Save** it to your computer - SAET does not require a signed version so there is no need to print and scan
2. **Email** it with any supporting documents to saet@sa.gov.au.

Ensure you complete Attachment 1: Party (Detail) enclosed over the page

ATTACHMENT 1 - PARTIES (DETAIL)

A. Applicant

Are you (the Applicant) the : Apprentice Trainee Employer

Are you (the Applicant) an individual or lodging on behalf of an organisation?

Individual

Organisation – specify Organisation legal name

Organisation trading name

Contact details

Title Given name Other given names Family name

Job title Date of birth (individual parties only)

Unit number Street number Street name / PO Box Street type (eg Street, Road, Drive)

Suburb State Postcode

Phone Mobile Email (if provided, correspondence will be emailed)

Do you require an interpreter?

No Yes – specify language / dialect

Do you have any other special requirements?

No Yes – specify requirements

Applicant representative details

Note: In accordance with section 67 of the *South Australian Skills Act 2008*, a party may not be represented by a lawyer or 'registered agent'. SAET may permit a party to be assisted by a person, who is not a lawyer or 'registered agent' only if that person is not acting for fee or reward.

Special note about the Office of the SA Skills Commission – If you are being represented by the Office of the SA Skills Commission, DO NOT COMPLETE THIS SECTION. You should include them as an "other party" on page 6.

Are you (the Applicant) represented?

Yes No – go to **B Respondent**

Type of representative

Union (non-lawyer) Employer association (non-lawyer) Not specified

Is the representative an individual or acting on behalf of a representative organisation?

Individual

Organisation – specify Representative organisation name

Representative contact details

Title Given name Family name

Unit number Street number Street name / PO Box Street type (eg Street, Road, Drive)

Suburb State Postcode

Phone Mobile Email (if provided, correspondence will be emailed)

B. Respondent

Respondent is the:

- Apprentice Trainee Employer

Respondent is an:

- Individual
 Organisation – specify

Organisation legal name

Organisation trading name

Contact details

Title

Given name

Family name

Job title

Date of birth (apprentice or trainee only)

Unit number

Street number

Street name / PO Box

Street type (eg Street, Road, Drive)

Suburb

State

Postcode

Phone

Mobile

Email (if provided, correspondence will be emailed)

C. Other parties

Guardian of the apprentice or trainee (if applicable)

Relationship to apprentice or trainee

Contact details

Title

Given name

Family name

Unit number

Street number

Street name / PO Box

Street type (eg Street, Road, Drive)

Suburb

State

Postcode

Phone

Mobile

Email (if provided, correspondence will be emailed)

Other party

Other party is an:

Individual

Organisation – specify Organisation legal name

Organisation trading name

Contact details

Title

Given name

Family name

Job title

Unit number

Street number

Street name / PO Box

Street type (eg Street, Road, Drive)

Suburb

State

Postcode

Phone

Mobile

Email (if provided, correspondence will be emailed)

If there are more parties to this application than this form provides for, please also complete an 'A10 - Details of Additional Party' (available from www.saet.sa.gov.au) form for all other parties and submit with your application.

Note: Traineeship and Apprenticeship Services is notified of every application filed with SAET.