



Apprenticeships and traineeships in Victoria



# MUTUAL CONSENT

Often proceedings are held when one party wants to terminate a training contract and does not have the mutual consent of the other party.

## What is meant by Mutual Consent?

Mutual Consent is when parties to an apprenticeship training contract mutually agree to do something. This may be to vary, extend or cancel their training contract. Mutual consent applies only to apprenticeships.

The notion of mutual consent allows that the parties to the contract be able to contract without undue influence by external parties. This means effectively that external parties cannot place positive or negative obligations on the parties who are a party to the contract.

To ensure that there is mutual consent when terminating a Training Contract, both parties must undergo a specific procedure.

## What is the procedure involved to ensure mutual consent?

① Parties to the training contract want to cancel their contract.

② Each party is required to send a written submission or complete a form requesting to mutually cancel a training contract to the Victorian Skills Commission, stating why they want to cancel the training contract.

③ Submissions will be reviewed by a senior delegate from Skills Victoria. A Victorian Skills Commission delegate will determine whether to approve the contract cancellation.

④ The parties to the training contract will then be advised in writing of the outcome.

⑤ If the Victorian Skills Commission delegate is not satisfied that the decision to cancel is based on mutual agreement then a proceeding will be conducted by an independent third party delegate.

## What is a proceeding?

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.

## Frequently Asked Questions

- 1. What information is in the written submission and where do I send it?**  
Contact your Apprenticeship Field Officer (AFO) for information regarding the cancellation or variation of your training contract. If you do not have your AFOs contact details, contact the Apprenticeships Administration Branch on 1300 722 603 and you will be assisted.
- 2. Will my employer/apprentice be informed of the content of my written submission?**  
Your employer/apprentice will not be sent your submission but the decision reached in relation to your training contract will include information from both you and your employer/apprentice.
- 3. How long will it take for a decision to be made?**  
Sometimes a decision will be reached on the day that both written submissions have been received. It may take a little longer if the final decision regarding the mutual consent has to be forwarded to the independent third party delegate.

## Do you require further advice?

If you require further information about this procedure please contact:  
**Skills Victoria**  
Telephone: 1300 722 603. [www.skills.vic.gov.au](http://www.skills.vic.gov.au)

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