

Queensland Government Building and Construction Training Policy

Policy statement

The *Queensland Government Building and Construction Training Policy* (Training Policy) supports employment opportunities and skills development in Queensland's building and construction industry. The Training Policy also focuses on increasing the economic independence of Aboriginal and Torres Strait Islander Queenslanders in the industry.

The Training Policy is one element in a long-standing partnership between the building and construction industry and the Queensland Government to develop the industry's skills base and future workforce capability. It requires contractors to employ apprentices and trainees and undertake other workforce training as mandated components of being awarded work on eligible Queensland Government projects.

Policy objective

The objective of the Training Policy is to capitalise on the potential of Queensland Government and government owned corporation (GOC) building and 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.

Scope

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 to be 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.

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 tendering or undertaking building and/or civil construction projects with a contract sum above \$20 million (including GST).



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).

Links to government priorities

The Training Policy supports the Queensland Government's commitment to job creation and lowering unemployment by prioritising more apprenticeship and traineeship opportunities for Queenslanders. It also aligns with the Queensland Government's commitment to increasing the economic independence of Aboriginal and Torres Strait Islander people.

Commencement

The Training Policy effective on 1 July 2014 replaced both the Queensland Government Building and Construction Contracts Structured Training Policy (10 per cent Training Policy) and the Indigenous Employment Policy for Queensland Government Building and Civil Construction Projects (20 per cent Indigenous Employment Policy).

From 1 July 2015, any procurement processes that GOCs commence for building and/or civil construction projects above \$20 million (including GST) must comply with the Training Policy.

Additionally, from this date, 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.

From 1 September 2017, any procurement processes that commence for eligible major building and/or civil construction projects with a contract sum of \$100 million or greater (including GST) must comply with the core requirement that a minimum of 15 per cent of the total labour hours on eligible projects be undertaken by apprentices and/or trainees and through other workforce training.

Key elements

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 core requirements of the Training Policy are expressed in terms of deemed hours, which are calculated using a conversion formula. The conversion formula calculates the deemed hours of on- the-job training needed in connection with a project to comply with the Training Policy.

The deemed hours for the Training Policy will be determined by the contract sum (GST inclusive) 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 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 will remain a new entrant under the Training Policy until they complete their apprenticeship or traineeship (see the definitions section for further information).

Other workforce training may include:

- upskilling existing workers through training that is delivered by registered training organisations and which leads to nationally recognised building or civil construction qualifications
- upskilling existing workers through industry recognised training
- upskilling existing workers through apprenticeships or traineeships
- employing Aboriginal and Torres Strait Islander people
- employing students in undergraduate programs or cadetships that apply to formal tertiary, professional or technical education in the building and construction industry.

See the [FAQs for Training Policy compliance for other workforce training](#) for further information.

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.

For further information, refer to the [Guidelines for contractors – Skills Development Plan for major projects](#).

Indigenous projects

As well as providing apprenticeship and traineeship opportunities and developing the skills of workers in the building and construction industry, the Training Policy also has a strong focus on increasing the economic independence of Aboriginal and Torres Strait Islander Queenslanders.

Eligibility

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

- eligible projects located in an Aboriginal or Torres Strait Islander community and the Township of Weipa (specified in Appendix A)
- 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 the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP).

The compliance requirements for Indigenous projects under the Training Policy are the same regardless of whether they are 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 or 15 per cent for major projects) 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 plan.

The Indigenous economic opportunities plan sets a minimum for agreed outcomes and provides flexibility in order for the economic opportunities associated with the project to be maximised for local communities.

This additional amount can be allocated against activities within the contract or against any employment, training or business supply opportunities that are negotiated, detailed and agreed in the Indigenous economic opportunities plan.

As part of the procurement process for Indigenous projects, the principal will work with the preferred tenderer/s to develop and seek written agreement on an Indigenous economic opportunities plan in partnership with the Aboriginal and Torres Strait Islander council or authority. Where there is no relevant Aboriginal or Torres Strait Islander council or authority, DATSIP will take part in the negotiations and agreement.

Selection of Indigenous projects

Eligible projects that are located in an Aboriginal or Torres Strait Islander community or the Township of Weipa are automatically indigenous projects.

The Director-General of DATSIP is able to select building or civil construction projects outside of Aboriginal or Torres Strait Islander communities to be Indigenous projects.

A project can be selected as an Indigenous project if it is:

- proactively identified and proposed to be an Indigenous project by the Director-General or Chief Executive Officer of the procuring agency
- specifically for the use and benefit of Aboriginal and Torres Strait Islander people (e.g. Aboriginal health centre, cultural centre, social housing) located in one of the priority regional areas determined by DATSIP for Indigenous projects under this policy, or located outside of the priority regional areas and is agreed between the Director-General or Chief Executive Officer of the procuring agency and the Director-General of DATSIP.

A list of priority regional areas is available at <https://www.datsip.qld.gov.au/publications-governance-resources/policy-governance/building-construction-training-policy>.

The priority regional areas have been identified based on a strategic assessment of a range of factors, including Aboriginal or Torres Strait Islander population and unemployment rates. This approach will enable workforce and skills development to be assessed, planned and coordinated where projects are able to be clustered.

Further information on the criteria and the process to be applied is available from the DATSIP website at <https://www.datsip.qld.gov.au/publications-governance-resources/policy-governance/building-construction-training-policy>.

Compliance

Compliance and reporting arrangements for the Training Policy will be a condition of contract. The contractor undertaking the project will be required to submit a Compliance Plan and Practical Completion Report for the project.

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

Local government authorities or councils appointed as contractors by Queensland Government agencies for eligible projects are also required to comply with the policy.

For Indigenous projects, the contractor will be required to:

- submit an agreed Indigenous economic opportunities plan as part of the Compliance Plan
- report on the achievement of outcomes against the agreed plan as part of the Practical Completion Report.

A contractor's failure to comply with the requirements of a contract, to which the Training Policy applies, will constitute a breach of contract.

Further, 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.

Queensland Government agencies must ensure that a contractor's compliance with the Training Policy is a mandatory precondition to the award of eligible government contracts.

In addition to any contractual provisions, performance reports regarding a contractor's compliance with the policy will be provided by the Department of Employment, Small Business and Training (DESBT) to the Director-General or Chief Executive Officer of each Queensland Government agency or GOC as required.

The Department of Housing and Public Works, 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 works collaboratively with DESBT, Queensland Government agencies, GOCs, contractors the applicable Aboriginal and Torres Strait Islander council or authority 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 the Department of Housing and Public Works 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 on the Ethical Supplier Mandate visit

<https://www.hpw.qld.gov.au/about/strategy/buy-qld/about/ethical-suppliers>.

Responsibilities

DESBT is responsible for the key documents that support the operation of the Training Policy.

DESBT (or its agent) is responsible for operational functions associated with the administration of compliance reporting under the Training Policy.

All Queensland Government agencies and GOCs are responsible for managing, procuring and administering their building and/or civil construction projects and ensuring contractor compliance with the Training Policy in accordance with the [Guidelines for Queensland Government agencies](#) in the supporting suite of resources for the policy. This includes the enforcement of appropriate contractual obligations where contractors are in breach and/or failing to comply with the requirements of the Training Policy.

All Queensland Government agencies and GOCs remain responsible for the application of the Training Policy to their building and/or 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.

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. DATSIP is responsible for advancing the economic independence of Aboriginal and Torres Strait Islander people under the Training Policy in partnership with Queensland Government agencies, contractors and Aboriginal and Torres Strait Islander councils or authorities.

The Director-General of DATSIP is responsible for selecting projects across Queensland to be considered by Queensland Government agencies and GOCs as Indigenous projects under the Training Policy. The Directors-General and Chief Executive Officers of Queensland Government agencies and GOCs are also responsible for identifying and proposing suitable projects to be Indigenous projects in consultation with the Director-General of DATSIP.

The principal, as the Queensland Government agency or GOC specified in the procurement process, is responsible for preferred tenderer negotiations and forming agreement on the Indigenous economic opportunities plan with an Aboriginal and Torres Strait Islander council or authority and the preferred tenderer/s prior to the awarding of the contract. Where there is no relevant Aboriginal or Torres Strait Islander council or authority, DATSIP will take part in the negotiations and the agreement.

Preferred tenderer/s are responsible for developing the Indigenous economic opportunities plan. Successful contractors are responsible for complying with the Training Policy in accordance with the contract. Where applicable, successful contractors are responsible for working in partnership with Aboriginal and Torres Strait Islander councils or authorities (or DATSIP where there is no relevant council or authority) and the principal, to achieve outcomes against the agreed Indigenous economic opportunities plan.

To maximise Indigenous employment, training and business supply opportunities for Aboriginal and Torres Strait Islander people, Aboriginal and Torres Strait Islander councils or authorities (or DATSIP) are responsible for providing advice to contractors and the principal. They also have a role in the negotiation and agreement of Indigenous economic opportunities plans for projects located within their communities, as well as validating the achievement of outcomes against each plan.

Policy document toolkit

The Training Policy, related guidelines, fact sheet and other resources can be found at <https://desbt.qld.gov.au/training/employers/trainingpolicy>.

The Training Policy is to be implemented in accordance with the details provided in the toolkit. Please refer to the guidelines for information on how to calculate the requirements for individual projects under the Training Policy, and the processes to be followed for eligible projects and for variations.

Contact

For further information, visit <https://desbt.qld.gov.au/training/employers/trainingpolicy> or email TrainingPolicy@desbt.qld.gov.au.

Related policies and procedures

- [Queensland Procurement Policy 2019 Project Assessment Framework](#)
- [Queensland Code of Practice for the Building and Construction Industry](#)
- [Capital Works Management Framework](#)
- [Moving Ahead – A strategic approach to increasing the participating of Aboriginal people and Torres Strait Islander people in Queensland’s economy \(2016–2022\)](#)
- [Queensland Government Building and Construction Training Policy Guidelines and resources](#)

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 Attachment 1 – Definition of a government building project.

Work covered by this definition includes:

- a) the erection, establishment or construction of a building; or
 - b) any maintenance of a building assessed as high risk/significant (refer to Attachment 5); or
 - c) the repair, renovation, refurbishment, alteration, extension or improvement of a building or maintenance combined with any of these works, or
 - d) the demolition or removal of a building; or
 - e) any site work (defined as building work under the *Queensland Building Services Authority Act 1991* related to work of any kind associated with a) to d) above as a separate contract in itself, or
 - f) the provision of services generally (including but not limited to power, lighting, communications, security systems, fire, heating, ventilation, air conditioning, lifts, 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.
- Construction work – according to Clause 10 (1)(b) of the *Building and Construction Industry Payments Act 2004*, construction works includes:
‘the construction, alteration, repair, restoration, maintenance, extension, demolition or dismantling of any works forming, or to form, part of land, including walls, roadworks, powerlines, 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*.

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 principal and the relevant Aboriginal or Torres Strait Islander council or authority.

Where there is no relevant Aboriginal and Torres Strait Islander council or authority, DATSIP will agree to and sign the plan. A copy of a template is available at <https://www.datsip.qld.gov.au/publications-governance-resources/policy-governance/building-construction-training-policy>.

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’.

Principal – the Queensland Government agency nominated as the principal under the contract.

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

Policy owner:	Department of Employment, Small Business and Training
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Related documents:	<ol style="list-style-type: none"> 1. <i>Guidelines for Contractors</i> 2. <i>Guidelines for Queensland Government Agencies</i> 3. <i>Guidelines for Indigenous projects</i> 4. <i>Guidelines for Contractors – Skills Development Plan for major projects</i>
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Appendix A

Aboriginal and Torres Strait Islander Torres Strait Island communities

Torres Strait Island communities

Badu
Bamaga
Boigu
Dauan
Erub
Hammond
Horn
Kubin
Lama
Marbuiag
Masig
Mer
Moa
Poruma
Prince of Wales
Saibai
Seisia
St Pauls
Thursday Island
Ugar

Aboriginal communities

Aurukun
Cherbourg
Coen
Doomadgee
Hope Vale
Injinoo
Kowanyama
Laura
Lockhart River
Mapoon
Mornington
Napranum
New Mapoon
Palm Island
Pormpuraaw
Umagico
Woorabinda
Wujal
Yarrabah
and the Township of Weipa

Appendix A (cont)

Aboriginal and Torres Strait Islander communities details



Appendix A (cont)

Aboriginal and Torres Strait Islander communities details

