1. 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 submitting 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 an external consultant or service provider is undertaking the procurement of the project on the agency’s behalf. For example, those delivered by shared services providers or under corporate partnership agreements.

2. 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](#).

### 3. Training Policy Administration System

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

The Queensland Government administers contractor compliance through TPAS. The principal (Queensland Government agency) are required to submit project information into 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. Funding Agreement with applicable Annexures and other relevant documents such as the Department of Aboriginal and Torres Strait Islander
Partnerships (DATSIP) approval letter for selected Indigenous projects. Government agencies can also access TPAS for their own compliance monitoring and reporting purposes.

Contractors are required to submit the Compliance Plan and Practical Completion Report electronically using TPAS. Contractors will be informed of their compliance performance based on the data that they have entered into TPAS. A monthly email reminder is sent to contractors about their status, with calculated deemed hours and progressive achieved hours as actual amounts and as a percentage, as defined in the contract. Contractors may view their progress at any time on the TPAS website.

To advise on contractors’ compliance with the Training Policy, 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. 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 Employment, Small Business and Training (DESBT) via TrainingPolicy@desbt.qld.gov.au.

TPAS can be found on the Construction Skills Queensland (CSQ) website at https://www.csq.org.au/industry/tpas-building-construction-industry-training-policy/.

4. 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.

5. 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 DATSIP.

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.

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.

6. Procurement 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.
• 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.

• Submit project information for eligible projects in the TPAS and upload the tender Letter of Acceptance or the equivalent i.e. Funding Agreement with applicable Annexures and other relevant documents such as the DATSIP 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 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.

7. Variations to the deemed hours requirement of the Training Policy

Variations to the deemed hours requirement of the Training Policy are approved by DESBT, Queensland Apprenticeship and Traineeship Office with the recommendation of the relevant Queensland Government agency or GOC.

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 DESBT.

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 who will then recommend the variation to DESBT for approval. In evaluating any request to vary the deemed hours requirement, DESBT will consult with CSQ 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 and GOCs upon request to DESBT.

8. Compliance and performance reports

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, DESBT 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 Housing and Public Works (HPW), Building Construction and Training Policy Compliance Team has been implemented to ensure adherence to the Training Policy primarily through education, audit, investigation and reporting activities. The team will work collaboratively with Queensland Government agencies and GOCs 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.

Additionally, an Ethical Supplier Mandate has been introduced to building, construction and maintenance suppliers through HPW from 1 August 2019 and 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 https://www.hpw.qld.gov.au/about/strategy/buy-qld/about/ethical-suppliers.

9. Construction Skills Queensland

DESBT partners with CSQ to administer the Training Policy through their strong links with the building and construction industry. CSQ provides support to industry in understanding and meeting Training Policy requirements.
10. Further information

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

**Department of Employment, Small Business and Training**

Phone: 1300 369 935  
Email: TrainingPolicy@desbt.qld.gov.au  
Website: https://desbt.qld.gov.au/training/employers/trainingpolicy

**Construction Skills Queensland**

Phone: 1800 798 488  
Email: info@csq.org.au  
Website: http://www.csq.org.au/

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