

# Regulator Performance Report 2022–23

Department of Youth Justice, 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 (formerly the 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 2022–23 annual performance report for the Department of Youth Justice, Employment, Small Business and Training (DYJESBT) 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. Apprenticeships 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

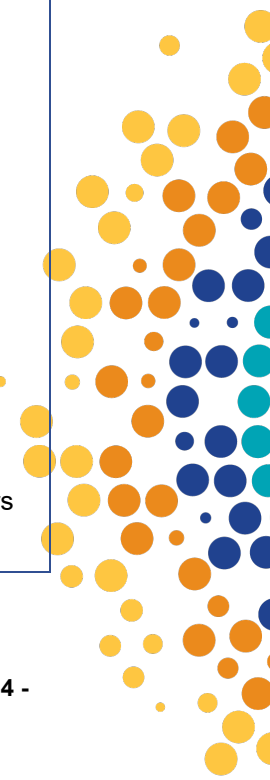
In the table below, the first column includes the five model practices endorsed as part of the Regulator Performance Framework. The following columns (left to right), include examples of how DYJESBT regulatory practices align with the regular model practices and improvement actions.



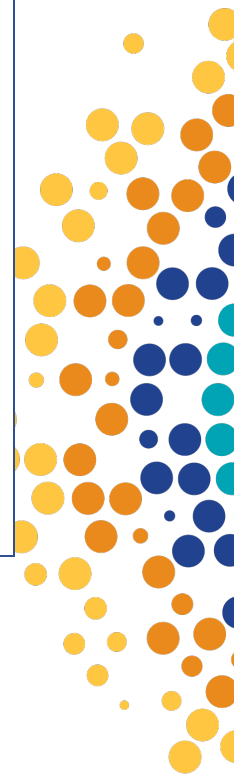
Regulator model practices and supporting principles	Alignment of DYJESBT regulatory practices with the regulator model practices throughout 2022–23	DYJESBT actions taken in 2022–23 or ongoing activities taken to improve regulatory activities and business practices
<p><b>1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden.</b></p> <ul style="list-style-type: none"> <li>• A proportionate approach is applied to compliance activities, engagement, and regulatory enforcement actions.</li> <li>• Regulators do not unnecessarily impose on regulated entities.</li> <li>• Regulatory approaches are updated and informed by intelligence gathering so that effort is focussed towards risk.</li> </ul>	<ul style="list-style-type: none"> <li>• The department, through the Queensland Apprenticeship and Traineeship Office (QATO), managed the following key risks related to regulating and administering apprenticeships and traineeships in Queensland: <ul style="list-style-type: none"> <li>– 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 workplace issues such as bullying and harassment impacting the attraction and retention of apprentices and trainees.</li> <li>– 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 Vocational Education and Training (VET) pathways, products, and services. This may be due to a range of reasons including individual or provider practices.</li> </ul> </li> <li>• DYJESBT 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 only relying heavily on enforcement, which sits at the other end of the continuum.</li> <li>• This reduces any unnecessary burden on employers and apprentices/trainees by tailoring engagement</li> </ul>	<ul style="list-style-type: none"> <li>• QATO conducts twice yearly structured reviews of the Australian Apprenticeship Support Network (AASN) provider’s compliance with the requirements of the Services Agreement.</li> <li>• Educational activities occurred through engagement by the regional officers, information provided through the departmental website, and through the DYJESBT Customer Centre. Engagement occurred with key industry stakeholders to ensure contemporary information is available to provide services to their clients.</li> <li>• Two employers continue to be served with a prohibited employer order.</li> <li>• DYJESBT 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).</li> <li>• There have been no instances requiring caution letters issued during 2022–23.</li> <li>• During COVID-19, QATO was able to minimise the administration 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. QATO will continue applying such compliance responses to minimise unnecessary burden when circumstances arise.</li> </ul>



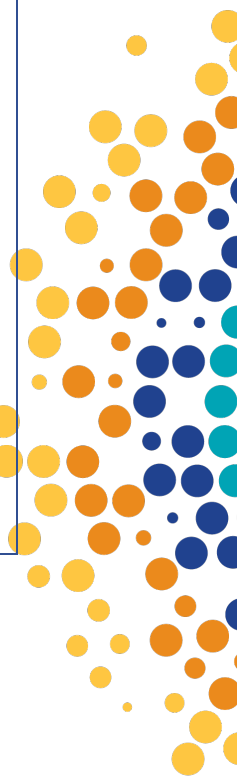
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	<p>activities and information resources to keep stakeholders informed. This results in greater positive outcomes and incremental improvements by encouraging desired actions, however, penalties could still be used if deemed necessary.</p> <ul style="list-style-type: none"> <li>Flexibility within a scalable compliance response is a key aspect of DYJESBT's approach to the apprenticeship and traineeship system both to assist specific industries or to respond to sector-wide disruptive events.</li> </ul>	
<p><b>2. Consult and engage meaningfully with stakeholders.</b></p> <ul style="list-style-type: none"> <li>Formal and informal consultation and engagement mechanisms are in place to allow for the full range of stakeholder input and Government decision making circumstances.</li> <li>Engagement is undertaken in ways that helps regulators develop a genuine understanding of the operating environment of regulated entities.</li> </ul>	<ul style="list-style-type: none"> <li>Regular engagement was undertaken by DYJESBT 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.</li> <li>DYJESBT 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 Supervising Registered Training Organisation (SRTO), rather than attempting to address broad-brush industry level operations.</li> <li>The focus for the department remained on the training contract by managing registrations, transfers and sustaining the contract throughout the apprenticeship or traineeship.</li> </ul>	<ul style="list-style-type: none"> <li>Quarterly meetings were held between QATO and the Department of Employment and Workforce Relations (Commonwealth) responsible for apprenticeship matters for information sharing purposes.</li> <li>Regular consultations were held between QATO and Electrical Safety Office to review practices and requirements across electrical apprenticeships.</li> <li>QATO coordinated the first two meetings of the Apprenticeship Advisory Reference Group during 2022–23, which considers actions that may assist in addressing workforce skills shortages and improving apprenticeship and traineeship completion rates.</li> <li>DYJESBT officers attended the Group Training Organisation conference.</li> <li>DYJESBT regions conducted quarterly Reference Group meetings with a range of key VET stakeholders throughout the state.</li> </ul>



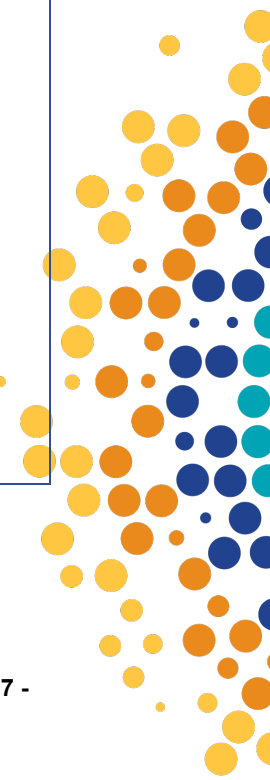
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<ul style="list-style-type: none"> <li>Cooperative and collaborative relationships are established with stakeholders, including other regulators, to promote trust and improve the efficiency and effectiveness of the regulatory framework.</li> </ul>	<ul style="list-style-type: none"> <li>DYJESBT 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.</li> </ul>	<ul style="list-style-type: none"> <li>QATO consulted with School-based Apprenticeships and Traineeships and relevant industry stakeholders.</li> <li>Other informal engagement mechanisms included: phoning 13QGOV, our Customer Centre or QATO; in person enquiries at one of our DYJESBT Regional Offices; email; mail and social media: Facebook, Twitter, YouTube, LinkedIn, and Instagram.</li> </ul>
<p><b>3. Provide appropriate information and support to assist compliance</b></p> <ul style="list-style-type: none"> <li>Clear and timely guidance and support is accessible to stakeholders and tailored to meet the needs of the target audience.</li> <li>Advice is consistent and, where appropriate, decisions are communicated in a manner that clearly articulates what is required to achieve compliance.</li> </ul>	<ul style="list-style-type: none"> <li>QATO conducted regular reviews of the department’s website and Queensland Government Publications portal to ensure they 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.</li> <li>DYJESBT Customer Centre provided telephone consultations, in conjunction with stakeholder access to regional field officers located across Queensland.</li> <li>For additional information on departmental activities, visit DYJESBT website: <a href="http://www.desbt.qld.gov.au">www.desbt.qld.gov.au</a>.</li> </ul>	<ul style="list-style-type: none"> <li>The department leveraged its assistance off an automated SMS reminder 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.</li> <li>Apprenticeship and traineeship policy and procedures were updated to provide for additional support mechanisms for apprentices and trainees, including for workplace issues such as bullying and harassment.</li> <li>Updated stakeholder information and guidelines on regulatory apprenticeship and traineeship matters.</li> <li>Continued to provide a Contract Connector newsletter (i.e. information regarding policy changes, fees, charges, and declarations) to SRTOs, as Skills Assure</li> </ul>



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<ul style="list-style-type: none"> <li>Where appropriate, regulatory approaches are tailored to ensure compliance activities do not disproportionately burden particular stakeholders (e.g. small business) or require specialist advice.</li> </ul>		<p>Suppliers, to assist with managing their regulatory obligations.</p> <ul style="list-style-type: none"> <li>During the 2022–23 financial year, DYJESBT received and sent over 350,000 SMS to employers, apprentices and trainees, made and received over 45,000 calls and conducted over 4,400 site visits to support the apprenticeship and traineeship system’s key stakeholders.</li> </ul>
<p><b>4. Commit to continuous improvement</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>To the extent possible, reform of regulatory activities is prioritised on the basis of impact on stakeholders and the community.</li> </ul>	<ul style="list-style-type: none"> <li>DYJESBT Strategic Plan 2023–2027 outlined strategies and performance measures for DYJESBT activities that included apprenticeships and traineeships. For further information refer to: <a href="http://www.desbt.qld.gov.au/about-us/reports">www.desbt.qld.gov.au/about-us/reports</a>.</li> <li>Apprenticeship and Traineeships system is subject to continuous improvement as part of national vocational education and training reforms. For further information refer to: <a href="http://www.desbt.qld.gov.au/training/docs-data/skills-reform">www.desbt.qld.gov.au/training/docs-data/skills-reform</a>.</li> <li>QATO modifies the generic employer resource assessments for specific industries when an identified need arises. For further information refer to: <a href="http://www.qld.gov.au/education/apprenticeships/for-trainers/era">www.qld.gov.au/education/apprenticeships/for-trainers/era</a>.</li> </ul>	<ul style="list-style-type: none"> <li>The Training Ombudsman released a report <i>Review of support provided to Queensland apprentices and trainees, with a focus on female apprentices in male dominated occupations</i> on 30 June 2022. DYJESBT finalised implementation of response to this report with 12 recommendations, all accepted by the Queensland Government.</li> <li>DYJESBT has committed to improving communications with apprentices, trainees, and employers through a media awareness campaign and text messaging to remind them of their rights, and to promote the Apprenticeships Info line.</li> <li>DYJESBT has committed to improving support to apprentices, trainees, and employers to address bullying and workplace harassment, including establishing a Memorandum of Understanding with the Office of Industrial Relations to manage apprentice and trainee complaints and referrals.</li> </ul>



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<ul style="list-style-type: none"> <li>Staff have the necessary training and support to effectively, efficiently and consistently perform their duties.</li> </ul>		<ul style="list-style-type: none"> <li>Jobs Queensland released a report <i>Strengthening Queensland's NDIS workforce 2022 in May 2023</i>, which contained recommendations regarding traineeships and the challenge of casualisation of the workforce. These recommendations will be reviewed and considered by DYJESBT during 2023–24.</li> <li>Conducted compliance related training for DYJESBT regional officers.</li> </ul>
<p><b>5. Be transparent and accountable in actions</b></p> <ul style="list-style-type: none"> <li>Where appropriate, regulatory frameworks and timeframes for making regulatory decisions are published to provide certainty to stakeholders.</li> <li>Decisions are provided in a timely manner, clearly articulating expectations and the underlying reasons for decisions.</li> <li>Indicators of regulator performance are publicly available.</li> </ul>	<ul style="list-style-type: none"> <li>DYJESBT is committed to providing the community with greater access to information as part of the <i>Right to Information Act 2009</i>. DYJESBT Publication scheme can be accessed at: <a href="http://www.desbt.qld.gov.au/about-us/right-to-information/publication-scheme">www.desbt.qld.gov.au/about-us/right-to-information/publication-scheme</a>.</li> <li>Monthly data on apprentices and trainees by qualification and region was published on Queensland Government Open Data portal: <a href="http://www.data.qld.gov.au/organization/employment-small-business-and-training">www.data.qld.gov.au/organization/employment-small-business-and-training</a>.</li> <li>Apprenticeship and traineeship guidance information was published on the Queensland Government website and Publications portal and frequently updated. For further information refer to: <a href="http://www.desbt.qld.gov.au/training/apprentices/resources">www.desbt.qld.gov.au/training/apprentices/resources</a></li> </ul>	<ul style="list-style-type: none"> <li>DYJESBT ensured that relevant FET Act advice and/or decisions were provided to stakeholders in a timely manner.</li> <li>QATO has developed a Memorandum of Understanding between DYJESBT and Office of Industrial Relations regarding workplace bullying and harassment matters pertaining to apprentices and trainees.</li> <li>DYJESBT monitors and publishes a range of key indicators through the Service Delivery Statements budget paper and the DYJESBT annual report, including the number of apprenticeship/traineeship completions and corresponding satisfaction rates. These reports are made publicly available via the DYJESBT and Queensland Government websites.</li> </ul>



### Glossary of terms

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

Acronyms	Meaning
AASN	Australian Apprenticeship Support Network
DYJESBT	Department of Youth Justice, Employment, Small Business and Training
FET Act	<i>Further Education and Training Act 2014</i>
QATO	Queensland Apprenticeship and Traineeship Office
SRTO	Supervising Registered Training Organisation as defined under the FET Act
VET	Vocational Education and Training

