

Regulator Performance Report 2019–20

Department of Employment, Small Business and Training



Regulator Performance Framework: DESBT annual performance report 2019–20

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Introduction

The Queensland Government's Regulator Performance Framework (the Framework) was introduced in May 2019 as a key element of the Better Regulation Strategy.

The Framework consists of five model practices with each accompanied by three supporting principles that are intended to minimise the burden on regulated businesses, particularly small businesses, and individuals. These practices are consistent with similar principles adopted in other jurisdictions nationally and internationally.

The Queensland Productivity Commission, through the Office of Best Practice Regulation oversees the reporting process, maintains a **central repository** of all reports and is the central point of contact for inquiries relating to the Framework.

Purpose and scope

This is the 2019–20 annual performance report for the Department of Employment, Small Business and Training (DESBT) portfolio to demonstrate implementation of the Framework. The scope of this report relates to regulating and administering apprenticeships and traineeships in Queensland under the **Further Education and Training Act 2014** (FET Act). This report is limited to regulation components under the FET Act, whilst noting the apprenticeship and traineeship system is supported by many non-legislative components.

Apprenticeships and traineeships are vitally important to Queensland's future economic prosperity that will depend on the availability of a skilled workforce. Apprenticeship and traineeships are entered into voluntarily by employers and apprentices/trainees with the intention of the apprentice/trainee achieving skills that will result in the achievement of a completion certificate issued under the FET Act.

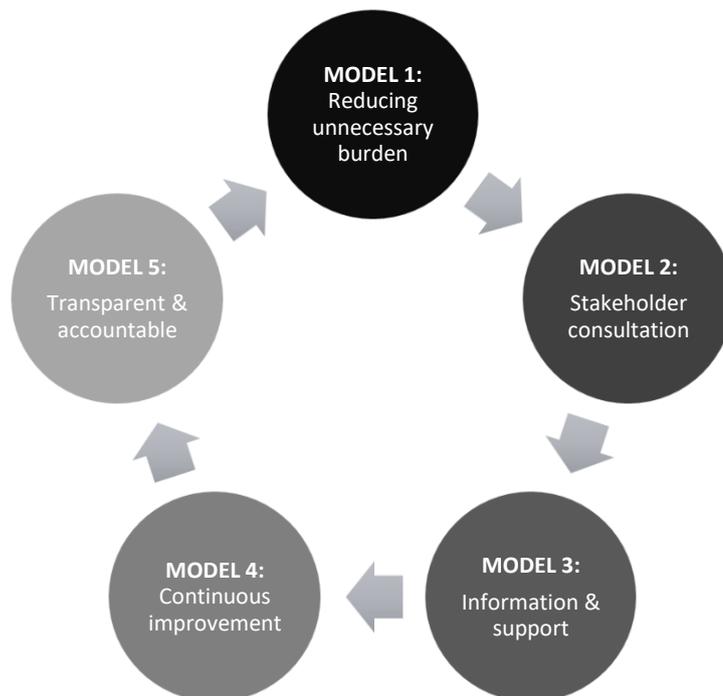
Whilst there are provisions in the FET Act that provide a supportive framework, the legislation provisions act in concert with non-legislation based administrative activities, funding arrangements managed by both the Commonwealth and State Governments, and the compliance activities of regulators such as the Australian Skills Quality Authority (Commonwealth). Additionally, employment related matters are addressed outside the apprenticeship and traineeship system through either Fair Work Australia or the Queensland Industrial Relations Commission.

Report

This report is structured around the Framework's reporting requirements and each of the five model practices (see **Figure 1**). This report demonstrates how DESBT through the Queensland Apprenticeship and Traineeship Office (QATO) is translating the model practices of **regulating Queensland apprenticeships and traineeships** into business practices and plans for future improvements.

Further information about the Framework and the practices are available on the Queensland Productivity Commission website at qpc.qld.gov.au

Figure 1: Five model practices



Overview of the portfolio

DESBT's legislative framework

DESBT is responsible for supporting the Minister for Employment and Small Business and Minister for Training and Skills Development. DESBT recognises the important relationship between employment outcomes, strong small businesses and a skilled workforce for the wellbeing of Queenslanders and their communities.

DESBT delivers a broad range of services, with a particular focus on supporting businesses and providing individuals with training and employment opportunities aligned with Queensland's employment, skilling and economic recovery priorities. For further information about DESBT's range of programs and services, visit the website at desbt.qld.gov.au

The responsibilities of ministers and their portfolios are set out in Administrative Arrangements Orders as published in the Queensland Government Gazette and **online**. DESBT's ministerial responsibilities are:

- Employment policies and programs
- International vocational education and training
- Lead development of small business policy and strategy across government
- Skills and workforce development
- Small business advocacy
- Small business capability and resilience
- Small business regulatory reform
- Vocational education and training including technical and further education.

Queensland apprenticeships and traineeships fall under the ministerial responsibility for vocational education and training including technical and further education.

Legislation administered by DESBT includes:

- ***Further Education and Training Act 2014***
- ***Jobs Queensland Act 2015***
- ***TAFE Queensland Act 2013***
- ***Vocational Education and Training (Commonwealth Powers) Act 2012.***

For a full list of DESBT administered legislation, visit the DESBT **website** or the Administrative Arrangements Orders **online**.

DESBT's context

The Queensland apprenticeship and traineeship system is co-ordinated by QATO located within DESBT. DESBT has officers located in seven regions throughout Queensland to provide information and assistance on all aspects of vocational education and training (VET).

DESBT assists all parties to meet their obligations during an apprenticeship or traineeship and issues a completion certificate to verify its completion.

The FET Act has a number of provisions that can broadly be captured under the following two types of events:

<p>Training contract lifecycle events</p>	<p>The employer and apprentice/trainee voluntarily enter into a training contract and the role of DESBT is to consider whether the training contract meets the requirements of the FET Act. Throughout the training contract period a number of activities may occur such as transfers, cancellations, suspensions, stand-downs or completions.</p> <p>DESBT may either be required to concur with the parties or mediate between the parties to decide an outcome. These lifecycle events provide an opportunity to support the apprentice/trainee achieve successful apprenticeship/traineeship outcomes.</p>
<p>Compliance events</p>	<p>It is important to note that when completing an apprenticeship/traineeship, a person is expected to be able to operate at a level required by industry of a qualified person. A quality outcome in this regard encourages employers to retain completed apprentices/trainees and continuity of employment once qualified. In addition, it provides benefits to Queensland's economy through enhancing the skilled workforce broadly having a skilled Queensland workforce beneficial to the State's economy and prosperity. There are some provisions in the FET Act that assist DESBT in addressing quality/compliance issues.</p> <p>Due to the influence of external legislation and funding agreement compliance, in most cases issues under the FET Act are able to be resolved administratively, through education and mediation by DESBT field officers or through the involvement of the Queensland Training Ombudsman.</p>

During an apprenticeship or traineeship, DESBT's main activities include:

- working cooperatively with key stakeholders to achieve the outcomes that stakeholders are seeking from the apprenticeship or traineeship
- educating parties about their obligations under the training contract
- facilitating the resolution of training related issues between the parties, and with the supervising registered training organisation (SRTTO) as required
- administering requested changes to training contracts
- processing travel and accommodation subsidies for apprentices and trainees
- providing funding assistance for cancelled apprentices and trainees
- supporting apprentices and trainees with a disability.

Apprenticeship and traineeship system

The apprenticeship and traineeship system is a complex multi-organisational system spanning two levels of government, with the apprentice or trainee, and the employer at the centre, managing the training contract between them. The system interacts between a variety of State and Federal legislation, and administrative and funding arrangements.

Apprenticeships and traineeships combine paid employment-based experience with training and have a long tradition and history in Australia. Apprentices and trainees work towards the completion of a nationally recognised qualification while learning valuable skills at work and under the guidance of a SRTTO.

Apprentices are trained in a skilled trade (e.g. electrical, plumbing, cabinet-making, automotive) and, upon successful completion, become a qualified tradesperson. Apprenticeships generally take up to four years to complete.

Trainees are trained in vocational areas (e.g. business administration, information technology, tourism) and, upon successful completion, receive a qualification in their chosen vocational area. Traineeships generally take between twelve months and three years to complete.

For both apprenticeships and traineeships, they:

- can be full-time, part-time, or school-based, where some training is undertaken while the apprentice or trainee is in high school, however cannot be completed on a casual basis
- can be accessed by existing employees
- require an employer to enter into a **training contract** with the apprentice or trainee, which is a legally binding agreement to work and train together for a length of time
- require an employer to work with a SRTTO and the apprentice or trainee to negotiate a **training plan**.

Supervising registered training organisation

A SRTTO delivers the training component of an apprenticeship or traineeship and is responsible for assessing the skills and competence of the apprentice or trainee as they progress. The SRTTO is a registered training organisation (RTO) with the Australian Skills Quality Authority (ASQA), which has accepted the role of SRTTO for an apprentice or trainee. The employer and apprentice or trainee must both support the nomination of the SRTTO.

SRTOs have specific responsibilities under the FET Act, which include:

- assessing the employer's capacity to supervise and train the apprentice or trainee
- negotiating and developing the training plan with the employer and apprentice or trainee within the first three months of the training contract, or as required
- delivering training required under the training plan, either in the workplace or at the training organisation
- providing the apprentice or trainee with a training record for the apprenticeship or traineeship
- verifying on-the-job training delivered by the employer
- signing a completion agreement together with the employer or trainee, when the apprentice or trainee has completed all training assessment required.

Some SRTOs are funded by DESBT under a contractual arrangement to provide training for most apprenticeships and some traineeships, with the remainder being unfunded. The Queensland Government invests in training based on industry advice to provide Queenslanders with the skills they need to gain meaningful and sustainable employment. Apprenticeships and traineeships in Queensland are publicly funded under a variety of programs with RTOs entering into a Skills Assure Supplier Agreement with DESBT to provide accredited training.

Accordingly, SRTOs have other obligations in relation to the apprenticeship and traineeship system through the Skills Assure Supplier Agreement, and to meet the requirements of ASQA to be registered to deliver a qualification.

SRTO services include:

- providing the apprentice or trainee with training materials
- providing the apprentice or trainee with an appropriate quantity and quality of training
- ensuring the parties are aware of any costs associated with the training and the implications of government funding (e.g. User Choice program)
- arranging additional learning support if needed (e.g. numeracy and literacy)
- issuing the qualification stated in the training plan upon completion.

Context of the legislation

Previously, a range of different and various state legislation addressed the employment contract, training contract and training delivery issues in an interconnected manner. However, employment contract and training delivery matters, are now predominantly covered by national legislation.

Firstly, the *Fair Work (Commonwealth Powers) and Other Provisions Act 2009* referred the majority of Queensland's Industrial Relations powers to the Commonwealth, except for Queensland public sector and local government, which are regulated principally under the *Queensland Industrial Relations Act 2016*. This means that the majority of apprentices and trainees who are employed in the private sector, are subject to the Fair Work Commission, and not the Queensland Industrial Relations Commission.

Secondly, the *Vocational Education and Training (Commonwealth Powers) Act 2012* referred powers to regulate vocational education and training to the Commonwealth, while retaining some powers for apprenticeship and traineeship administration. Accordingly, RTOs who deliver and oversight the formal training, are regulated by ASQA. RTOs have specific apprenticeship/traineeship responsibilities identified in the FET Act when they are performing the role of SRTO.

Notwithstanding this, DESBT is a significant funder of training delivery and has entered into funding agreements with RTOs, and regularly audits RTO funding agreement outcomes. While these activities are outside the framework provided by the FET Act, they contribute to the broader role of the DESBT.

Queensland Training Ombudsman

In recognising the prevalence of Commonwealth legislation impacting on vocational educational and training, the Queensland Government introduced the Queensland Training Ombudsman (QTO) firstly by Ministerial Charter and then via amendment to the FET Act. The *Further Education and Training (Training Ombudsman) and Another Act Amendment Act 2016* (the Amendment Act), amended the FET Act to establish the QTO, which received assent on 4 March 2016.

Summary of the legislation

The Chief Executive of DESBT is responsible for managing the apprenticeship and traineeship system in Queensland under the FET Act, which came into effect on 1 July 2014.

The FET Act streamlines the regulation of apprenticeships and traineeships and establishes a robust and modern legislative framework for training.

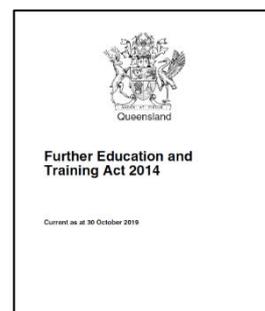
It is focused on reducing red tape, removing unnecessary regulation and supporting consumers of vocational and educational services (VET) services.

There are six key objectives of the FET Act, which are to:

1. strengthen Queensland's economic base by providing a skilled workforce that meets the current and future needs of industry, government and the community
2. facilitate the provision of VET that is linked to employment and is responsive to the future workforce development and skills requirements of industry
3. support the continued development of high-quality training by and within industry
4. support Queenslanders to access and complete the skills training they need to get a job and contribute to the State's economy and their own prosperity
5. establish a simple, streamlined apprenticeship and traineeship system featuring flexible, industry-endorsed approaches to trade training
6. support industry and employers to take on, train and retain apprentices and trainees.

The key elements of apprenticeships and traineeships provided for in the FET Act, include:

- extension of the probationary period of a training contract if the parties to the contract agree, up to a maximum of six months from the commencement date of the contract
- amendment to a training contract with or without an application by the parties to the contract
- transfer of a training contract from one employer to another either permanently or temporarily
- suspension of the parties' responsibilities associated with a training contract for a period of up to one year
- temporary suspension of a training contract for up to 30 days if the employer temporarily cannot provide the training, stated in the training plan for the apprentice or trainee



- change the mode of delivery of a training plan for an apprentice or trainee with or without an application, if the change is necessary to assist the apprentice or trainee make the required progress to achieve the qualification or statement of attainment under the training plan
- cancellation of a training contract when the parties to the contract agree; or upon application by one of the parties to the contract; or when specific grounds exist
- extension of the nominal term of a training contract if the apprentice or trainee is unable to complete the requirements of the training plan before the nominal term ends and parties to the contract agree
- completion of a training contract upon application by the parties to the contract and the SRTO; and in circumstances where the SRTO has stopped operating as a RTO before a completion agreement is signed by the parties and the SRTO.

Model practice 1: Ensure regulatory activity is proportionate to risk and minimises unnecessary burden



Supporting principles

- A proportionate approach is applied to compliance activities, engagement and regulatory enforcement actions.
- Regulators do not unnecessarily impose on regulated entities.
- Regulatory approaches are updated and informed by intelligence gathering so that effort is focussed towards risk.

Context: Compliance activities and risk approach

The FET Act has a number of provisions that can be broadly captured under two types of events: training contract lifecycle events and compliance events. Whilst, these concepts are explained in this report in more detail under the earlier section called ‘DESBT’s context’, training contract lifecycle events and compliance events can be activities that routinely occur throughout the contract term that affect its status in some way, such as a transfer to a new employer. Additionally, compliance events are provisions that assist DESBT in addressing quality or compliance issues.

<p>Training contract lifecycle events</p>	<p>The employer and apprentice/trainee voluntarily enter into a training contact and the role of DESBT is to consider whether it meets the requirements of the FET Act. Throughout the training contract period a number of activities may occur such as transfer, cancellations, suspensions, stand-downs plus completions. DESBT may either be required to concur with the parties or mediate between the parties to decide an outcome. These lifecycle events are essentially an opportunity to support the apprentice/trainee towards a successful apprenticeship/traineeship outcome.</p>
<p>Compliance events</p>	<p>It is important to note that in completing an apprenticeship/traineeship the achievement of quality outcomes is just as important and there are some provisions in the FET Act that assist DESBT in addressing quality/compliance issues. In most cases issues under the FET Act are able to be addressed administratively, through education or through the involvement of the Queensland Training Ombudsman.</p>

The majority of training contract lifecycle events are initiated by either the employer or the apprentice/trainee. The role of DESBT in these circumstances is that of a system administrator, mediator and sometimes deciding between the competing positions of the stakeholders. In situations where the facts involve a subjective decision to be made by a delegate of the chief executive officer, there is usually an avenue of appeal provided by the FET Act to either the Queensland Industrial Relations Commission or the Queensland Civil and Administrative Tribunal. There have been no appeals submitted since the commencement of the FET Act.



The focus of the apprenticeship and traineeship system is to guide and foster the development of quality training pathways to provide a skilled workforce to support a robust Queensland economy. Accordingly, this requires the active participation of all stakeholders including employers and apprentices and trainees. Therefore, the regulatory powers available for compliance events are considered the last resort as these rarely lead to the active participation of the parties in supporting a quality training outcome. Consequently, education and guidance by DESBT field officers, call centre staff and internet resources are utilised to support the achievement of quality outcomes.

The major risk management strategy that DESBT utilises to assist in this process is to manage and train stakeholders such as Australian Apprenticeship Support Network (AASN) providers and SRTOs. In the case of the Commonwealth AASN providers, this occurs through establishing agreements, which provide for collaboration whilst also allowing DESBT to train AASN provider staff and undertake auditing activities. Similarly, DESBT as a major provider of training, funds the majority of SRTOs who are also subject to DESBT funding agreements which contain compliance and auditing provisions which are separate from, but aligned to, the regulatory framework.

Group Training Organisations (GTOs) and Principal Employer Organisations (PEOs) are required to be recognised as either a GTO or PEO under the FET Act if they are employing more than 24 apprentices/trainees under a hosting arrangement with other employers. GTOs receive funding and are therefore subject to more requirements than PEOs. This framework provides some flexibility to manage the risk that a large number of apprentices/trainees are employed by a GTO or PEO who do not have their own facilities and rely on host employers. The risks in this area are further managed through agreements and auditing arrangements with both GTOs and PEOs. It should also be noted that GTOs and PEOs are regulated by Labour Hire Licensing Queensland (LHLQ) as the regulator of the *Labour Hire Licensing Act 2017*. DESBT maintains regular contact with LHLQ to discuss any inconsistencies identified as the need arises.

In addition to DESBT receiving feedback directly from employers and apprentices/trainees to the DESBT call centre on areas requiring further compliance action, DESBT receives intelligence on issues from DESBT field officers, SRTOs, unions, employer organisations, and industry bodies. In many cases, the issues are resolved without resorting to the compliance provisions of the FET Act. However, it should be noted that whilst it is a rarity, two employers have been declared as prohibited employers under section 62 of the FET Act.

In practice, any compliance activity is co-ordinated through QATO in DESBT, to assist in providing consistency in application of compliance provisions. Additionally, some sanctions are not provided by DESBT regional officers to facilitate a separation from the investigator and decision-maker and promote equity and consistency in applying sanctions.



As an example, section 42 of the FET Act includes discipline provisions that allow a reprimand or a fine. In this case, some DESBT regional officers are able to issue a reprimand whilst a fine can only be considered by a QATO Manager or the QATO Director. Incidentally, this provision has been rarely used as a more mediated and supportive approach is preferred in the first instance to keep stakeholders engaged and willing to participate in the system on an ongoing basis. This results in a sanctions approach only being considered as a means of last resort.

These provisions of the FET Act also provide for QTO, as an independent officer, to separately investigate issues and to provide advice and recommendations to DESBT on specific cases or system improvements.

Notably, at the request of stakeholders the FET Act was amended by the *Worker's Compensation and Rehabilitation and Other Legislation Amendment Act 2019* effective 30 October 2019, to provide more equitable outcomes for apprentices, trainees and employers.

Accordingly, the administration of the apprenticeship and traineeship system is managed to minimise the regulatory burden and has a proportionate regulatory response in the rare cases where regulatory sanctions are warranted.

Stakeholders under the FET Act

The FET Act provides a regulatory framework for employers and apprentices/trainees who voluntarily enter an apprenticeship/traineeship with the intention of developing the skills of an apprentice or trainee to achieve a completion certificate under the FET Act.

Accordingly, the stakeholders who would fall under the requirements of FET Act are:

- employers of apprentices and trainees
- apprentices and trainees.

Information on the size of the apprenticeship and traineeship system is provided on the DESBT **apprentice and trainee participation activity data and statistics** website.

GTOs and PEOs are a certain category of employers who hire out their apprentices or trainees to employers who operate a relevant business. These organisations do not have their own training facilities.

Due to the focus of the apprenticeship and traineeship to provide an employment-based pathway for skilled workers, future unions and employer/industry organisations have an active interest in apprenticeship and traineeship outcomes. Accordingly, these organisations are actively involved in providing direct advice to DESBT or strategic advice through Jobs Queensland.

Model practice 2: Consult and engage meaningfully with stakeholders



Supporting principles

- Formal and informal consultation and engagement mechanisms are in place to allow for the full range of stakeholder input and government decision making circumstances.
- Engagement is undertaken in ways that help regulators develop a genuine understanding of the operating environment of regulated entities.
- Cooperative and collaborative relationships are established with stakeholders, including other regulators, to promote trust and improve the efficiency and effectiveness of the regulatory framework.

Context: Key stakeholders

The qualifications that underpin apprenticeships and traineeships are developed through an industry driven process, established by the Commonwealth government with the support of state/territory governments, including the Queensland government. The Commonwealth government has established and funded the various Industry Reference Committees and Skill Service Organisations to support the development process. DESBT supports this process through encouraging Queensland industry stakeholders to participate in this process and identifying any issues likely to impact on Queensland industry stakeholders.

Once a training package has been endorsed and a qualification is available, an industry proponent requests the declaration of an apprenticeship or traineeship and identifies if there are any specific industry issues that need to be considered in the declaration process. Where any issues are identified, further consultation occurs with stakeholders before a qualification is declared as an apprenticeship or traineeship. In the majority of cases a qualification will be a replacement for an existing qualification and a modified process will be used as the majority of issues are typically considered in the original declaration process.

Throughout the apprenticeship and traineeship, any matters impacting on an apprentice/trainee and their employer will involve both parties, prior to DESBT making a decision. In a number of cases, DESBT will assist in achieving an agreed outcome by the parties or the parties will already have reached agreement.

Strengthening partnerships



The Queensland Skills Strategy—*Skills for Queensland – Great training for quality jobs* targets critical skills needs, new skills needed for existing jobs, emerging opportunities brought about by technology advances, and regional and state-wide priorities.

In implementing the strategy, the department has developed strong partnerships between government, industry and other skills sector stakeholders engaged in creating an enduring skilling and learning culture that will support individuals throughout their working lives and lead to improved job outcomes.

In 2019–20, the Queensland government through DESBT invested \$978 million in skills and training to meet immediate demands and emerging needs so that Queenslanders are skilled for the jobs of today and the future.

Reference Groups (RGs)

DESBT regional offices conduct quarterly RGs with relevant stakeholders to provide informed information and seek feedback on issues for improvement and/or clarification.

Ministerial Skills Roundtable

In 2019–20, DESBT supported the new Ministerial Skills Roundtable comprising a broad membership of skills sector stakeholders to ensure government hears industry input to skills investment priorities first-hand.

Group Training Organisations

GTOs represent the largest collective employer of apprentices and trainees in Queensland. There were 26 GTOs funded in 2019–20 receiving a total of just over \$3 million. The three largest were Apprenticeships Queensland Ltd, All Trades Queensland Pty Ltd, OSMAC Group Training Pty Ltd.

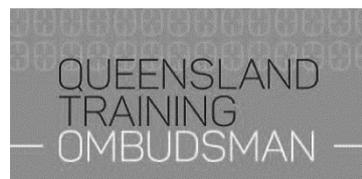
State based regulators

DESBT holds regular consultations with several state-based regulators including the Electrical Safety Office to review practices and requirements across electrical apprenticeship.



Office of the Queensland Training Ombudsman

The QTO strengthens the Queensland's VET sector by improving consumer protection and providing a clear pathway for complaints.



The QTO was permanently established following **legislation** to amend the FET Act which received assent on 4 March 2016, as part of the Queensland government's plan to improve quality training and reinvigorate the VET sector.

The QTO offers a free, confidential and independent service to review and resolve enquiries and complaints from anyone in the Queensland VET system including students, RTOs, apprentices, trainees, employers and other stakeholders.

The Office of the QTO:

- helps people to navigate the complex VET sector
- works in partnership with all agencies in the VET sector, including DESBT as the administrator of Queensland apprenticeships and traineeships
- provides free and impartial advice about rights and responsibilities
- reviews issues and provides recommendations
- refers complaints to other relevant agencies if required
- mediates between parties to reach a mutually beneficial solution.

The QTO also plays an advocacy role by reporting on systemic issues in the VET sector and advising the government on ways to improve them. More information about QTO can be found on the website at trainingombudsman.qld.gov.au

Jobs Queensland

Jobs Queensland is an independent entity established under the ***Jobs Queensland Act 2015*** that provides strategic advice to government on skills demand, future workforce development, and traineeships and apprenticeships. Jobs Queensland operates outside the *FET Act*.



Jobs Queensland brings together industry, employers and employee representatives, regional and community leaders to inform its advice to government. It works proactively across all levels of Government to shape advice and priorities that will facilitate a cohesive and capable workforce for now and the future.

For further information about Jobs Queensland, visit the website at jobsqueensland.qld.gov.au



Case study



“I didn’t get a high school certificate, so I am especially proud that I achieved a nationally recognised qualification,” Breanna said.

“My traineeship gave me confidence as well as skills, and it felt terrific to be a valued member of a team.”



Traineeship gives Breanna a career kick-start

Breanna Cassidy's story highlights how earn-and-learn opportunities like traineeships can seriously kick-start your career.

Without a high school certificate, Breanna was determined to achieve a nationally recognised qualification.

Working with her employer Zip Print Australia and training provider Australia College of Commerce and Management, Breanna successfully completed a Certificate III in Business and didn't look back.

In 2020, Breanna won Australian and Queensland Trainee of the Year awards, further testament to the many doors quality training can open.

Flying high on her success, Breanna is continuing her learning journey with Zip Print Australia, pursuing her passion for design in a new apprenticeship in graphic pre-press.

Information sharing with Federal stakeholders



Australian government Department of Education, Skills and Employment

The Australian government Department of Education, Skills and Employment (formerly the Department of Employment, Skills, Small and Family Business) is responsible for national policies and programs that help Australians find and keep employment and work in safe, fair and productive workplaces.

As the Commonwealth agency responsible for apprenticeship and traineeship matters, QATO engages with the Department of Employment, Skills, Small and Family Business through quarterly meetings to promote the building of relationships and sharing of intelligence.

Australian Apprenticeship Support Network

The AASN is a free service and the first point of contact during the life cycle of the apprenticeship or traineeship training contract. ASSNs:

- facilitate the signing of the training contract between the employer and apprentice or trainee
- provide an induction and general information about apprenticeships and traineeships
- provide advice on the parties' eligibility to Australian government incentives and help to lodge claims
- make regular contact with the parties to check on the progress of training.

The Australian government contracts AASN providers to deliver support services nationally through field officers and physical locations (shopfronts). There are currently four Queensland AASN providers, who have been allocated Queensland service areas by the Commonwealth. These Queensland AASN providers receive some funding from DESBT to:

- make decisions about certain training contract matters as delegated officers under the FET Act
- be the main point of contact for all apprentice and trainee enquiries and refer matters to DESBT when required
- work with DESBT officers to identify and resolve issues related to apprentices and trainees.

The purpose of these arrangements are to minimise the administrative burden for the parties, and to assist in streamlining Commonwealth and State requirements through a one-stop shop arrangement. AASN providers only exercise delegations in uncontested or agreed matters, and any contested matters are referred to DESBT for consideration.

AASN providers that are allocated service areas in another State by the Commonwealth may operate in Queensland with DESBT's permission as they typically service national employers of apprentices and trainees. However, they are not provided with funding from DESBT.

Model practice 3: Provide appropriate information and support to assist compliance

Supporting principles

- Clear and timely guidance and support is accessible to stakeholders and tailored to meet the needs of the target audience.
- Advice is consistent and, where appropriate, decisions are communicated in a manner that clearly articulate what is required to achieve compliance.
- Where appropriate, regulatory approaches are tailored to ensure compliance activities do not disproportionately burden particular stakeholders (e.g. small business) or require specialist advice.



Context: Information and support helping compliance

Whilst there are enforcement provisions in the FET Act, these provisions are rarely used, and as at November 2020 there have been no penalties obtained in the relevant courts since the introduction of FET Act. Firstly, this is due to the nature of the first line interventions of DESBT in providing information on the provisions of the apprenticeship and traineeship system through education and information flyers on the DESBT website, and guiding support communicated through visits from AASN providers or DESBT staff.

Secondly, there are a number of non-FET Act mechanisms to address issues such as Commonwealth employer subsidies, SRTO and GTO funding and auditing arrangements or through action of the RTO regulator, the ASQA. In addition, a number of disputes between employers and apprentices/trainees are employment related and therefore are addressed through Fair Work Australia in the first instance.

Furthermore, QATO conducts regular reviews of the DESBT Training web site to ensure it contains up-to-date and accurate information on apprenticeship matters included in operational procedures, policies and guidelines. In addition, QATO provides specialised advice to support DESBT regional officers and other decision-making delegates, when making regulatory decisions to ensure consistency and fairness.



Above: Tom Bourne and Troy Lenz.

Training

We connect people to quality training and skills to prepare them for work now and in the future.

Case study



“Having a job I enjoyed and an employer who believed in me is what really turned my life around,” Jabin said.

“I wanted to succeed, and I wanted to share my experience with other young people.”



Barbering – a life-changing apprenticeship for Jabin

From troubled youth to successful head barber, Jabin Gibett has come a long way — much thanks to perseverance, an apprenticeship and an employer willing to give him a go.

Jabin is a proud Aboriginal South Sea Islander who grew up in Mackay where he participated in Aboriginal dancing and demonstrations at cultural events and schools.

“I found an ad for a new salon looking for an apprentice barber and gave it a shot.

The first apprentice barber to be employed at The Hairport Yamanto, Jabin finished his apprenticeship with TAFE Queensland in half the time and is now the salon’s head barber, overseeing seven apprentices.

Amongst it all, he experienced homelessness and completed court dates and a custodial sentence — keen to stay on track and complete the life dream he started.

On graduating in February 2020, Jabin received the TAFE Queensland RE Wearne Memorial Award for Excellence in Vocational Education and was later named the 2020 Aboriginal and Torres Strait Islander Student of the Year at the Queensland Training Awards, going on to represent the state as a finalist in the Australian Training Awards.

Today, Jabin is committed to helping others, participating in community fundraising activities and providing work experience for at-risk youth, as well as supporting and building awareness for men’s mental health.

Model practice 4: Commit to continuous improvement



Supporting principles

- Regular review of the approach to regulatory activities, collaboration with stakeholders and other regulators to ensure it is appropriately risk based, leverages technological innovation and remains the best approach to achieving policy outcomes.
- To the extent possible, reform of regulatory activities is prioritised on the basis of impact on stakeholders and the community.
- Staff have the necessary training and support to effectively, efficiently and consistently perform their duties.

Context: Applying continuous improvement

The apprenticeship and traineeship system is subject to regular review at both the national and state level either separately or as part of the vocational education and training system. For example, review includes:

- Productivity Commission Report on National Agreement for Skills and Workforce Development Review
- Strengthening Skills: Expert Review of Australia's Vocational Education and Training System, and the Australian Government's response Delivering Skills for Today and Tomorrow package
- Jobs Queensland report, Positive Futures: Apprenticeships and traineeship in Queensland.

In addition, the National Centre for Vocational Education Research collects data for the VET system and conducts research on a wide range of topics relating to the vocational education and training system.

The QTO is established as an independent office with the ability to investigate and report both on individual cases and system-wide issues. This can include making recommendations to DESBT or a range of Commonwealth or State regulators or authorities. The systematic reviews have included examining GTOs and areas where occupational licensing arrangements exist.

In a number of cases, the recommendations relate to the broader system, or administrative or funding arrangements. Though, in some cases the recommendations directly relate to FET Act provisions or supporting operational policies.

The legislative provisions were reviewed in June 2012 by the then Queensland Skills and Training Taskforce, followed by the former Government's response in the *Great skills. Real opportunities – The Queensland Government reform action plan for further education and training*, which amongst other reforms led to the enactment of the FET Act.

The purpose of the new legislative framework was to modernise the provisions in light of the new operating environment existing at both the national and state level. Furthermore, the changes were designed to also provide employers and apprentices/trainees greater flexibility to mutually agree on the resolution of issues. Subsequently, the FET Act became operational on 1 July 2014.



A Training Ombudsman had been a feature of predecessor legislation, though it was not initially included in the FET Act. In 2015 the Queensland Government committed to establishing an independent Training Ombudsman as part of *Working Queensland – Labor's Jobs Plan*, which was a key part of the plan to reinvigorate the vocational education and training sector. These amendments to the FET Act received assent on 4 March 2016.

In 2019, as a result of stakeholder feedback, both individually and through Ministerial Skills Roundtable, together with findings from QTO reports, it was identified that further refinement to the provisions of the FET Act were required. These changes included additional options for the cancellation process, a temporary suspension process, and the ability to address any requirements for an amendment to the mode of delivery as well as a number of minor improvements to provisions. These provisions received assent on 30 October 2019.

Consequently, the FET Act has been subject to regular review since it was enacted in 2014. The operational policies and procedures are also continually being reviewed as a result of any FET Act changes and regular consultation with DESBT regional staff, AASN providers, stakeholders, findings from the QTO and Ministerial Skills Roundtable stakeholder consultations. The operational policies and procedures are located on the DESBT website and are accessible to stakeholders.

In addition to DESBT regional officers, DESBT maintains a customer centre that regularly provides advice to stakeholders on key system policies and procedures.

Whilst a number of the administrative and funding arrangements affecting the apprenticeship and traineeship system are outside the provisions of the FET Act, QATO regularly consults with relevant organisations to participate in discussions regarding any changes or areas for improvement.

The responsibility for training departmental regional staff and customer centre staff resides with the Regional Directors and Director, Customer Centre, respectively. This training is managed on behalf of Regional Directors by the Regional Director North Coast through the Core Skills Training Network. DESBT central units regularly support this network through technical advice and guidance.

In November 2020, the QTO handed down the report: *Review of Training Delivery linked to Advertising of Vacant Positions in Queensland*. This review was conducted as part of the Queensland Government's five-point plan to ensure recruitment organisations and registered training organisations are behaving appropriately and not taking advantage of jobseekers.

The report outlines six recommendations relating to how DESBT and regulatory bodies are managing issues in relation to the alleged advertising of jobs that were false or misleading. The Queensland Government accepted five of the recommendations and accepts in principle the one remaining recommendation. These recommendations will be implemented as a priority throughout 2021 and further details will be included in the DESBT 2020-21 Regulator Performance Report. The QTO report and related Government response, can be found at:

desbt.qld.gov.au/training/employers/engage-government/response-ombudsman-review

Model practice 5: Be transparent and accountable in actions



Supporting principles

- Where appropriate, regulatory frameworks and timeframes for making regulatory decisions are published to provide certainty to stakeholders.
- Decisions are provided in a timely manner, clearly articulating expectations and the underlying reasons for decisions.
- Indicators of regulator performance are publicly available.

Context: Transparency and accountability

The FET Act outlines the timelines required for stakeholders and DESBT to respond to applications triggered by events that fall within the provisions of FET Act.

For example, Section 35A of the FET Act provides for the cancellation of a training contract. On receipt of the application, the chief executive must provide the parties 14 days to respond to a show cause notice, and after that period has elapsed a decision can be made. In concert with this process, a DESBT regional officer would contact the parties to clarify their position and determine whether mediation could assist in achieving a mutually agreeable outcome. Where an agreement cannot be obtained, then a decision is made after the FET Act timeframes are met.

In addition to being outlined in the FET Act, relevant timeframes are outlined in procedures and forms which are provided on the DESBT website.

The regulatory provisions of the FET Act are only a component of the administration of the apprenticeship and traineeship system, therefore reporting of the apprenticeship and traineeship occurs within the totality of the vocational education and training system. Accordingly, the relevant information on performance benchmarks can be obtained in the DESBT Annual Report, which is published on the department's website at: desbt.qld.gov.au/about-us/reports

The QTO report handed down in November 2020 titled *Review of Training Delivery Linked to Advertising of Vacant Positions in Queensland (Review)* included a recommendation for DESBT to improve transparency of actions it is taking to ensure all stakeholders are aware of the importance it places on quality. DESBT supports this recommendation and the need to prioritise stakeholder awareness. This recommendation, along with others from the review will be implemented throughout 2021. The report and related response can be found at:

desbt.qld.gov.au/training/employers/engage-government/response-ombudsman-review

Appendix 1: Information, contacts and feedback

Apprenticeship and traineeship information and contacts

Australian Apprenticeship Support Network

- telephone 13 38 73
- visit australianapprenticeships.gov.au

Queensland Training Ombudsman

To make an enquiry or lodge a complaint, contact the Queensland Training Ombudsman:

- telephone: 1800 773 048
- email: info@qto.qld.gov.au
- post: PO Box 15090, City East Qld 4002
- visit website to download a form: trainingombudsman.qld.gov.au/contact

DESBT

- website: desbt.qld.gov.au/training/apprentices
- telephone: 1800 210 210
- email: apprenticeshipinfo@qld.gov.au

Feedback

Any feedback about this report can be directed to:

Queensland Apprenticeship and Traineeship Office
Service Delivery, Engagement
Department of Employment, Small Business and Training
PO Box 15483, City East, Brisbane QLD 4002.

- telephone: 1300 369 935
- email: training@desbt.qld.gov.au

Appendix 2: Glossary

The meanings of the following acronyms and/or abbreviations used in this report are listed below.

Acronym/Abbreviation	Meaning
AASN	Australian Apprenticeship Support Network
ASQA	Australian Skills Quality Authority
DESBT	Department of Employment, Small Business and Training
FET Act	<i>Further Education and Training Act 2014</i>
The Framework	The Queensland Government's Regulator Performance Framework
GTO	Group Training Organisation
LHLQ	Labour Hire Licensing Queensland
PEO	Principal Employer Organisation
QATO	Queensland Apprenticeship and Traineeship Office
QTO	Queensland Training Ombudsman
RG	Reference Group
RTO	Registered Training Organisation
SRTO	Supervising Registered Training Organisation
VET	vocational education and training

