



Regulator Performance Report 2021-22

Department of Employment, Small Business and Training

Introduction

The Queensland Government’s Regulator Performance Framework (the Framework) is 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.

The Office of Productivity and Red Tape Reduction within Queensland Treasury since June 2021 (the former Queensland Productivity Commission), through the Office of Best Practice Regulation delivers the regulatory review function across government. This includes maintaining a central repository of all reports and being the central point of contact for inquiries relating to the Framework.

This is the 2021–22 annual performance report for the Department of Employment, Small Business and Training (DESBT) demonstrating 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).

Apprenticeships and traineeships are important to Queensland's current and future economic prosperity that depends 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 gaining skills and abilities necessary to achieve 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 conjunction with non-legislation based administrative activities, funding arrangements managed by both the Australian and state governments, and the compliance activities of regulators such as the Australian Skills Quality Authority (Australian Government). Additionally, employment related matters are addressed outside the apprenticeship and traineeship system through either Fair Work Australia or the Queensland Industrial Relations Commission.

Report structure

In the table below, the first column includes the five model practices endorsed as part of the Regulator Performance Framework. The following columns (left to right), include examples of how DESBT regulatory practices align with the regulator model practices and improvement actions.



Regulator model practices and supporting principles	Alignment of DESBT regulatory practices with the regulator model practices throughout 2021–22	DESBT actions taken in 2021–22 or ongoing activities taken to improve regulatory activities and business practices
<p>1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden.</p> <ul style="list-style-type: none"> • A proportionate approach is applied to compliance activities, engagement, and regulatory enforcement actions. • Regulations do not unnecessarily impose on regulated entities. • Regulatory approaches are updated and informed by intelligence gathering so that effort is focussed on risk. 	<ul style="list-style-type: none"> • The department through QATO managed the following key risks related to regulating and administering apprenticeships and traineeships in Queensland: <ul style="list-style-type: none"> – reputational risk that may impact the department’s ability to continue delivering an industry led quality product to apprentices and trainees. This may be due to a range of reasons including a downturn in economic activity impacting employment opportunities for apprentices and trainees. – risk of fraud or corruption that may impact the department’s ability to maintain public (i.e., parents, employers, apprentices/trainees), industry and provider confidence in recognising quality VET pathways, products, and services. This may be due to a range of reasons including individual or provider practices. • DESBT resources are used appropriately and proportionately to manage these risks by focusing on a supportive, educative approach with monitoring controls at one end of the continuum, rather than relying heavily on enforcement, which sits at the other end of the continuum. 	<ul style="list-style-type: none"> • QATO conducts twice yearly structured reviews of the Australian Apprenticeships Support Network (AASN) Provider’s compliance with the requirements of the Services Agreement. • Educational activities occurred through engagement by the regional officers, information provided through the departmental website, and through the DESBT Customer Centre. Engagement occurred with key industry stakeholders to ensure contemporary information is available to provide services to their clients. • Two employers were served with a prohibited employer order. • DESBT uses caution letters as part of an incremental and proportionate approach prior to considering more significant and impacting compliance responses (i.e., reprimand, fines or prohibited employer sanctions). • As an example, one employer was issued with 68 caution notices, and one reprimand notice. The 68 caution notices corresponded to the affected number of trainees, whereas the reprimand notice related to a more serious matter. These actions influenced a change in employer practices, which negated the need to consider prohibited employer action under the FET Act.



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	<ul style="list-style-type: none"> • This reduces any unnecessary burden on employers and apprentices/ trainees by tailoring engagement activities and information resources to keep stakeholders informed. This results in greater positive outcomes and incremental improvements by encouraging desired actions, however, penalties could still be used if deemed necessary. • Flexibility within a scalable compliance response is a key aspect of DESBT’s approach to the apprenticeship and traineeship system both to assist specific industries or to respond to sector-wide disruptive events. 	<ul style="list-style-type: none"> • As a further example, during COVID-19, employers were frequently requesting applications for temporary suspensions of apprenticeship employment under section 32E of FET Act, which only provides for 30 days temporary suspension per application. QATO was able to minimise the administrative burden for employers in relation to their applications for additional temporary suspensions after the initial 30 days expiry period by reducing the subsequent application request to an email request only. This provided the parties with flexibility in organising their employment arrangements and maintaining the contract until workplace activities could resume post the suspension period.



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<p>2. Consult and engage meaningfully with stakeholders.</p> <ul style="list-style-type: none"> Formal and informal consultation mechanisms are in place to allow for the full range of stakeholder input and Government decision making circumstances. Engagement is undertaken in ways that helps 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. 	<ul style="list-style-type: none"> Regular engagement was undertaken by DESBT regional offices and QATO through involvement in conferences, seminars, Ministerial roundtables, and attendance at stakeholder consultations where valuable information is gathered on the appropriateness of procedural practices. DESBT continued to keep stakeholders informed of developments and requirements through a supportive process of regular visits by regional officers with employers and apprentice/trainees in the workplace, and with apprentices/trainees when attending training with the SRTO. The focus for the department remained on the training contract by managing registrations, transfers and sustaining the contract throughout the apprenticeship or traineeship. DESBT maintained collaborative arrangements with AASN providers allowing them to undertake a range of delegations on behalf of the department, under the FET Act and to provide a one-stop-shop service to Queensland employers, apprentices, and trainees. 	<ul style="list-style-type: none"> Quarterly meetings were held between QATO and the Department of Employment and Workforce Relations (Commonwealth) responsible for apprenticeship matters for information sharing purposes. Regular consultations were held between QATO and Electrical Safety Office to review practices and requirements across electrical apprenticeships. DESBT officers attended the Group Training Organisation conference. DESBT regions conducted quarterly Reference Group meetings with a range of key VET stakeholders throughout the state. QATO consulted with School-based Apprenticeships and Traineeships and relevant industry stakeholders. Other informal engagement mechanisms included: phoning 13QGOV, our Customer Centre or QATO; in person enquiries at one of our DESBT Regional Offices; email; mail and social media: Facebook, Twitter, YouTube, LinkedIn, and Instagram.



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<p>3. Provide appropriate information and support to assist compliance</p> <ul style="list-style-type: none"> • 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 articulates what is required to achieve compliance. • Where appropriate, regulatory approaches are tailored to ensure compliance activities do not disproportionately burden stakeholders (e.g., small business) or require specialist advice. 	<ul style="list-style-type: none"> • QATO conducted regular reviews of the department’s web site to ensure it contained up-to-date and accurate information on apprenticeship matters including in operational procedures, policies, and guidelines. In addition, QATO provided specialised advice to support departmental regional officers and other decision-making delegates, when making regulatory decisions to ensure consistency and fairness. • DESBT Customer Centre provided telephone consultations, in conjunction with stakeholder access to regional field officers located across Queensland. • For additional information on departmental activities, visit DESBT website: https://desbt.qld.gov.au 	<ul style="list-style-type: none"> • The department continued to implement an automated SMS reminder service for employers, recognising busy employers have a lot to manage. This new service helps employers remain informed and to keep track of obligations when managing an apprentice or trainee and does not replace existing emails or letters as a form of communicating advice and support. It is a voluntary service where small businesses can stop the SMS reminders at any time. • Apprenticeship and traineeship policy and procedures were updated to include approval for remote supervision and working from home arrangements. • Updated fact sheets on regulatory apprenticeship and traineeship matters. • Provided a Contract Connector newsletter (i.e., information regarding policy changes, fees, charges, and declarations) to Supervising Registered Training Organisations, as Skill Assure Suppliers, to assist with managing their regulatory obligations.



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<p>4. Commit to continuous improvement</p> <ul style="list-style-type: none"> 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 outcomes. To the extent possible, reform of regulatory activities is prioritised based on impact on stakeholders and the community. Staff have the necessary training and support to effectively, efficiently, and consistently perform their duties. 	<ul style="list-style-type: none"> DESBT Strategic Plan 2021-2025 outlined strategies and performance measures for DESBT activities that included apprenticeships and traineeships. For further information refer to: https://desbt.qld.gov.au/about-us/reports Apprenticeship and Traineeships system is subject to continuous improvement as part of national vocational education and training reforms. For further information refer to: https://desbt.qld.gov.au/training/apprentices/resources/training-contract-suspension-coronavirus Other examples included modifying the generic employer resource assessments for specific industries. For further information refer to: https://desbt.qld.gov.au/training/apprentices/resources/era-training-plan 	<ul style="list-style-type: none"> The Training Ombudsman released a report <i>Review of School-Based Apprenticeship and Traineeship Administrative Arrangements in Queensland</i> during 2021. DESBT finalised implementation of response to this report. QATO identified recommendations to improve the employment environment and encourage skilling pathways into the security industry. Jobs Queensland released a report <i>Strengthening Queensland's NDIS workforce</i>, which contained recommendations regarding traineeships and the challenge of casualisation of the workforce. These recommendations will be reviewed and considered by DESBT during 2022–23. Conducted compliance related training for DESBT regional officers.



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<p>5. Be transparent and accountable in actions</p> <ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> DESBT is committed to providing the community with greater access to information as part of the Right to Information Act 2009. DESBT Publication scheme can be accessed at: https://desbt.qld.gov.au/about-us/right-to-information/publication-scheme Monthly data on apprentices and trainees by qualification and region is published on Queensland Government Open Data portal: https://www.data.qld.gov.au/organization/employment-small-business-and-training Apprenticeship and traineeship guidance information is published on the DESBT website and frequently updated. https://desbt.qld.gov.au/training/apprentices/resources 	<ul style="list-style-type: none"> DESBT ensured that relevant FET Act advice and/or decisions were provided to stakeholders in a timely manner. QATO has executed a Memorandum of Understanding between DESBT and Office of Industrial Relations regarding managing incidences of workplace bullying and harassment pertaining to apprentices and trainees. DESBT monitors and publishes a range of key indicators through the Service Delivery Statements budget paper and the DESBT annual report, including the number of apprenticeship/traineeship completions and corresponding satisfaction rates. These reports are made publicly available via the DESBT and Queensland Government websites.



Glossary of terms

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

Acronyms	Meaning
AASN	Australian Apprenticeships Support Network
DESBT	Department of Employment, Small Business and Training
FET Act	<i>Further Education and Training Act 2014</i>
PEO	Principal Employer Organisation
PQS	Pre-Qualified Supplier
QATO	Queensland Apprenticeship and Traineeship Office
QTO	Queensland Training Ombudsman
SAS	Skills Assure suppliers
VET	Vocational Education and Training

