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Queensland Government Building and Construction Training Policy

Guidelines for Queensland Government agencies

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Overview

These guidelines provide Queensland Government agencies and government owned corporations (GOCs) with the information necessary to comply with the Queensland Government Building and Construction Training Policy (Training Policy). The guidelines include an overview of the main requirements and processes to be followed under the Training Policy.

These guidelines should be read in conjunction with the [Queensland Government Building and Construction Training Policy, guidelines and processes](#), the [Queensland Procurement Policy](#) and the [Queensland Code of Practice for the Building and Construction Industry](#), as well as the relevant Queensland Government agency purchasing and contract management procedures.

Policy objective

The objective of the Training Policy is to capitalise on the potential of Queensland Government and GOC building and/or civil construction projects to:

- Create additional employment and training opportunities for apprentices and trainees in the building and construction industry
- Improve the skills base of the building and construction industry
- Provide employment, training and business supply opportunities for Aboriginal and Torres Strait Islander Queenslanders.

Government agencies responsibilities

All Queensland Government departments and statutory bodies, as defined in the *Financial Accountability Act 2009*, are required to comply with the Training Policy. Additionally, from 1 July 2015 the Training Policy also applies to all GOCs as defined by the *Government Owned Corporations Act 1993* undertaking building and/or civil construction projects with a contract sum above \$20 million (including GST).

All Queensland Government agencies are responsible for managing, procuring and administering their building and civil construction projects and ensuring contractor compliance with the Training Policy in accordance with these guidelines and the supporting suite of documents and processes for the policy. This includes adding project information into the Training Policy Administration System (TPAS) for eligible projects once the contract has been awarded and enforcing the appropriate contractual obligations where contractors are in breach and/or failing to comply with the requirements of the Training Policy.

In addition, all Queensland Government agencies remain responsible for the application of the Training Policy for their building and civil construction projects even in circumstances where a third party, external consultant or service provider is undertaking the procurement of the project and/or the project management on the agency's behalf. For example, those delivered by shared services providers or under corporate partnership agreements.

Training Policy requirements

The Training Policy applies to eligible Queensland Government and GOC building and/or civil construction projects throughout Queensland. A core requirement is that a minimum of

10 per cent of the total labour hours on eligible projects is undertaken by apprentices and/or trainees and through other workforce training. From 1 September 2017, this core requirement increases to 15 per cent for eligible major building and/or civil construction projects.

Eligible projects

Eligible projects are Queensland Government building projects with a contract sum of \$500,000 or greater (including GST), and civil construction projects with a contract sum of \$3 million or greater (including GST). Eligible projects include:

- Projects throughout Queensland, including projects in Aboriginal and Torres Strait Islander communities
- Projects that are selected as indigenous projects by Queensland Government agencies
- Public private partnerships
- All building and/or civil construction projects with a contract sum above \$20 million (including GST) tendered or undertaken by GOCs will also be eligible projects.

From 1 September 2017, additional requirements apply to eligible major building and/or construction projects with a contract sum of \$100 million or greater (including GST).

Core requirements

The primary means for contractors to comply with the Training Policy is through the employment of apprentices and/or trainees and through other workforce training.

The Training Policy has a core requirement that a minimum of 10 per cent of the total labour hours in eligible projects be undertaken by apprentices and/or trainees and through other workforce training. This core requirement is expressed in terms of deemed hours. The deemed hours for the Training Policy will be determined by the contract sum (including GST) multiplied by 0.06 per cent for building projects and 0.03 per cent for civil construction projects. The labour rate used for the conversion formula is \$45 per hour.

The Training Policy also requires that a minimum of 60 per cent of the deemed hours be allocated toward the employment of apprentices and trainees (new entrants only) with the remaining deemed hours allocated to other workforce training.

An apprentice or trainee is classified as a new entrant or existing worker as part of the Training Contract that is executed in the formation of the apprenticeship or traineeship.

A new entrant apprentice or trainee is a person who enters into an apprenticeship or traineeship and who has *not* been continuously employed by the applicant employer detailed on the Training Contract for more than three months full-time, 12 months casual or part-time, or a combination of both, immediately prior to the commencement date of the Training Contract.

An existing worker apprentice or trainee is one who has been employed by the applicant employer in the above time periods prior to the commencement date of the Training Contract. **Note:** An apprentice or trainee will remain either a new entrant or existing worker under the Training Policy until they complete their apprenticeship or traineeship.

Major building and civil construction projects

On major Queensland Government and GOC building and/or civil construction projects with a contract sum of \$100 million or greater (including GST), the following additional requirements are to be fulfilled:

- A core requirement that a minimum of 15 per cent of the total labour hours on eligible projects is to be undertaken by apprentices and/or trainees and through other workforce training. The deemed hours will be determined by the contract sum (GST inclusive) multiplied by 0.09 per cent for building projects and 0.045 per cent for civil construction projects. The Training Policy requires that a minimum of 60 per cent of the deemed hours be allocated toward the employment of apprentices and trainees (new entrants only) with the remaining deemed hours allocated to other workforce training.
- The contractor is required to develop and implement a Skills Development Plan, with the intent of developing the skills of existing workers and new entrants.
- Training delivery is to be linked to occupational outcomes in applicable nationally accredited training packages that are identified in the Skills Development Plan for the particular project.
- A training coordinator is to be employed by the principal contractor to ensure the implementation of the Skills Development Plan.

Contractors will be required to demonstrate compliance by submitting a copy of the Skills Development Plan with the usual Compliance Plan using TPAS. For further information, refer to the [Guidelines for contractors – Skills Development Plan for major projects](#).

Training Policy Administration System

The Queensland Government administers contractor compliance through the TPAS. This is an electronic reporting portal for contractors to report their compliance with the Training Policy.

The Queensland Government agency is required to add project information in the TPAS for eligible projects once the contract has been awarded, this includes uploading a copy of the Letter of Acceptance or the equivalent i.e. Project Funding Agreement with applicable Annexures and other relevant documents such as the Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (DTATSIPCA) approval letter for selected Indigenous projects. Government agencies and Management Procurement Agencies (if applicable) can also access TPAS for their own project compliance monitoring and reporting purposes.

Contractors are required to submit the Compliance Plan, enter labour and training hours for apprentices/trainees and participants and submit the Practical Completion Report electronically using TPAS. Contractors will be informed of their compliance performance based on the data that they have entered into TPAS. Contractors can review their progressive achievement at any stage throughout the lifetime of a project on the TPAS portal.

Compliance with the Training Policy is a condition of contract and a report from TPAS will form the basis of advice to the Director-General of each Queensland Government department and Chief Executive Officer of each statutory body and GOC as required. This

data is also able to form the basis of any investigations, sanctions or penalties in relation to non-compliance.

To receive access to TPAS please contact the Department of Youth Justice, Employment, Small Business and Training (DYJESBT) via TrainingPolicy@desbt.qld.gov.au.

The TPAS portal can be accessed via the DYJESBT website by navigating to Training, For Employers and industry, Queensland Government Building and Construction Training Policy desbt.qld.gov.au/training/employers/trainingpolicy.

Public private partnerships

From 1 July 2015, any procurement processes that commence for public private partnerships in relation to building projects with a contract sum of \$500,000 or greater (including GST) and civil construction projects with a contract sum of \$3 million or greater (including GST) must also comply with the Training Policy.

Queensland Treasury is responsible for leading the procurement for public private partnerships. Queensland Treasury will include reference to the Training Policy requirements in procurement documentation together with other regulatory requirements that potential proponents must address.

Requirements for Indigenous projects

There are two categories of Indigenous projects under the Training Policy:

- eligible projects located in an Aboriginal or Torres Strait Islander community and the Township of Weipa
- eligible projects located throughout the rest of Queensland that are proposed as Indigenous projects by Queensland Government agencies, GOCs or by the Director-General of DTATSIPCA.

The compliance requirements for Indigenous projects under the Training Policy are the same regardless of whether it is located in an Aboriginal or Torres Strait Islander community or outside of these communities when selected as an Indigenous project.

For Indigenous projects, it is a priority that the core deemed hours requirement (10 per cent of the total labour hours) of the Training Policy be met by Aboriginal and Torres Strait Islander apprentices and trainees and local Aboriginal and Torres Strait Islander workers.

In addition to this, the Training Policy requires that an additional amount, equivalent to a further 10 per cent of the total labour hours (which equates to a minimum of 3 per cent of the estimated project value including GST for building projects and a minimum of 1.5 per cent of the estimated project value including GST for civil construction projects), be allocated toward an agreed Indigenous Economic Opportunities (IEO) Plan.

For further information about the requirements and process to be used for Indigenous projects refer to the [Guidelines for Indigenous projects](#).

Procurement and compliance process requirements

For the Training Policy to be effective, it is essential that all Queensland Government agencies adhere to the following:

Pre-tender

- Ensure tender and contract documents include Training Policy requirements for all eligible projects.
- Assess a project's capability to comply with the deemed hours' requirements (see [Section 7 on Variations](#) for further information).
- Consider whether the project should be regarded as an Indigenous project or is a selected Indigenous project under the Training Policy.
- For Indigenous projects, prepare the Indigenous Opportunities Overview and include in the tender documents. For further information, refer to the [Guidelines for Indigenous projects](#).
- Discuss the requirements of the Training Policy as part of tender information sessions.
- Ensure that a statement regarding compliance with the Training Policy is included in the Employment and Skills Development Impact Statement for all applicable capital works submissions to executive government.

Invitation to tender

- Ensure that contractors provide an undertaking in writing that they intend to comply with the Training Policy when tendering for eligible projects.

Post-tender negotiations

- Variations to the deemed hours requirement will only be considered in extenuating circumstances. The overarching consideration in any negotiations is that the intent of the policy is not compromised (see [Section 7 Variations](#) for further information).
- For Indigenous or selected Indigenous projects, lead the negotiation of an IEO Plan with preferred tender/s prior to the awarding of the contract. For further information, refer to the [Guidelines for Indigenous projects](#).

Contracts awarded

- Ensure that a contractor's compliance with the Training Policy is a mandatory precondition to the award of eligible government contracts.
- Ensure that a grant recipient's compliance with the Training Policy is a mandatory condition of the Funding Agreement with applicable Annexures.
- Ensure that contractors or grant recipients are informed that where they tender components of a project that have available labour and training hours under the Training Policy, they are aware to include the Training Policy in their own tender and contract documents and ensure that subcontractors are made aware of and comply with the Training Policy requirements.
- Brief contractors on the Training Policy compliance requirements and provide the key point of contact within the agency for the awarded tender.

- Publish basic details for awarded contracts in accordance with the [Queensland Procurement Policy](#) and the [Procurement Guidelines Contract Disclosure](#).
- Add project information for eligible projects in the TPAS and upload the tender Letter of Acceptance or the equivalent i.e. Project Funding Agreement with applicable Annexures and other relevant documents such as the DTATSIPCA approval letter for selected Indigenous projects.

Compliance during construction

- Ensure that compliance with the Training Policy is included as part of the Queensland Government agency's contract management processes to monitor performance and report non-compliance under the policy.
- Ensure contractors submit Compliance Plan electronically using TPAS.
- For Indigenous or selected Indigenous projects, ensure contractors upload the agreed IEO Plan signed by all parties in TPAS.
- Access TPAS for compliance monitoring and reporting purposes and the enforcement of appropriate contractual obligations where contractors are in breach and/or failing to comply with the requirements of the Training Policy.

Practical completion stage

- Ensure contractors submit a Practical Completion Report electronically using TPAS.
- For Indigenous or selected Indigenous projects, ensure contractors upload the fully signed IEO Plan with final outcomes and submits the Practical Completion Report electronically using TPAS to close the project out.

Grant programs

Under the *Queensland Procurement Policy 2019* 'procurement' encompasses the whole process of obtaining goods and services however, does not include 'grants' as defined in the *Financial Accountability Handbook* administered by Queensland Treasury.

Where a Queensland Government agency administering a grant program wishes to apply the requirements of the Training Policy, applicability of the Training Policy to the grant program will be at the discretion of DYJESBT and determined on a case by case basis.

Where applicability has been determined, the Queensland Government agency who administers the grant program remains responsible for ensuring the grant recipient's compliance with the Training Policy, even in circumstances where a third party is engaged to procure and/or project manage the project. This includes ensuring that:

- The requirement to comply with the Training Policy is included in the grant program's Funding Guidelines.
- The Project Funding Agreement with applicable Annexures (or equivalent) entered into between the Queensland Government agency and the grant recipient includes Training Policy requirements for all eligible projects. DYJESBT will work in collaboration with the Queensland Government agency who administer the grant program to incorporate the Training Policy into this documentation.

- Project information is added into the TPAS for eligible projects once the Project Funding Agreement with applicable Annexures has been executed.
- The parties to the Project Funding Agreement and applicable Annexures understand and comply with the Training Policy, guidelines and supporting suite of resources located on the website at [Queensland Government Building and Construction Training Policy](#) and obligations under this agreement are enforced where grant recipients are in breach and/or failing to comply with the requirements of the Training Policy.
- The Training Policy is included as part of the Queensland Government agency's grant program administration including project management, performance monitoring and reporting processes.
- For any component of a project that the grant recipient tenders, that the grant recipient includes the Training Policy in their own tender and contract documents and ensures that contractors are made aware of and comply with the Training Policy requirements.
- Where contractors are awarded part or all of the project scope of works, the Grant Recipient must inform the contractor of the intention to share information with another Agency in accordance with privacy legislation. This is to ensure that there is informed consent to share information between agencies.

For the purposes of the Training Policy the Project Funding Agreement and applicable Annexures would be considered the equivalent of a contract. The contract sum referred to in the Training Policy is to be the Total Project Cost plus GST as detailed in the executed Project Funding Agreement and applicable Annexures.

For more detailed information please refer to the [TPAS User Manual for Government Agencies, Government Owned Corporations and Management Procurement Agencies](#) and the [TPAS User Manual for Contractors](#).

Variations to the deemed hours requirement of the Training Policy

Variations to the deemed hours requirement of the Training Policy are approved by DYJESBT, Queensland Apprenticeship and Traineeship Office with the recommendation of the relevant Queensland Government agency or GOC and Management Procurement agency (if applicable).

Prior to advertising the tender, each Queensland Government agency or GOC is responsible for assessing a project's capability to comply with the deemed hours requirement. If a project is assessed as unable to meet the deemed hours requirement, a revised deemed hours requirement must be negotiated and approved by DYJESBT.

Variations following contract acceptance will only be considered in extenuating circumstances. Contractors must firstly negotiate and gain support for the variation with the Queensland Government agency or GOC and Management Procurement agency (if applicable) who will then recommend the variation to DYJESBT for assessment.

Where a project is located in an Indigenous Community or has been selected as an Indigenous project, in assessing any request to vary the deemed hours requirement, DYJESBT will consult with DTATSIPCA as part of the process.

Variation requests will be considered on a case-by-case basis and any variation to the deemed hours must not compromise the intent of the Training Policy.

The Training Policy Variation Process and Training Policy Variation Request Form are available to Queensland Government agencies, GOCs and Management Procurement agencies (if applicable) upon request to DYJESBT.

Compliance, performance reports and audits

Compliance and reporting arrangements for the Training Policy will be a condition of the contract and compliance will be measured using data recorded in TPAS.

A contractor's failure to comply with the requirements of a contract, to which the Training Policy applies, will constitute a breach of contract. Non-compliance with the Training Policy will be considered in any review of a contractor's eligibility to tender for future Queensland Government contracts in addition to any other sanctions that may apply.

In addition to any contractual provisions, DYJESBT will provide performance reports regarding a contractor's compliance with the policy to the Director-General or Chief Executive Officer of each Queensland Government agency or GOC as required.

The Department of Energy and Public Works (DEPW), Buy Queensland Audit Unit provides support to the Training Policy primarily through audit, investigation and education activities. The unit will undertake compliance audits against the Training Policy to ensure that contractors meet their obligations under the policy. An annual program of audit will be undertaken as well as investigations into complaints or referrals that allege non-compliance with the Training Policy. The unit will work collaboratively with DYJESBT, Queensland Government agencies, GOCs, contractors and applicable Aboriginal and Torres Strait Islander councils or authorities to obtain a higher level of compliance with the Training Policy and to achieve better policy outcomes throughout the lifetime of a building and construction project. If a project is selected for audit, the contractor will be requested by the Buy Queensland Audit Unit to provide evidence to support all labour and training hours that have been recorded in the TPAS portal. For more information about the Buy Queensland Audit Unit visit epw.qld.gov.au/about/strategy/buy-qld/compliance-complaints.

Additionally, an Ethical Supplier Mandate has been introduced to building, construction and maintenance suppliers through DEPW from 1 August 2019 and to transport, infrastructure and services suppliers from 1 October 2019. The Mandate includes adherence to the Training Policy among other legislative and contract compliance issues. It is designed ensure the Queensland Government is conducting business with ethical, environmentally and socially responsible suppliers, and for removing unethical behaviour from its supply chain.

For more information of the Ethical Supplier Mandate visit epw.qld.gov.au/about/strategy/buy-qld/compliance-complaints/ethical-suppliers.

Construction Skills Queensland

DYJESBT is responsible for the administration of the Training Policy and partners with Construction Skills Queensland (CSQ) to support the implementation of the policy. CSQ provides support to industry in understanding and meeting Training Policy requirements.

Further information

For more detailed information or advice, please contact the Department of Youth Justice, Employment, Small Business and Training or Construction Skills Queensland.

Department of Youth Justice, Employment, Small Business and Training

Phone: 1300 369 935

Email: TrainingPolicy@desbt.qld.gov.au

Website: desbt.qld.gov.au/training/employers/trainingpolicy

Construction Skills Queensland

Phone: 1800 798 488

Email: info@csq.org.au

Website: www.csq.org.au

Department of Energy and Public Works - Buy Queensland Audit Unit

Phone: 1300 10 50 30

Email: BuyQLDAudit@epw.qld.gov.au

Website: epw.qld.gov.au/about/strategy/buy-qld/compliance-complaints

Definitions

Aboriginal and Torres Strait Islander – according to s51 (25) of the High Court of Australia (1983), ‘An Aboriginal or Torres Strait Islander person is a person of Aboriginal or Torres Strait Islander descent who identifies as an Aboriginal or Torres Strait Islander and is accepted as such by the community in which he or she lives.’

Apprentice/trainee – A person undertaking an apprenticeship or traineeship as provided for in the *Further Education and Training Act 2014*.

Building and civil construction – these terms are defined as relating to the following activities:

- Building work – according to Queensland Government Capital Works Management Framework (CWMF) Attachment 1 – Definition of a government building project.
Work covered by this definition includes:
 - a) the erection, establishment or construction of a building;
 - b) any maintenance of a building assessed as high risk/significant (refer to Attachment 5);
 - c) the repair, renovation, refurbishment, alteration, extension or improvement of a building or maintenance of a building combined with any of these works;
 - d) the demolition or removal of a building;
 - e) any site work (defined as building work under the *Queensland Building and Construction Commission Act 1991*) related to work of any kind associated with a) to d) above as a separate contract in itself;
 - f) travellers and escalators, water supply, sewerage or drainage under installation or supply and installation contracts associated with a) to d) above as a separate contract in itself, and the provision of services generally (including but

not limited to power, lighting, communications, security systems, fire, heating, ventilation, air conditioning, lifts).

but excludes (g) to (l). Refer to CWMF.

- Construction work – according to Chapter 3 Section 65 (1)(b) of the *Building Industry Fairness (Security of Payment) Act 2017*.

Civil construction works include:

‘the construction, alteration, repair, restoration, maintenance, extension, demolition or dismantling of any works forming, or to form, part of land, including walls, roadworks, power lines, telecommunication apparatus, aircraft runways, docks and harbours, railways, inland waterways, pipelines, reservoirs, water mains, wells, sewers, industrial plant and installations for land drainage or coast protection.

Contractor – the party who enters into a contract with the State of Queensland. This may include local government authorities or councils.

Deemed hours – the minimum number of on-the-job training hours to be achieved on any Queensland Government building and/or civil construction project to which the Training Policy applies.

Government owned corporation (GOC) – a government entity that is declared by regulation to be a government owned corporation under the *Government Owned Corporations Act 1993*.

Grant Program – means a program administered by the State for the provision of funding to a local government or local governments.

Estimated project value – the amount submitted by the preferred tenderer.

Indigenous economic opportunities plan – a plan agreed to and signed by the contractor and the Queensland Government Agency and the relevant Aboriginal or Torres Strait Islander council or authority.

Where there is no relevant Aboriginal and Torres Strait Islander council or authority, DTATSIPCA will agree to and sign the plan. A copy of a template is available at dsdsatsip.qld.gov.au/our-work/aboriginal-torres-strait-islander-partnerships/business-economic-development/building-construction-training-policy.

Management Procurement Agency - is the public or private agency, engaged by the Queensland Government agency or GOC, to undertake the project procurement and/or contract management.

New entrant – is a person who enters into an apprenticeship or traineeship and who has not been employed by the applicant employer detailed on the training contract continuously for more than three months full-time or 12 months casual or part-time or a combination of both, immediately prior to the commencement date of the training contract. This person will remain a new entrant under the Training Policy until they complete their apprenticeship or traineeship.

Public private partnership – a partnership approach between the public and private sectors to deliver effective public infrastructure, where it delivers value for money on behalf of taxpayers.

Preferred tenderer – tenderer that is ranked highest after the evaluation of tender submissions. The preferred tenderer may go on to be awarded the contract, at which time they become the 'contractor'.

Queensland Government agency – a department or statutory body as those defined in the *Financial Accountability Act 2009* or the *Government Owned Corporations Act 1993*.

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