

2020-21 Budget Estimates Volume of Additional Information

Education, Employment and Training Committee
February 2021

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Correspondence regarding leave to attend and ask questions at the hearing

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1.	Email dated 20 November 2020 from Stephen Andrew MP, Member for Mirani
2.	Letter dated 27 November 2020 from Sandy Bolton MP, Member for Noosa
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5.	Letter dated 2 December 2020 from David Crisafulli MP, Leader of the Opposition and Shadow Minister for Tourism

-----Original Message-----

From: Mirani Electorate Office [<mailto:Mirani@parliament.qld.gov.au>]

Sent: Friday, 20 November 2020 2:32 PM

To: Sandy Musch <Sandy.Musch@parliament.qld.gov.au>; Carolyn Smithson
<Carolyn.Smithson@parliament.qld.gov.au>

Subject: Seeking leave for Estimates.

Sandy,

Although we have not formed Committees at this stage, I wish to seek leave to attend the budget estimates hearings for the 56-57th Parliament.

Regards

Stephen Andrew

Member for Mirani.

Sent from my Stephen Andrew



27 November 2020

Ms Kim Richards
Chair of Education, Employment and Training Committee
E: eeetc@parliament.qld.gov.au

Dear Kim,

I am writing in relation to the committee's consideration of the 2020/21 portfolio budget estimates. Pursuant to section 181(e) of the Standing Rules and Orders of the Legislative Assembly, I seek leave to attend and ask questions at the public estimates hearing of the committee, scheduled for 9 December 2020.

Warmest Regards,

SANDY BOLTON MP
Member for Noosa



Carolyn Heffernan

From: Michael Berkman <Michael.Berkman@parliament.qld.gov.au>
Sent: Monday, 30 November 2020 11:13 AM
To: Education, Employment and Training Committee
Subject: RE: Request for leave to appear and participate in estimates hearing

Categories: Save in Objective and add to corro register

To the Chair

The below request should have referred to SO 181(e), and I reiterate my earlier request with reference to that Standing Order. Apologies for the mix-up.

Best regards

Michael

Michael Berkman MP
Member for Maiwar

1/49 Station Rd, Indooroopilly Qld 4068

07 3737 4100

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I acknowledge the Traditional Owners of the land on which I work. I pay respect to Elders, past and present, and recognise that sovereignty has never been ceded.

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From: Michael Berkman
Sent: Friday, 27 November 2020 3:47 PM
To: eetc@parliament.qld.gov.au
Subject: Request for leave to appear and participate in estimates hearing

To the Chair

I write in relation to the Committee's estimates hearing scheduled for Wednesday 9 December 2020 and seek leave of the Committee under SO 209 to appear and participate in that hearing.

I also seek the Committee's approval for the secretariat to provide me copies of the questions on notice and answers as soon as practicable after they become available to the Committee, and any other material prepared by the secretariat ahead of the hearing.

Best regards

Michael

Michael Berkman MP
Member for Maiwar

1/49 Station Rd, Indooroopilly Qld 4068

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I acknowledge the Traditional Owners of the land on which I work. I pay respect to Elders, past and present, and recognise that sovereignty has never been ceded.

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Carolyn Heffernan

From: Amy MacMahon <Amy.MacMahon@parliament.qld.gov.au>
Sent: Monday, 30 November 2020 2:07 PM
To: Education, Employment and Training Committee
Subject: RE: Request for leave to appear and participate in estimates hearing

Categories: Save in Objective and add to corro register

To the Chair,

Can I please re-send the below request to reflect the correct standing order:

I write in relation to the Committee's estimates hearing scheduled for Wednesday 9 December 2020 and seek leave of the Committee under SO 181(e) to appear and participate in that hearing.

I also seek the Committee's approval for the secretariat to provide me copies of the questions on notice and answers as soon as practicable after they become available to the Committee, and any other material prepared by the secretariat ahead of the hearing.

From: Amy MacMahon
Sent: Monday, 30 November 2020 10:52 AM
To: Education, Employment and Training Committee <EETC@parliament.qld.gov.au>
Subject: Request for leave to appear and participate in estimates hearing

To the Chair

I write in relation to the Committee's estimates hearing scheduled for Wednesday 9 December 2020 and seek leave of the Committee under SO 209 to appear and participate in that hearing.

I also seek the Committee's approval for the secretariat to provide me copies of the questions on notice and answers as soon as practicable after they become available to the Committee, and any other material prepared by the secretariat ahead of the hearing.

Best regards
Amy

Amy MacMahon
MP for South Brisbane
1/90 Vulture St, West End
south.brisbane@parliament.qld.gov.au
amymacmahon.com





David Crisafulli MP

Leader of the Opposition and Shadow Minister for Tourism

02 December 2020

Education, Employment and Training Committee

Attention: Ms Kim Richards MP, Chair

By email: eeetc@parliament.qld.gov.au

Dear Ms Richards

I refer to your committee's consideration of 2020/2021 portfolio budget estimates.

Pursuant to section 181(e) of the Standing Rules and Orders of the Legislative Assembly, I seek leave for the following Members to attend the public estimates hearings of the Committee:

1. David Crisafulli MP
2. David Janetzki MP
3. Jarrod Bleijie MP
4. Fiona Simpson MP
5. Dr. Christian Rowan MP
6. Tim Mander MP
7. Jarrod Bleijie MP
8. Brent Mickelberg MP

Should you have any queries, please contact my office.

Yours sincerely

David Crisafulli

DAVID CRISAFULLI MP

Leader of the Opposition

Shadow Minister for Tourism

Member for Broadwater

CC: Mr Jarrod Bleijie MP, Member for Kawana
Mr James Lister MP, Member for Southern Downs

**Questions on notice and responses – *Minister for Education,
Minister for Industrial Relations and Minister for Racing***

EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

2020 ESTIMATES PRE-HEARING

QUESTION ON NOTICE

No. 1

THE EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE ASKED THE MINISTER FOR EDUCATION, MINISTER FOR INDUSTRIAL RELATIONS AND MINISTER FOR RACING (HON GRACE GRACE MP)—

QUESTION:

With reference to page 40 of the Capital Statement, can the Minister provide a) the number of schools that have been air conditioned in 2019/20, b) the number of schools that will be air conditioned in 2020/21, c) whether the \$341.25 million funding commitment includes maintenance or replacement units and if so how much, and d) the amount of funding required to upgrade electricity connections?

ANSWER:

An audit of schools outside the old Cooler Schools Zone finished in late November 2019 and determined that 649 schools required some level of air conditioning.

This audit also determined that some schools would require upgrades to their electrical systems in order to accommodate the additional electricity load on the network.

Our \$477 million Cooler Cleaner Schools Program (CCSP), announced in February 2020, reset and enhanced the program allowing for libraries and staff rooms—as well as classrooms—to be included in the CCSP.

As at Monday 7 December 2020, 427 of the 649 schools have had air conditioning installed and are fully operational. Of the 222 remaining:

- 134 are still being assessed; and
- 88 require either an internal or external electrical upgrade.

Sixty-nine schools have not yet had a contract awarded for air conditioning or any electrical upgrades; however, we are on target for all schools to be air conditioned by June 2022, as previously announced.

The Department of Education will fund all electrical upgrades in relation to the air conditioning of schools as part of the CCSP.

We thank our hard-working P&Cs and school communities for their work so far; however, our ongoing funding through the CCSP means schools can be confident that their future air conditioning needs will be catered for.

EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

2020 ESTIMATES PRE-HEARING

QUESTION ON NOTICE

No. 2

THE EDUCATION, EMPLOYMENT AND SMALL BUSINESS COMMITTEE ASKED THE MINISTER FOR EDUCATION, MINISTER FOR INDUSTRIAL RELATIONS AND MINISTER FOR RACING (HON GRACE GRACE MP)—

QUESTION:

With reference to page 27 of the SDS, can the Minister advise the projected number of FTE teachers and teacher aides in 2023/24 required to meet the election commitment?

ANSWER:

The projected number of teachers and teacher aides required in 2023–24 are based on forecasts for enrolment growth. Each year the number of teachers and teacher aides allocated to schools are based on the actual enrolments at each school.

The current enrolment forecasts indicate that in 2024, the Department of Education will employ the equivalent of almost 50,000 full-time teachers and the equivalent of more than 11,000 full-time teacher aides.

EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

2020 ESTIMATES PRE-HEARING

QUESTION ON NOTICE

No. 3

THE EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE ASKED THE MINISTER FOR EDUCATION, MINISTER FOR INDUSTRIAL RELATIONS AND MINISTER FOR RACING (HON GRACE GRACE MP)—

QUESTION:

With reference to page 27 of the SDS, can the Minister advise a date when the trial placement of 20 General Practitioners will commence in 20 state secondary schools, the cost of the trial and how the 20 schools will be determined?

ANSWER:

The Palaszczuk Government has committed \$4.74 million over three years from 2021–22 to pilot a program placing General Practitioners (GPs) in up to 20 Queensland state secondary schools in areas of greatest need.

The Department of Education is collaborating with internal and external stakeholders to ensure that schools with high levels of need are identified for participation in the pilot.

Eligible schools will be invited to apply to be part of the pilot and will need to demonstrate how providing access to a GP at school will benefit their students.

The department will work with schools that currently facilitate GP services to inform the implementation of the pilot.

It is anticipated that GPs will begin operating in some secondary school sites in the second half of 2021.

EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

2020 ESTIMATES PRE-HEARING

QUESTION ON NOTICE

No. 4

THE EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE ASKED THE MINISTER FOR EDUCATION, MINISTER FOR INDUSTRIAL RELATIONS AND MINISTER FOR RACING (HON GRACE GRACE MP)—

QUESTION:

With reference to page 27 of the SDS, can the Minister advise how the 120 homework hubs in schools will be rolled out, a date when the program will commence and the criteria for school selection in the program?

ANSWER:

The Palaszczuk Government has allocated \$8 million over four years for Homework Centres in up to 120 primary and secondary state schools.

All schools will be invited to apply to host a Homework Centre.

Consultation with stakeholders to finalise selection criteria will occur in early 2021.

Rollout of the Homework Centres will begin in Semester 2, 2021.

EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

2020 ESTIMATES PRE-HEARING

QUESTION ON NOTICE

No. 5

THE EDUCATION, EMPLOYMENT AND SMALL BUSINESS COMMITTEE ASKED THE MINISTER FOR EDUCATION, MINISTER FOR INDUSTRIAL RELATIONS AND MINISTER FOR RACING (HON GRACE GRACE MP)—

QUESTION:

With reference to page 27 of the SDS, can the Minister advise the amount of funding provided for the Independent Public Schools program in 2021, 2022, 2023 and 2024 (reported separately by year)?

ANSWER:

The Department of Education will provide \$12.5 million in grant funding directly to Independent Public Schools in 2021.

Funding for 2022, 2023 and 2024 will be considered as part of normal budget processes.

EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

2020 ESTIMATES PRE-HEARING

QUESTION ON NOTICE

No. 6

THE EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE ASKED THE MINISTER FOR EDUCATION, MINISTER FOR INDUSTRIAL RELATIONS AND MINISTER FOR RACING (HON GRACE GRACE MP)—

QUESTION:

With reference to page 27 of the SDS, can the Minister outline the number of fraud and/or misconduct investigations currently being undertaken either by Education Queensland or the Crime and Corruption Commission, regarding employees with specific reference to the overall types of complaints and the number of staff currently on suspension as a result of these investigations?

ANSWER:

It is not appropriate to comment on investigations currently being undertaken by either the Department of Education or the Crime and Corruption Commission.

The Public Service Commission meets its legislative requirement under section 88N of the *Public Service Act 2008* to publish annual conduct and performance data by 30 September each year.

A link to this report is below:

<https://www.forgov.qld.gov.au/2019-20-conduct-and-performance-data>

The Public Service Commission data does not include matters involving corrupt conduct.

Corrupt conduct matters fall under the jurisdiction of the Crime and Corruption Commission (CCC) and a corruption allegations data dashboard is published at [Corruption allegations data dashboard | CCC - Crime and Corruption Commission Queensland](#).

EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

2020 ESTIMATES PRE-HEARING

QUESTION ON NOTICE

No. 7

THE EDUCATION, EMPLOYMENT AND SMALL BUSINESS COMMITTEE ASKED THE MINISTER FOR EDUCATION, MINISTER FOR INDUSTRIAL RELATIONS AND MINISTER FOR RACING (HON GRACE GRACE MP)—

QUESTION:

With reference to page 30 of the SDS, can the Minister advise the number of compliance actions including the number and cost of a) successful and b) unsuccessful prosecutions that were undertaken by the Labour Hire Licensing Unit in 2019/20?

ANSWER:

The number of compliance actions including the number and cost of a) successful and b) unsuccessful prosecutions that were undertaken by the Labour Hire Licensing Unit in 2019–20 are set out below:

Compliance actions	1 July 2019 to 30 June 2020
Number of audits and investigations finalised	555
Number of compliance actions (administrative) <ul style="list-style-type: none">– refusal to grant a licence– withdrawal for failure to provide compliance information– licence issued with condition– licence suspension– licence cancellation	<div>23</div> <div>45</div> <div>16</div> <div>66</div> <div>50</div> <div><u>TOTAL: 200</u></div>
Number of prosecutions	<div>a) Successful – 6</div> <div>Unlicensed provider (section 10) – 3</div> <div>Unlicensed provider party to offence (section 10 and 92) – 2</div> <div>Entering arrangement with unlicensed provider (section 11) – 1</div> <div>b) Unsuccessful – 0</div>

The cost associated with prosecutions action (legal fees) in 2019–20 was \$8700.

EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

2020 ESTIMATES PRE-HEARING

QUESTION ON NOTICE

No. 8

THE EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE ASKED THE MINISTER FOR EDUCATION, MINISTER FOR INDUSTRIAL RELATIONS AND MINISTER FOR RACING (HON GRACE GRACE MP)—

QUESTION:

With reference to page 33 of the SDS, can the Minister provide the number of FTE staff in 2019/20 and allocated in 2020/21, reported separately by year and business unit?

ANSWER:

A breakdown of the Department of Education's full-time equivalents (FTE) is detailed in the table below:

Department of Education	2019–20 Actual	2020–21 Budget
Early Childhood Education and Care	319	301
School Education	72,801	74,145
Office of Industrial Relations	851	885
Racing		3
TOTAL	73,971	75,334

2020–21 Budget allocations are based on March MOHRI point-in-time data, which is considered more indicative of the department's FTE numbers, especially school based staff, which tend to fluctuate across the year due to a number of reasons including vacancies and staff on leave.

Allocations to schools for the 2021 calendar year will not occur until after 5 February 2021 when the department undertakes its Day 8 enrolment count.

The department will continue to manage its internal resourcing distribution to remain within its overall departmental forecast as outlined in the SDS.

The 2019–20 actual staff attributed across the Early Childhood service area represents the number of full-time equivalent staff being paid from Early Childhood cost centres at the time of the quarterly MOHRI snapshot being taken. It includes a small number of regional staff later attributed to the Education service area. There has been no reduction in Early Childhood staff allocation.

EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

2020 ESTIMATES PRE-HEARING

QUESTION ON NOTICE

No. 9

THE EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE ASKED THE MINISTER FOR EDUCATION, MINISTER FOR INDUSTRIAL RELATIONS AND MINISTER FOR RACING (HON GRACE GRACE MP)—

QUESTION:

With reference to volume 2, page 27 of the SDS, would the Minister outline what portion of the Building Future Schools Fund will be allocated during the 2020-2021 financial year to acquire land in the Hinchinbrook electorate to keep up with population growth in Townsville's northern beaches?

ANSWER:

The Building Future Schools Fund is the mechanism by which new schools are planned, land is acquired and new schools are delivered. The Building Future Schools Fund has a record investment of \$1.69 billion from 2017–18 to 2024–25 to address enrolment growth.

In 2020–21, \$514.251 million is allocated to invest in the expansion of existing schools, the construction of new schools, the strategic acquisition of land and land augmentations.

Of this, \$142.872 million has been allocated for new school land acquisitions and augmentation of existing schools by acquiring adjacent land parcels.

The Department of Education conducts ongoing planning to ensure that all students have access to high-quality educational facilities.

The department closely monitors enrolment growth in state schools, and school infrastructure demand mapping is conducted through the Queensland Schools Planning Reference Committee (QSPRC), in consultation with local government and the non-government school sector.

A QSPRC demand mapping meeting was held with Townsville City Council on 10 March 2020. At this meeting it was identified that three to four new state or non-state primary schools and two new state or non-state secondary schools may be required in the Deeragun Statistical Area Level 2 (SA2) by 2041. It was also identified that up to two new state or non-state primary schools may be required in the neighbouring Bohle Plains and Mount Louisa SA2s over the same timeframe.

To support the future schooling needs of this area, the department is acquiring land in the suburb of Mount Low by agreement under section 15 of the *Acquisition of Land Act 1967* (the Act).

The department is unable to disclose the budget for specific acquisitions, as this is commercial-in-confidence until a property has settled. If acquisitions are undertaken through the Act, the Act has mechanisms by which the value of the transaction is determined and resolved between the parties.

EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

2020 ESTIMATES PRE-HEARING

QUESTION ON NOTICE

No. 10

THE EDUCATION, EMPLOYMENT AND SMALL BUSINESS COMMITTEE ASKED THE MINISTER FOR EDUCATION, MINISTER FOR INDUSTRIAL RELATIONS AND MINISTER FOR RACING (HON GRACE GRACE MP)—

QUESTION:

With reference to volume 2, page 32 of the SDS, will the minister provide a breakdown of the key infrastructure projects outside south-east Queensland that will receive funding from the *Racing Infrastructure Fund* and how can the Queensland Government better support Queensland country racing?

ANSWER:

The Palaszczuk Government supports Queensland country racing by providing funding for key infrastructure projects outside South East Queensland (SEQ). An example of this is the Townsville Turf Club Tie-Up Stalls project, which has been allocated \$1.5 million from the Racing Infrastructure Fund (RIF) for 100 tie-up stalls. This project was approved by the Queensland Government in September 2020 and is currently under construction.

Prior to redevelopment of the tie-up stalls, in March 2019, \$150,000 from the RIF was approved for civil rectification works at the Townsville Turf Club.

On 30 September 2020, Racing Queensland (RQ) concluded 249 projects for infrastructure upgrades for race clubs across Queensland. These projects were funded under the \$6 million Country and Regional Capital Works Program, of which over \$4.9 million went to projects outside SEQ.

This \$6 million funding program was established under the RIF supporting projects to upgrade racing infrastructure across all three racing codes, including barriers, fencing, running rails, tie-up stalls, towers, track upgrades and water harvesting. These types of projects address animal welfare and workplace safety and allow a safe and sustainable future for racing.

Separately, the Queensland Government has extended the current Country Racing Program for a further two years until 2022–23 with funding of \$35.2 million on top of the original commitment of \$70.4 million over four years totalling \$105.6 million to country racing and the people of regional Queensland.

This program includes an allocation of \$2.6 million a year for non-TAB racing club infrastructure repairs, maintenance, asset replenishment or replacement. To date, over 130 projects across Queensland, valued at \$6.5 million, have been funded under this infrastructure funding.

The Country Racing Program provides security and continuity to the country racing community up to 2023 by funding race meetings, prize money and racing infrastructure, repairs and maintenance.

Further, the Queensland Government approved improvements to the Country Racing Program so clubs can apply to deliver their own projects and clubs can aggregate funding from multiple sources, to gain better value for money.

EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

2020 ESTIMATES PRE-HEARING

QUESTION ON NOTICE

No. 11

THE EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE ASKED THE MINISTER FOR EDUCATION, MINISTER FOR INDUSTRIAL RELATIONS AND MINISTER FOR RACING (HON GRACE GRACE MP)—

QUESTION:

Can the Minister advise the total infrastructure budget for 2020/21 and how this funding will be used to build, maintain, improve and update our schools, and support Queensland jobs?

ANSWER:

Under the 2020–21 Infrastructure Investment Portfolio, the Palaszczuk Government is investing \$1.954 billion (excluding plant and equipment) for the construction and refurbishment of school educational facilities and early childhood education and care services.

Capital works planning targets priorities by considering population growth, changes in educational needs and addresses high-priority needs for student and staff health and safety.

This funding will be used to:

- provide general and specialist classroom facilities to cater for growth for enrolments in schools;
- provide administration facilities to cater for growth in schools;
- complete the construction of new schools to open in 2021 at Palmview, Pimpama, Baringa and Dutton Park;
- start the construction of new schools to open in 2022 at North Maclean, Caloundra South and Coomera;
- plan for schools opening in 2023, including a new primary school in Brisbane's inner west, and beyond;
- renew school infrastructure including learning spaces, administrations, amenities, carparks;
- continue to air condition and install solar panels on school roofs;
- undertake the maintenance of the State's \$21 billion asset base with a spend of \$266.8 million; and
- start the delivery of a \$235 million halls and the \$45 million future education skills pathways programs.

EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

2020 ESTIMATES PRE-HEARING

QUESTION ON NOTICE

No. 12

THE EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE ASKED THE MINISTER FOR EDUCATION, MINISTER FOR INDUSTRIAL RELATIONS AND MINISTER FOR RACING (HON GRACE GRACE MP)—

QUESTION:

Can the Minister inform the Committee of new state schools to be opened over the next three years and further planning for new schools beyond 2023?

ANSWER:

The Palaszczuk Government is investing \$1.69 billion through the Building Future Schools (BFS) Program to deliver new schools and expansion projects for students in fast growing communities across Queensland.

In 2020, eight new schools were opened in some of Queensland's fastest growing communities (seven of these were funded by the BFS program):

- Calliope State High School;
- Fortitude Valley State Secondary College;
- Foxwell State Secondary College in Coomera;
- Lee Street State Special School in Caboolture;
- Mango Hill State Secondary College;
- Ripley Valley State School;
- Ripley Valley State Secondary College; and
- Yarrabilba State Secondary College.

In 2021, the BFS Program will deliver the following five additional five schools:

- Baringa State Secondary College;
- Brisbane South State Secondary College;
- Gainsborough State School;
- Palmview State Primary School; and
- Palmview State Special School.

In 2022, the BFS Program will deliver a further three new schools including a:

- state school in Caloundra South
- state school in North Maclean (Greenbank); and
- special school in Coomera.

In 2023, the BFS program will deliver a new primary school in Brisbane's inner-west.

The Department of Education builds new schools where there is an unavoidable requirement to construct a new school, for example no schools exist in new greenfield development areas or densification of an area has led to existing schools reaching their developable capacity.

The department is planning further new schools into the future. Possible sites for future schools include:

- New primary schools in:
 - Augustine Heights / Redbank Plains;
 - Bahrs Scrub;
 - Bellbird Park / Brookwater;
 - Burpengary East;
 - Logan Reserve / Crestmead;
 - Redland Bay (Shoreline);
 - Ripley;
 - Springfield;
 - Toowoomba; and
 - Yarrabilba.
- New secondary schools in:
 - Logan Reserve / Park Ridge East;
 - Greater Flagstone;
 - Palmview;
 - Redbank Plains; and
 - Springfield.
- A new special school in Springfield-Redbank.

EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

2020 ESTIMATES PRE-HEARING

QUESTION ON NOTICE

No. 13

THE EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE ASKED THE MINISTER FOR EDUCATION, MINISTER FOR INDUSTRIAL RELATIONS AND MINISTER FOR RACING (HON GRACE GRACE MP)—

QUESTION:

Can the Minister advise the Committee of measures to support young people to engage and re-engage into education, employment or training?

ANSWER:

The Department of Education has established innovative approaches to support all young Queenslanders to remain engaged or reconnect with their education, training or employment pathways.

FlexiSpaces

FlexiSpaces, an Australian Education Award winning initiative, provides flexible learning experiences within mainstream schools.

FlexiSpaces are operational in 17 schools across the State, with another 15 commencing in 2021 and a further 20 planned for 2022. FlexiSpaces support students who may be at risk of leaving early to stay connected to their learning in a mainstream school setting. Continuing their education at their mainstream school is their best chance of success.

The Palaszczuk Government is investing \$16.6 million over four years, including \$10 million in school refurbishments, to establish up to 52 FlexiSpaces by 2022.

Regional Youth Engagement Hubs

Regional Youth Engagement Hubs were established in every education region across Queensland in 2017. The Hubs are dedicated teams providing youth engagement services to connect with and case manage disengaged young people, supporting them to reconnect with an education, training or employment pathway. The Palaszczuk Government has committed \$11.2 million over four years to provide this service.

Over the 2019 school year, Regional Youth Engagement Hub staff connected with and supported over 4500 young Queenslanders.

Link and Launch

The Palaszczuk Government is committed to supporting young people who successfully complete Year 12 to take the next step and connect with further education, training or employment in the year after school.

We are doing this through Link and Launch, with schools supporting young people who are not in study or work after completing Year 12 to make a transition. Link and Launch officers will be operating in up to 30 school sites across the state by 2022, through an investment of \$8 million over four years.

In the first 12 months of the Link and Launch initiative, nearly 300 young people have made a transition to study, training or work, or in a small number of cases to another specialist service provider such as a disability employment service.

Digital Engagement Strategy

To complement these initiatives, a digital engagement strategy has been launched to provide young people disengaging from education, and their parents, with information they need, when they need it, at their fingertips. The *We the Differents* and *Spark their Future* online platforms have been highly successful to date, with over 70,000 unique web page views in just over seven months, exceeding industry standards for education sites without any paid promotion.

The department also works with its partner departments and agencies to provide responses for our most vulnerable young people, including through the Youth Engagement Alliance.

EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

2020 ESTIMATES PRE-HEARING

QUESTION ON NOTICE

No. 14

THE EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE ASKED THE MINISTER FOR EDUCATION, MINISTER FOR INDUSTRIAL RELATIONS AND MINISTER FOR RACING (HON GRACE GRACE MP)—

QUESTION:

Can the Minister advise on action the Palaszczuk Government is taking to support kindergarten participation and access for Aboriginal and Torres Strait Islander children and children from vulnerable and disadvantaged communities?

ANSWER:

The Palaszczuk Government has implemented a number of initiatives to support kindergarten participation and access for Aboriginal and Torres Strait Islander children and children from vulnerable and disadvantaged communities.

In 2020–21, this Government will invest up to \$173.4 million through the Queensland Kindergarten Funding Scheme (QKFS) to approved long day care and kindergarten services to reduce out-of-pocket costs for families. The QKFS Plus subsidy provides additional support to eligible low income families enrolled at all services to help them access low or no-cost kindy. All children that identify as Aboriginal or Torres Strait Islander are also eligible for QKFS Plus.

The Palaszczuk Government is expanding the Remote Kindergarten Program by providing \$12 million over four years from 2021 to 2024 to include state schools more than 40km from the nearest kindergarten program provider.

The State Delivered Kindergarten program supports access to kindergarten in remote communities where the market is not viable due to low or variable numbers of children. In 2020, there are 100 State Delivered Kindergarten programs across 82 state schools in rural and remote locations, including 31 kindergarten programs delivered in state schools in discrete Aboriginal and Torres Strait Islander communities.

Since 2016, the Department of Education has invested \$3 million in the Institute of Urban Indigenous Health's *Deadly Kindies* program, which aims to improve participation of Aboriginal and Torres Strait Islander children in kindergarten.

EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

2020 ESTIMATES PRE-HEARING

QUESTION ON NOTICE

No. 15

THE EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE ASKED THE MINISTER FOR EDUCATION, MINISTER FOR INDUSTRIAL RELATIONS AND MINISTER FOR RACING (HON GRACE GRACE MP)—

QUESTION:

Can the Minister inform the Committee of initiatives in the budget to support student well-being?

ANSWER:

The Palaszczuk Government has committed \$100 million for a student wellbeing package to increase the wellbeing workforce in Queensland state schools over three years.

This student wellbeing package will:

- ensure every Queensland primary and secondary state school student has access to a psychologist or similar wellbeing professional (including Guidance Officers, psychologists, mental health coaches, social workers, speech and language therapists, and occupational therapists); and
- pilot a program placing General Practitioners (GPs) in 20 Queensland state secondary schools in areas of greatest need.

The initiative will increase wellbeing professionals in Queensland state schools by up to 464 full-time equivalents over three years. This will improve the ratio of school wellbeing professionals to students from current levels (approximately 1:1060) to around 1:565.

Increasing the number of wellbeing professionals working in schools will ensure students in priority schools, including regional and remote schools, have access to wellbeing and mental health support.

The pilot, which will place GPs in 20 Queensland state secondary schools, will increase the accessibility of GPs to students in areas of high need and assist with the early identification of health and mental health concerns to ensure students receive timely support. The pilot seeks to make health care, including mental health care, more accessible to students at no cost to them or their families. Supporting access to a GP will also enable the early identification of health issues, including mental health and wellbeing concerns, ensuring that they receive timely and appropriate specialist support.

This additional student wellbeing package will enhance the significant investment already made by the Palaszczuk Government to support the mental health and wellbeing of school aged students including:

- approximately 750 Guidance Officers and 75 Senior Guidance Officers in Queensland state schools;

- eight specialist Guidance Officer – Mental Health positions to provide support to students across the state with complex mental health needs; and
- eight Principal Advisors – Mental Health to provide advice to school staff about adopting a whole-school approach to supporting students' wellbeing and mental health.

EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

2020 ESTIMATES PRE-HEARING

QUESTION ON NOTICE

No. 16

THE EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE ASKED THE MINISTER FOR EDUCATION, MINISTER FOR INDUSTRIAL RELATIONS AND MINISTER FOR RACING (HON GRACE GRACE MP)—

QUESTION:

Can the Minister outline what actions and plans the Government has been put in place to support workers with occupational lung disease and an update on the response to addressing silicosis in the engineered stone industry?

ANSWER:

The Palaszczuk Government has committed up to \$5 million over four years for medical research into vital treatment to improve the health and wellbeing of Queensland workers suffering from occupational dust lung disease and support over 300 workers suffering from the disease to remain in the workforce in alternative industries. This research is essential as there is currently limited information, data and robust research available on how we can best support and treat these workers.

This commitment builds on the extensive work that this Government has undertaken to support workers with dust lung diseases. This important work includes:

- Amendments to the workers' compensation laws in 2017 to provide access to an additional lump sum payment to workers with pneumoconiosis based on the severity of their disease and the ability to re-open a workers' compensation claim if a worker experiences disease progression.
- The establishment and commencement of the Queensland Health Notifiable Dust Lung Disease Register. This register which commenced on 1 July 2019 was the first of its kind in Australia.
- Developing one of Australia's first clinical pathway guidelines for workers with silicosis in the artificial stone benchtop industry to ensure consistent diagnosis and management of their injury.
- Collaborating with international coal workers pneumoconiosis expert, Dr Robert Cohen, and leading Queensland doctors, Dr Robert Edwards, Dr Matthew Brandt and Dr David Cleveland, to develop advice on how workers with mine dust lung diseases may be safely returned to work to provide certainty to industry and workers.
- Free lung disease examinations for eligible former and retired coal workers under the workers' compensation scheme through insurers until 2022.

- WorkCover funding a free health screening for all current and former workers in the stone benchtop fabrication industry. As at 31 October 2020, 1053 workers and former workers in the industry have undergone a free health assessment.
- WorkCover commissioning research from the University of Illinois (led by expert Dr Cohen) and Monash University to develop an evidence-based approach to return to work and vocational rehabilitation support for workers suffering from silicosis.
- Establishing the Mine Dust Health Support Service, as a shared initiative with the Office of Industrial Relations (OIR), Resources Safety and Health Queensland, and WorkCover Queensland (WorkCover), to support over 200 people with confidential access to counselling, and guidance regarding respiratory health screening, community supports and compensation entitlements.

Silica dust in stone benchtop fabrication

On 18 September 2018, I issued an urgent warning about the dangers of working with engineered stone and banned uncontrolled dry cutting and grinding of engineered stone. Workers were also encouraged to undergo urgent health screening through WorkCover.

Since this time the Stone Benchtop Code was introduced on 31 October 2019 and was Australia's first Code of Practice for the stone benchtop industry—a significant step forward in the Palaszczuk Government's efforts to eradicate silicosis in Queensland.

On 1 July 2020, the workplace exposure standard for respirable crystalline silica in Queensland was halved from the original level of 0.1 milligrams per cubic metre to 0.05 milligrams per cubic metre. This change mirrors that of the exposure standard set by Safe Work Australia.

OIR has engaged and continues to engage in compliance audits of the stone benchtop industry.

Phase 1 of the compliance audits targeted workplaces that fabricate engineered stone benchtops for residential or commercial use.

Phase 2 of the compliance campaign involved 138 audits of all known engineered stone benchtop workplaces across the State.

In Phases 1 and 2 a total of 148 audits were carried out which resulted in 598 statutory notices being issued including 19 issued fines with fines totalling \$65,232.

The latest phase of the compliance campaign (involving re-auditing all known stone benchtop fabrication businesses in Queensland) commenced on 3 August 2020 and is scheduled for completion on 31 December 2020.

As part of this phase, OIR inspectors are visiting all engineered and natural stone benchtop fabrication workplaces currently operating in Queensland to assess compliance with the requirements of the Managing respirable crystalline silica dust exposure in the stone benchtop industry Code of Practice 2019 (the Stone Benchtop Code).

As at 24 November 2020, a total of 124 (75%) of a potential 166 audits have been completed. These audits have shown there has been a significant reduction in hazardous dry cutting and improved monitoring of workers' health. Audits so far have resulted in the issuing of 265 enforcement notices for a range of matters, including inadequate air monitoring, incorrect use of respiratory protective equipment, and inadequate workplace cleaning methods.

Follow-up visits will be undertaken through to May 2021 to monitor ongoing compliance with the Stone Benchtop Code.

Work has now commenced on the development of a code of practice for managing respirable crystalline silica dust exposure in the construction industry (the Queensland Silica in Construction Code), which I announced in Parliament on 18 September 2019.

Led by OIR, a steering committee of industry, employee, Work Health and Safety professional and technical representatives has been formed to guide the development of the Queensland Silica in Construction Code with three committee meetings conducted in late 2020.

EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

2020 ESTIMATES PRE-HEARING

QUESTION ON NOTICE

No. 17

THE EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE ASKED THE MINISTER FOR EDUCATION, MINISTER FOR INDUSTRIAL RELATIONS AND MINISTER FOR RACING (HON GRACE GRACE MP)—

QUESTION:

Can the Minister update the Committee on developments under the Government's labour hire licensing scheme and any plans to boost the Labour Hire Licensing Compliance Unit?

ANSWER:

The labour hire licensing scheme commenced on 16 April 2018 to protect workers from exploitation and promote the integrity of the labour hire industry in Queensland. The licensing scheme has been a great success, with 3297 businesses currently licensed to provide labour hire services.

On 20 October 2020, the Palaszczuk Government committed to invest an additional \$6.1 million over four years to boost the Labour Hire Licensing Compliance Unit (LHLCU) and employ an additional eight staff. These inspectors will be focused on the building and construction, security, and contract cleaning industries, as well as regional Queensland.

Since the beginning of the scheme, the LHLCU has supported businesses doing the right thing by providing education and client services, and has taken strong compliance actions including refusals of applications, and cancellations and suspensions of licences.

In addition, there has been five successful prosecutions of labour hire providers who operated without a licence, with fines ranging from \$50,000 to \$120,000. Two company directors have been fined between \$25,000 to \$60,000 for their role in the offences committed. A user of labour hire has also been convicted and fined \$50,000 for entering into an arrangement with an unlicensed provider.

The LHLCU has also forged strong links with other state and federal regulators, including WorkCover Queensland (WorkCover), the Fair Work Ombudsman, the Australian Taxation Office and the Department of Home Affairs to work jointly on matters of serious non-compliance. For example, LHLCU has worked closely with the Phoenix Taskforce, which brings 38 agencies together to combat illegal phoenix activity. That Taskforce is headed by the Australian Taxation Office.

The LHLCU has also collaborated with WorkCover to ensure labour hire providers have adequate workers' compensation policies in place to protect workers and worked with Workplace Health and Safety Queensland to improve safety outcomes in the poultry processing industry.

EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

2020 ESTIMATES PRE-HEARING

QUESTION ON NOTICE

No. 18

THE EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE ASKED THE MINISTER FOR EDUCATION, MINISTER FOR INDUSTRIAL RELATIONS AND MINISTER FOR RACING (HON GRACE GRACE MP)—

QUESTION:

Can the Minister advise on how the Government is responding to the scourge of wage theft?

ANSWER:

The Palaszczuk Government has taken action to address wage theft in Queensland. The reforms address the findings of the 2018 Queensland Parliament *Inquiry into wage theft in Queensland* (the inquiry into wage theft), which found the practice is endemic across the State. Other state and federal inquiries and investigations by regulators and the media continue to find widespread and serious cases of underpayment.

The inquiry into wage theft heard that almost 25% of Queensland workers are not being paid what they should be paid, and it takes \$2.2 billion dollars out of Queensland workers' pockets each year in unpaid wages and superannuation.

There is still no excuse for wage theft. Workers need to be paid their full and lawful wages—a fair day's pay for a fair day's work.

In July this year, the Queensland Government introduced a Bill to criminalise wage theft in Queensland. The Bill was passed and assented to in September and amends the *Criminal Code* offence of stealing to ensure that where an employer deliberately steals or commits fraud against their workers will be a crime. For many years, the *Criminal Code* has included specific criminal charges for employees stealing from their employers. The amendments to the stealing and fraud offences mean there is an equivalent offence and punishment for employers stealing from or committing fraud against their workers.

Employers who commit wage theft face up to 10 years' jail for stealing and 14 years for fraud under amendments to the *Criminal Code*, the same penalty that applies to workers.

To further support Queenslanders who are underpaid by their employer, a new streamlined small claims process was introduced in the same Bill and will commence from 1 March 2021.

This process will provide a simple and low-cost jurisdiction for workers trying to recover their entitlements, including conciliation by an experienced commissioner of the Queensland Industrial Relations Commission prior to hearing, to try to resolve the matter.

Implementation is underway with new forms, guidance material and amended tribunal rules to be in place to provide for simple, quick, low-cost wage claim processes for Queensland workers.

The threat of tough criminal charges for deliberate wage theft, together with the new streamlined process for recovering underpayment, provides a strong incentive for employers in Queensland to do the right thing and pay workers their full legal entitlements.

The associated costs of the implementation of the new wage recovery process will be met within the existing budget and the new criminal offence for wage theft and the streamlined wages recovery process will be monitored to ensure these are operating effectively.

EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

2020 ESTIMATES PRE-HEARING

QUESTION ON NOTICE

No. 19

THE EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE ASKED THE MINISTER FOR EDUCATION, MINISTER FOR INDUSTRIAL RELATIONS AND MINISTER FOR RACING (HON GRACE GRACE MP)—

QUESTION:

Can the Minister outline the importance of the Country Racing Package and what it means to rural and regional communities throughout Queensland?

ANSWER:

The Palaszczuk Government and Racing Queensland (RQ) are committed to the Country Racing Program in recognition of the vital role racing plays in creating community and social cohesion right across Queensland.

The latest report on the Size and Scope of the Queensland Racing Industry found that racing's value-added contribution to the Queensland economy has grown to more than \$1.6 billion a year and importantly, 46% of this economic contribution occurs in regional communities.

In recognition of the vital role racing plays in creating social cohesion across the State, the Palaszczuk Government has backed the Country Racing Program with a further two years until 2022–23 with funding of \$35.2 million, on top of the original commitment of \$70.4 million over four years. This is a total of \$105.6 million to country racing and the people of regional Queensland.

This funding provides security and continuity to the country racing community up to 2023 by funding race meetings, prize money and racing infrastructure, repairs and maintenance at country racing clubs.

In response to the COVID-19 recovery, Racing Queensland also fast-tracked capital works at race clubs to create jobs. This includes \$2.6 million in Country Racing Program infrastructure grants.

RQ has listened to clubs and, with the support of the Queensland Government, has improved the program's infrastructure delivery to allow clubs to apply to deliver their own projects and to allow clubs to aggregate funding from multiple sources to gain better value for money and scale-up projects.

In 2020–21, RQ has scheduled 19 TAB meetings to be converted from non-TAB clubs in regional Queensland, where participants will benefit from increased prize money and greater wagering returns. Importantly, the national and international broadcast of these meetings will showcase more of regional Queensland racing to Australia and the world.

EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

2020 ESTIMATES PRE-HEARING

QUESTION ON NOTICE

No. 20

THE EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE ASKED THE MINISTER FOR EDUCATION, MINISTER FOR INDUSTRIAL RELATIONS AND MINISTER FOR RACING (HON GRACE GRACE MP)—

QUESTION:

Can the Minister update the Committee on the infrastructure works undertaken for racing throughout Queensland and how these facilities are improving animal welfare, community benefit and supporting jobs?

ANSWER:

This is a landmark year for infrastructure for Queensland racing with the Palaszczuk Government funding a number of key projects including \$39 million for the Greater Brisbane Greyhound Centre near Ipswich, \$2.4 million for the \$7 million Sunshine Coast Turf Club Synthetic Track Replacement and \$1.5 million for Townsville Turf Club's tie-up stalls. All of these projects are currently underway.

In addition to these projects commencing, the Gold Coast Turf Club Tracks and Lights Project has been given conditional funding approval of \$31.5 million with Racing Queensland actively working with the Gold Coast Turf Club to make this project happen.

These infrastructure projects follow the successful development of the \$24.8 million Ipswich Turf Club Racing Precinct, which was opened in September this year.

In addition to these industry-changing projects, Racing Queensland (RQ) is also progressing on securing a new site for a Metropolitan Harness Facility.

These projects are funded through the Queensland Government's Racing Infrastructure Fund. This fund has a focus on creating and sustaining jobs through the construction of world-class facilities and improvements in animal welfare.

A leading example of a project with animal welfare at the core of its design and construction is the Greater Brisbane Greyhound Centre, which will feature three tracks—a straight track, a two-turn track; and a much needed one-turn track—all designed and constructed using evidence-based, best-practice safety principles.

The continuation of funding of the Country Racing Program for a further two years—with funding of \$35.2 million on top of the original commitment of \$70.4 million over four years—provides security and continuity to the country racing community up to 2023, ensuring funding for prize money and racing costs, as well as racing infrastructure renewal, repairs and maintenance at country racing clubs.

In response to the COVID-19 recovery, RQ also fast-tracked capital works at race clubs to create jobs. This includes \$2.6 million in Country Racing Program infrastructure grants and an additional \$5 million to upgrade critical assets at race clubs.

Finally, the significance of the racing industry to Queensland is identified in the latest report on the Size and Scope of the Queensland Racing Industry, which found racing generated more than \$1.6 billion a year in value-added contribution to the Queensland economy and supports more than 12,600 full-time equivalent jobs.

**Questions on notice and responses – *Minister for
Employment and Small Business and Minister for Training
and Skills Development***

ESTIMATES QUESTION ON NOTICE

No. 1

QUESTION:

With reference to page 23 of the SDS, will the Minister advise for the 2019-20 actual financial year and 2020-21 budgeted financial year (in table format by individual financial year) (a) the headcount number of contractors and labour hire staff in the department and TAFE Queensland, (b) all expenses associated with contractors and labour hire staff in the department and TAFE Queensland and (c) headcount number of staff seconded to the department and TAFE Queensland from any other State Government entity?

ANSWER:

Some of the contractors include

DESBT	2019-20 Actual	2020-21
a) the headcount number of contractors and labour hire staff in the department**	38	29 (Actual Jul-Nov 2020)
b) Expenses associated with contractors and labour hire staff**	\$4.33M	\$5.430M (Budgeted)
c) Headcount number of staff seconded to the department from any other State Government entity	30	16 (Actual Jul-Nov 2020)

**Note:

1. Contract and labour hire roles include temporary staff supporting the COVID-19 response in the DESBT contact centre.
2. The 2020-21 actual headcount for contractors and labour hire staff is shown. No specific headcount number is budgeted for, given the flexible nature of this resourcing measure.
3. Head count and expenditure for professional/managed services has not been included as DESBT does not have oversight on the number of staff that the professional/managed services allocate to that work.
4. Employees seconded into the department may appear in both financial years where arrangements have been extended from the previous financial year.

TAFE	2019-20 Actual	2020-21 Budget
a) the headcount number of contractors and labour hire staff in the department**	523	575
b) Expenses associated with contractors and labour hire staff**	\$7.199M	7.900M
c) Headcount number of staff seconded to the department from any other State Government entity	9	-

****Note:**

1. Contract and labour hire staff roles include those engaged in third party specialist training delivery, for instance helicopter pilot courses, and short term engagement of administrative staff for peak enrolment periods.
2. Excludes overseas activity through the Australia Pacific Training Coalition.
3. TAFE Queensland reports on labour hire staffing numbers quarterly, with many staff working across more than one reporting period. Therefore, staff may be included in the headcount for multiple quarters.
4. Labour hire staff numbers for 2019-20 and 2020-21 are provided however, as labour hire staff are often used for project based work or in emergent circumstances, such as peak enrolment periods, past headcount numbers are not necessarily an accurate predictor of future workforce requirements.
5. As TAFE Queensland's contract hire arrangements are predominantly contracted around service deliverables, TAFE Queensland often has little to no oversight about the number of staff that the contracted supplier allocates to that work, therefore no accurate headcount figures can be provided for contractors.

ESTIMATES QUESTION ON NOTICE

No. 2

QUESTION:

With reference to page 23 of the SDS, will the Minister detail the number of fraud and/or misconduct investigations currently being undertaken either by the department, TAFE Queensland, Queensland Police Service, or the Crime and Corruption Commission, regarding employees with specific reference to the overall types of complaints and the number of staff currently on suspension as a result of these investigations?

ANSWER:

It would not be appropriate to comment on specific investigations currently being undertaken by either the department, TAFE Queensland, Queensland Police Service, or the Crime and Corruption Commission.

Both the department and TAFE Queensland refer matters of possible corrupt conduct or criminal acts to the relevant integrity agency for further assessment and possible investigation.

The department and TAFE Queensland have no employees currently suspended or under investigation for serious fraud or misconduct matters.

The department and TAFE Queensland take integrity and conduct matters seriously, ensuring any matters reported, are appropriately investigated.

ESTIMATES QUESTION ON NOTICE

No. 3

QUESTION:

With reference to the department's capital budget for 2020-21 on SDS page 29, will the Minister provide a detailed list of approved projects, including (a) the budget and scope of each project, (b) the scheduled date of completion and (c) whether the completion timeframe for individual projects has been extended (reported in table format)?

ANSWER:

The Queensland Government is committed to ensuring TAFE Queensland can provide cutting-edge training in world class facilities. This is why the government is committed to investing in building and upgrading TAFE infrastructure across Queensland.

As part of the Equipping TAFE for our Future program, the Queensland Government will invest \$100 million over three years to enhance training infrastructure across seven priority regions. This initiative will support delivery of 20 infrastructure projects to ensure future training meets the needs of industry and the post-COVID economy.

Equipping TAFE for our Future will deliver projects in Cairns, Rockhampton, Mackay, Bowen, Cannonvale, Bohle, Toowoomba, Ipswich (Bundamba), Mooloolaba, Robina, Bundaberg, Hervey Bay, Yarrabilba and Eagle Farm and Southbank in Brisbane. This investment will ensure all Queenslanders have access to training facilities that offer opportunities to skill, re-skill and up-skill to actively participate in the labour market, so that our economy can effectively transition to emerging industries as well as strengthen the productivity of existing industries. During 2020-21, planning for the delivery of the Equipping TAFE for our Future initiative will be undertaken to support implementation from 1 July 2021.

The Department of Employment, Small Business and Training's \$88.834 million capital budget for 2020-21 consists of the continuing and new projects for the Advancing our Training Infrastructure (AOTI) commitment, as well as the department's Annual Training Infrastructure Program (ATIP) projects for capital upgrades at a number of campuses, and safety and compliance upgrades.

A detailed list of approved projects including budget, scope and completion date is attached (**Attachment 1**). No projects have received a significant extension to completion timeframe.

Attachment 1

Site Location	Project Desc	Total (\$)	Completion date
Acacia Ridge	Block A & C roof replacement	1,900,000	31/03/2021
Acacia Ridge	Block B & P Chiller 1 & 2 replacement	800,000	30/06/2021
Acacia Ridge	Caravan Industry	308,750	31/01/2021
Acacia Ridge	Heavy vehicle	950,000	31/03/2021
Alexandra Hills	AOTI - Block M Repurpose for Plumbing trades	1,998,338	31/01/2021
Alexandra Hills	AOTI - Block IE Refurbish for trades	1,323,408	31/12/2020
Alexandra Hills	AOTI - Block K Student Hub	32,750	30/09/2020
Alexandra Hills	AOTI - Block K Refurbish GLAs	305,500	30/09/2020
Alexandra Hills	AOTI - Block K Refurbish for Nursing	75,000	30/09/2020
Alexandra Hills	Improve Electro-engineering in Block G	250,000	30/06/2021
Alexandra Hills	K & M Block Roof replacement	157,500	30/06/2021
Alexandra Hills	K Block amenities	236,102	30/06/2021
Alexandra Hills	Fire hydrant upgrade	65,460	30/06/2021
Ashmore	AOTI - upgrade B Blocks for Construction Trades	1,835,631	30/06/2021
Ashmore	AOTI - New trade training building	7,004,000	30/06/2021
Ashmore	AOTI - Block A Student Hub	422,730	30/06/2021
Ashmore	New plumbing tower	5,638,603	30/06/2021
Ashmore	Block D Level 4 upgrade for trades	391,154	31/10/2020
Ashmore	Block D Level 5 upgrade for trades	319,957	30/06/2021
Ashmore	Block C Fire Systems	215,407	31/03/2021
Ashmore	Plumbing trades sandpit structure	145,553	30/09/2020
Ashmore	Fire hydrant upgrade	808,298	30/06/2021
Bohle	New Shade and Mist House	75,000	30/06/2021
Bohle	Maker Space Trade Area	300,000	30/04/2021
Bowen	Fire hydrant upgrade	260,632	30/06/2021
Bowen	Modernisation	200,000	30/06/2021
Bracken Ridge	Dust Extraction replacement	260,000	30/06/2021
Bracken Ridge	Safety at heights equipment rectification	130,000	30/06/2021
Bundaberg	Trade Modernisation	2,000,000	31/05/2021
Bundamba	Structural Pedestrian Bridge repair	56,088	30/09/2020
Burdekin	Refurbishment	350,000	30/06/2021
Cairns	AOTI - Improve specialised teaching spaces	6,448,394	30/06/2021
Cairns	AOTI - New hair, beauty, hospitality precinct in Block S	2,924,706	30/06/2021
Cairns	AOTI - Solar panels	1,128,405	30/06/2021
Cairns	AOTI - New customer service point in Block S	1,090,853	30/06/2021
Cairns	AOTI - Banggu Minjaany Art Gallery upgrade	800,000	30/06/2021
Cairns	AOTI - Campus improvements	712,600	30/06/2021
Cairns	AOTI - Contingency	1,559,000	30/06/2021
Cairns	Block K AC chiller replacement	696,964	31/03/2021
Cairns	Transformer replacement	527,575	30/04/2021
Cannonvale	Refurbishment	250,000	30/06/2021
Cherbourg	Campus enhancements	11,098	30/11/2021
Coomera	New Marine Facility	5,820,000	31/05/2022
Grovely	Modernisation Stage 1 & 2	50,000	30/06/2021
Inala	Fire hydrant upgrade	217,200	30/11/2020
Kingaroy	Campus upgrades A207, 203, 214, A215, A220	29,500	30/08/2020
Maryborough	Block A Refurb	750,000	30/06/2021
Mooloolaba	Chiller replacement	600,000	30/06/2021
Mount Gravatt	AOTI - Horticulture and Maker Space	338,926	31/03/2021
Mount Gravatt	AOTI - Revitalise Theatre, Film and TV	2,417,251	31/01/2021
Mount Gravatt	AOTI - Block A GLA refurb for Horticulture	73,567	31/03/2021
Mount Gravatt	AOTI - Block T & E Demolition	67,567	31/03/2021
Mount Isa	Fire hydrant upgrade	453,794	30/11/2020
Mount Isa	Upgrade Engineering & Trade Workshops	1,500,000	31/07/2021
Nambour	Demountable purchase	1,000,000	30/06/2021
Nambour	Block D Mould Rectification	3,150,132	30/11/2020
Nambour	Plumbing Tower Rectification	500,000	30/06/2021
Redcliffe	Nursing ward	6,167	31/07/2020
Roma	Fire hydrant upgrade	650,636	30/11/2020
Roma	Modernisation	142,500	31/03/2021
Roma	Structural rectification	109,433	30/06/2021
Southport	AOTI - upgrade GLAs	1,736,124	30/11/2020
Southport	AOTI - upgrades for Nursing and Allied Health	3,379,478	30/06/2021
Southport	HVAC upgrade	5,033,970	30/06/2021
Southport	Temporary GLAs	258,000	31/12/2020
Southport	Structural rectification	1,906,545	31/12/2020
Statewide	Fire and BAC Building Act compliance works	5,328,453	30/06/2021
Statewide	Annual roof replacement program	1,000,000	30/06/2021
Statewide	Amenities upgrades	594,092	30/06/2021
Statewide	Annual lift replacement program	500,000	30/06/2021
Statewide	Annual road surface upgrade program	500,000	30/06/2021
Statewide	Annual Building Access Control upgrade program	500,000	30/06/2021

Statewide	Asset breakdown	281,000	30/06/2021
Statewide	Dust Extraction upgrades	55,932	30/06/2021
Statewide	Fire hydrant investigations	110,802	30/06/2021
Statewide	HVAC safety upgrades	4,031,898	30/06/2021
Thursday Island	Modernisation	275,242	30/09/2020
Toowoomba	Fascia rectification	150,000	30/06/2021
Warwick	Fire hydrant upgrade	350,526	31/12/2020
		88,834,186	

ESTIMATES QUESTION ON NOTICE

No. 4

QUESTION:

With reference to page 23 of the SDS, will the Minister advise budgeted and actual spend on IT programs in 2019-20 for (a) the department and (b) TAFE Queensland?

ANSWER:

In the 2019-20 financial year:

- The department budgeted \$12.047M for all IT programs with an actual spend was \$8.710M. This is partially due to savings on completed projects as well as changing priorities due to the COVID-19 response.
- TAFE Queensland budgeted \$6.228M for IT programs with an actual spend of \$4.271M. This was due to budgeted activities planned for 2019-20 which were not completed due to changing priorities as a result of COVID-19. Projects that were delayed from 2019-20 and will proceed in 2020-21 include campus WiFi upgrades.

ESTIMATES QUESTION ON NOTICE

No. 5

QUESTION:

With reference page 23 of the SDS, will the Minister detail broken down by individual subsidised training program (Certificate 3 Guarantee, User Choice, Skilling Queenslanders for Work, Higher Level Skills, and Free TAFE), since the Department's establishment - (a) the combined contract value of all alleged breach of contractual arrangements, and (b) the number of occasions where a contracted nongovernment service provider was investigated for an alleged breach of contractual arrangement?

ANSWER:

The Department of Employment, Small Business and Training (DESBT) was established on 12 December 2017. DESBT is committed to a high-quality vocational education and training (VET) system and takes strong action against training providers who are found to be in breach of their agreement.

The Skills Assure initiative was announced through the *Skills for Queensland: Great training for quality jobs strategy* in 2019 and recently implemented on 1 July 2020. As part of this initiative, DESBT has introduced a new contracting framework and approach to quality for government subsidised training. Only registered training organisations that meet the government's enhanced entry requirements are authorised to become a Skills Assure Supplier.

Through Skills Assure, the Government has increased expectations of contracted training providers to ensure quality training delivery. These requirements have been reinforced through a revised Agreement containing additional terms and conditions and obligations, such as increased access to records and requirements for third-party training arrangements to be declared.

As part of normal practice when dealing with contractual matters, DESBT has appropriate processes in place to identify breaches of contractual arrangements with registered training providers who participate in Queensland's Skills Assure network of training providers. These checks and balances, including contractual audits, are part of the department's role in a robust VET market.

A number of these breaches can be routine in nature and non-compliances are often immediately remedied by the training provider. More serious or repeated breaches relating to student eligibility, training practices or student records, may require the repayment of funding, or lead to further actions and sanctions. Additionally, contractual audits may also result in further significant sanctions against training providers.

In the almost three-year period from 12 December 2017 to 7 December 2020, 177 breaches of contractual arrangements to a combined value of \$8,529,468.36 were identified for recovery from 109 registered training organisations.

To date, \$3,037,127.93 has been recovered by the department. It should be noted that two training providers that have not repaid funding have been referred to the Queensland Police Service and those investigations are ongoing, and we cannot comment further. Those training providers are no longer funded by the department.

Under the User Choice program, a total value of \$2,018,029.36 was identified for recovery. Under the Queensland VET Investment program (which covers the Certificate 3 Guarantee and Higher-Level Skills programs), \$6,486,039 was identified for recovery. Additionally, \$25,400 was identified for recovery under the Trade Skills Assessment and Gap Training program.

Importantly, the overall amount identified for recovery represents less than 1% (0.652%) of the combined User Choice, Certificate 3 Guarantee and Higher-Level Skills program payments for training delivery for the period from 1 January 2018 to 30 November 2020 (\$1.307BN). I can also confirm no breaches relate to Queensland's public providers that include TAFE Queensland or CQUniversity.

Additionally, no breaches of contractual arrangements have been recorded for the Skilling Queenslanders for Work program. Please note that the Free tafe for Year 12 Graduates program is a component of the Queensland VET Investment program.

ESTIMATES QUESTION ON NOTICE

No. 6

QUESTION:

With reference to page 23 of the SDS, will the Minister outline the number of registered training organisations that have received state government funding to train Queensland students that are currently under investigation or have previously been investigated for failing to provide the required training outcomes?

ANSWER:

The Skills Assure initiative was announced through the *Skills for Queensland: Great training for quality jobs strategy* in 2019 and recently implemented on 1 July 2020. As part of this initiative, DESBT has introduced a new contracting framework and approach to quality for government subsidised training.

Through Skills Assure, the government has increased expectations of contracted training providers to ensure quality training delivery. These requirements have been reinforced through a revised Agreement containing additional terms and conditions and obligations, such as increased access to records and requirements for third-party training arrangements to be declared. All registered training organisations that deliver state government funded training are subject to Skills Assure, and are referred to as Skills Assure Suppliers (SAS).

Additionally, the Department of Employment, Small Business and Training's existing risk mitigation mechanisms, such as data analytics, monthly compliance checks and contractual audits, will be further strengthened following the Queensland Training Ombudsman's *Review of Training Delivery linked to Advertising of Vacant Positions in Queensland*. These changes have and will continue to increase the department's ability to ensure that training providers are delivering quality training.

As at 7 December 2020, 13 of the 449 Skills Assure Suppliers (SAS) are under investigation¹. These investigations, in the relatively short time since the introduction of the Skills Assure initiative, are sending a clear message that the Queensland Government is committed to the highest standards in relation to quality of training.

As at 7 December 2020, of the thirteen²:

- One has had their SAS Agreements terminated;
- Five have been issued with a Directive to Cease Enrolments;
- Four Show Cause/Notices of Default have been issued;
- Five forensic investigations are in progress; and

¹ Please note that this does not include Skills Assure Suppliers that may currently be subject to contractual audits, which the department routinely undertakes under the Skills Assure Supplier Agreement.

² Please note that sanctions and notices are often issued together and may ultimately result in termination and other significant actions under the Agreement. Thus, the list below may represent sanctions, notices or investigations issued to the one supplier concurrently and is not mutually exclusive.

- One has been issued a Directive to terminate its third-party agreement.

An additional three training providers have been referred to the Queensland Police Service and those investigations are ongoing, and we cannot comment further. Those training providers are no longer funded by the department.

ESTIMATES QUESTION ON NOTICE

No. 7

QUESTION:

With reference to page 33 of the SDS, will the Minister advise TAFE Queensland's expenditure on marketing and brand research for the (a) 2018-19 financial year, (b) 2019-20 financial year and (c) the budgeted expenditure for the 2020-21 financial year?

ANSWER:

TAFE Queensland has been conducting formal external market research since 2014, when training funding in Queensland became fully contestable and TAFE Queensland began competing with other providers for government subsidised training. The education sector continues to be one of the most competitive industries in the country with both universities and vocational education and training providers investing in advertising and direct market activity.

Market research is vital and explores TAFE Queensland's reputation, giving the business a better understanding of how to reach prospective students and ensure they're aware of their options for training through TAFE.

TAFE Queensland's most recent brand and campaign research identified the brand is performing strongly with nine in ten people (86%) aware of the TAFE Queensland brand when prompted. Importantly, TAFE Queensland is continuing to change people's perception of vocational education and training

TAFE Queensland spent \$118,154 on brand and campaign-related market research in 2019-20 representing approximately 0.02% of TAFE Queensland's annual expenses. This spend included both pre-campaign concept testing and post-campaign evaluation, in line with industry best-practice. Concept testing for a new campaign 'Ready for Business' encouraging business owners to take on an apprentice was also conducted during 2019-20, targeting small to medium employers.

In 2020-21, spend is anticipated to be slightly higher to ensure Queenslanders are aware of the free training programs available in light of the impact of COVID-19 and TAFE Queensland's important role in supporting the State's economic recovery.

Program	2017-18	2018-19	2019-20	2020-21
	Actual \$	Actual \$	Actual \$	Planned \$
Brand and campaign research	\$93,000	\$131,552	\$118,154	\$149,000

ESTIMATES QUESTION ON NOTICE

No. 8

QUESTION:

With reference to page 23 of the SDS, will the Minister advise total expenditure by the department and TAFE Queensland on external consultants in (a) the 2017-18 financial year, (b) the 2018-19 financial year, (c) the 2019-20 financial year and (d) the budgeted expenditure in the 2020-21 financial year?

ANSWER:

Both the department and TAFE Queensland disclose annual consultancy expenditure through the Queensland Government Open Data Portal.

DESBT

The department recorded expenditure on external consultants as follows:

- (a) \$0.686M in 2017-18
- (b) \$1.065M in 2018-19
- (c) \$0.111M in 2019-20
- (d) Nil budgeted expenditure in 2020-21

The Department was formed in December 2017. The 2017-18 financial year includes data from December 2017 only.

TAFE Queensland

TAFE Queensland recorded expenditure on external consultants as follows:

- (a) \$0.004M in 2017-18
- (b) \$0.194M in 2018-19
- (c) \$0.011M in 2019-20
- (d) Nil budgeted expenditure for 2020-21

ESTIMATES QUESTION ON NOTICE

No. 9

QUESTION:

With reference to volume 3, page 25 of the SDS, small business owners are usually time poor or find it difficult to undertake the grant application process. Would the Minister outline what supports are being made available to small business owners needing assistance to apply for Small Business grants made available in the 2020/21 budget?

ANSWER:

To support small business owners, the Department of Employment, Small Business and Training (DESBT) established the Small Business Hotline (1300 654 687) and, in partnership with 13QGOV, provides critical small business support and information as well as personalised assistance in navigating grant application tools and websites via phone 24/7. Over 32,000 calls have been received on the Small Business Hotline since its creation at the commencement of the COVID-19 pandemic in March 2020.

DESBT has also created a *Business Assistance Finder* on the Business Queensland website, making it easy for businesses to discover support and grants available to them, based on location, industry and employing status. This brings together into a single location the relevant support available from the Queensland, Australian and relevant local governments. The website achieved its largest number of customers in 2019-2020 with over 6.3 million customers, including a 44% increase in Queensland visitors.

Through the Business Queensland website or the Hotline small businesses can be referred to DESBT regional office staff who offer personalised, local support, to better respond to individual or local circumstances

Small businesses can also participate in a free Mentoring for Growth session, where volunteer business experts help them with their business opportunities and challenges, personalised to their specific circumstances and needs. This includes referrals to relevant information on available grants and support tools.

In addition, DESBT actively raises awareness of grant opportunities through their social media channels – (Instagram, Facebook and LinkedIn), Small business newsletters and targeted broadcast alerts that are emailed directly to businesses and peak industry body stakeholder groups.

DESBT's regional teams will continue their efforts across the state connecting with our regional and remote communities ensuring small businesses are aware of the support services and programs that are available to them. For example, our regional team played an invaluable role in getting the message to those who needed to hear it.

In the Far North and North Queensland, the department's staff mounted campaigns to reach out to hundreds of businesses in Cairns and Townsville and across the regions.

North Queensland regional office staff spoke to 834 businesses over two days as part of their "Muster" campaign to ensure businesses were aware of the second round of Small Business Covid-19 Adaption Grants – with \$50 million in grants dedicated to the regions.

And departmental office staff from the Sunshine Coast and Wide Bay Burnett region to the Darling Downs visited more than 1,000 businesses to tell them directly about the support options.

The Queensland Government has also committed to develop a guide on grant proposal writing as a resource available on the Business Queensland website. DESBT has developed a draft guide in consultation with stakeholders involved in the Mentoring for Growth program. DESBT is currently seeking feedback on the guide from key small business stakeholders including the Queensland Small Business Advisory Council. It is intended that the guide will be made available in the new year, be user-friendly and include an interactive checklist.

ESTIMATES QUESTION ON NOTICE

No. 10

QUESTION:

With reference to volume 3, page 27 of the SDS, would the Minister outline what funding has been made available to ensure better training outcomes are achieved through the TAFE Queensland Ingham Campus to ensure trainees and apprentices don't have to travel to undertake theory or practical modules?

ANSWER:

Many of the new skilling initiatives and training subsidies outlined in the Service Delivery Statement are available to students at TAFE Queensland's Ingham campus including TAFE Priority Skills Fund and Free TAFE and Free Apprenticeships for under 25s, helping to assist students with high quality skills and training outcomes. Study areas offered at the campus include community services, early childhood and counselling.

To negate the need for students in regional areas having to travel to undertake all their training and skills development, TAFE Queensland has introduced flexible and mixed mode learning models for many of its programs.

TAFE Queensland's TAFE at Schools program is delivered using teachers who regularly travel from Townsville to undertake delivery using the facilities at the Ingham campus, as well as delivering training at local schools.

Where possible, TAFE Queensland undertakes workplace training and assessment for apprentices and trainees in Ingham. For example, Lin Parkes, a furniture making teacher based at TAFE Queensland's Townsville Trade Training Centre, travels fortnightly to Ingham to provide on-the-job training to a group of Certificate III Cabinet Making apprentices working for Moduline, a leading kitchen and cabinetry business in Ingham. Theory components are usually completed on-line with practical training and assessments taking place in the workplace. The Construction White Card Skills Set is also delivered at the campus, as needed.

ESTIMATES QUESTION ON NOTICE

No. 11

QUESTION:

Referring to page 3-24 of the SDS, can the Minister please provide an update on the Back to Work Program and how it is benefitting Queenslanders, and what actions the Government is taking to ensure the appropriate use of this important funding?

ANSWER:

The \$383M Back to Work (BTW) program is a demand-driven employment program designed to give businesses the confidence to employ unemployed Queensland jobseekers. BTW is available in regional Queensland and in select areas of South East Queensland (SEQ).

As part of the \$70M program extension announced by the Premier on 15 July 2020, a new apprentice and trainee boost payment of up to \$20,000 is now available to eligible employers who employ an eligible apprentice or trainee who has been unemployed a minimum of four weeks.

Employer support payments of up to \$10,000 continue to be available to eligible regional employers who hire a Queenslanders previously unemployed between four and 52 weeks in a job for up to 52 weeks, with payments of up to \$15,000 available to eligible regional and SEQ employers who hire a Queenslanders previously unemployed for 52 weeks or more. Youth boost payments of up to \$20,000 continue to be available to eligible employers who hire a jobseeker aged between 15 and 24 years who has been previously unemployed for a minimum of four weeks.

Since 2016, the BTW program has made payments to assist 23,818 jobseekers (as at 30 November 2020). This represents valuable support that has been provided to 11,236 employers.

Queensland employers who have engaged with the BTW program cannot say enough good things about how it has helped their business. Employers who have accessed the BTW program have reported a 92.1% satisfaction rate.

For the past 100 years, the team at **Olds and Sons Engineering** in Maryborough have been producing engines and parts for state-of-the-art machinery using the methods of their forebears. Combining traditional with contemporary methods, this is one small business that is big on production. Old and Sons are passionate about skilling up the next generation of tradespeople and have employed and trained over 40 apprentices.

In August 2020, the business employed Calen Simpson who is undertaking an apprenticeship in Engineering – Mechanical Trade.

Employer Robert Olds said that the Back to Work program has been fantastic and in today's economic climate, it is just the help that his business needs in creating an additional job opportunity for another young tradesperson in Maryborough.

The BTW program have rigorous and thorough assessment and compliance measures in place, and these continue to be strengthened over time. Through the BTW program Guidelines for Funding, the BTW Compliance Team and the BTW Jobseeker and Employer Officers, appropriate steps are taken to ensure that employers who access the program are eligible to receive the funding while being supported through the process and to maintain ongoing employment for the employee.

Since the start of the BTW program in July 2016, 21 referrals, consisting of 552 applications, have been referred to law enforcement agencies due to suspected fraudulent activity. Of the total funding of \$383M, the total value of the referred applications was \$8.7M, with \$1.748M paid prior to their detection. This paid amount is less than one per cent of the program funding.

These referrals have resulted in nine individuals charged in relation to five separate matters. Two of these individuals have successfully been prosecuted, with each being sentenced to five years imprisonment. The remaining 16 referrals are subject to ongoing law enforcement investigation.

The department is working hard to ensure fraudulent claims are stamped out. Suspected fraudulent activity has decreased each year of the program's operations due to proactive fraud prevention and control process improvements. These process improvements include:

- employee identification verification via the Queensland Transport Licence verification tools;
- employee payslips verified to include information under the *Fair Work Act 2009 (Cth)*;
- IP tracking within the QGrants system to assist with identifying applications submitted by suspected fraudulent applicants;
- employer ABN verification via a tool provided by the Australian Taxation Office;
- the requirement for applicants to supply certified ABN Certificates and identification, as well as a signed employee consent form; and
- the requirement for applicants to supply their WorkCover Policy Numbers or evidence of self-insurance.

The BTW program is structured to ensure that grant funding is provided to employers who do the right thing and provide evidence to support that they meet all the program's eligibility criteria.

ESTIMATES QUESTION ON NOTICE

No. 12

QUESTION:

Referring to page 3-23 of the SDS, can the Minister please provide an update on the work of the Just Transition Group and why this is an important part of the skills, training and employment portfolio?

ANSWER:

The Palaszczuk Government is positioning Queensland for a successful economic recovery and is focussed on capitalising on emerging technologies and new industries like hydrogen.

The Just Transition Group was established in late 2018 to develop policies to help workers and communities plan ahead for these new industries to ensure economic security and employment outcomes.

The Group will continue to work closely with the new Hydrogen and Renewable Energy portfolio and other relevant agencies and stakeholders as the Government continues to plan ahead for the skills and workforce required for the clean energy boom.

The team consists of four public sector employees recruited through merit-based recruitment processes in accordance with the QLD Public Service Recruitment and Selection Directive. The team has specialist expertise pertinent to the Group's objectives, including:

- diverse stakeholder engagement including with the Australian, state and local governments, industry and peak bodies;
- economic modelling and impact assessment across a range of sectors including rail, port, water, energy and other infrastructure;
- consultancy and policy experience, including renewable energy and regional economic development; and
- financial and business analysis capability including strategic and legislative reviews, and utility pricing.

The team's Executive Director position has been vacant since March 2020. The Department has elected not to fill this position as part of its short-term response to the Savings and Debt Plan. The Group currently reports directly to a Deputy Director General.

Since 2018, the Group has undertaken extensive research and community engagement, consulting with over 100 stakeholders including business and industry groups, workers, energy generators and academics, as well as conducting regional community engagement projects covering Cairns, Gladstone, Rockhampton and

Townsville in addition to supporting the establishment and work of the Energy Skills Advisory Committee.

ESTIMATES QUESTION ON NOTICE

No. 13

QUESTION:

Referring to page 3-24 of the SDS and the reference to the North Stradbroke Island Workers Assistance Scheme, can the Minister detail how the scheme has supported workers impacted by the cessation of sand mining on Minjerribah?

ANSWER:

I am pleased to advise that the Government has extended the North Stradbroke Island Workers Assistance Scheme until 30 June 2022 and will continue to offer valuable support to workers impacted by the phasing out of sand mining on Minjerribah.

Under the Scheme, assistance is targeted at Sibelco workers employed on Minjerribah and at the Pinkenba processing plant. The assistance package has a range of support measures focussed on assisting workers to engage with new employment pathways.

The types of assistance available under the package includes, job search support; training and skills support; housing assistance; commuting subsidies; income supplementation; financial advice; and small business mentoring.

The Scheme also includes an Employer Wage Subsidy for eligible employers who permanently employ an affected worker for a minimum of six months. Up to \$10,000 is available if the permanent position is in South East Queensland and up to \$4,000 if the position is in other areas of Queensland.

Since 1 September 2016, a full time Employment Services Manager has been working directly with Sibelco workers. As at 31 October 2020, 168 workers have sought advice and support from the Employment Services Manager, which includes 91 workers who have been displaced to date. Of the 168 workers, 137 have gone on to access the available financial assistance under the Workers Assistance Scheme.

In terms of outcomes for the 91 displaced workers, as at 31 October 2020:

- 43 are employed (13 on Minjerribah);
- eight have started their own business;
- 17 have retired or semi-retired;
- seven are undertaking study or apprenticeships;
- 14 are taking a career break and considering their options;
- one preferred not to comment; and
- one has not requested assistance.

My department continues to work with affected workers and stakeholders to provide support and assistance when and where it is needed.

ESTIMATES QUESTION ON NOTICE

No. 14

QUESTION:

Noting page 3-25 of the SDS highlighting the role of the Queensland Small Business Commissioner, can the Minister please provide an update on plans to make this role permanent and what it will mean for small business?

ANSWER:

The Government has committed to establishing a permanent Small Business Commissioner for small businesses in Queensland, who will continue to advocate for, support and provide information to small businesses and empower them to drive economic growth across Queensland. In addition, the Small Business Commissioner will work with the newly established Office of Productivity and Red Tape Reduction in Queensland Treasury, to continue to deliver small business regulatory reform to assist in their recovery.

Establishing a permanent Small Business Commissioner, will bring Queensland into line with other mainland states. For Queensland small businesses, this means a single point of service entry to access information and support for dispute assistance, regulatory issues and general enquiries. Small businesses will not need to navigate multiple pathways to seek information on dispute resolution and other relevant services. This will reduce complexity, time and costs to small businesses.

Work has already commenced to transition from the current temporary Queensland Small Business Commissioner to a permanent commissioner. Last week the COVID-19 Emergency Response and Other Legislation Amendment Bill was passed in Parliament. From 1 January 2021, the current temporary Queensland Small Business Commissioner will continue under transitional arrangements until the establishment of a permanent Queensland Small Business Commissioner.

This is the first milestone in implementing our commitment and ensuring continuity of support for small business, particularly during the recovery period. It ensures that the current Small Business Commissioner continues to provide critical information, support and advocacy services for small businesses while the process for establishing the permanent Small Business Commissioner is underway. This will avoid disruption for small businesses and ensure that the momentum generated by the Small Business Commissioner is maintained.

The Small Business Commissioner has played a critical role in supporting businesses to avoid protracted commercial leasing disputes with early information, advice and mediation services.

Since commencing in late May, the Small Business Commissioner's office has assisted with over 2,600 business enquiries and has received over 570 commercial leasing disputes.

Of the leasing dispute notices received, 227 cases have received free mediation, with 48 more scheduled. 176 have been informally resolved prior to mediation, with 121 cases ongoing. 76% of leasing disputes closed by the QSBC have been successfully resolved either by informal resolution or mediation.

The temporary Small Business Commissioner and support office are continuing to receive demand for dispute resolution services. The extension will enable leasing dispute matters within the response period to be finalised by the Small Business Commissioner, avoiding the need to transfer unresolved commercial leasing dispute matters to other tribunals or courts.

The extension of the Small Business Commissioner and the introduction of a permanent Small Business Commissioner will ensure that Queensland small businesses can access the support, information and advocacy they need easily. This will save our small businesses time and money, making it easier to do business in Queensland.

ESTIMATES QUESTION ON NOTICE

No. 15

QUESTION:

Noting page 3-27 of the SDS and current apprenticeship and trainee numbers, can the Minister please outline what factors are impacting commencements and completions in Queensland?

ANSWER:

Queensland is a leader in apprenticeship and traineeship completions.

In the 12 months to March 2020, 22,400 Queenslanders completed an apprenticeship or traineeship.

This represented 25.3% of all completions nationally (88,700), well above Queensland's share of the national population (20%).

Queensland's strong performance in completions is underpinned by key programs such as the:

- \$383m Back to Work program - over 6,200 apprentices and trainees have got their start thanks to Back to Work, and
- \$26m payroll tax apprentice and trainee rebate.

Throughout 2020, the Department of Employment, Small Business and Training (DESBT) has undertaken a range of actions to limit the impact of the COVID-19 pandemic on Queensland apprentices and trainees, including working directly with employers to negotiate alternatives to cancelling training contracts.

These measures were successful in preventing widespread cancellations of contracts, with fewer cancellations this year (12,604) than for the same period in 2019 (14,406).

Queensland's strong performance in apprenticeship and traineeship completions has been mirrored in apprenticeship and traineeship commencements with the latest data showing 35,200 apprentice and trainee commencements in the 12 months to March 2020, representing 24.3% of the national total.

This figure includes 17,700 young Queenslanders (aged 19 and under) who commenced an apprenticeship or traineeship.

As at March 2020, Queensland had 57,400 apprentices and trainees 'in training' which is 21.1% of the national figure (272,500).

This strong performance has been supported by targeted initiatives to assist young Queenslanders to start their trade careers.

In August 2019, we announced Free Apprenticeships for under 21s. This was a \$32m investment to take away the cost of training from employers and removes the cost barrier for young people to enter a trade.

The fully subsidised training was available in 139 priority industries including electrical, plumbing, engineering, healthcare, hospitality and early childhood.

At the 2020 State Election, the Palaszczuk Government committed to expanding the Free TAFE and Free Apprenticeships initiative to include all young people under 25.

This new initiative will provide training for up to 37,000 more young people.

ESTIMATES QUESTION ON NOTICE

No. 16

QUESTION:

Referring to page 3-23 of the SDS and the Government's Job Finder Portal as part of the initial response to COVID-19, can the Minister please provide an update on the outcomes from this initiative to date?

ANSWER:

The Jobs Finder Queensland portal enables Queenslanders whose employment has been impacted by COVID-19 and are now looking for work, to register their details to be matched with suitable job opportunities by professional recruitment agencies. The portal was one of the first initiatives that was implemented as part of the economic response to the COVID-19 pandemic in April 2020.

I am pleased to advise that as at 27 November 2020, there have been almost 500 individuals placed into work.

The current labour market conditions have impacted on the performance of the initiative in terms of job matches, including the impact of increased JobSeeker and the new JobKeeper payments.

To ensure that those Queenslanders seeking work are best placed to take advantage of employment opportunities that arise as the economy strengthens, the portal also links jobseekers with free online courses delivered by TAFE Queensland, CQUniversity and other providers, to COVID safe training and to online training for small businesses. There have been over 15,000 registrations on the portal.

These free training opportunities have been embraced by Queenslanders and I am happy to report that as at 27 November 2020, there have been over 9,400 skill set unit enrolments, over 17,000 micro-credential enrolments and over 10,000 micro-credential completions.

TAFE Queensland has also made free COVID Safe short courses available online to business owners and their employees in high-risk industries to provide information on hygiene, social distancing requirements, venue spacing, entry and exit points, and sanitation. There have been over 194,000 enrolments in these COVID Safe courses.

The success of the portal in linking up job seekers with online training offerings has further demonstrated the importance of the Government's response to the COVID-19 pandemic.

ESTIMATES QUESTION ON NOTICE

No. 17

QUESTION:

Referring to page 3-23 of the SDS and referring to the Government's COVID-19 stimulus package for small business, can the Minister please provide an update on how many businesses have been assisted since the start of the Covid-19 pandemic?

ANSWER:

Queensland's Economic Recovery Plan is underpinned by more than \$7B in recovery initiatives. A key focus of the Plan is backing small business and helping them to adapt and thrive.

The Queensland Government has implemented a number of initiatives to support the recovery of small businesses impacted by COVID-19.

No COVID-affected Queensland business has paid payroll tax during 2020 with the Queensland Government providing nearly \$1 billion in payroll tax relief during COVID including refunds and holidays for over 12,600 small businesses across Queensland.

The Small Business COVID-19 Adaption Grants were launched as part of Unite and Recover to support small businesses subject to closure or highly impacted by the COVID-19 shutdown restrictions, to adapt and sustain their operations and build resilience. Grants of up to \$10,000 were available for small businesses to prepare for the safe resumption of trading, access new technologies and transition to a new way of doing business. As at 27 November 2020, \$176.46M has been provided to almost 20,000 businesses, with regional grant funding still available.

A \$1 billion Jobs Support loans facility was established to provide Queensland businesses impacted by COVID-19 with low interest loans of up to \$250,000 to help them retain employees and maintain operations. The loans have gone to over 7000 businesses supporting 86,000 Queensland jobs. 88% of the 6,928 business approved for a loan are small businesses (as at 31 October 2020).

\$100 million has been provided in electricity bill rebates for sole traders as well as small and medium businesses, supporting over 191,000 Queensland operators.

Financial resilience webinars were delivered to assist small businesses with practical skills including cash flow management, business planning. A total of 80 webinars were delivered to over 800 businesses.

DESBT has continued to deliver the Mentoring for Growth program, which provides businesses free access to volunteer business experts who will provide insights and options relating to challenges and opportunities in this current business environment. Sessions are being offered virtually to eligible businesses. From 1 March 2020, and as at 5 November 2020, 400 businesses have accessed a Mentoring for Growth session.

A Small Business Hotline was established to provide advice on the full range of state and commonwealth support available, as well as the Business Queensland website as the single source of truth for business on a wide range of COVID-19 related issues. 32,804 calls were received from the creation of the Small Business Hotline on 25 March 2020 to 27 November 2020.

DESBT has received survey responses from more than 7100 businesses – through a range of support services including the Small Business hotline, Business Queensland, the Mentoring for Growth program, and DESBT regional offices.

COVID safe training has been developed for the hospitality industry and beauty sectors. COVID Safe training modules are 30-minute online courses for workers in businesses that are required to have a COVID Safe plan. These courses are fully funded by the Queensland Government. To date, there has been more than 158,000 completions of COVID safe training for these sectors (as at 6 November 2020).

The Government also appointed a temporary Queensland Small Business Commissioner (QSBC) in late May 2020 to deliver advocacy functions for Queensland small business, provide information and advisory services on matters relevant to them and administer mediation services in relation to small business tenancy disputes. This appointment has been extended and work to make this position permanent is underway

The QSBC has received over 3,307 requests for assistance from small businesses, commercial tenants and landlords, including: 2,648 enquiries; 82 advocacy requests; and 577 leasing dispute notices, 76% of which have been successfully resolved.

ESTIMATES QUESTION ON NOTICE

No. 18

QUESTION:

Referring to page 3-27 of the SDS, can the Minister please provide an update on the progress of the \$105 million Advancing our TAFE Infrastructure projects?

ANSWER:

Following commencement in 2018-19, the three-year Advancing Our Training Infrastructure (AOTI) investment is on track for completion by June 2021. The AOTI investment is supporting approximately 281.3 full time equivalent jobs during construction.

The AOTI initiative is redeveloping and refurbishing six high-priority TAFE training regions at Pimlico (Townsville), Toowoomba, Mount Gravatt, Gold Coast region, Redlands region and Cairns TAFE.

The total value of the approved AOTI projects equals \$112.5m, , in line with business cases developed for each of the projects. These projects are on track to be delivered in line with the approved business cases. The delivery of the AOTI program commenced in 2018-19 and is scheduled for completion in June 2021.

The status of each of the six sites is as follows:

- The \$32.9m Pimlico TAFE investment delivered a new extension building to Block D and was opened to students in early January 2020 and a full refurbishment of the existing Block D was completed in August 2020.
- The \$10.9m Toowoomba TAFE investment delivered a new Rural Centre of Excellence in October 2019, with Block B nursing upgrades and new general learning spaces also completed in September 2019 and December 2019 respectively.
- The \$28.7m Gold Coast investment allocation includes Southport TAFE and Ashmore TAFE sites. The AOTI Southport investment will consolidate and expand Nursing and Allied Health training and is due for completion in March 2021. Construction has commenced to improve and expand trade training at Ashmore and is due for completion by June 2021.
- The \$15m Mount Gravatt investment is delivered in two stages. Stage one delivered a new Fashion Centre of Excellence and campus experience projects in October 2020. Stage two construction has commenced to improve horticulture, revitalise filmmaking and improve the concourse amphitheatre spaces and is due for completion by April 2021.
- The \$10m Redlands investment at Alexandra Hills TAFE Campus delivered a new Nursing and Allied Health facility in September 2020. Construction has commenced to improve plumbing trades, engineering, and construction trades projects and is due for completion in December 2020.

- The \$15m Cairns project commenced in January 2020 with completion planned for June 2021. It will deliver a new hair, beauty and hospitality precinct and improve specialised teaching spaces by May 2021, and solar panels, a new customer service point and upgrades to the Banggu Minjaany Art Gallery by June 2021.

ESTIMATES QUESTION ON NOTICE

No. 19

QUESTION:

Referring to page 3-28 of the SDS, can the Minister please provide an update on the satisfaction rates for training in Queensland?

ANSWER:

Queensland has a strong vocational education and training (VET) sector that has consistently performed above the national average.

Student satisfaction with their training outcomes is a key component to any quality VET system.

In the latest results released by the National Centre for Vocational Education Research (NCVER), more than three-quarters of Queensland students and employers surveyed responded that they were satisfied with the overall quality of the training and how the VET system had met their needs.

In fact, the results indicated that 88.1% of Queensland students were satisfied with the overall quality of training in 2019. This result is in line with the SDS target of 89% and the national figure of 88.6%.

These positive results reflect the Queensland Government's focus on building a robust skills and training sector, to ensure the current and future workforce has the highly skilled and adaptable employees needed to support economic growth in the decades ahead.

We are investing in public training infrastructure across Queensland, committing a further \$100 million for improving TAFE facilities to ensure that TAFE remains the state's premier public VET provider.

We have also committed additional funding of \$83.4 million for future skilling programs, including \$32.4 million over two years for the TAFE Priority Skills Fund; \$25 million for pre-apprenticeship support as well as funding for the development of a digital professional workforce plan and a range of other skilling initiatives.

\$21 million has also been provided to extend Free TAFE and Free apprenticeships to Queenslanders aged under 25, providing training opportunities to more than 24,000 young people.

Data and statistics

	2015	2016	2017	2018	2019*
Target	89%				
Queensland	86.2% (±1.7)	85.3% (±1.8)	88.2% (±0.5)	87.5% (±0.4)	88.1% (±0.4)
National	86.6% (±0.7)	86.2% (±0.6)	87.8% (±0.2)	87.4% (±0.2)	88.6% (±0.2)

Brackets contain the margin of error

* Note: 2019 NCVER data is the latest available data. The results of the 2020 survey have been delayed due to the impacts of COVID-19 but are expected to be released by NCVER the end of January 2021.

The latest employer satisfaction rates are based on the 2019 NCVER Survey of Employer Use and Views which is a biennial survey that will not be conducted again until 2021 with the results expected to be released towards the end of next year.

In 2019, 78.2% of employers of graduates of nationally accredited training reported that they were satisfied with how the VET system met their needs.

	2015	2017	2019
Target	85%		
Queensland	84.9% (±7.2)	80.7% (±5.8)	78.2% (±6.3)
National	84.0% (±3.2)	82.2% (±2.6)	78.8% (±2.8)

Brackets contain the margin of error

In 2019, 77.6% of employers of graduates of apprenticeships and traineeships reported that they were satisfied with how the VET system met their needs.

	2015	2017	2019
Target	83%		
Queensland	82.7% (±5.4)	80.5% (±5.5)	77.6% (±5.4)
National	81.7% (±3.0)	77.5% (±2.6)	77.6% (±2.5)

Brackets contain the margin of error

ESTIMATES QUESTION ON NOTICE

No. 20

QUESTION:

Referring to page 3-23 of the SDS, can the Minister please provide an update on the progress of employment and training programs including Skilling Queenslanders?

ANSWER:

The Queensland Government continues to invest in skills and training to meet immediate demands and emerging needs, so Queenslanders are skilled for the jobs of today and the future.

The vocational education and training (VET) investment framework consists of the following core programs that subsidise up to 200,000 Queenslanders per year:

- Certificate 3 Guarantee provides a subsidised training place for a student's first post-school certificate III qualification and includes foundation skills and lower level qualifications for disadvantaged learners;
- Higher Level Skills - a subsidised training place in priority certificate IV and above qualifications or skill sets, and supports individuals to secure employment, advance in their career or transition to university; and
- User Choice - a subsidised training place for eligible apprentices and trainees.

Importantly, cohorts assisted under VET investment programs include youth, young offenders those at risk of disengaging from education, training or employment, Aboriginal and Torres Strait Islanders, mature-aged, veterans, culturally and linguistically diverse, women returning to work, unemployed, those underemployed and those wishing to upskill.

Queensland is leading the nation in apprenticeship and traineeship completions and one in four apprentices sign up here in Qld. We have more than half the nation's school-based apprentices and trainees and have strong participation levels by school students in VET programs.

Access to free training opportunities for young Queenslanders seeking to gain the skills necessary to start their careers is a priority under the VET investment framework. For example, the Free TAFE for Year 12 graduates was announced in 2018 and the Free Apprenticeships for under 21s was announced in August 2019.

Free Apprenticeships for under 21s is a \$32m investment to take away the cost of training from employers and removes the cost barrier for young people to enter into a trade. The fully subsidised training was available in 139 priority industries including electrical, plumbing, engineering, healthcare, hospitality and early childhood. We have now supported over 26,000 young Queenslanders into free training through these programs.

At the 2020 State Election, the Palaszczuk Government committed to expanding the Free TAFE and Free Apprenticeships initiative to include all young people under 25. This initiative will provide training for a further 37,000 more young people.

The Future Skills Fund will further emphasise the Government's focus on skills as part of Queensland's Economic Recovery Plan. The Future Skills Fund focuses on skills for jobs of the future, support for disadvantaged cohorts and to build and modernise training infrastructure. Initiatives include:

- \$100M over three years to build and modernise TAFE facilities;
- \$16.51M over three years to establish Manufacturing Skills Queensland;
- \$32.4M over two years for the TAFE Priority Skills Fund;
- \$25M over two years to support pre-apprenticeship pathways;
- \$8M over two years for the Social Enterprise Jobs Fund to support social enterprises;
- \$5M over two years for the First Nations Training Strategy;
- \$5M in 2020-21 for the Workforce Transition Support Program;

VET investment also supports a range of other complementary programs, including the Skilling Queenslanders for Work and Back to Work initiatives.

The Queensland Government reintroduced the highly successful Skilling Queenslanders for Work initiative in 2015-16 as a \$240 million commitment over four years to support 32,000 disadvantaged Queenslanders into work through a suite of seven targeted skills and training programs. The initiative was subsequently extended and enhanced and now represents a significant investment of \$430 million over six years to 2020-21 to support up to 54,500 Queenslanders into work.

Skilling Queenslanders for Work represents our commitment to support strategies that encourage equitable participation by a broad range of groups that generally face barriers or challenges to learning and the labour market.

Since the reinstatement in 2015, \$427.97M has been committed under Skilling Queenslanders for Work that will provide nationally recognised training, skills development and job opportunities to assist 68,854 disadvantaged Queenslanders.

As at 30 November 2020, 55,716 Queenslanders have been assisted under Skilling Queenslanders for Work with 33,865 people securing jobs as a direct result of participation. The target of 54,500 has been met eight months early.

Skilling Queenslanders for Work is reaching out to those who need assistance – 19% of participants are Aboriginal and Torres Strait Islander people; 19% are migrants and refugees; 59% are young people, including those in or transitioning from out-of-home care; 12% are people with disability; 14% are mature aged; 53% are women returning to work; and 48% are long-term unemployed.

Destination surveys conducted by the Queensland Government Statistician's Office show that 73% of Skilling Queenslanders for Work participants are in employment and/or further training 12 months after exiting.

Since 2016, the Back to Work program has given businesses the confidence to employ Queenslanders who have experienced a period of unemployment.

Back to Work is an employer support program with three support payments of up to \$20,000 available through the: employer support payments, apprentice and trainee boost payments, and youth boost payments.

In July 2020, Back to Work was extended and announced the introduction of the apprentice and trainee boost which provides payments of up to \$20,000 to employers who hire an unemployed Queenslanders as an apprentice or trainee in regional Queensland or eligible areas of South East Queensland (SEQ).

Since 2016, the BTW program has made payments to assist 23,818 jobseekers as at 30 November 2020. This represents almost \$253.6M in funding provided to 11,236 employers.

As outlined above, the Queensland Government continues to deliver a range of successful training and employment programs to ensure we have a skilled and productive workforce as the economy recovers.

**Answers to questions taken on notice at the hearing -
*Minister for Education, Minister for Industrial Relations and
Minister for Racing***

EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

2020 ESTIMATES

QUESTION TAKEN ON NOTICE

No. 1

MR J BLEIJIE ASKED THE EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE WHICH ASKED THE MINISTER FOR EDUCATION, MINISTER FOR INDUSTRIAL RELATIONS AND MINISTER FOR RACING (HON GRACE GRACE MP)—

QUESTION:

Director-General, how many complaints have been made by your staff in the department with respect to bullying or intimidation by CFMEU officials on sites in Queensland?

ANSWER:

The Palaszczuk Government does not tolerate any form of intimidating or aggressive behaviour in the workplace, whether that be towards its workers or towards members of the public by its workers.

In 2019–20, seven complaints were reported in relation to intimidation/bullying of Workplace Health and Safety Queensland inspectors by the CFMEU.

EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

2020 ESTIMATES

QUESTION TAKEN ON NOTICE

No. 2

MR J BLEIJIE ASKED THE EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE WHICH ASKED THE MINISTER FOR EDUCATION, MINISTER FOR INDUSTRIAL RELATIONS AND MINISTER FOR RACING (HON GRACE GRACE MP)—

QUESTION:

Director-General, how many of your staff within the Office of Industrial Relations are away on sick leave or stress leave?

For clarification purposes, I am after the number of inspectors on leave with respect to stress.

ANSWER:

The Palaszczuk Government does not tolerate any form of intimidating or aggressive behaviour in the workplace, whether that be towards its workers or towards members of the public by its workers.

During 2019–20, WHSQ inspectors conducted 38,566 site visits (including 2711 under the Injury Prevention and Management program), and the Electrical Safety Office conducted 8575 site visits.

Four inspectors (less than 2% of WHSQ inspectors) are currently on sick leave with stress/mental health related illnesses (personal and work related).

EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

2020 ESTIMATES

QUESTION TAKEN ON NOTICE

No. 3

MR J BLEIJIE ASKED THE EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE WHICH ASKED THE MINISTER FOR EDUCATION, MINISTER FOR INDUSTRIAL RELATIONS AND MINISTER FOR RACING (HON GRACE GRACE MP)—

QUESTION:

Director-General, how many complaints has the CFMEU made about workplace inspectors in your department?

ANSWER:

The Palaszczuk Government does not tolerate any form of intimidating or aggressive behaviour in the workplace, whether that be towards its workers or towards members of the public by its workers.

During 2019–20, WHSQ inspectors conducted 38,566 site visits (including 2711 under the Injury Prevention and Management program), and the Electrical Safety Office conducted 8575 site visits.

One complaint has been received from the CFMEU about WHSQ inspectors, which was investigated and found to be unsubstantiated.

**Answers to questions taken on notice at the hearing -
*Minister for Employment and Small Business and Minister
for Training and Skills Development***

ESTIMATES QUESTION ON NOTICE

No. 1

QUESTION:

Director-General, can you please provide—and I suspect you will need to take this on notice as well—a breakdown by amount and program of all the fraud related offences.

Could the director-general provide a breakdown by amount and by the nature of the program for all of the fraud related offences you have provided detail of with respect to the number of referrals, that is, the quantum of those instances of fraud and what they relate to?

ANSWER:

In 2019-20, DESBT identified suspected fraud to the amount of approximately \$3.291M, largely relating to VET providers. This amount represents approximately 0.38% of the DESBT program funding over that period.

Program	2019-20 Referrals	QPS	Estimated Value of Fraud/Attempted Fraud
Skills Assure	3		\$3.21M
SQW	0		0
SBCAG	1		\$47,000
BTW	5		\$34,000*

*Note that from the five BTW fraud cases referred to the QPS in 2019-20, zero funding was paid to the applicants.

ESTIMATES QUESTION ON NOTICE

No. 2

QUESTION:

On Back to Work and the fraud related issues in that program, provide a geographic breakdown of where the fraudulent incidents occurred and how much was lost expressed as SA4 regions? (The incidents that constitute the \$1.784 million referred to in response to the question on notice).

ANSWER:

Within the Committee hearing, the Member for Buderim accepted that the data be reported on a local government basis as that is how the department collects the data.

During the life of the Back to Work program (since 1 July 2016), 552 applications with a value of \$8,699,500 have been referred to law enforcement due to suspected fraudulent activity, with only \$1,748,500 of this paid.

The proactive fraud mitigation strategies implemented by the department have ensured these applications were identified early and has prevented \$6,951,000 in funding being paid to suspected fraudulent applicants.

To date, there have been two successful prosecutions against perpetrators of fraud in relation to the Back to Work program, with a third matter awaiting trial in early 2021.

The remaining matters are subject to ongoing law enforcement action, with \$27,050 repaid as of 1 December 2020.

Fraud mitigation strategies have improved year on year, with \$0 identified as being paid to suspected fraudulent applicants in the 2019-20 financial year. As outlined above, a number of law enforcement investigations are ongoing.

The table over the page outlines the local government area (LGA) of the job location that was entered into the application by the applicant, the value of the applications submitted, and the total amount paid for the applications that were approved.

Local Government Areas (LGAs)	Number of Applications	Value of Applications	Total Paid
Banana	7	\$130,000	\$12,000
Brisbane	48	\$865,000	\$151,000
Bundaberg	12	\$210,000	\$36,000
Cairns	80	\$1,273,000	\$373,250
Cassowary Coast	10	\$100,000	\$12,000
Central Highlands	11	\$170,000	\$12,000
Charters Towers	1	\$15,000	\$0
Cloncurry	1	\$15,000	\$0
Cook	2	\$40,000	\$6,000
Douglas	1	\$15,000	\$0
Fraser Coast	26	\$278,750	\$69,250
Gladstone	14	\$211,250	\$48,000
Gold Coast	3	\$30,000	\$0
Goondiwindi	17	\$300,000	\$60,000
Gympie	9	\$145,000	\$77,500
Ipswich	13	\$215,000	\$12,000
Livingstone	4	\$80,000	\$25,000
Lockyer Valley	2	\$35,000	\$10,500
Logan	27	\$500,000	\$57,000
Mackay	46	\$663,750	\$256,750
Maranoa	2	\$15,000	\$0
Mareeba	4	\$80,000	\$24,000
Moreton Bay	27	\$480,000	\$60,000
Mount Isa	26	\$446,250	\$16,500
North Burnett	1	\$15,000	\$6,000
Redland	4	\$51,250	\$0
Rockhampton	12	\$205,000	\$36,000
South Burnett	1	\$15,000	\$0
Southern Downs	1	\$15,000	\$0
Sunshine Coast	27	\$425,000	\$73,500
Tablelands	1	\$15,000	\$0
Toowoomba	4	\$70,000	\$4,500
Townsville	79	\$1,231,500	\$219,250
Whitsunday	29	\$343,750	\$90,500
Grand Total	552	\$8,699,500	\$1,748,500

ESTIMATES QUESTION ON NOTICE

No. 3

QUESTION:

With reference to question on notice 5, will the Director-General advise in relation to the \$8.529 million in contractual training breaches how many students were impacted?

ANSWER:

The Department of Employment, Small Business and Training (DESBT) works with students to ensure there is no disadvantage when there is an issue with a training provider.

Any student that is unable to complete their qualifications with a Skills Assure Supplier as a result of the contractual breach retains their eligibility to subsidised training and are able to continue their training with another approved supplier of their choice.

As outlined in the response to Estimates Question on Notice 5 tabled on Tuesday 8 December 2020, a number of contractual breaches can be routine in nature and non-compliances are often remedied by the training provider with no impact to the student.

ESTIMATES QUESTION ON NOTICE

No. 4

QUESTION:

Director-General, did any students fail to gain qualifications as a consequence of these contractual breaches?

ANSWER:

Where an eligible student is unable to complete a qualification with a registered training organisation for any reason, students are able to transition to another registered training organisation to continue their training.

The Department has had no reports of students failing to gain qualifications as a direct consequence of these contractual breaches.

As outlined in the response to Pre-Estimates Question on Notice 5 tabled on Tuesday 8 December 2020, a number of contractual breaches can be routine in nature and non-compliances are often remedied by the training provider with no impact to the student.

ESTIMATES QUESTION ON NOTICE

No. 5

QUESTION:

Can the Director-General advise what the breach of contract categories were for each of those breaches? Will the Director-General provide a geographic breakdown by SA4 region as to where the 109 RTOs were located and the combined contractual breach amount?

ANSWER:

Breach of Contract Categories

If a registered training organisation fails to comply with contractual obligations set by the Department of Employment, Small Business and Training, including the requirements regarding the delivery of quality training, as well as compliance with program policies and eligibility and retention of and access to records, the organisation has breached its contract with the Department.

Pre-Estimates Question on Notice 5 tabled on Tuesday 8 December 2020 - which this question is relevant to – is related to breaches of contractual obligations identified through audit activity. Below is a list of the specific areas that are assessed by the Department during audit.

Under the ***Queensland VET Investment programs (Certificate 3 Guarantee & Higher Level Skills)***, nine criteria are reviewed against the program and related policies as part of audit activity. These criteria categories are:

Queensland VET Investment Criteria
Eligibility
Concessional Subsidy
Lower Level Qualifications
Foundation Skills
Fees
Training
Vocational Placement
Assessment
AVETMISS Data

Under the ***User Choice (Apprenticeship and Traineeships) program***, seven criteria are reviewed against the program and related policies as part of audit activity. These criteria categories are:

User Choice Criteria
Administration
Employer Resource Assessments
On-the-job Verification
Fees
Training
Assessment
AVETMISS Data

Geographic breakdown – by SA4 region

Please find below the geographic location of the 109 RTOs invoiced for breaches by SA4 region over the almost three-year period. Note that this is based on location of the registered training organisation's head office, **not** the location of delivered training.

As outlined in the Committee Hearing, the Skills Assure initiative was recently implemented on 1 July 2020, which provides a new contracting framework and approach to quality for government subsidised training. As part of the implementation, enhancements have been made to entry criteria for RTOs to be approved to be a new Skills Assure Suppliers. One of these enhancements includes that an RTO's head office must be located in Queensland.

In terms of the combined contractual breach amount, in the almost three-year period from 12 December 2017 to 7 December 2020, 177 invoices were raised relating to breaches identified through contractual audits for a combined contractual value of \$8,529,468.36.

As outlined in the response to Pre-Estimates Question on Notice 5, a number of contractual breaches can be routine in nature and are often remedied by the training provider. Of the 109 RTOs invoiced, only 9 remain outstanding, with \$3,037,127.93 recovered to date, and efforts ongoing to recover the outstanding amounts, including through referrals to the Queensland Police Service.

SA4 Name	Count of SAS providers
Adelaide - West	1
Brisbane - East	5
Brisbane - North	9
Brisbane - South	8
Brisbane Inner City	9
Cairns	2
Central Queensland	2

Darwin	1
Gold Coast	17
Hunter Valley exc Newcastle	1
Ipswich	1
Logan - Beaudesert	10
Mackay - Isaac - Whitsunday	1
Melbourne - Inner	7
Melbourne - North West	1
Melbourne South East	1
Moreton Bay - North	5
Moreton Bay - South	4
Murray	1
Newcastle and Lake Macquarie	1
Northern Territory - Outback	1
Perth - North West	1
Sunshine Coast	5
Sydney - Baulkham Hills and Hawkesbury	1
Sydney - City and Inner South	3
Sydney - Parramatta	3
Toowoomba	1
Townsville	5
Wide Bay	2
Grand Total	109

ESTIMATES QUESTION ON NOTICE

No. 6

QUESTION:

Will the Minister advise how much the government has paid to the 13 Skills Assure suppliers that are under investigation?

ANSWER:

The Department of Employment, Small Business and Training (DESBT) has strong risk mitigation mechanisms in place, including regular compliance monitoring that involves data analytics and contractual audit activity. The department also investigates all complaints it receives regarding training providers (or Skills Assure Suppliers (SAS)).

From 1 July 2020 to 8 December 2020, \$9,299,164 (ex GST) has been paid for training delivery under Skills Assure Supplier Agreements to the 13 training providers currently under investigation. It is important to note that this amount is not equivalent to the amount of any contractual breaches from these organisations.

These organisations remain the subject of ongoing investigations, which also predominantly relate to marketing and recruitment of students, rather than the quality of training delivered. If contractual breaches are proven in the future, the department will seek to recover any applicable amounts for specific contractual breaches at that time.

The amount paid for training delivery to these organisations equates to approximately 5.7% of all payments for training delivery to Skills Assure Suppliers under these Agreements to date.

The department is focussed on continuing to safeguard and enhance the quality of training in Queensland. Importantly, with the introduction of Skills Assure in July 2020, the department has further enhanced compliance monitoring and investigative activities. This includes through new SAS Compliance Checks and new contractual provisions in the SAS Agreement that provide the department with increased access to records and requirements for training provider to declare third-party training arrangements.

The Palaszczuk Government has also already announced tough new measures to protect job seekers from unacceptable practices, like tricking them into training programs, in response to an independent review into 'bait advertising' by the Queensland Training Ombudsman. Any organisation making false and misleading claims will not be tolerated.

The Government has accepted five of the report's recommendations in full and accepted a sixth recommendation in principle.

These new safeguards will include:

- a new Queensland VET Quality Forum, with representatives from the Australian Skills Quality Authority, Office of Fair Trading, Office of Industrial Relations, Department of Employment, Small Business and Training, and the Queensland Training Ombudsman. The Forum's first task will be to improve the way student complaints are handled between the regulatory bodies.
- Better communication with apprentices, trainees, students, employers and training providers
- Review of penalties for non-compliance
- Timely action on complaints to prevent people being misled.

ESTIMATES QUESTION ON NOTICE

No. 7

QUESTION:

With respect to the Skills Assure suppliers, how many state government subsidised students have been trained by the 13 Skills Assure suppliers under investigation?

ANSWER:

As outlined in the Committee Hearing, the Skills Assure initiative was recently implemented on 1 July 2020. Skills Assure provides a new contracting framework and approach to quality for government subsidised training.

From 1 July 2020 to 8 December 2020, 4,166 subsidised students have been engaged in training by the Skills Assure Suppliers currently under investigation under the new Skills Assure Supplier Agreements.

This equates to approximately 3.8% of all students subsidised under Skills Assure Suppliers to date.

If any of the ongoing investigations were to result in a change to the organisation's status as a Skills Assure Supplier, the Department of Employment, Small Business and Training will engage with students to ensure the training of the student remains a priority and students are not disadvantaged. An example of this is the department assisting the student to transition to an alternate training provider.

Any student who is unable to complete their qualifications with a Skills Assure Supplier as a result of a contractual breach would retain their eligibility to subsidised training and be able to continue their training with another approved supplier of their choice.

It is important to note that these organisations remain the subject of ongoing investigations. Investigations predominantly relate to marketing and recruitment of students, rather than the quality of training delivered.

The Palaszczuk Government has already announced tough new measures to protect job seekers from unacceptable practices, like tricking them into training programs, in response to an independent review into 'bait advertising' by the Queensland Training Ombudsman. Any organisation making false and misleading claims will not be tolerated.

The Queensland Government has accepted five of the report's recommendations in full and accepted a sixth recommendation in principle.

These new safeguards will include:

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Relations, Department of Employment, Small Business and Training, and the Queensland Training Ombudsman. The Forum's first task will be to improve the way student complaints are handled between the regulatory bodies.

- Better communication with apprentices, trainees, students, employers and training providers
- Review of penalties for non-compliance
- Timely action on complaints to prevent people being misled.

ESTIMATES QUESTION ON NOTICE

No. 8

QUESTION:

Director-General, will you advise the total investigative costs and any legal costs incurred by the department in association with the 13 Skills Assure suppliers under investigation?

ANSWER:

The Department of Employment, Small Business and Training (DESBT) is utilising existing departmental resources to carry out current investigations.

Generally, where complex issues are identified through investigations, the Department engages investigative services such as specialist external legal advisors and forensic auditors.

Nil external legal costs have been incurred in carrying out the investigations on the 13 Skills Assure Suppliers to date. Ongoing external investigative costs relating to the 13 Suppliers currently under investigation since 1 July 2020 to date total \$117,313.40 (excluding GST).

ESTIMATES QUESTION ON NOTICE

No. 9

QUESTION:

With reference to the answer to Pre-Estimates Question On Notice 17, Director-General, can you advise how many regional and non-regional COVID-19 adaption grant applications were received by the department in total?

ANSWER:

The Small Business COVID-19 Adaption Grants are supporting small businesses impacted by the COVID-19 shutdown restrictions to adapt and sustain their operations and build resilience.

As at 4 December 2020, the following South East Queensland and Regional applications have been received and paid.

	Applications Received	Applications Paid (as at 4.12.2020)
Regional*	7,654	5,897
SEQ	20,859	14,021
Unknown**	8	
Total	28,521	19,918

*Regional applications remain open.

**Unknown: note these applications did not record an address in format that was able to determine the location. The applications have been excluded through the assessment process.

ESTIMATES QUESTION ON NOTICE

No. 10

QUESTION:

I understand that the Better Regulation Taskforce has not produced a report for over two years. Can the director-general advise why that is the case?

ANSWER:

The Better Regulation Taskforce (BRT) has supported the government's regulatory reform agenda since 2017, making a number of recommendations that have been actioned by government. These include establishment of the Small Business Councils initiative and most recently, introduction of a transfer duty exemption for small business restructures.

Since 2018, the BRT has produced the following four reports and recommendations:

- **2020:** Queensland COVID-19 related regulatory reforms – Better Regulation Taskforce recommendations. Submitted by the Taskforce in November 2020 and is under consideration by Government and will be published along with a Government response in due course.
- **2020:** Artisanal Producers Regulation Review Report. Produced by the BRT in September 2020 and is under consideration by Government and will be published along with a Government response in due course.
- **2019:** Small Business Transfer Duty Regulatory Review Report. Produced by the BRT in December 2019; submitted directly to Queensland Treasury as a result of a direct request for further advice on previous BRT recommendation regarding Transfer Duty.
- **2018:** 2018 Better Regulation Taskforce Regulatory Review Project Report. Published in September 2019 alongside Government Response and Action Plan to the report.

ESTIMATES QUESTION ON NOTICE

No. 11

QUESTION:

In relation to the artisanal producers regulation review, will the Director-General advise when the task force will publish the regulation review?

ANSWER:

The Artisanal Producers Regulation Review Report is under consideration by Government and will be published along with a Government response in due course.

ESTIMATES QUESTION ON NOTICE

No. 12

QUESTION:

How much of the \$3.29 million, which relates to alleged fraud, was recouped by the Queensland Government?

ANSWER:

The Queensland Government takes fraudulent applications or submissions in any program very seriously.

In 2019-20, \$3.29 million was identified by DESBT as suspected fraud across all programs, with nine referrals to the Queensland Police Service. These matters represent approximately 0.38% of the DESBT program funding over that period.

It should be noted that five of the referrals related to the Back to Work program, for which zero funding was paid to these applicants and hence, did not amount to any potential financial loss.

As all of the referred matters relate to open investigations, no further information can be provided.

Documents tabled at the hearing

Documents tabled at the hearing – 9 December 2020	
1.	Queensland Government's response to the Queensland Training Ombudsman's report: Review of Training Delivery linked to Advertising of Vacant Positions in Queensland, tabled by the Minister for Employment and Small Business and Minister for Training and Skills Development
2.	Queensland Training Ombudsman's report: Review of Training Delivery linked to Advertising of Vacant Positions in Queensland, tabled by the Minister for Employment and Small Business and Minister for Training and Skills Development
3.	Public Interest Disclosure made to Jarrod Bleijie MP, Member for Kawana, tabled by James Lister MP, Member for Southern Downs

Queensland Government's response to

the Queensland Training Ombudsman's (QTO) report:

Review of Training Delivery linked to Advertising of Vacant Positions in Queensland.



**Queensland
Government**

The Queensland Government welcomes the Queensland Training Ombudsman's (QTO) report titled *Review of Training Delivery linked to Advertising of Vacant Positions in Queensland*.

The QTO plays a vital role helping apprentices, trainees, students, employers and other stakeholders navigate the complex vocational education and training (VET) sector. The independent office offers support to resolve disputes within the VET system and performs an advocacy role for the sector by reporting annually to the Minister for Employment and Small Business and Minister for Training and Skills Development on any issues and ways to improve the system.

This review was conducted at the request of the (former) Minister.

Queensland Government commitment to quality in the vocational education and training sector

The Queensland Government is committed to a VET system that maintains the highest standards of quality and transparency to ensure that students receive the best possible training.

The Queensland Government agrees that it is unacceptable for any organisation to make a false or misleading claim to induce a prospective student to undertake training with a specific RTO and that more needs to be done to assist students to make informed choices.

Investing in Skills is one of the six key priorities identified in the Queensland Government's Economic Recovery Plan – Unite and Recover for Queensland Jobs and the Government's objectives for the community. This reaffirms the government's focus on skills development and training as a critical part of the post-pandemic economic recovery.

As the QTO report states, maintaining quality in the VET sector is a shared responsibility between governments at state and national levels, regulators, industry, training providers and students.

In July 2020, the Department of Employment, Small Business and Training (DESBT) introduced Skills Assure, a new contracting framework and approach to quality for government subsidised training. The key initiative of the Queensland Skills Strategy, *Skills for Queensland – Great training for quality jobs*, makes it easier to recognise providers that offer training subsidised by the Queensland Government. Only registered training organisations that meet the government's entry requirements are authorised to use the Skills Assure identifier.

Overall findings response

The Queensland Government accepts five of the QTO review recommendations and accepts in principle the one remaining recommendation.

The review found that the regulators, including the Office of Fair Trading and the Office of Industrial Relations, did not identify any breaches of legislation. While the review concluded that major systemic changes were not required, it did recommend more timely and targeted action against poor behaviours by contracted Skills Assure Suppliers (SAS) and improved transparency and communication with stakeholders.

The government agrees that jobseekers should not be misled by recruitment companies and where this occurs, action should be taken immediately. DESBT will continue to work with the QTO and other regulators to address the findings of this review.

Queensland Training Ombudsman recommendation	Government response
<p>Recommendation 1</p> <p>DESBT should review current practices to:</p> <ul style="list-style-type: none"> a) consider the timeliness of actions taken for alleged contract breaches; b) identify and take decisive action in relation to funding qualifications it identifies as high risk; and c) focus audit and compliance activity to high-risk areas. 	<p>Recommendation accepted</p> <p>DESBT will continue to play a central role in connecting Queenslanders to quality training through effective evaluation and monitoring of training providers under Skills Assure Supplier (SAS) arrangements. DESBT has strong risk mitigation mechanisms in place with the recent implementation of Skills Assure, and compliance monitoring has been improved. The improvements include new compliance checks and increased access to records and requirements for third-party training arrangements to be declared. DESBT accepts this recommendation with the following comments:</p> <ul style="list-style-type: none"> a) DESBT acknowledges the feedback of stakeholders and is committed to improving the timeliness of actions taken for alleged contract breaches. DESBT takes strong and decisive action against contracted training providers who do not meet the government's high expectations of quality training delivery. DESBT's investigations focus on identifying evidence to support any allegation of non-compliance. Once non-compliance has reasonably been proven, DESBT takes action based on its contractual rights and with awareness of the potential legal implications and the need for confidentiality. <p>DESBT agrees with the QTO on the need to provide clear and transparent updates regarding compliance and SAS behaviour. DESBT will focus on operational improvements to address timeliness, build upon current practices and publish more information on finalised matters.</p> <ul style="list-style-type: none"> b) DESBT monitors investment trends on a monthly basis and undertakes reviews of investment that involves industry consultation to identify any high-risk qualifications. In 2020, DESBT completed a review of qualifications identified in the QTO report, and subsequently implemented 'investment caps' for 2020-21. As in previous years, DESBT will work with the QTO to identify further improvements and actions in relation to high-risk qualifications. c) DESBT will implement a more targeted approach to monitoring and compliance of SAS. The risk-based approach will further integrate the use of data, market intelligence and local expertise. DESBT is continually reviewing its compliance monitoring and audit processes and acknowledges the imperative to respond quickly to issues and risks.

Queensland Training Ombudsman recommendation	Government response
<p>Recommendation 2</p> <p>DESBT should review all guidelines, frameworks and directives to ensure they adequately identify the behaviours required for contracted suppliers.</p>	<p>Recommendation accepted and implementation underway</p> <p>DESBT will continue to review and refine its compliance approach and associated documentation.</p> <p>Following the implementation of the Skills Assure initiative in July 2020, DESBT has updated key policies and guidelines and communicated the changes to SAS.</p>
<p>Recommendation 3</p> <p>DESBT should consider placing additional requirements on contracted suppliers to enhance quality outcomes where appropriate.</p>	<p>Recommendation accepted in principle</p> <p>While the SAS Agreement has increased supplier compliance requirements and strengthened provisions, DESBT will continue to consider further conditions and requirements to ensure quality training delivery, including consideration of minimum training duration requirements to ensure students are job ready at the completion of their qualification.</p> <p>Through partnering with the Queensland VET Quality Forum regulators (recommendation 5), DESBT will consider additional penalties, including the option of introducing an enforceable code of conduct for all RTOs in Queensland (as raised in the QTO Review). Additional stakeholder engagement, via roundtable sessions, will be undertaken with relevant industry bodies, TAFE Queensland, the Independent Tertiary Education Council Australia (ITECA) and other SAS training providers.</p>
<p>Recommendation 4</p> <p>DESBT should improve transparency of actions it is taking to ensure all stakeholders are aware of the importance DESBT places on quality.</p>	<p>Recommendation accepted (noting commercial in confidence implications)</p> <p>DESBT accepts and supports the recommendation from the QTO of the need to prioritise stakeholder awareness.</p> <p>To increase awareness and protections for consumers, DESBT will prioritise the promotion of existing reporting avenues, such as the training scammer hotline, to report issues with training providers. DESBT will ensure that these channels are easily accessible and available for students, prospective students, jobseekers and the general public.</p> <p>DESBT currently distributes a monthly newsletter to contracted training providers, <i>Contract Connector</i>, to provide information on topical or emerging issues. DESBT will consider publishing non-identifying information about non-compliance cases in future newsletters.</p> <p>DESBT will also look to develop a quarterly newsletter to industry stakeholders and employers regarding key quality and compliance updates. DESBT will also consider options for publishing compliance information on the departmental website to provide transparency for current and prospective students. DESBT will continue to treat investigations and enforcement action confidentially as a matter of natural</p>

Queensland Training Ombudsman recommendation	Government response
	justice and refer matters to both State and Federal integrity and law enforcement agencies where appropriate. Confidentiality will be maintained until the matter has reached completion.
<p>Recommendation 5</p> <p>A new Queensland VET Quality Forum should be established.</p>	<p>Recommendation accepted</p> <p>The government supports the establishment of a new Queensland VET Quality Forum, with representatives from the Australian Skills Quality Authority (ASQA), Office of Fair Trading, Office of Industrial Relations, DESBT and the Queensland Training Ombudsman.</p> <p>Whilst collaboration and liaison between these agencies currently occurs, DESBT supports the opportunity to formalise meetings and focus on key sector-wide issues.</p> <p>DESBT will support the QTO in establishing the forum, including the development of Terms of Reference. The forum will report regularly to the Minister for Employment and Small Business and Minister for Training and Skills Development and the Ministerial Skills Roundtable. DESBT will also explore opportunities for VET sector stakeholders as well as consumers to engage with the new forum to swiftly identify key issues.</p>
<p>Recommendation 6</p> <p>The Queensland VET Quality Forum should initially review existing referral mechanisms and student communication channels and implement enhanced processes.</p>	<p>Recommendation accepted</p> <p>The Queensland Government supports this recommendation to ensure that various regulatory bodies are working together to address issues raised by students in a timely and effective manner.</p> <p>DESBT acknowledges that more needs to be done to assist students to make informed choices including clear and accessible information to students to assist them in navigating the complex VET system and make complaints where appropriate.</p>

Review of Training Delivery linked to Advertising of Vacant Positions in Queensland

Report to the Minister for Employment and Small
Business and Minister for Training and Skills
Development

November 2020

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Executive Summary

Maintaining quality in the vocational education and training (VET) sector is a shared responsibility between government, regulators, industry, training providers and students. However, it does not stop there. Other stakeholders that have a role in the VET market must also behave appropriately to maintain the quality and reputation of the overall VET sector.

This *Review of Training Delivery linked to Advertising of Vacant Positions in Queensland* forms part of the Queensland Government's five point plan to ensure recruitment organisations and registered training organisations (RTOs) are behaving appropriately and not taking advantage of job seekers, many who are particularly vulnerable as a result of COVID-19.

This Review explored issues that had been raised by a number of complainants with the Office of the Queensland Training Ombudsman and the Department of Employment, Small Business and Training (DESBT) regarding the alleged inappropriate advertising of job vacancies resulting in applicants being offered places in subsidised and fee-for-service training courses, and media articles that highlighted an apparent increase in this activity as people sought to re-enter the workforce following the impact of COVID-19 restrictions.

This Review specifically investigated the:

- organisations involved in this activity and the relationship between those organisations
- impact on individuals undertaking training offered as a result of responding to job advertisements
- impact on funding arrangements for the Queensland Government (DESBT)
- the role of various regulatory bodies in regulating this activity.

The key findings from this Review indicate that, whilst major systemic changes are not required, more timely action needs to be taken to address poor performance.

Specific findings included that:

1. no breaches of legislation were identified by regulators, however, the activities of the majority of the recruitment organisations identified in this Review are not regulated
2. legislative penalties should breaches of legislation be identified appear to be satisfactory
3. possible breaches of contract (relating to Queensland Government training contracts) provisions have been identified (noting that taking action in regard to the alleged breaches is proving difficult due to the fact there has been no proof that commercial arrangements exist between the parties involved)
4. there are several penalties that can be applied for breaching contract provisions
5. additional penalties and sanctions for breaching contract provisions should be considered
6. improvements need to be made to enhance the actions taken by DESBT
7. additional actions need to be considered by DESBT
8. more needs to be done to assist students
9. complaint referral processes need improving.

To address these findings, the following recommendations are proposed:

1. DESBT should review current practices to:
 - a. consider the timeliness of actions taken for alleged contract breaches
 - b. identify and take decisive action in relation to funding qualifications it identifies as high risk
 - c. focus audit and compliance activity to high risk areas.
2. DESBT should review all guidelines, frameworks and directives to ensure they adequately identify the behaviours required for contracted suppliers.

3. DESBT should consider placing additional requirements on contracted suppliers to enhance quality outcomes where appropriate.
4. DESBT should improve transparency of actions it is taking to ensure all stakeholders are aware of the importance DESBT places on quality.
5. A new Queensland VET Quality Forum should be established.
6. The Queensland VET Quality Forum should initially review existing referral mechanisms and student communication channels and implement enhanced processes.

Background, Purpose and Scope of the Report

A number of complaints were received by the Office of the Queensland Training Ombudsman regarding the alleged inappropriate advertising of job vacancies resulting in applicants being offered places in subsidised and fee-for-service training courses. Concerns raised relate to students utilising their entitlement to a government subsidised course to be considered for a vacancy which does not exist, or where limited vacancies will attract significant interest from job seekers, and inappropriate use of government funding. In many cases, concerns raised also related to the short duration of the training and additional training that was offered but was not delivered (eg forklift training). Media articles have recently highlighted there is an apparent increase in this activity as many people are seeking to re-enter the workforce following the impact of COVID-19 restrictions.

This Review forms part of a five point plan announced by the Queensland Government which includes:

1. an independent investigation by the independent Queensland Training Ombudsman (QTO).
2. a dedicated online compliance unit directly responsible for identifying scammers and referring them to the Australian Skills Authority (ASQA), Office of Fair Trading (OFT) or Queensland Police Service (QPS).
3. a dedicated Training Scammer hotline to report unscrupulous operators.
4. a review of penalties for scammers found to have unlawfully tricked jobseekers.
5. a review of every RTO that receives State Government subsidies with a commitment to cut support if an organisation is found to have tricked jobseekers.

This independent investigation focussed on the:

- organisations involved and the relationship between those organisations,
- impact on individuals undertaking the training
- impact on funding arrangements for DESBT
- the role of various regulatory bodies.

The review methodology involved:

- analysing previous reports from organisations such as the Australian Competition and Consumer Commission (ACCC) regarding these types of issues
- investigating the organisations involved, including their approval by various regulators if applicable
- examining any formal relationship that exists between the organisations
- analysing complaints received and identify the impacts on students
- identifying the regulatory activity undertaken by agencies, including DESBT, ASQA, OFT and Office of Industrial Relations (OIR)
- identifying potential breaches of various legislation, regulations and contract requirements
- identifying enhancements to the co-ordination of regulatory activities across agencies to optimise services provided to Queensland job seekers and students.

This Review did not address the policy intent of government funded training programs, such as the Certificate 3 Guarantee (C3G) and did not consider the effectiveness of the regulation of Private Employment Agents (PEA) or labour hire providers.

A copy of the Terms of Reference for this Review are at **Attachment 1**.

Maintaining Quality in the Vocational Education and Training (VET) System

Maintaining quality in the VET sector is a shared responsibility as outlined in a document released by ASQA (**Attachment 2**).

In the context of this shared responsibility for VET quality, this Review considered :

- the role of various regulators and the current approach to regulating these types of issues
- the role of DESBT in relation to subsidised qualifications
- feedback from industry, unions, RTO peak bodies and other stakeholders
- an analysis of student complaints and consumer protection mechanisms.

Previous Reports and Reviews

Advertising and Consumer Law

The ACCC promotes competition and fair trade in markets to benefit consumers, businesses, and the community. Their primary responsibility is to ensure that individuals and businesses comply with Australian competition, fair trading, and consumer protection laws - in particular the *Competition and Consumer Act 2010*.

In August 2011, the ACCC released a report titled “*Misleading Job and Business Opportunity Ads – How to Handle Them*” which identified that:

- misleading job and business opportunity advertisements cause job seekers a great deal of hardship and difficulty
- misleading job and business opportunity advertisements carry heavy penalties under the Australian Consumer Law ranging up to \$1.1 million for the most serious breaches
- publishers are the first line of defence against misleading or deceptive advertising
- advertisements promoting employment related services, such as training, should not be placed in the same section as genuine ‘Positions Vacant’ advertisements.

The report also identified that advertisements are potentially misleading if they:

- leave out key information such as:
 - nature of work
 - key terms and conditions
 - location
- are not advertising an actual job, noting some advertisements are cleverly worded to convince job seekers to pay for a position that does not exist, and training they probably do not need.

In addition, the report identified a range of strategies that should be used by publishers and provided a checklist for them to use.

Duration of Training Courses

In 2017, ASQA released a review of issues related to unduly short training.

The review found that regulation of duration in VET is complex and confusing. Competency-based training is at the core of the Australian VET system - as it is in many systems around the world. The central tenet of competency-based training is that a learner’s rate of progress is determined by their demonstrated competency, rather than by how long they have spent training.

The current regulatory framework for training packages does not allow training package developers to set clear requirements for the amount of training that a new learner might expect to be required to undertake.

Both local and international examples showed that, in a competency-based system, there are still circumstances in which mandating duration is considered a necessary means of regulating quality. ASQA's review collected information on 11,677 advertisements that showed course duration. The advertisements reviewed included 1098 training package qualifications across qualification levels (Certificate I to Advanced Diploma) and qualification types. These courses were advertised by 1181 ASQA-regulated RTOs on their websites between March and October 2015.

ASQA's review also considered 2015 National Centre for Vocational Education Research (NCVER) enrolment data for ASQA-regulated RTOs, in order to show the level of training activity associated with particular qualifications. If qualifications with large enrolment numbers have high rates of short duration courses, the potential impact of poor-quality training outcomes is heightened. ASQA's review found that more than a quarter of courses were advertising duration of less than the minimum of the Australian Qualifications Framework (AQF) volume of learning range.

ASQA recommended a single, coherent strategy (comprising three related recommendations) to address the unacceptable risk that unduly short training poses to individual learners, employers, industry, the community and the quality of the VET system.

The strategy recommended:

- strengthening the *Standards for Registered Training Organisations 2015* (Standards for RTOs) by defining the term 'amount of training' to include the supervised learning and assessment activities required for both training packages and VET accredited courses
- ensuring effective regulation of training by enabling Industry Reference Committees to respond to identified risk by including appropriate training delivery requirements, including the amount of training: a) in the endorsed component of training packages (as mandatory) where they judge this is warranted, and/or b) in the companion volume of the training packages (as recommended) where this is judged as a more proportionate response to the risk
- enhancing transparency by requiring public disclosure of the amount of training in product disclosure statements, presented in a consistent way to enable comparisons across courses.

The recommendations were considered by the Council of Australian Governments Skills Council Meeting on 20 September 2019. The communique from that meeting advises "Council also considered recommendations to address quality concerns relating to unduly short training. Members agreed to change the Standards for Training Packages to allow for the development of minimum training durations in exceptional high risk circumstances."

Value of Certificate III Qualifications

NCVER released a report in 2016 titled "*Costs and benefits of education and training for the economy business and individuals*". The report identified that:

- for Government, VET delivers an increase in employability and productivity, together with improved social equity
- for business and industry, VET can lead to improvements in staff turnover, absenteeism and workplace culture, together with social benefits
- for individuals, VET delivers a return on investment for Certificate III and above qualifications through an increase in participation (employment) and an increase in productivity (higher wages).

In the NCVER 2019 Student Outcomes Survey for graduate outcomes, it was identified that:

- 54.2% of VET graduates in Queensland enrolled in Certificate III qualifications who were not employed before training were employed after training – compared to the Australian average of 52.3%
- 77% of VET graduates in Queensland were employed after training - compared to the Australian average of 75.8%
- 67% of VET graduates in Queensland had improved employment status after training – compared to the Australian average of 67.1%.

Investing in vocational education and training – Report 1: 2019-20

The Queensland Audit Office conducted an audit in 2019-20 which examined whether DESBT was achieving successful learning and employment outcomes through its public and private providers. Some of the findings of this audit relevant to this review include:

- DESBT directs funding toward the skills and qualifications needed in the labour market by setting training priorities and administering government subsidies aligned to those priorities. This helps to achieve the Queensland Government's aim of offering students either affordable and accessible training that leads to real job outcomes, or further training to meet career aspirations.
- DESBT consults broadly with industry to identify the skills Queensland needs. It conducts its own research and analysis to inform the annual VET investment plan.
- The *Queensland VET Quality Framework* outlines DESBT's approach to overseeing the quality of publicly funded VET and provides assurance about the integrity of funding provided to Pre-qualified Suppliers (PQS) (now known as Skills Assure Suppliers). The framework is risk-based and well managed, with a systematic monitoring and audit program.
- DESBT effectively manages the PQS system to provide a central register of pre-approved RTOs. It has sound contract-management processes supported by comprehensive policies, guidelines, and reporting functions. Contract managers monitor performance and compliance against PQS agreements. Non-compliance can result in sanctions such as recovering funds, suspending funding, or terminating the agreement.
- DESBT reduces or removes funding from training providers that do not meet quality standards or breach contract conditions.
- DESBT is effectively managing the risks of funding private and public training providers in a contestable market. This provides students and the Queensland public with greater assurance that PQS are delivering quality training that meets industry skill needs and supports employment opportunities.

Role of Regulators

Australian Skills Quality Authority (ASQA)

ASQA is the national regulator of the VET sector. ASQA's role is to support the quality and reputation of Australia's VET system through the effective regulation of VET providers, accredited courses, and Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) providers that deliver VET courses and English Language Intensive Courses to Overseas Students (ELICOS).

ASQA's purpose is to provide nationally consistent, risk-based regulation of VET that contributes to an informed quality VET sector that meets Australia's needs.

ASQA takes a risk-based approach to regulation that aims to manage both provider risk and systemic risk. This approach is detailed in ASQA's Regulatory Risk Framework that outlines how they identify and respond to risk in the VET sector.

As at 30 June 2020, ASQA had regulatory responsibility for 3735 providers nationally. This includes 3649 RTOs, of which 34% or 1224 had their head office located in Queensland.

ASQA accepts complaints about providers (also known as reports alleging provider non-compliance) from all members of the community. They use the information reported through complaints to help protect the quality and reputation of the VET and ELICOS sectors.

ASQA is not a consumer protection agency and cannot act as an advocate for individual students. Instead, ASQA assesses all reports alleging provider non-compliance it receives along with the other information it knows about the provider to inform decisions on when and if further regulatory scrutiny of a provider is required.

ASQA advised they have received very few complaints about 'bait-advertising'.

The *National Vocational Education and Training Regulator Act* (NVR Act) and supporting legislative instruments, including the Standards for RTOs, place certain obligations on RTOs that use third parties for training and assessment and/or marketing and recruitment purposes.

The Standards for RTOs require RTOs to notify ASQA whenever they enter into, or cancel, a written agreement with a third-party. Nationally, over 1200 RTOs have reported over 38,000 current third-party arrangements to ASQA.

RTOs must ensure marketing and recruitment activities undertaken by third parties are accurate and factual to enable a prospective learner to make an informed decision. RTOs are specifically precluded from guaranteeing that a learner will obtain a particular employment outcome where this is outside the control of the RTO.

As a risk-based regulator, ASQA uses data and intelligence to target its regulatory activity to RTOs most at risk of not meeting the requirements, including the requirement to manage third-party arrangements. From a regulatory perspective, ASQA can and does assess individual RTOs to make a judgement on their demonstrated practices in monitoring how third parties are marketing to and recruiting new learners.

Office of Fair Trading (OFT)

OFT is Queensland's marketplace regulator. It administers marketplace laws that establish the rights and responsibilities of consumers, businesses and certain licensed occupations. OFT administers the *Fair Trading Act 1989* and Australian Consumer Law (ACL). The ACL is a national law administered by the Commonwealth through the ACCC and each State and Territory's consumer regulator agency.

OFT's purpose is to improve safety and fairness for Queensland businesses and consumers. It does this by providing information and guidance; receiving and conciliating complaints; licensing certain 'high risk' occupations; investigating breaches of the legislation it has responsibility for; and taking enforcement action where appropriate against businesses engaged in illegal marketplace activity.

OFT uses a proportionate risk-based approach to compliance and enforcement which follows an escalation model. OFT's compliance and enforcement policy provides this framework covering risk management, case assessment, investigations and enforcement.

Investigations may be initiated after assessment of complaints from consumers or industry, on referral from other government agencies, or on their own initiative using intelligence from general compliance operations undertaken under the Proactive Regulation of Industry and Marketplace Entities program.

When a complaint is received, it is assessed to identify possible breaches of legislation administered by OFT and, depending on complexity, the degree of risk, and consumer detriment; it is categorised and referred to the appropriate area of OFT for investigation. This triage is generally undertaken by OFT's Case Assessment and Response unit. If a breach of legislation is not evident, complaints may also be conciliated or referred to a more appropriate agency for consideration.

Penalties under the ACL for false and misleading advertising are substantial and include up to \$500,000 for an individual or \$10,000,000 for a company.

Office of Industrial Relations (OIR)

OIR administers a number of pieces of legislation including the *Private Employment Agents Act 2005* (PEA Act) and the *Labour Hire Licensing Act 2017* (LHL Act).

Private Employment Agents Act 2005 and Private Employment Agents (Code of Conduct) Regulation 2015

A Private Employment Agent (PEA) is a person who is in the business, for gain, of finding work for a person or a worker for a person. It is important to note the term "work" is not restricted to work performed under a formal employer/employee relationship.

The PEA Act provides that a person is a PEA if the person in the course of carrying on business and for gain:

- offers to find:
 - o casual, part-time, temporary, permanent or contract work for a person; or
 - o a casual, part-time, temporary, permanent or contract worker for a person; or
- negotiates the terms of contract work for a model or performer; or
- administers a contract for a model or performer and arranges payments under it; or
- provides career advice for a model or performer.

Certain activities are excluded from the definition of PEA, namely:

- where the sole activity is publishing an advertisement about employment opportunities; and
- a person who may hire out a worker to someone else (Labour Hire). In this case, the person continues to be the employer and must meet all obligations of an employer under legislation including the LHL Act.

The PEA Regulation contains a Code of Conduct (the Code) regulating the conduct of agents in their relationships with persons looking for work or for workers.

PEAs in Queensland are not required to hold a licence but must comply with the Regulation. This Regulation establishes enforceable standards of both conduct and service. It does this by specifying the conduct and basic services which are, or are not, appropriate.

The object of the Code is to establish a framework that promotes ethical conduct by PEAs in their dealings with work seekers and others, and to encourage PEAs to provide high quality placement and recruitment services for work seekers and persons looking for workers.

For example, the Code provides that an agent must not, as a condition of finding or attempting to find work for a work seeker:

- charge the work seeker a fee for services or resources provided by the agent; or
- require the work seeker to use services or resources provided by or through a supplier nominated by the agent; or
- accept a financial benefit from a supplier nominated by the agent for the provision of services or resources by the nominated supplier because of a requirement above.

Agents contravening these sections of the regulation can face fines of up to a maximum of 14 penalty units.

The provisions of Chapter 10 of the *Industrial Relations Act 2016* (IR Act) deal with the important issue of the prohibition and limitation of fees charged by PEAs from work seekers.

Under the IR Act, a PEA must not, directly or indirectly, demand or receive from a person seeking work (a work seeker) a fee for finding, or attempting to find, the person work (a finder's fee). Exceptions are provided for an agent who finds work for a model or performer and for an agent who is a manager of a model or performer.

Inspectors are appointed under the IR Act and have the power to require documents to be produced and require information to be given.

Offences against the IR Act may be prosecuted in the industrial magistrate's court. Fees charged in contravention of the IR Act may be recovered in the industrial magistrate's court or the Queensland Industrial Relations Commission.

Labour Hire Licensing Act 2017

Queensland's labour hire licensing scheme commenced on 16 April 2018, and requires all persons providing workers to third parties, in circumstances where they're obliged to pay those workers, to be licensed.

As of 20 August 2020, there were 3278 licensed labour hire providers in Queensland.

The introduction of this licensing requirement was in response to significant evidence of widespread exploitation of labour hire workers including instances of wage theft, sexual harassment, service health and safety concerns and substandard accommodation.

Licence holders must pass a fit and proper person test, comply with all relevant laws, and be financially viable. All applications are risk assessed, and enquiries are made where risk is identified. High risk industries such as agriculture, meat and poultry processing, security and cleaning have a comprehensive audit program.

All complaints regarding licensee behaviour are investigated and referred to relevant agencies as appropriate.

Licensees must report on their activities every six months. Labour hire users must use only licensed labour hire providers. Unlicensed providers and those using unlicensed providers can be liable for penalties of up to \$400,350 for corporations, and up to \$137,987 or three years' imprisonment for individuals.

Inspectors have powers to require documents and information from applicants and licensees, and to enter premises and exercise certain powers under the LHL Act.

Compliance actions available under the LHL Act include:

- providing education and influencing compliance with relevant laws
- imposing conditions
- refusing a licence application
- suspending a licence
- cancelling a licence.

Queensland Training Ombudsman (QTO)

The *Further Education and Training Act 2014* (FET Act) established the QTO as an independent statutory position, which commenced operation in September 2015. The FET Act sets out the key statutory functions and governance arrangements for the QTO. The QTO has established formal information sharing arrangements with a number of entities to assist in achieving outcomes for individuals.

The QTO provides complete wrap-around support for students, apprentices and trainees and other stakeholders, to assist them to address issues with the VET services they are being provided. The QTO has also been tasked to identify systemic issues with the provision and quality of VET in Queensland.

While the QTO is an independent statutory body, the FET Act provides that the Minister may refer a matter to the QTO for review or research and the provision of advice or recommendations.

Role of the Purchaser

DESBT is the Queensland State Training Authority (see **Attachment 2** outlining the shared responsibility for quality), with overall responsibility for the VET system in Queensland, including funding priority qualifications through contracts with approved training providers, and administering the FET Act in relation to the apprenticeship and traineeship system.

DESBT funds a broad range of training and skills initiatives, with the majority of subsidised training funded through the following key VET programs:

- User Choice program – funding provided for the training of apprentices and trainees
- C3G program – funding for students to access a subsidised Certificate III qualification (including access to lower level qualifications if needed by the learner)
- Higher Level Skills program – funding for students to access a subsidised Certificate IV and above level qualification or priority skill set, including interfacing with the Commonwealth VET Student Loans program.

DESBT enters into contracts with a range of RTOs, including TAFE Queensland, to deliver these programs. RTOs approved are currently referred to as Skills Assure Suppliers (SAS). To become an SAS, RTOs must be registered as an RTO with ASQA, have their head office location in Queensland, have the relevant qualifications on their scope of registration and be assessed against the following criteria:

- the RTO's previous training and assessment activity in Queensland
- financial viability of the RTO, determined through an externally conducted assessment
- the RTO's compliance history in Queensland and nationally
- the RTO's subcontracting arrangements
- employer and industry linkages in Queensland, as provided by the RTO
- consideration of current market profile.

SAS enter into a contract with DESBT for the delivery of subsidised training to eligible participants. The subsidy for the delivery of the qualification is paid to the SAS once data has been submitted and validated at the completion of each competency.

To ensure that SAS comply with contract requirements, DESBT publishes a SAS audit evidence requirements document, quality framework and directives and conducts contract audits. Where these audits identify breaches of the contract conditions, SAS can be required to repay funding received, have sanctions applied to their contract or have their contract terminated.

The relevant program to this Review is C3G, which was implemented in 2013 as the Queensland response to the national requirement for each jurisdiction to implement a fully contestable student entitlement funding program to encourage a greater proportion of the population to hold a Certificate III qualification. Contract conditions set benchmarks for employment outcomes to be achieved.

Not long after the commencement of C3G, the contract provisions were strengthened to ensure that contracted RTOs could not use the services of a third-party organisation to market subsidised training. This was further strengthened in June 2016 to require that contracted providers could also not provide payment for the recruitment or referral of students for subsidised training from third-party organisations (such as recruitment companies).

The SAS Third-party Arrangements Fact Sheet states:

In Queensland, SAS are not able to subcontract services from recruitment agents or brokers, or employment/job service agencies, or provide any form of payment for the recruitment of students (clauses 14.5, 14.6 and 18.7 SAS Agreement, SAS Policy Performance Standard 3B and, Marketing and disclosure directives).

Several of the relevant SAS contract clauses are outlined below:

14.5 The Supplier must not give, or agree or offer to give, to another person any valuable consideration with a view to securing the enrolment with the Supplier of a Student or prospective Student in relation to a Qualification funded under a Program.

18.7 The Supplier must not subcontract or enter into an arrangement whereby the Subcontractor promotes, markets or advertises the Program or the Supplier's status as a SAS for the Program.

23. Termination, suspension or removal by Department without cause.

23.1 The Department may, at its convenience, by providing 20 Business Days written notice to the Supplier: (a) terminate this Agreement; (b) Suspend Funding for the Suspension Period; (c) remove, cancel, vary (including by way of deduction or omission) or suspend a Program or Qualification from this Agreement; or (d) vary the whole or any part of the Services (including by deletion or omission),

23.2 and the Supplier agrees that nothing in this Agreement limits or affects other suppliers undertaking, and other suppliers may undertake, the whole or any part of the terminated Agreement or the whole or any part of the omitted or deducted Services or removed, cancelled, omitted or deleted Program or Qualification resulting from the exercise of the Department's rights under this clause 23. The Supplier releases the Department from any Claim in respect of, arising from or connected in any way with the termination of this Agreement, the suspension of funding, the removal, cancellation, variation or suspension of a Program or the variation of the Services under this clause 23.

Role of Other Bodies

Recruitment, Consulting and Staffing Association Australia and New Zealand (RCSA)

RCSA is a membership organisation for the recruitment and staffing industry in Australia and New Zealand.

RCSA members are bound by an ACCC authorised code of professional conduct which requires that:

- RCSA member firms must be managed by a qualified recruitment and staffing professional
- RCSA members have been checked for business integrity

- RCSA member firms are vetted by a Board of industry professionals
- RCSA members remain at the top of the profession through business support, legal support, professional development and access to a network of other RCSA professionals
- RCSA members get access to leading recruitment and staffing technology to ensure you can source and manage the best talent in the market
- RCSA members are required to maintain high professional standards through industry specific training and continuous professional development.

Three organisations linked to allegations relevant to this review are members of RCSA.

Independent Tertiary Education Council Australia (ITECA)

ITECA is a peak body representing independent providers in the higher education, vocational education, training and skills sectors. Membership of ITECA is identified as a pathway to recognise providers who have shared goals of leadership, professionalism and quality.

To become a corporate member of ITECA, VET providers operating in Queensland must be registered with ASQA and must meet financial sustainability requirements and a fit and proper person assessment.

ITECA also operates the ITECA College of Vocational Education & Training Professionals which is designed to recognise individual professionals that have a strong commitment to quality and compliance within the VET sector.

The college is separate from the general membership, and membership confers one of two credentials:

- CEP – Certified Education Professional
- CEM – Certified Education Manager.

Eligibility requirements for CEP are:

- proof of meeting the ASQA requirements mandated for trainers and assessors
- vocational competencies at least to the level being delivered and assessed
- minimum of three years' experience in Australia that provides current industry skills, directly relevant to the training and assessment being provided
- if working with people under 18 years old, a state/territory endorsement for working with minors and/or a working with vulnerable persons check
- completion of professional development activities equating to at least ten hours per year on matters relating to training and assessment
- participating in continuing professional development activities equating to at least ten hours per year on matters relating to the discipline/s the member is working in
- letter of support from two supervisors and/or CEM attesting to their professionalism and demonstrated competency as a trainer and assessor.

Jobactive Providers

A network of jobactive providers, funded by the Commonwealth Government, operate across Australia to provide employment services to employers and job seekers. Whilst the issues relevant to this Review do not involve jobactive providers, it is relevant to identify the services they provide.

Employers looking for staff can receive help from a jobactive provider who will work with the employer to understand their recruitment needs and will tailor services to ensure an employer gets the assistance needed to find suitable staff.

Jobactive services are generally available to individuals accessing an income support payment, with voluntary online employment services available to those not on income support. The level of service to be provided is assessed on an individual basis. Based on that assessment, services provided can include:

- help to get the skills that local employers are looking for
- help to manage other relevant issues
- help to look for up to 20 jobs per month
- access to approved activity
- access to funding to pay for work related items, professional services, relevant training and support after commencing work
- advice with regards to how to access State Government subsidised training where appropriate.

The Commonwealth Government recently launched a comprehensive 'star' benchmarking system for the services offered by each jobactive provider at each location to improve consumer knowledge and choice of their service provider.

SEEK

SEEK is a large online labour market platform used by job seekers and employers. In the majority of instances relating to the activity covered by this Review, complainants have indicated their concerns started once they applied for a job on SEEK.

SEEK has provided the following information to assist with this review:

- the vast majority of job ads placed on SEEK are legitimate, and to help ensure this, SEEK has a dedicated security team whose sole focus is to protect both job seekers' and advertisers' activity onsite. This includes regular screening for fraudulent job advertisements and checking business details to ensure security and legitimacy of the employment opportunity
- in the event a suspicious job advertisement is identified onsite, SEEK has a robust process to investigate and action these matters, including the removal of a job ad that is proven to be non-genuine
- SEEK also encourages users to report suspect or fraudulent activity immediately via a dedicated helpline on 1300 658 700 or online <https://www.seek.com.au/contact-us/>
- SEEK's Career Advice hub, which is freely accessible via seek.com.au, offers dedicated tips and resources for job seekers to protect their privacy while job hunting. These tips cover the information employers can and can't ask for, tips on making sure the employer is legitimate, and advice on what to do in the event a job seeker has concerns about a prospective employer.
- selling or offering services or products (such as learning or educational courses or tools) to candidates whose personal information an advertiser has obtained through their use of the site (including job applications received from candidates) is considered by SEEK to be a misuse of candidate data and is prohibited.

It is noted that SEEK is not a PEA and is not bound by the PEA legislation.

The Role of Individuals

One of the underlying assumptions relating to a quality VET system is that students will be informed, and can effectively make decisions, regarding the training they wish to undertake and RTO they choose to deliver that training. Once informed, students, as consumers, need to take responsibility and ownership for those decisions.

To protect the interests of consumers, there are provisions regarding cooling off periods if an enrolment occurs through unsolicited calls for goods and services. Specifically for students, there are requirements for RTOs to have a refund policy that is readily available to students which also normally includes a cooling off period and identifies any portion of a fee (eg administration fee) that may be retained even if the enrolment is cancelled during that period.

There are a range of tools available to assist students to make informed choices, such as:

- websites including MySkills and Queensland Skills Gateway
- a comparison table provided by the Commonwealth recommending that students seek responses to a range of questions from at least three RTOs prior to committing to an enrolment
- fact sheets or booklets required to be given to students who enrol in subsidised training with an approved RTO, including the fact sheet for C3G, outlining that students will exhaust their entitlement to a subsidised Certificate III qualification.

However, job seekers can be vulnerable, particularly as Queensland recovers from the impacts of COVID-19 and the lure of free or low cost training leading to a job means the process of informing themselves is often overlooked. It can be argued that SAS who take advantage of this vulnerability are not operating within the intent of the C3G program even though the student will have been provided with the required fact sheet.

Students are also not required to be informed that, under certain circumstances, they may be eligible for 'second chance funding' even if they exhaust their entitlement to a first subsidised Certificate III qualification. In general terms, DESBT offers second chance funding opportunities in the following circumstances:

- where the individual goes on to undertake an apprenticeship or traineeship
- where the individual participates in a Skilling Queenslanders for Work program
- where the individual undertakes training with TAFE Queensland in a qualification required for a clearly identified job.

Whilst access to wide ranging second chances has a cost impact, it ensures vulnerable job seekers have a safety net. Once this safety net is explained to students who have undertaken a course and a job has not eventuated, they are generally satisfied and relieved they have other options.

Consultation and Feedback

A summary of feedback received from stakeholders is outlined below.

Industry Bodies

- Believe employers in the food processing and warehousing and many other sectors would not mandate that job seekers must have a Certificate III qualification
- Quality is their main concern, particularly regarding short duration, and the need to retrain someone even if they already have a Certificate III
- Aware of previous reports that outline the benefits to an individual of holding a Certificate III level qualification – enhanced employability and earning potential
- DESBT should address performance issues of identified funded RTOs, and any flaws in contracting arrangements, before consideration of implementing systemic changes to funding arrangements – “Fix the problem not the system”
- Opportunity for increasing traineeships in the industry to address quality concerns and train in a real life situation

- Opportunity for consideration of mandatory vocational placement in qualifications to ensure workers are job ready
- Recruitment organisations are also members of industry bodies.

Unions

- Confirmed they had received no comments or complaints from their members regarding this activity, noting that the target audience are job seekers who are more than likely not union members
- Despite this, believed it is an appalling process targeting vulnerable job seekers and whatever can be done should be done
- Described as “Bastardising legitimate attempts by government and stakeholders to create a skilled workforce”
- Main concern is that people get quality training with concerns regarding duration of training offered as this degrades the VET system, particularly trades at the Certificate III level.

Jobactive Providers

- Expectation from the Commonwealth that they provide a link between vacancies and skilled workers
- Have access to Commonwealth funds to fund short courses or qualifications to enable this
- Often approached by industry sectors – eg a warehousing development where it has been identified a large number of jobs will be available with lead in time to skill workers to enable them to compete for the jobs
- Depending on level of service available to an individual, can be referred to training or to Queensland government subsidised providers
- Train more than the jobs available to provide a suitable pool of applicants
- Often approached by industry associations and labour hire companies
- Sometimes approached by RTOs – stating they want to train for available jobs and wanting to access the Commonwealth funding – significant due diligence undertaken to verify the jobs exist.

Other Stakeholders

- DESBT needs to focus on addressing these critical issues and not on what appears to be trivial contract matters, or assessment matters that are the responsibility of ASQA
- DESBT needs a more effective audit model that provides more penalties than just requiring an organisation to repay funding, and responds quickly to emerging issues
- DESBT needs to establish a contract audit team (Note, DESBT does have a contract audit team but some stakeholders were not aware of the activities undertaken by DESBT)
- SAS that are doing the wrong thing need to be removed quickly to avoid reputational damage to the brand of VET
- There needs to be closer monitoring of expenditure for qualifications and action taken to address issues identified (as has happened previously).

Examination of Complaints and Issues

A number of specific activities have been undertaken by regulatory bodies during this Review.

ASQA

ASQA has a number of ongoing scheduled meetings and regularly engages with the Queensland Government under agreed protocols.

DESBT currently refers complaints and reports about RTOs to ASQA. The information provided from DESBT is recorded and assessed and contributes to making a determination on whether regulatory scrutiny of the provider is required.

ASQA shares the outcomes of its regulatory activities with the Queensland Government. ASQA has commenced a national project to share information consistently with all State and Territory training authorities and has had initial conversations with DESBT about this work.

ASQA is aware of recent media articles reporting recruitment companies advertising entry level jobs in Queensland and seeking applicants who are eligible for government funding with a promise of a job offer.

ASQA has reviewed the RTOs, third-party associations and person(s) mentioned in the media reports. This information has been recorded and assessed and will be used to inform future regulatory activity.

ASQA recently took action against a third-party association for false and misleading advertising and was successful in having a fine imposed on the organisation. The media release is at **Attachment 3**. Whilst not identical to the current issues that are within the scope of this Review, it does highlight the type of action being taken by ASQA, in addition to their regular auditing of RTOs.

OFT Activity

OFT agreed to consider complaint referrals from DESBT about training organisations allegedly engaging in bait advertising practices to entice job seekers to enrol in training programs. It is noted that under the ACL, bait advertising (s.157) refers to a person in trade or commerce advertising goods or services for supply at a specified price. It is therefore not a technically accurate description of the behaviour being alleged. An example of bait advertising would be, for example, a property being marketed for a price substantially lower than what the vendor will accept, to attract interest in the sale.

OFT report that when referrals are made and contact is made with the consumer, often the student or jobseeker is not aggrieved by the training they received but are more concerned that they have not been able to secure employment.

OFT agreed to consider the allegations in terms of *false and misleading advertising* (sections 151 and 153 of the ACL).

Additionally, OFT agreed to map the connectivity and relationships between various parties and entities identified in media reports and in complaints made to DESBT over the previous 18 months, to identify likely targets for subsequent investigation.

While no formal Memorandum of Understanding or referral system is in place between OFT and DESBT, this is not seen as a serious impediment to the co-operation between the agencies in terms of referring and receiving complaints and investigating matters of concern. Indeed, OFT has previously accepted referrals from DESBT in relation to training issues and in 2016 undertook a significant operation assisting DESBT in identifying fraudulent practices by DESBT PQS entities.

While OFT works at a Whole of Government level to address allegations of deceitful practices in the training and recruitment industry, and addressing allegations of false or misleading advertising, it considers other regulators may be more suited to address aspects associated with the issue.

OFT advised that, in their experience, removing the source of funds is always the most efficient and effective way of negating the harm.

OFT assessed available evidence of false and misleading representations and has not been able to identify any claims which would pass an appropriate threshold enabling enforcement action to be taken. Advertising claims generally indicated the availability of positions within a certain industry within a geographic area and it would be impossible to refute the accuracy of those statements.

On all occasions, the advertisements appeared to meet the requirements outlined by the ACCC in their 2011 report and did not breach relevant provisions of the ACL.

OFT also undertook a detailed mapping exercise to understand the linkages between RTOs and the other organisations outlined in complaints and recent media articles. This detailed analysis identified that whilst there appeared to be strong links between several individuals, “the results of the analysis do not support the inference that a breach of ACL has occurred.”

OFT also alerted their interstate and Commonwealth consumer affairs colleagues to the allegations raised in these complaints. Feedback from other jurisdictions confirmed that this appeared to be a matter that was only occurring in Queensland at that point in time.

OIR Activity

Since 2015, the QTO has referred a number of matters to OIR for investigation in relation to PEA activity. On some occasions, organisations were confirmed to not be undertaking PEA activity or had ceased to operate. In cases where it was confirmed the organisation was a PEA, OIR confirmed the advertisements related to true vacancies that had since been filled. In some instances, it appeared organisations had breached the PEA Act. However, complainants were not prepared to provide a detailed statement of evidence to enable OIR to take further action.

During September 2020, OIR conducted an audit of 16 organisations (not RTOs) mentioned in media articles and in past and current complaints lodged with the Office of the QTO and DESBT. This audit identified that only four of the organisations were currently operating as PEAs. Of those four:

- three were assessed as compliant with the PEA Act
- one was deemed not compliant and required to keep work, placement and employer registers. This organisation has now ceased trading and is in the process of being deregistered.

Of the remaining 12 organisations:

- two were approved labour hire agencies only
- two provide services to RTOs, including designing training programs
- two assisted employers to recruit and shortlist but were not PEAs
- two advertised vacant positions and did not perform PEA functions
- one was under external administration
- one was no longer operating as a PEA and was awaiting approval for a labour hire licence
- one was a consulting company for employers
- one offered professional development opportunities for job seekers.

DESBT Activity

DESBT investigates all complaints it receives regarding SAS, including recent complaints regarding a small number of providers and recruitment agencies that are the subject of this Review.

As at 17 November 2020, there were 456 SAS.

To date during 2020, DESBT has received 54 complaints regarding activities of PQS/SAS (as at 16 November 2020). It is noted that four phone complaints were received through the training scammer hotline and one email was received through the training scammer email address (the complaint received via the training scammer email was a duplicate of a complaint previously received directly by DESBT).

Of these complaints, 21 related to activities relevant to this Review, involving 17 third-party entities and 10 PQS/SAS, which is less than 2.3% of current contracted SAS.

DESBT commenced investigations into these 10 SAS, with one investigation completed and investigations ongoing in relation to nine Requests for Information issued.

Actions taken to date include: (note: sanctions and notices are often issued together and the list below may represent sanctions and notices issued to the one supplier concurrently):

- one SAS Agreement has been terminated
- three suppliers have been issued with a sanction “Directive to Cease Enrolments”
- three Show Cause Notices/Notice of Events of Default have been issued
- two additional sanctions, Directives to Cease Enrolments, are currently being prepared to be issued shortly
- two additional Show Cause Notices are currently being prepared to be issued shortly
- two Performance Reviews (forensic investigations) have commenced and are underway
- one supplier has been issued a Directive to Terminate its third-party agreement with a recruitment company.

In relation to the supplier that has been directed to terminate its third-party agreement, it was identified the supplier had engaged the third-party recruitment company to deliver training and assessment services. While SAS are not prohibited from engaging a third-party to deliver training and assessment services, DESBT considers there was a risk in the supplier’s arrangement as there was no visibility for DESBT, or the supplier, to manage any perceived or actual conflict of interest in relation to any student recruitment practices by the recruitment company, as a third-party.

In relation to the balance of the investigations, the majority of the responses from suppliers has been a denial of any relationship with any of the third parties identified by DESBT and further investigations have been ongoing. One of the challenges faced by DESBT in resolving complaints, is the lack of statutory powers to compel the production of documents and to conduct investigations.

Importantly, the aim of DESBT’s investigations is to identify if there is evidence to support any allegation of non-compliance. DESBT would be acting unlawfully if it were to impose sanctions on suppliers in the absence of proven non-compliance.

DESBT investigations into these allegations also include reviewing online marketing, third-party agreement disclosures, ASQA declared third-party relationships, Australian Securities Investments Commission and Australian Business Register searches, reviewing student data, and contacting the student/complainant to obtain further information. Where warranted, DESBT refers complaints to appropriate integrity agencies such as the Crime and Corruption Commission, ASQA, OFT and QPS to ensure appropriate reporting and management of matters in accordance with legislative provisions.

DESBT has risk mitigation measures in place and undertakes regular compliance monitoring. This includes monthly reviews of claims for payment, data analytics and contractual audits. With the implementation of Skills Assure in July 2020, compliance monitoring activities have been further strengthened to include SAS Compliance Checks. Additionally, the new Skills Assure Agreement has also been strengthened to include new provisions that enables DESBT to access further records and for training organisations to be required to declare third-party training arrangements. If SAS fail to comply with the requirements of the SAS Framework, it may result in the termination of their agreement, the removal, cancellation, variation or suspension of a Program or Qualification from the Agreement.

DESBT has also advised it is currently reviewing its contract management and compliance monitoring processes to develop enhanced approaches to these areas and is also planning to undertake a third-party compliance check during 2021, including mapping third-party training arrangements notified to ASQA with third-party training arrangements notified to DESBT by SAS.

QTO Activity

Since its establishment in September 2015, QTO has received a total of 42 complaints (out of 1665 as at 30 September 2020) regarding this issue. Nine of those complaints have been received in 2020.

An analysis of those complaints identified that:

- 35 related to Queensland government funded RTOs (SAS)
- five related to RTOs delivering training under fee-for-service arrangements
- they related to 16 recruitment companies, labour hire companies and consultants
- on almost all occasions, the complainants applied for a job on SEEK
- on most occasions, additional training was also offered (eg forklift training) but not delivered
- complainants generally sought:
 - a refund of fees paid (for fee-for-service training)
 - that the RTOs provided the additional training offered
 - action be taken to ensure the practice of informing prospective students that a job would be available once the training was completed was stopped and government funding should be reviewed
 - clarification over the confusion created by so many organisations being involved once they replied to the job advertisement
 - clarification they had exhausted their entitlement to access government subsidised training.

Outcomes of investigations undertaken identified that:

- job advertisements met the requirements outlined in the ACCC report
- there were more applicants for positions than vacancies
- SEEK had removed advertisements if they had concerns they were not genuine
- whilst individuals wished organisations were reprimanded, they were generally satisfied, and did not wish to be further involved in investigations, when
 - additional opportunities to access government funded subsidies were outlined to them
 - they received their qualification
 - they received the additional training promised
 - they received a refund if appropriate
- whilst there were numerous allegations of financial linkages between organisations, no evidence of those linkages could be substantiated (noting the only restrictions related to SAS and their linkage with recruitment organisations).

Where appropriate, complaints were referred under established processes to OIR, OFT, DESBT and ASQA. It is noted that, on at least two occasions, OIR advised they had identified concerns with the operation of PEA. However, the complainants did not wish to be involved in assisting further investigation of the matters.

For a complaint recently finalised, the complainant advised that:

- he thought the training he attended was well resourced and he was satisfied with the duration
- he was happy to now have a Certificate III qualification and believed it would assist him to secure future employment
- following involvement of the QTO, he undertook training for his promised forklift licence and thought this would also assist him to secure employment.

Key Findings

Overall, the feedback from stakeholders, including complainants, is that more timely action needs to be taken to address SAS that don't meet quality standards, noting the current complaints relate to 10 out of 456 SAS. It was considered that major systemic changes were not required, and as identified in the report from the Queensland Audit Office, DESBT has a range of directives, guidelines and frameworks to guide the activities of SAS.

Only a very small percentage of recruitment organisations are covered by legislation and no breaches of the relevant legislation or ACL were identified.

All stakeholders agreed that some job seekers are vulnerable in the current economic conditions and should not be misled by recruitment companies, RTOs and other organisations.

Specific findings are outlined below:

No breaches of legislation were identified by regulators

- No breaches of ACL were identified by OFT in relation to the advertisements identified
- No breaches of the Fair Trading Act were identified by OFT
- No breaches of the PEA Act were identified by OIR
- No unlicensed labour hire providers were identified by OIR
- No breaches of the NVR ACT or National Standards were identified by ASQA (noting that future audits will continue to consider issues related to this review, including third-party arrangements)
- The activities of the majority of the recruitment organisations identified in this Review are not regulated (confirming information reported in media articles regarding this issue).

Legislative penalties should breaches of legislation be identified appear to be satisfactory

- Penalties for breaches of ACL are substantial
- Penalties for breaches of the Fair Trading Act are considered satisfactory
- Penalties for breaches of the PEA Act and Regulation are considered satisfactory
- Penalties for breaches of the LHL Act are considered satisfactory
- Penalties for breaching NVR Act and National Standards are considered satisfactory – see recent action taken by ASQA at **Attachment 3**.

Possible breaches of contract provisions have been identified (noting that taking action in regard to the alleged breaches is proving difficult)

Under the National Standards for RTOs, RTOs can use third-party arrangements to market and recruit students, provided the third-party arrangements are registered with ASQA and the RTO takes full responsibility for the actions of the third-party.

However, under DESBT contract provisions and evidence guidelines for SAS, they are not able to contract the services of a third-party to market available courses and are not able to pay for and receive referrals from contracted organisations such as recruitment companies. It is noted that, to meet the benchmarks in their contract regarding employment outcomes, SAS will more than likely have linkages with recruitment companies to assist graduating students gain employment.

It is noted that despite many allegations SAS have contractual arrangements with recruitment companies where they pay for student referrals, the existence of any such arrangement has not yet been proven during investigations undertaken to date by either DESBT or the QTO.

It is assumed DESBT has clarified the eligibility of students and other contract provisions have been complied with (as part of regular DESBT contractual audit activity).

There are several penalties that can be applied for breaching contract provisions

Penalties for breaching the SAS contract include:

- suspension of the contract
- variation of part or the whole of the contract
- termination of the contract.

Where breaches of the contract are identified, DESBT also seeks recovery of funding where appropriate.

Additional penalties and sanctions for breaching contract provisions should be considered

During the course of the review, two views were put forward regarding this issue.

The first view was that removing the source of funding and seeking recovery of funds previously claimed provided sufficient penalties for breaches of the contract.

The second view was that more needed to be done to ensure SAS operate within the intent of the program and do not bring VET into disrepute. To achieve this, it was suggested that having the capacity to take action against individuals would provide a greater deterrent. It was suggested this could be achieved through legislation, similar to the PEA ACT and Regulation which establishes enforceable standards of both conduct and service.

Whilst the second view has merit, it must be noted the current issues being experienced with regard to proving a breach could also be experienced in taking this sort of action. One benefit of such an approach could be the consolidation of existing frameworks, directives and guidelines into a single enforceable code of conduct which could either be legislated or enforced through contract provisions.

Improvements need to be made to enhance the actions taken by DESBT

As outlined, DESBT is undertaking a range of activities associated with the alleged breaches of contracts, ensuring the principles of natural justice and fair procedures are applied.

However, feedback indicates there is a need for DESBT to:

- be more transparent about the action they are taking to reinforce the importance that DESBT places on quality
- better target its audit and compliance activities
- provide timely responses to issues identified.

Additional actions need to be considered by DESBT

DESBT has historically had a good track record in monitoring and managing expenditure in individual qualifications or industry areas. For example, previously changes were made to subsidy levels for the Certificate III in Warehousing as a result of a spike in RTO activity. In 2018, DESBT in partnership with the QTO, reviewed nine qualifications that had been identified by DESBT as high risk qualifications. For the purposes of that review, DESBT identified the following market trends may contribute to an assessment as high risk:

- short course duration
- relatively low co-contribution fees
- high use of recognition of prior learning
- relatively high complaint levels
- high growth in students and investment through a small number of PQS.

It is noted the Minister recently announced the capping of a number of qualifications and this is currently being implemented by DESBT. However, given the growth in funding that occurred in qualifications such as the Certificate III in Food Processing, it can be argued it should have been identified as a high risk qualification and action taken much earlier.

DESBT advised it has identified provider trends within these qualifications as higher risk through compliance monitoring processes, with different providers prioritised for audit or other reviews. In addition, Food Processing and other Certificate III qualifications were included in a VET Investment Review project, which resulted in decisions to cap investment levels and other changes to investment settings, including monthly monitoring of these qualifications.

There is also the possibility that DESBT, as purchaser, could consider imposing additional criteria on SAS receiving government funding (such as minimum duration of training to be delivered to new entrants to the labour market to ensure they are job ready).

More needs to be done to assist students

It is unacceptable for any organisation to make a false or misleading claim to induce a prospective student (whether accessing government funded training or undertaking fee-for-service training) to undertake training with a specific RTO. Just as action needs to be taken where possible to address poor behaviour of organisations, more needs to be done to assist students to make informed choices.

There is a need for a review of current arrangements to inform students that must streamline the channels available to students, make information more accessible, provide assistance to navigate the complex VET system and make complaints where appropriate.

Complaint referral processes need improving

It is evident from the activities of various organisations during this Review that ad-hoc or informal referral arrangements are not an efficient use of resources, particularly when complaints may be relevant to multiple agencies. To be efficient, it is considered there needs to be clear understanding of the roles of each entity and the purpose for the referral, clear expectations of what action the other entity will take and what reporting mechanism is expected. Complainants should not be placed on the “referral roundabout” and a single entity should take responsibility for keeping the complainant informed and reporting outcomes to them.

For example, QTO has formal referral mechanisms in place with a range of Commonwealth and State agencies and continues to report to the complainant on the progress of their complaint.

Recommendations

1. DESBT should review current practices to:
 - a. consider the timeliness of actions taken regarding alleged contract breaches
 - b. identify and take decisive action in relation to funding qualifications it identifies as high risk
 - c. focus audit and compliance activity to high risk areas.
2. DESBT should review all guidelines frameworks and directives to ensure they adequately identify the behaviour expected of SAS and consider alternative arrangements if required.
3. DESBT should consider placing additional requirements on SAS to enhance quality outcomes where appropriate.
4. DESBT should improve transparency of actions it is taking to ensure all stakeholders are aware of the importance DESBT places on quality.

5. A quarterly Queensland VET Quality Forum should be established with membership including:
 - a. ASQA
 - b. OFT
 - c. DESBT
 - d. OIR
 - e. QTO (Chair)
6. The Queensland VET Quality Forum should initially review existing referral mechanisms and student communication channels and implement enhanced processes.

Attachments

Attachment 1 – Terms of Reference

QUEENSLAND
TRAINING
OMBUDSMAN

Review of training delivery linked to advertising of vacant positions in Queensland

Objective

The Queensland Training Ombudsman will investigate the organisations involved and the relationship between those organisations, the impact on individuals undertaking the training, the impact on funding arrangements for the Department of Employment, Small Business and Training (DESBT) and the role of various regulatory bodies.

Background

There have been a number of complaints received regarding the alleged inappropriate advertising of positions resulting in applicants being offered places in subsidised and fee-for-service training courses. Concerns raised relate to students utilising their entitlement to a government subsidised course to be considered for a vacancy which does not exist, and inappropriate use of government funding. In many cases, concerns raised relate to additional training that was offered but was not delivered (eg forklift training). Media articles have recently highlighted there is an increase in this activity as many people are seeking to re-enter the workforce following the impact of COVID-19 restrictions.

Scope

The review will:

- analyse previous reports from organisations such as the Australian Competition and Consumer Commission regarding these types of issues
- investigate the organisations involved, including their approval by various regulators if applicable
- examine any formal relationship that exists between the organisations
- analyse complaints received and identify the impacts on students
- identify the regulatory activity undertaken by agencies, including DESBT, Australian Skills Quality Authority (ASQA), Office of Fair Trading (OFT) and Office of Industrial Relations (OIR)
- identify potential breaches of various legislation, regulations and contract requirements
- identify enhancements to the co-ordination of regulatory activities across agencies to optimise services provided to Queensland job seekers and students.

The review will not address the policy intent of training programs such as the Certificate 3 Guarantee. The review will also not consider the effectiveness of the regulation of private employment agents or labour hire companies.

Consultation

Consultation will occur with:

- DESBT
- ASQA
- OFT
- OIR
- Employer Associations
- Unions

- Registered Training Organisations
- Other stakeholders identified during the review, including students and industry bodies such as the Independent Tertiary Education Council Australia (ITECA) and the Recruitment, Consulting and Staffing Association (RCSA)

Outcomes

It is expected a report will be provided that identifies the organisations related to this issue, the relationship between those organisations, the impact on students and jobseekers and make recommendations on regulatory reform to strengthen enforcement arrangements and optimise outcomes for individuals.

Support

DESBT will:

- provide data and information required
- attend consultations as required by the Queensland Training Ombudsman

Resources

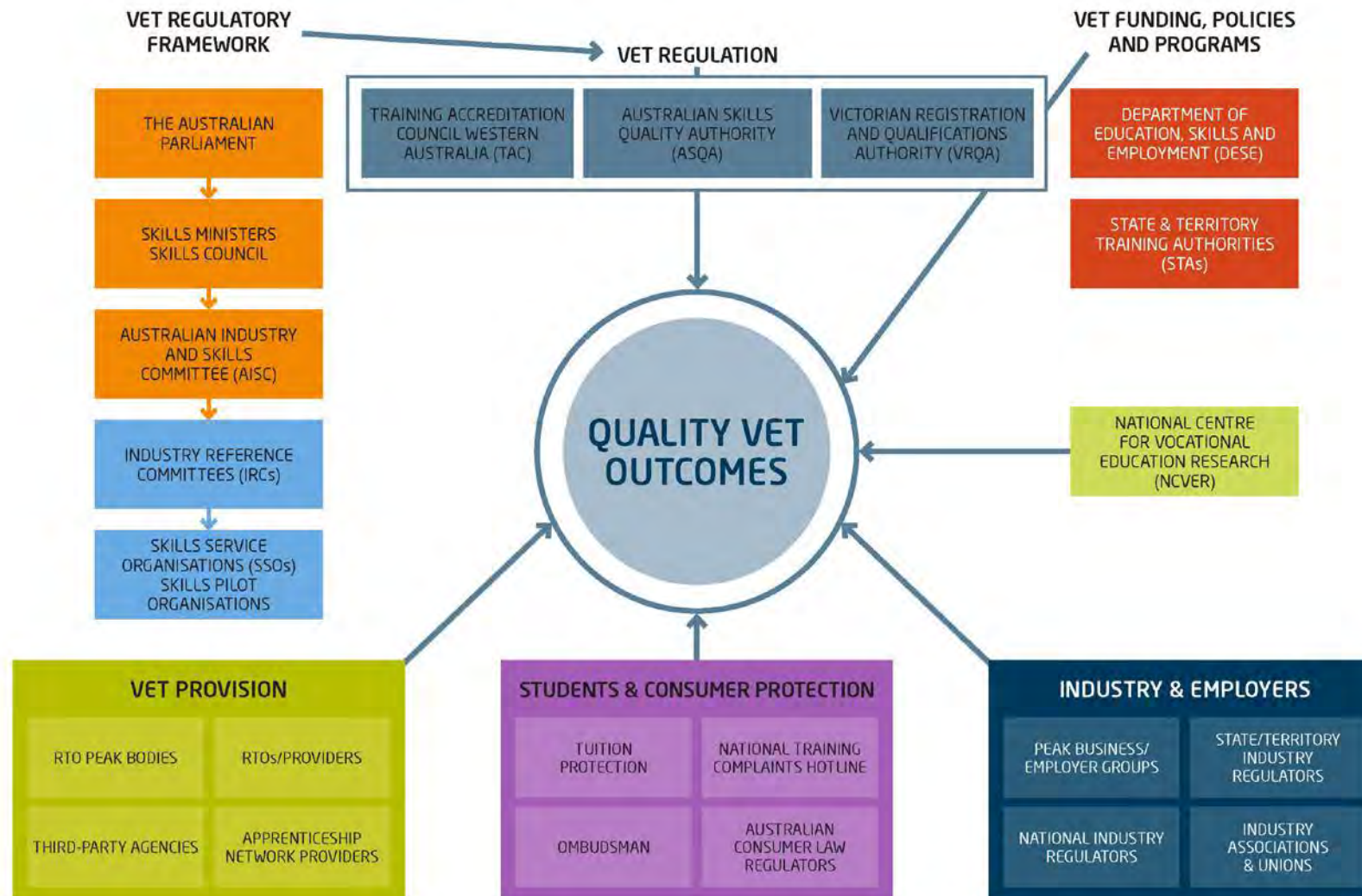
This review will be conducted utilising existing resources.

Timeframe

It is anticipated the review will be completed by 30 November 2020.

Attachment 2 - Maintaining Quality in the VET System

Quality in the VET system - a shared responsibility



Understanding the VET regulatory architecture

The Australian Parliament approves **VET legislation** that ASQA regulates against including the NVR Act and the *Education Services for Overseas Students (ESOS) Act 2000*.

National Cabinet (formerly COAG)

VET REGULATORY FRAMEWORK

VET QUALITY FRAMEWORK

The **VET Quality Framework**:

- the Standards for Registered Training Organisations (Standards for RTOs)
- the Quality Standards
- the Australian Qualifications Framework
- the Fit and Proper Person Requirements
- the Financial Viability Risk Assessment Requirements
- the Data Provision Requirements.

Administered by the Minister for Employment, Skills, Small and Family Business with agreement from the Ministerial Council.

Australian Industry and Skills Committee (AISC) provides advice to the Ministerial Council on the implementation of VET policies. AISC quality assures and approves training packages for implementation.

TRAINING PACKAGE DEVELOPMENT & APPROVAL

Training Packages are sets of nationally endorsed standards and qualifications used to recognise and assess the skills and knowledge people need to perform effectively in the workplace.

Industry Reference Committees (IRCs) determine industry need and oversee training product development.

Skills Service Organisations (SSOs) provide support and related services to enable IRCs to develop and review training packages.

VET REGULATORS

ASQA—THE NATIONAL VET REGULATOR

ASQA regulates against the NVR Act, VET Quality Framework, VET legislation, Standards and Training package requirements.

The Victorian Registration and Qualifications Authority (VRQA) regulates RTOs that operate solely in Victoria and do not offer courses online or to overseas students.

The Training Accreditation Council (TAC) is responsible for the registration of training providers delivering nationally recognised training to domestic students in Western Australia only, or in both Western Australia and Victoria.

VET Research: the National Centre for Vocational Education Research (NCVER) is a national research, evaluation and information organisation for the VET sector in Australia, jointly established by state, territory and Commonwealth ministers responsible for skills. NCVER is the data custodian of the national VET statistical collections and national VET survey collections.

National Careers Institute: Created to improve the quality of career development and career information and services.

National Skills Commission: provides advice and data on workforce skills needs, VET pricing and investment in VET.

VET responsibilities outside ASQA's remit

VET FUNDING, POLICIES AND PROGRAMS

The agencies listed below are responsible for administering VET policies, programs, funding and ensuring compliance of the VET funding contracts they enter into with RTOs. Collaboration and information sharing between ASQA and these agencies are essential to effective VET regulation. A breach of funding program compliance may in some cases also result in a breach of the standards against which ASQA regulates.

Department of Education, Skills and Employment (DESE)
Skills & Training division is the Australian Government department responsible for national policies and programs that help Australians access quality higher education, international education and skills and training. DET provides funding to the VET sector through its programs such as: Apprenticeships Incentives programs, Skills for Education & Employment programs. DET administers the VET Student Loans (VSL) scheme and other specific purpose payments.

State and Territory Training Authorities (STAs) are government departments that participate in the planning of national VET objectives. They are responsible for regulation of apprenticeships and traineeships training contracts within their jurisdiction. STAs are also responsible for administering and ensuring RTO compliance of VET funding criteria, including determining nominal hours to be delivered as minimum to meet funding requirements, applicable to their jurisdiction.

UNDERSTANDING THE BOUNDARIES OF ASQA'S ROLE & RESPONSIBILITIES

VET regulators (i.e. ASQA, VRQA & TAC) are not responsible for the functions of direct consumer protection

VET regulators cannot assist VET students to resolve disputes regarding fees or contract breaches by their training provider.

ASQA's role in consumer protection is to regulate the standards for RTOs which are heavily underpinned by consumer protection principles to ensure that learners are properly informed and protected

Regulation of higher education is the responsibility of the Tertiary Education Quality and Standards Agency (TESQA).

ASQA works with TEQSA to regulate providers that operate in both VET and higher education markets (i.e. multisector providers).

Department of Home Affairs regulates overseas students

who come to Australia to study VET through the approval and regulation of student visas. The Department's office of the Migration Agents Registration Authority (MARA) regulates Australian migration agents. ASQA's role in International education is to regulate the provision of training to these students.

The Administrative Appeals Tribunal (AAT) has the powers to set aside decisions made by ASQA.

RTOs that contest reviewable decisions made by ASQA may apply for an internal review by ASQA. If a resolution cannot be achieved after the reconciliation is completed, an RTO can then apply to the AAT for external review of the final decision.

Industry & employers

INDUSTRY & EMPLOYERS

PEAK BUSINESS/
EMPLOYER GROUPS

STATE/TERRITORY
INDUSTRY
REGULATORS

NATIONAL INDUSTRY
REGULATORS

INDUSTRY
ASSOCIATIONS
& UNIONS

PEAK BUSINESS/ EMPLOYER GROUPS

Peak business/employer groups (e.g. ACCI, AiG, BCA) represent the interests of their members i.e. business and industry, and provide input into vocational training matters.

NATIONAL INDUSTRY REGULATORS

National industry regulators have legislative authority to regulate a particular industry and determine the requirements that need to be met in order for VET graduates to be licensed and/or operate in their industry.

STATE/ TERRITORY INDUSTRY REGULATORS

State/territory industry regulators have legislative authority to regulate a particular industry in their state/territory and determine the requirements that need to be met in order for VET graduates to be licensed and/or operate in that state/territory.

INDUSTRY ASSOCIATIONS & UNIONS

Industry associations and unions represent the interests of their members in a specific vocation, business area or industry, and provide input to vocational training matters relevant to their specific industry.

Employers and industry are integral to a quality VET system.

Employers may employ students while they undertake a VET course (sometimes through a traineeship or apprenticeship pathway) or employ VET graduates.

Group Training organisations (GTOs) provide a specific type of employment arrangement that is an option for the employment of apprentices and trainees. The GTO recruits and employs the apprentice or trainee and places them with a host employer.

Some employers have the dual role of both employer and RTO (e.g. enterprise RTOs deliver training primarily to their own employees).

Nationally recognised VET outcomes are offered in almost every industry in Australia. This diversity of industry and employers involved in the VET sector is represented by a range of bodies and associations.

VET provision



VET provision is integral to quality outcomes.

RTOs and providers are responsible for systematically monitoring, evaluating and continuously improving their practice (including services offered on their behalf by a third party) to assure quality outcomes for students, industry and employers.

RTOs/ PROVIDERS

Being a registered training organisation (RTO) is a requirement to deliver nationally recognised training or a nationally accredited VET course.

*RTOs who offer VET courses to overseas students studying in Australia must also have CRICOS registration.

*ELICOS providers offer English Language Intensive Courses to overseas students.

RTOs operate in an open and competitive market. RTOs can be publicly established providers e.g. TAFE, a private for-profit RTO, a community-based not-for-profit RTO or an enterprise RTO (i.e. an employer and RTO that delivers training primarily to its own employees).

* Specific to overseas students

RTO PEAK BODIES

RTO peak bodies represent the interests of RTOs in Australia. Private peak bodies are often membership-based e.g. ITECA, CCA, ALA, NEAS* and English Australia*. The public sector is represented by TAFE Directors Australia (TDA) and enterprise RTOs are represented by the Enterprise RTO Association (ERTOAs).

*Representing providers that deliver training to overseas students

APPRENTICESHIP NETWORK PROVIDERS

Apprenticeship network providers offer advice and support services tailored to the needs of employers, apprentices and trainees throughout the apprenticeship lifecycle from pre-commencement to completion.

THIRD-PARTY AGENCIES

Third-party agencies must have a written agreement with RTOs in order to provide services related to nationally recognised training on behalf of an RTO. Those services might include recruitment or enrolment of prospective learners, provision of educational or support including services to overseas students, delivery of training and/or assessment, and issuance of qualifications.

Students & consumer protection



Students are at the centre of quality outcomes in the VET sector.

The Council of International Students Australia (CISA) is the national peak student representative organisation for overseas students studying VET, ELICOS or other higher education.

There is not one peak national body that represents the interests of all other VET students as VET students are such a diverse group.

There are a range of organisations that provide avenues for VET sector students to lodge concerns and/or provide consumer protection services for VET students.

DET NATIONAL TRAINING COMPLAINTS HOTLINE

The National Training Complaints Hotline is a joint Australian Government and state and territory governments' initiative that provides a central contact number and referral service for anyone with complaints or queries about the training sector.

AUSTRALIAN CONSUMER LAW REGULATORS

Australia has state, territory and Australian Government consumer law regulators. The Australian Competition and Consumer Commission (ACCC) regulates Commonwealth consumer law and considers student claims regarding breaches of contracts for VET services.

OMBUDSMAN

An ombudsman is a publicly-funded official who acts as an independent intermediary between individuals and governments. Two specialist Commonwealth ombudsmen roles exist with relevance to the VET sector: the VET Student Loans (VSL) Ombudsman and the Overseas Student Ombudsman (OSO). State and territory Ombudsmen operate in their law-making jurisdictions.

TUITION PROTECTION

The Standards for RTOs 2015 (regulated by ASQA) set out requirements for RTOs with regards to pre-paid tuition fees. The Australian Government Department of Education, Skills and Employment (DESE) administers tuition assurance arrangements for VET student loans as well as the Tuition Protection Service (TPS) to assist international students to complete their studies or receive a refund in cases where their provider is unable to fully deliver their course of study.

List of Acronyms

AAT	Administrative Appeals Tribunal	GTO	Group Training Organisation
ACCC	Australian Competition and Consumer Commission	IRC	Industry Reference Committee
ACCI	Australian Chamber of Commerce and Industry	ITECA	Independent Tertiary Education Council Australia
AiG	Australian Industry Group	MARA	Migration Agents Registration Authority
AISC	Australian Industry and Skills Committee	NEAS	National ELT Accreditation Scheme Limited
ALA	Adult Learning Australia	NCVER	National Centre for Vocational Education Research
ASQA	Australian Skills Quality Authority	OSO	Overseas Student Ombudsman
BCA	Business Council of Australia	RTO	Registered Training Organisation
CCA	Community Colleges Australia	SSQ	Skills Service Organisation
CISA	Council of International Students Australia	STA	State Training Authority
CISC	Council of Australian Governments Industry and Skills Council	TAC	Training Accreditation Council (Western Australia)
COAG	Council of Australian Governments	TAFE	Technical and Further Education
CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students	TDA	TAFE Directors Australia
DESE	Department of Education, Skill and Employment	TPS	Tuition Protection Service
ELICOS	English Language Intensive Courses for Overseas Students	VET	Vocational Education and Training
ESOS	Education Services for Overseas Students	VRQA	Victorian Registration and Qualifications Authority
ERTOA	Enterprise RTO Association	VSL	VET Student Loans

Disclaimer: This document provides a brief, introductory overview to assist in navigating the VET system. You should not rely solely on this document to understand the complexity of the roles and responsibilities of the organisations mentioned. Please contact the relevant agency to determine what conditions or eligibility requirements may apply to the services or programs mentioned. Information current as of February 2018.

ASQA welcomes conviction against misleading advertising

25 September 2020

An ASQA investigation into misrepresentation of vocational education training (VET) courses has led to a conviction and \$10,000 fine for Qualify Me! Pty Ltd in the NSW Local Court.

Qualify Me! Pty Ltd was found by the Downing Centre Local Court to have contravened section 123A of the *National Vocational Education and Training Regulator Act 2011* (the NVR Act) by advertising a VET course without identifying the issuer of the VET qualification.

Qualify Me! Pty Ltd describes itself as an ‘education facilitator’ and is not a registered training organisation (RTO). The NVR Act outlines that non-RTOs may advertise courses on behalf of RTOs but must accurately and honestly represent those courses in all marketing and enrolment activities. Part of ASQA’s role as the national VET regulator is to monitor and act when alerted to misleading advertising in relation to VET courses.

ASQA Chief Commissioner and CEO, Saxon Rice, said the conviction was an important reminder for any non-RTO to ensure that they accurately and honestly represent the courses they advertise so that students can make a fully informed decision prior to enrolment.

“It is vitally important that current students, potential students and the wider public have complete and clear information when choosing a course to enrol in, including about with whom they are enrolling.”

The Court found that Qualify Me! Pty Ltd made representations on its website www.qualifyme.edu.au about the availability of the following VET courses without identifying the name and registration code of the RTO that would be providing the qualifications:

BSB51315 Diploma of Work Health and Safety

BSB60615 Advanced Diploma of Work Health and Safety

FNS40615 Certificate IV in Accounting

SIT50316 Diploma of Events

SIT60116 Advanced Diploma of Travel and Tourism.

“ASQA receives a number of complaints and informal queries from students who are unclear on the RTO to which they are enrolled. This lack of information can compound problems for students if things go wrong with their course in areas such as payments, course progression or receiving their qualification. It is crucial that students have access to complete and accurate information about courses prior to choosing to enrol in a VET course,” said Ms Rice.

The ASQA website provides the top three tips for students who are considering a VET course. Before signing up to a VET course, students should understand:

what they are committing to

what the course costs

what the course will deliver.

As the national VET regulator, ASQA continues to play a crucial role in supporting greater transparency, provider quality and student outcomes across the sector.

Tabled by MEMBER Southern Downs
At ESTIMATES HEARING KATC
Date 9.12.20
Signature [Signature]

To Jarrod Bleijie

Alleged Official misconduct and Corruption

Alleged CFMMEU infiltration into the office of Workplace Health and Safety Queensland: (Public Sector Entity), the particulars (a) Alleged Official misconduct in Public office, (b) Abuse of Public Funded Resources, (c) bullying and intimidation of Workplace Health and Safety Inspectors by Construction, Forestry, Mining, Maritime and Energy Union (CFMMEU) officials and Senior/Executive Management within Workplace Health and Safety Queensland (d) Failing to provide a Workplace that is safe and without risk

Hi Jarrod

I have taken the time in writing to you anonymously, regarding the ongoing deterioration within the administration of the office of Workplace Health and Safety Queensland (WHSQ) during the past five years. The evidence canvassed here are only allegations, but have been sourced from many Construction Industry Representative (Managers and Safety Managers), Information from Inspectors and Experienced Senior Construction Inspectors (ESCI), and what I have witnessed and personally endured over the past 4-5 years.

Some of the allegations are based on perception, but the perceptions are very strong, due to the various sources of available information and the many observable circumstances that has shrouded this administration in controversy, suspicion and distrust over the past 4-5 years.

I have only sent these allegations to yourself given your position as a member of Parliament and that I am making a public interest disclosure under the Public Interest Disclosure ACT 2010. Given the allegations of alleged unethical and corrupt behaviour by certain persons [REDACTED], I also believe, I have a legal obligation under the Public Service Acts and the Public Service Code of Practice to disclose these allegations, including, abuse of public funded resources, abuse of Senior Management power and authority, inappropriate illegitimate and disproportionate use of enforcement powers and the granting of preferential treatment, including right of entry benefits for the CFMMEU in pursuit of its Industrial Relations agenda.

There may be a number of emails in this submission that may constitute a breach of the Departments (WHSQ) Code of Conduct on the basis, that releasing such information may be confidential and/or that the information provide is for internal communication purposes only. However, the information is only released to you on the basis that it relates to alleged unethical and corrupt behaviour and not releasing the information will discredit the quality and comprehensiveness of the allegations.

The allegations also include evidence of a total breach of duty to provide a safe working environment free from harm (Occupational violence) and indiscriminate discipline based on CFMMEU complaints about Inspectors. On notice, are also allegations about long term manipulation and abuse of Public funded Inspectorate resources and improper use and makeup of Industry and Review Boards.

All these allegations stated throughout this submission fall directly at the feet of the PALASZCUZAK Government system of administration and failing to maintain proper scrutiny (checks and balances) to ensure that third parties, Ministers and Senior Public Servants uphold the Public Service Ethics and being open, impartial, accountable and transparent in their business dealing with Queensland Industries and their employees.

The information provided in this submission, also includes information and emails from other third parties which form the basis of these allegations. This submission is not about defaming any organisation or person but aims directly at preventing the waste of tax payer funded Inspector resources, escalation in Inspector absenteeism (stress leave), preferential third party treatment, inappropriate use of Inspector resources for enforcement purposes and alleged abuse of Government processes and systems.

Writing this letter to you and others has not been taken lightly, due to retribution and retaliation that could and would be bestowed on me and other ESCI for exposing the alleged corrupt and unethical behaviour of the CFMMEU and some senior officials of WHSQ. For this reason, I cannot provide my name but will provide evidence along with many other experienced construction Inspectors if an independent professional investigation or judicial inquiry was formed to investigate these allegations.

I and other Experienced Senior Construction Inspectors (ESCI) would have hoped that someone in the PALASZCUZAK Government would have taken some form of corrective action or investigation well before this time about the allegations in this correspondence. Here, Inspector and stakeholder complaints and workplace incidences of occupational violence, abuse of public funded resources, abuse of enforcement policies, CFMMEU favouritism and other alleged unethical and corrupt behaviour that has been ongoing within the Agency and known by Senior Management of WHSQ over the past 3-4 years should have been acknowledged and investigated.

Your article on the ENCO saga in 2019 is one of those issues that is covered in this submission.

The ESCI also believe that a few representatives from the construction industry have approached you on the matters stated in this correspondence, however, the Construction Industry in general are very reluctant to come forward due to possible reprisals from the CFMMEU.

The created CFMMEU mentality for the commercial construction Industry to have a pattern CFMMEU EBA, to be able to work within the commercial construction Industry is well and

truly alive in Queensland. However, the Unions have taken on a new determined focus since the PALASZCUZUK LABOR Government came into power in Queensland in 2015. The Experienced Senior Construction Inspectors who have borne the brunt of this woeful administration, are alleging that this new focus has been carefully orchestrated and planned over the past 4-5 years, especially leading up to and following the Best Practice Review 2017.

What we have all witness and watched behind the scenes over the years has been a constant, but carefully planned scheme of manipulation, including, WHSQ smear and blame campaigns, degrading the competency of the Inspectorate, suspect crony appointments (WHSQ Senior Management), Union accommodated review boards, unchallenged CFMMEU legal interpretations, that have resulted in an enforcement regime that is now totally out of balance and out of control and improper. The Experienced Senior Construction Inspectors (ESCI), including many safety managers and consultants have witnessed the distressing changes in the Construction Industry and the CFMMEU involvement in enforcement activities and concur that the Industrial relations landscape and enforcement regime in Queensland is deteriorating at a fast rate.

Furthermore, the allegations made in this submission, evolve around the CFMMEU's unscrupulous, manipulative behind the scenes conduct that has resulted in the relentless flow of dubious unscrutinised CFMMEU legal interpretations of WHS and other legislation that has that have been transformed into biased and favourable CFMMEU Union policies and rubber stamped by WHSQ management and distributed by Marc DENNETT to the Inspectorate.

Most concerning, and what stands apart from all other evidence received and observed over this time is that the posturing propaganda and the alleged infiltration of and manipulation of WHSQ processes has seen a drastic deterioration in proportionate enforcement in Queensland and has taken a drastic toll on the productivity of the Construction Industry and the mental wellbeing of Industry workers and management. The evidence collated from all sources, directly to the build-up and what occurred following the Best Practice Review 2017. What has occurred since this time, is a total breakdown of the administration of WHSQ and the independence of Regulatory lawful Enforcement.

The enforcement system is so broken, that that the Independent Inspector enforcement powers and decisions have been totally realigned and manipulated, whereby, the enforcement decisions based on the inspector's lawful, fair and proportionate reasonable belief model and risk management approach can be disregarded.

With the new enforcement regime, the CFMMEU/LABOR model of mandatory harsh, disproportionate, [REDACTED], can now deliver, at their discretion, the harsh enforcement regime (CMEP) borne from the suspicious BEST PRACTICE REVIEW 2017. Correspondence about the Inspectors dissatisfaction with the Best Practice Review and the implementation of the COMPLIANCE MANAGEMENT ENFORCEMENT POLICY (CMEP) was sent to Senior Management of WHSQ by the TOGETHER UNION and is attached to Appendix 1.

There has been much debate about the validity of the CMEP, and the response from Michelle BROOKER (WHSQ) regarding the TOGETHER UNION correspondence was that the BPR Review and the CMEP implementation was in favour of the Unions, Industry and other interested parties. This information is totally incorrect, and from discussion with Industry stakeholders and reading correspondence for the CHAMBER OF COMMERCE AND INDUSTRY who represent thousands of organisations, have publicly denounced the review as a sham, biased, dismissive and are not the representative views or interests of Industry.

In addition to the lack of transparency and scrutiny, this hideous policy has been implemented without consultation of either WHSQ Inspectorate staff and members or the TOGETHER UNION. The TOGETHER UNION in consultation with the Inspectors, considers the introduction of such a policy as a significant change and as such requires consultation and be representative of all views before it was implemented. It was stated by Senior management of WHSQ that the Inspectors were consulted, however, this is also incorrect, [REDACTED]

[REDACTED] nor was it tabled during the OIR Consultative Committee meetings before it was approved.

What we have witnessed over the past 2 years is an enforcement policy that allows the CFMMEU and other construction related Unions to enter sites, pick a can of spray paint out of a carpenter's tool box and demand that the Inspectors issue a \$3600.00 fine to the subcontractor or builder if the can of paint is not on a chemical register or does not have a material safety data sheet (MSDS). This is one of the hundreds of contemptible examples of what has occurred following the BPR. The review fails to provide any purpose or constructive benefit to any Industry, except for advancement of the Unions demands for harsh enforcement and its implementation of its Industrial Relations agenda using Government resources.

From the Industries perspective, there was no need to change the existing laws and any recommendation or criticism of the review was totally disregarded. It would appear from many Construction Industry Stakeholders that the current levels of Inspector enforcement powers under the existing Work Health and Safety Legislation, Regulations, Codes of Practice Australian Standards and the like, are more than adequate to service the needs of operations of WHSQ.

The ESCI believe that the Compliance Management Enforcement Policy is a worthless, irresponsible, destructive, bungling, self-serving Union document that disconnects Industry from Government, provides no worthy advice or strategies or plans on how to improve or advance Workplace Health and Safety in Queensland Workplaces.

In saying this, I hope that this correspondence will assist in returning some form of unbiased impartiality and independence back to WHSQ and reduce the chronic levels of Union bashing of the Non EBA construction Industry stakeholders and WHSQ. In addition, we all hope that

those who brought and supported this shameful mess and indignity to WHSQ are bought to account and that Inspectors are treated as human beings and not CFMMEU fodder or for Senior management to use an abuse at the discretion of the Unions.

It is also apparent working under this administration leaves no room for redress or airing of complaints or having matters dealt with appropriately. There needs to be a workable, impartial and accountable reporting systems, that will allow freedom of speech without retribution or career impedance so as to prevent or minimise any return of this type of alleged unethical and corrupt behaviour in the future. As an example of this, is that the Inspectors over the past 4-5 years, have no support from senior management to redress many of petty and vindictive complaints made about the Construction Inspectors from the CFMMEU or adequate processes for dealing with alleged occupational violence, unethical behaviour and the like.

I must emphasise, that this correspondence is not a whinging union bashing exercise as would be regarded or portrayed by the CFMMEU and other Unions. Nor are any of the Inspectors trying to defame or denigrate the Union movement or its organisation. Many of these Union entities, are decent, lawful, democratic, compassionate and professionally managed. The TOGETHER UNION is one such Union and highly regarded and respected with an outstanding leader in Alex SCOTT. MR SCOTT and his team has assisted the Inspectors in addressing occupational violence and other issues within WHSQ. The emails relating to TOGETHER UNION are attached in the APPENDIX 2 at the end of this submission.

We are all hoping that all the matters raised here, will be placed under the micro-scope and comprehensively investigated by a Royal Commission, if not, by a professional impartial investigative professional, Judicial enquiry or the Crime and Misconduct Commission. To expose these allegations would require evidence under oath, by persons in Senior Management roles (MARC DENNETT, Helen BURGESS), Craig ALLEN (Director General), Alex SCOTT and Remi ARMSTRONG from the TOGETHER UNION, WHSQ Construction Inspectors, and construction Industry Stakeholders. These Construction Industry Stakeholders include the safety managers and site safety personnel from RAWCORP Constructions, HANSEN YUCKEN, MULTIPLEX, BUILT CONSTRUCTIONS, CONSTRUCTION GROUP, CPB (CROSS RIVER RAIL), CONDEV Constructions, GROCON, SUNLAND, DICKINSON, GARDENER, all of who can provide details about the years of CFMMEU harassment on their sites for not signing up to or refusing to resign a patterned EBA with the CFMMEU.

Insofar as complaints are concerned, one notable example of CFMMEU targeting of Non EBA sites was highlighted by Paul FULLWOOD, Compliance Manager for CONDEV CONSTRUCTIONS. Like many other Non EBA construction Stakeholders, Mr FULLWOOD who has withstood years of CFMMEU militant interference, had the courage to speak up and submit a complaint by correspondence to Helen BURGESS and Marc DENNETT. The compliant has been sent to many Inspectors by third parties throughout Queensland and raises the long term ongoing CFMMEU targeting of CONDEV sites, CFMMEU favouritism from WHSQ management, waste of Inspector resources attending to futile and fabricated CFMMEU

complaints. Mr FULLWOOD's letter to BURGESS and DENNETT and other politicians can be found in APPENDIX 3.

This correspondence to BURGESS and DENNETT received the usual lame scripted response and nothing done by WHSQ or the PALASZCUZAK Government to cease the senseless Industrial Relations Agenda against many construction Industry stakeholders and the construction inspectors.

The construction and other industries and WHSQ employees deserve better than the disgraceful, dysfunctional CFMMEU/LABOR administration that is currently in place within WHSQ. The micromanaging of competent staff, excessive discipline, deterioration of the delivery of services, disgraceful disproportionate enforcement, bully of staff, chronic disregard for health of staff and non-action on chronic absenteeism, suspect crony appointments, time wasting CFMMEU complaints and preparing time wasting Union Interaction reports for CFMMEU records are some of the issues and the list goes on and on.

In addition to the above, the current unworkable regional administrative structure also in place is totally dysfunctional with basis administration management systems overburdened with duplication, tall poppy interference and useless time-wasting meetings. It must also be highlighted that many of the administrative staff in the Regions are disillusioned and irritated with the tiers of micro-management interference in their work and the convoluted and protracted line of reporting to get basic jobs accomplished. Many of these issues need to be investigated along with the many unnecessary taxpayers funded administrative and Senior positions within head office and the regions that contribute to the agencies dysfunction, downfall and waste of tax payers money.

Saying this, it would be a futile and squandered opportunity if these matters here were referred to WHSQ for investigation. The allegations stated here must be investigated by a professional investigative third party so that the allegations of underhanded dealings and other matters can be investigated.

Over the past 4-5 years, it has become evident, and concerning, that many Inspectors within WHSQ have become desensitised to the alleged unethical and corrupt behaviour and the dysfunctional and toxic work environment. As they are unable to provide solutions to fix the system and have no management support or complaint redress (other than the TOGETHER UNION), many have now assigned themselves to the fact that this is the norm and tolerate and accept the situation with many Inspectors fallen to stress leave.

In completing this introduction, I can now fully understand why very few people would go to the effort and pain to lodge a complaint such as this. This submission took considerable time outside work hours to complete and it beggers belief, why a person would have to do this in the first place.

PUBLIC INTEREST DISCLOSURE and POSSIBLE REPRISALS

Although the Public Interest Disclosure Act 2010 makes the Public Sector Entity vicariously liable if any of the entity's employees attempt or cause reprisal against the discloser, there will never be offered protection or support from reprisal from anyone who has control and power over the Senior and Executive management levels within WHSQ.

No whistle Blower protection program or legislation will protect any individual or company from the reprisal that could occur at the hands of this WHSQ administration. It is well known throughout the Inspectorate that any Inspector speaking out against this WHSQ/CFMMEU agency or have the audacity to make public comments on the alleged maladministration with WHSQ will suffer reprisal through demotion, performance management, dismissal or other oppressive disciplinary action.

FURTHER OVERVIEW of PRECEDING EVENTS and the DETERIORATION of the OFFICE OF WORKPLACE HEALTH and SAFETY QUEENSLAND.

At the initial starting point, the office WHSQ started to deteriorate dramatically following a restructure in 2015-2016. The restructure was an absolute disaster for the regional offices throughout Queensland with forced redundancies seeing the demise of many decent, respected and talented Managers. Julie NEILSEN (Executive Director) destroyed the cohesiveness and support networks of the Inspectors that were in place throughout the Regions in Queensland and the moral plummeted to an all-time low. The cronyism and nepotism that burgeoned under NEILSENS leadership and under her immediate Directors and the appointment of inexperienced managers into the regions was unbelievable.

Since 2016 and under the CFMMEU/LABOR administration of WHSQ we witnessed the demise and removal of both Julie NEILSEN (2017) and then Simon BLACKWOOD (Director General 2018) from head office and the appointment of Marc DENNETT and Helen BURGESS (CFMMEU crony). The sad reality is that, even to this day, the toxic workplace culture and alleged maladministration that existed then, has deteriorated and spiralled further out of control due to the allegations stated in this correspondence.

Also within the office of WHSQ and also leading up to and following the Commonwealth Games, the ESCI also detected an abnormal and constant flow of CFMMEU legal interpretations that were unchallenged and developed into enforcement policies, including, Right to Enter guidelines, Inspectors powers to assist Permit Entry Holders and the like. Some of these tactics have not been used by the CFMMEU previously and showed that there were serious independence and transparency issues developing within WHSQ and was becoming increasingly worse from 2016.

From the beginning of 2017, the ESCI observed a change in behaviour of the CFMMEU, and commenced with a deceitful smear and blame campaign, using typical CFMMEU banter and

Propaganda to degrade and undermine the enforcement regime, effectiveness of WHSQ and competency of the Inspectorate. Around the same time, in 2017 we also noticed a rise in CFMMEU occupational violence against the Construction Inspectors and a sharp rise in threatening correspondence from NEILSEN and BLACKWOOD following altercations with the CFMMEU on site or comments made about their behaviour was relayed back to the Department.

The Inspectors, through the TOGETHER UNION have expressed concerns about these and other pointless policies and procedures that have been put into operation over the past 3-4 years but with little explanation. More importantly, given all the previous sources of information obtained from previous investigations, complaints and ongoing correspondence gained from Inspectors, ENCO investigation, TOGETHER UNION about CFMMEU interference in WHSQ operations, then "why did the Minister for the Department and/or Senior Management not take any action to remedy or fix the toxic workplace culture of discontentment, mistrust, and absenteeism that has overtaking and decimated the Agency".

Only through obtaining all the relevant information from the TOGETHER UNION, and records pertaining to Inspectors visits to Union complaints, number of enforcement notices issued to NON EBA stakeholders, sick leave records, staff survey reports, recruitment selections and by interviewing the ESCI and Construction Industry personnel will this ever be exposed. Requiring all the documents **all the documents and witness information** to uncover the CFMMEU/LABOR virus that has decimated the Agency and given unprecedented power and control bestowed to the CFMMEU is essential.

This submission by all accounts, is not about my-self and other Experienced Senior Construction Inspectors having disregard or disrespect for opposing views of the CFMMEU/LABOR Government or performing our duties to the Government of the day. However, what we strongly and vehemently opposed to, is being forced and intimidated to discard or modify our long term valued public service ethics, moral values and legally entitled independent decisions to suit the views, opinions and tyrannical business model objectives of the CFMMEU.

Upon reflection, the ESCI throughout Queensland, have never witnessed such blatant alleged senior management misconduct and third-party interference within WHSQ. The allegations of interference of the CFMMEU into WHSQ has caused so much damage and dysfunctional over the past 3-4 years, that it has generated an enormous upsurge of toxic spiteful interaction between Inspectors, Manager against Manager, Manager against Inspector, Union against Union, Inspectors against Unions etc. Unfortunately, it is ever doubtful that the operations of WHSQ will ever return to its previous public service functionality and team cohesiveness following the disgraceful administration of the previous and current senior management of WHSQ.

In reference to your article written in the Australian Financial Review on the 2nd May 2019, about the ENCO saga and the "Cosy CFMMEU relationship with the Workplace Regulator" is very true. Here, the cosy relationship is exactly what you have stated in this article.

[REDACTED]

[REDACTED]. These are only allegations, but when placing all the sources of evidence and assumptions together, there exist a strong case that these allegations need to be investigated.

As will be covered later in this correspondence, the reasons for conducting the BPR does not add up or make sense. The entire process is shrouded in suspicion, as the BPR 2017 was hastily arranged and implemented with closed meetings, high Union member representation and the result was a worthless and pointless enforcement policy that serves no real positive or constructive purpose except for being of benefit to the CFMMEU Industrial Relations agenda.

Further to your views, as expressed in the Courier Mail about Helen BURGESS and her association with the CFMMEU, these allegations also follow through to the validity and transparency of her acting position as Construction Director and then her appointment to the full time role as Construction Director during and following the build-up of the Best Practice Review 2017. BURGESSs appointment, is without question, a genuine conflict of interests due to her affiliation and devotion to the CFMMEU. Her involvement with providing unvetted Union right of entry access to the ENCO site at Yatala, Caloundra Highway Bypass and coordinating Inspector enforcement squads to target CPB (CROSS RIVER RAIL) and other large construction sites is a real concern to the industry. Refer to the ENCO article in APPENDIX 4 of this submission.

In addition, her alleged association and devotion to the CFMMEU and complying with their commands and requests on a daily basis places her appointment to the position of Director (Construction) into disrepute, as she now has the ability to select and recruit cronies at will, and has the ability to access and exploit public sector funded resources (construction Inspectors) at the disposal for the CFMMEU on request.

One of these examples, involve the selective targeting of the CROSS-RIVER RAIL site. Many ESCI Inspectors have been sent to the site on the request of Helen BURGESS to attend CFMMEU complaints. Due to the opposition of many of the Experienced Senior Construction Inspectors (ESCI) to issue ludicrous frivolous and meaningless low risk notices, the CFMMEU demanded BURGESS employ other Inspectors to the CROSS RIVER RAIL, who would without question issue more enforcement notices for any matter regardless of risk, necessity or validity. These newly appointed Inspectors to the CROSS RIVER RAIL including inexperienced newly recruited Inspectors (> 2 years' experience) have been promoted to higher levels to boost the number of safety enforcement notice at the direction of the CFMMEU to "CPB" the head contractor on site.

These allegations can be supported by Safety personnel on the CROSS-RIVER RAIL site and the ESCI construction inspectors.

In referring to the ENCO saga, it must also be highlighted that the investigation undertaken into this incident, resulted in nothing more than a white-wash and nothing was undertaken to inquire into the CFMMEU interference into WHSQ. It appears that the CCC findings were swept under the carpet and nothing was heard of the matter again. Any decent inquiry undertaken would have to include evidence from Simon BLACKWOOD and Julie NEILSEN (Executive Director) to provide comprehensive inside knowledge of the alleged coverup and the magnitude of Political collusion that has seen the CFMMEU control over the administration of WHSQ.

Many of the Experienced Senior Construction Inspectors also totally agree with your all your comments including the termination of Simon BLACKWOOD (Director General). Like Julie NEILSEN, it is apparent that BLACKWOOD who was a decent person with ethical public service values, found his position untenable due to the CFMMEU infiltration and influence over Executive management decisions made in WHSQ.

It is our belief that their departure was planned to give way for the exclusive selection of persons to senior management positions who will implement without question or opposition, the enforcement policies that emerged from the Best Practice Review 2017.

To resolve the allegations submitted here, would require important questions to be answered, in particular, "under whose authority allowed WHSQ to deteriorate into a dysfunctional, toxic, meaningless public sector agency?, and who allowed and supported the CFMMEU unprecedented liberty to access and control the administration and Inspector resources of WHSQ, policy decision makers, and selection and recruitment process and by what means?

BUILDUP to the COMMONWEALTH GAMES and CFMMEU RETHORIC

In initiating this part of the correspondence, it was necessary to explain that since 2016 up to the build up to the Commonwealth games there was significant changes in the behaviour and tactics used by the CFMMEU to enter and gain control over NON EBA construction companies and WHSQ. From 2018 till 2020 saw a series of events that allegedly caused significant change in the way WHSQ conducted its operations that are seen by many Inspectors and staff as objectionable, corrupt and suspicious.

Firstly, around 2016-2017 there was an increase in CFMMEU aggressive rhetoric against WHSQ management and the Inspectors and then direct occupational violence and indirect intimidation against construction Inspectors using Senior management to discipline Inspectors who they saw did not follow CFMMEU views or opinions. Following an article written by Michael RAVBAR in September 2017, there is no doubt that WHSQ management and the Inspectors were in the sights of the CFMMEU and the information contained in that letter reflects the wording within the terms of reference of the **Best Practice Review 2017**. Notably, this article upholds the stench that something was developing, and all the signs were leading up to the Best Practice Review 2017.

CFMMEU Alleged Propaganda and manipulation process

To bring the Office of WHSQ into disrepute, it is alleged that the CFMMEU needed to sway political and Industry opinions, and this was initiated by comments made by Michael RAVBAR (President CFMMEU) in his editorial on the Toowoomba Range bypass project in 2017 (attached in appendix 5).

RAVBAR intentionally demeaned the office of Workplace Health and Safety Queensland by publicly criticising and dishonestly commenting about the ineffectiveness of the Agency and its inability to enforce legislation by incorrectly implying that the Inspectorate enforcement decision making process is based on its relationship with the stakeholder. [REDACTED]

[REDACTED] This article rang alarm bells for the ESCI.

RAVBAR Letter

As the ESCI believe, that this disturbing piece of propaganda and rhetoric written by CFMMEU Divisional Branch Secretary (Michael RAVBAR), formed part of the smear and blame campaign against WHSQ and the Inspectorate. In this article, published on the 14th September 2017, a point of particular interest was the paragraph that stated, "It is outrageous the WHSQ current policy dictates that an Inspector is required to consider their relationship with the Duty Holder prior to issuing an on the spot fine". No such policy exists or has ever existed, and to insinuate that the Inspectors have to consider their relationship with the duty holder to decide whether a course of enforcement action should be taken, is just another example of the fictitious, unfounded reality created in the minds of the CFMMEU and Michael RAVBAR to compensate for their inability and ignorance to understand the Public Service Ethics and Governance and working constructively with Queensland stakeholders.

The Unions constantly fail to understand the accountability and the high level of responsibility attached to the Inspectors legal duty to undertake and conduct their enforcement and compliance duties in a proportionate, fair, just and unbiased manner. This is totally opposite to the type of enforcement that the CFMMEU would like to administer, and this is exactly what has occurred following the **Best Practice Review 2017 (BPR)**.

BEST PRACTICE REVIEW 2017

Misinformation and justification of the review

When accounting for all the administrative, Union interaction and enforcement policy changes that has occurred within WHSQ, it is astonishing why the CFMMEU and associated Unions would enter into another realm of degrading the standards of WHSQ and demeaning the competency of the Workplace Health and Safety Inspectorate.

It also beggars belief, why the CFMMEU would have any real interest or beliefs in Workplace Health and Safety and their alleged determination in pursuit for harsher enforcement against noncompliance to WHS laws when they, themselves have one of Australia's worst serial recidivists for noncompliance to WHS and Industrial Relations laws.

The organisations woeful and wilful display of dangerous ignorance and belligerent behaviour at construction workplaces includes -flouting of health and safety directions, kicking over safety handrails, entering exclusion zones and standing between moving construction plant, misusing and abusing right of entry powers, disrupting work and causing pointless levels of aggravation between site management and workers, is the pinnacle of hypocrisy. This atrocious behaviour presented here, is not here-say, but facts from the 170 (and counting) judgements made by the Federal Courts rulings against the behaviour of the CFMMEU.

The justification as to why the CFMMEU was so intent to control the administration of WHSQ and its insatiable necessity for harsher enforcement when the organisation has total disregard and contempt for Work Health and Safety laws and site instructions is inexplicable. This further reinforces that the Best Practice Review was just a façade [REDACTED]

At least one matter of important significance relating to penalty provisions was omitted from Best Practice Review and Recommendations. This relates to the omission of mandatory infringement notice penalties for Unions and their officials for offensive aggressive and unlawful and risk-taking behaviour and Union right of entry breaches.

Note- The ESCI would like to highlight that any review of enforcement and penalties need to include the Introduction of mandatory Infringement notice offences for Union officials who disobey official site instructions and wilfully place themselves at risk, failure to comply with right of entry requirements and interfering with safety measures and controls in place for the safety of the workplace.

It is the belief of the ESCI that the BPR review was founded on Union rhetoric and propaganda by publicising misleading statements and dishonest comments on the management of WHSQ and the Inspectors. The CFMMEU comments and the BPR review recommendations only prove that the CFMMEU and aligned UNIONS were on a mission to discredit the Agency and

to serve its drive for enforcement change that would suit their alleged militant Industrial Relations agenda.

The alleged political approvals for this change following the BPR also legitimised the CFMMEU and Unions claim for change and favourable political treatment for infiltrating the administration of WHSQ and the enforcement regime. What we have witnessed is exactly what has occurred, and that is, the BPR initiated through the Unions and [REDACTED]

[REDACTED]

[REDACTED]

The unprecedented power and control gained by the CFMMEU through the shameful and deceitful recommendations of the "Best Practice Review in 2017" (CMEP) and suspect recruitment has now given the CFMMEU alleged unvetted access to Inspectors, using public funded Government resources, oppressing Inspector freedom of speech and redress, and decadently using Inspector enforcement powers to victimise, intimidate and ruin the reputation of Non Enterprise Bargaining Construction Stakeholders (NEBCS).

Although tragic, the Dreamworld incident and Eagle Farm incidences did not substantive or justify the cost or need for a group of LABOR Union cronies and Union associates and other experts to look into the enforcement capability of WHSQ. This review could have been professionally undertaken by an impartial experienced group of experts consisting of lawyers, Professional and experienced Principal Inspectors and Investigators, Professional Safety Consultants and Industry Representative who could have formed and provided an impartial and unbiased view and delivered a meaningful and constructive review on the enforcement capability of WHSQ and the appropriateness of penalties.

When revisiting the entire review, it become clear that from the outset, the ongoing smear and blame campaign against WHSQ and the Inspectors was never going to be a positive outcome for the Agency. In addition, it is highly unlikely that the Union and the Union orientated review board members would have the professional and commercial experience to make important professional judgements about the administration of WHSQ. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

These allegations surrounding the conduct and makeup of the review panel also need to be investigated to ascertain the validity of the review and board member makeup as the process appears to be totally flawed.

From another perspective, Queensland's incident rate has not worsened, and numerous fatalities have occurred over the years and there has been no requirement for a BPR as other Government Organisations have done this especially with the Investigations Unit. The suspicion surrounding this review and why it was quickly undertaken with very little Industry representation and comment only reinforces that the second term of the LABOR Government

was an important period of time to favour the Unions as there would be very limited opportunities to undertake and replicated this façade in the future.

There is also a strong perception that specifically handpicked BPR members were Union orientated and selected deliberately to prevent public scrutiny of the recommendations. There are many questions needed to be answered, such as, which members on the panel were totally Independent from the Unions and who on the board have personal and professional association with the CFMMEU, Council of Unions and/or Tim LYONS.

In particular, did the Members of the panel represent the interests of the Non EBA construction Industry stakeholders and other industries associated with the Queensland Chamber of Commerce. Another obvious omission was exclusion of Senior or Principal Construction WHS Inspectorate representation on the board. This would have provided the Board with Professional, unbiased, and impartial advice that would have been crucial in providing authentic realism to the entire process instead of the whitewash that was presented in the recommendations.

When considering all the allegations, perceptions, assumptions and evidence that surrounds this period of time within WHSQ, it remains doubtful that the numerous beneficial and favourable outcomes that have benefitted the CFMMEU is just a mere coincidence or occurred through a necessity for the safety of workers in Queensland.

From a transparency perspective, it is alleged, that the recommendations from the BPR was contrived from a Union accommodated review panel with very little transparency or scrutiny by industry representatives. This review was harshly criticised by the CHAMBER OF COMMERCE AND INDUSTRY (QLD) who in response to the recommendations stated that the BPR was a closed shop affair, biased and no time allowed for an independent review of the recommendations. This review CHAMBER of COMMERCE and INDUSTRY is a must be read by all, and it shows the arrogance, contemptuous and biased behaviour of the total review process lead by Tim LYONS. In particular, Section 10 of the CCIQ review states "In addition, the nature of the consultation process, specifically informal closed-door discussions accompanied by an informal and non-transparent submission process raises further concerns highlighting the opaque nature of the Review. This degrades the position and defensibility of the Discussion Paper recommendations and report to be presented by Mr Lyons".

This discussion paper can be viewed in Appendix 6.

The Australian Sugar milling council stated in their review "The ASMC believe that the appropriateness of WHSQs compliance and enforcement policy, and the effectiveness of WHSQs compliance regime, enforcement activities, and dispute resolution processes, show no sign of failing and are working well to improve safety within sugar milling. The sugar milling sector has been working closely with WH&SQ to review data and understand risk areas to target compliance and enforcement in the areas of most effect. The milling sector holds regular forums to clarify policy gaps and risk areas, share data and develop capability to self-assess performance of sugar milling companies. This model is demonstrating

continued and sustained improvement across the milling sector in both company and WH&SQ measures."

Also refer to Australian Sugar Milling Review in the same APPENDIX 6

Reality of the Best Practice Review 2017 and the CMEP

It is highly likely that these BPR recommendations would not have seen the light of day if the Best Practice Review Board 2017 if the review was genuine and authentic and formed in the best interest to serve Industry participants. Obviously, this is further from the truth, as it alleged that the review only served the interested of certain parties. From experience, and what is not seen here, is that, any well intentioned and properly constructed review board, together with the inclusion of professional impartial safety experts and experienced Industry representatives focused would have given the Industry participants adequate time and opportunity to review the discussion paper and make worthwhile constructive comments that would best serve the Queensland Industry stakeholders.

It is our belief that this Union/LABOR supported Best Practice review and all the Enforcement policies CMEP (Priority Infringement notices) that followed the political approved process, be totally investigated and hopefully withdrawn. This has been requested previously by the TOGETHER UNION and shows the concerns of the Inspectors that have typically been ignored by this CFMMEU/LABOR agency. The Inspectors hope, that these alleged repugnant CFMMEU influenced policies and legislation are **discarded in the garbage where they belong**, and with all the other Union biased opinions that have been so damaging to name and good will of WHSQ and the professionalism of the Inspectors.

General recommendations of the review and misleading assumptions

When reviewing the Best Practice review release for recommendations it became very obvious that when reading Section 1 of the review, that the review was going to be nothing except for a union contrived document, allegedly devised solely for the purpose for the CFMMEU to push for harsher enforcement policies and legislation. For example, within General Recommendations it was noted that many of these statements are flawed and also misleading and this was a comments placed in the BPR discussion paper, it states the **"general recommendation of the BPR", "While considerable improvements have been made, particularly following criticisms from the Queensland Ombudsman, there is an ongoing need to improve the human capital, systems and processes of WHSQ, particularly in relation to the inspectorate, investigations and prosecutions. Unfortunately, implementation of some improved systems around the auditing of enforcement activity resulted in many inspectors becoming reluctant to issue compliance notices, leading to a very large and inappropriate drop off in enforcement activity"**. This statement is totally fabricated, false and misleading as the Inspectors are not reluctant to issue compliance notices or undertake harsh enforcement. There have been many occasions where a halt on the issuing of notices

due to the imperfections in the format of the notices or legal wording of notices, and thus had to be reviewed. This again shows the ignorance and the inability of the CFMMEU and their Associates to fully understand the multifaceted and sometimes time-consuming role of the Inspectors (investigation, engagement and consultation) and dealing with other Government priorities.

Another section of the recommendations was also filled with delusional review rhetoric by stating, **"General recommendations"** such as "In moving to increase its use of engagement, educative and capacity building strategies, WHSQ "overshot" and has placed insufficient emphasis on "hard" compliance and enforcement. This statement is totally incorrect and misleading, as the Inspectors have always been highly involved in enforcement activities including auditing, consultation and investigations. Again, the CFMMEU and their associates will never understand the complexity, time consuming and labour intensiveness of investigations, report writing, court appearances and other non-related enforcement duties that can seriously impact from time to time on day to day general enforcement activities of the agency.

The Best Practice Review **Section 9** "recommends WHSQ develop a compliance and enforcement policy (new policy) in supplement to the National Compliance and Enforcement Policy that provides sufficient detail about enforcement actions to be utilised in certain circumstances to ensure compliance". In developing the compliance and enforcement policy it is recommended that WHSQ: **a. more precisely identify the use a "directed compliance" as a vital, widely available tool to ensure safe workplaces**; This statement is nothing but a fanciful and delusional statement and is another conjured up idealism created in the minds of the CFMMEU and other Industrial Employee Unions. Directed compliance will not, and has never, ensured a safe workplace. Only due diligence and constant attention to internal Health and Safety management systems (risk management systems) and competent staff and managers are key to safe workplaces. The CMEP policy is not a vital tool as the Unions would have us believe but is crucial to the Industrial relations agenda of the CFMMEU.

[REDACTED]

ENFORCEMENT POLICIES CREATED BY THE BEST PRACTICE REVIEW 2017.

There are hundreds of examples of this alleged abuse of enforcement power using Inspectors as their personal police force. For example, it is alleged, that the CMEP is now

being exploited by the CFMMEU who are going around sites ratting workers tool boxes to find plumbers glue and/or cans of spray paint and demand that the Construction Inspectors issue a \$3600.00 dollar infringement notices to each contractor or Head Contractor if the chemical substance does not have a Material Safety Data Sheet or not on a hazardous chemical register.

This alleged blatant indiscriminate use of priority infringement notices is now in the hands of the CFMMEU and is allegedly being used continuously on Non EBA sites throughout Queensland. This is alleged victimisation of Non EBA companies especially relates to the targeting of CPB the head contractor on the CROSS RIVE RAIL.

The Inspectors who were largely opposed to the implementation of the recommendations from the Best Practice Review have been trying to rid WHSQ of the toxic enforcement policies but Senior Management refuse to amend or revoke the enforcement policies. The TOGETHER UNION has requested explanations as to why Inspector inclusion was declined. The correspondence returned to the Union is typical worthless statement of pointless rhetoric that avoids the real questions the Inspectors wanted answered.

Refer to Appendix 7. for a copy of the TOGETHER UNION submission to Senior WHSQ Management.

Cross River Rail and other Projects

Further to the above paragraphs, the targeting of the CROSS RIVER RAIL by the CFMMEU is very similar to what has occurred on the Toowoomba Range Bypass Project, Commonwealth Games Athletes Village, Commonwealth Basketball village and the Caloundra Highway Bypass where the CFMMEU were on regularly on site calling on Inspector assistance and wasting scarce public funded resources (Inspector resources) in their cause for the Head Contractors to sign or resign a pattern EBA agreement with the Union. However, since the implementation of the CMEP the CFMMEU and associated Unions (ETU, Plumbers Union) can disregard the Inspectors opinion and demand mandatory enforcement options.

Allegations of selective targeting on the CROSS RIVER RAIL project has been ongoing since February 2020, and as of this time, proactive and reactive Inspector enforcement hit squads coordinated by BURGESS have been responsible for issuing over 200 enforcement notices on site coordinated by the CFMMEU.

Due to the number of enforcement notices issued against CPB since February 2020, WHSQ is now taking prosecution action against CPB for Breach of Due Diligence. This matter needs urgent investigation as it is alleged that the CFMMEU have constantly demanded the Construction Inspectors to issue enforcement and infringement notice at will, and irrespective of the nature or severity of the risk.

Here, it is also alleged that this targeted enforcement action also has the potential to destroy the reputation of any competitor to the CFMMEU EBA group of aligned companies, as the enforcement notices can be used by the QUEENSLAND BUILDING AND CONSTRUCTION

COMMISSION (QBCC) to determine the suitability of the builder to tender for state and federal infrastructure works.

In addition to this issue, is the added possibility for the QBCC to take into account the number of enforcement notices issued by Inspectors that could possibly result in the LICENCE CANCELLATION AND SUSPENSION of a person's builder licence.

This was information is highlighted in the QBCC Act and allows the cancellation and or suspension of a builders licence on grounds as stated " the QBCC become aware of facts that make the licensee unfit or improper to hold a licence • **"building or other work on a building site under the licensee's control may have caused a person's death, grievous bodily harm to a person, or involved a serious risk to the health or safety of a person fitness and propriety related grounds"**. Given this particular information in the 2018-2019 QBCC review paper also creates the possibility of a QBCC review board being pressured to cancel or suspend a person's builders licence, based on the number of enforcement notices issued under the CMEP and the infringement policy, even though many of the notices issued may have been allegedly served under inspector duress or issued unnecessarily at the demand of the CFMMEU.

In additional to this, there is no redress for the builder, except for appealing the enforcement notices issued by the Inspector. This process is extremely disruptive to any organisations operations, as the review process itself, can be very expensive, extremely time consuming and complex with many organisations for this reason, opting to accept the notice or pay the infringement fine. The organisations willingness to accept receipt of the enforcement notice or infringement fine is regardless of the legitimacy, validity or necessity for the notice to be issued in the first instance.

As well as the BPR it is suggested that the senior management of WHSQ and its leadership must be comprehensively investigated as with the structure of the Industry Boards (WHS, ESO and QBCC) that are becoming favourably Union accommodating.

Specific examples of Targeted Enforcement

There are numerous examples of alleged blatant targeted enforcement action and some of these includes the Newly Recruited Inspectors (NRI) attending the CROSS RIVER RAIL Project following a CFMMEU complaint. Information relayed from the site verified that a CFMMEU official reviewed a "Work Method Statement" (WMS) for the concrete formwork activities. The CFMMEU official spoke to the NRI and said to him "this work method statement requires that all form-workers wear sunscreen during the day and none of the workers have applied sunscreen. Here, and even though it was around 7:30 am in the morning, the NRI was required to issue a \$3600.00 dollar Infringement notice to the form-worker as the of wearing sunscreen formed part of the mandatory particulars of the WMS. This is another example of abuse of power and why the CMEP should be scrapped immediately.

In another example, the ESCI have been informed by numerous sources that In July 2020, John ASCUNE (BURGESS crony) was directed by BURGESS on the orders of the CFMMEU to get rid of a scaffolding company called "Side by Side Scaffolding" on the Cross River Rail Project. It appears that "Side by Side Scaffolding" crossed paths with the CFMMEU that allegedly resulted in Construction Inspectors continuously on site to do their dirty Industrial relations agenda work.

The sources of Information on site stated, that ASCUNE was heard saying to the Supervisor of "Side by Side Scaffolding", "how many notices do I have to write to get you to leave the site". This is only another example of what has allegedly been occurring on many large Non-Union EBA sites where the BURGESS's cronies are working alongside the CFMMEU to allegedly harass and victimise Non EBA companies and sub-contractors. These allegations need to be verified.

Although the CFMMEU have been targeting the CRR since February 2020, the current push for issuing notices took a different turn when the CFMMEU demanded that more notices be issued as the assigned Inspectors on site, are not fulfilling the notice quota. In response to this, it is alleged that BURGESS recruited additional Inspectors who would, without question, issue as many enforcement notices as possible.

BURGESS then allegedly appointed two Newly Recruited Inspectors (NRIs), Chris MUTTON and Zac TOKEA and promoted them to a higher pay level to target the CROSS RIVER RAIL with another Inspector John AZSCUNE to issue as many enforcement notices as possible regardless of the risk. Information from managers and safety personnel on site also allege that the Inspectors are also allowed Union Officials unvetted access to the site without showing their entry permits and not following the Union Right of entry provision under S(81)(3) of the WHS legislation.

The situation currently still occurring on the Cross River Rail Project and any investigation into this matter must include take statements from CPB safety managers, site managers, Side by Side Scaffolding, and contractors who have targeted by the CFMMEU.

CFMMEU lines of Communication

The preferential treatment shown to the CFMMEU by BURGESS and Marc DENNETT also extends to receiving personal information and complaints directly to their private mobile phones thus bypassing the official AAA notification and email platforms. The AAA information line collates is designed to collect public complaints and incidences and after triaging, the information is sent to the respective regions to action the complaint or incident. Here, and upon receiving a complaint from the CFMMEU, BURGESS or DENNETT either arrange or contact the Operations Manager for immediate access to Inspectors to ensure that the CFMMEU are not inconvenienced by delay regardless of whether or not the inspectors are occupied with other inspector duties.

Further to this, it is alleged that the CFMMEU officials contact either Marc DENNET or Helen BURGESS directly on their personal mobile phones to complain about any Inspector who opposed their enforcement decisions and demands while on site.

This preferential treatment arranged by BURGESS, ensures that the CFMMEU are offered quick access to public funded resources (Inspectors) and those Inspectors who fail to answer their phones immediately when contacted, are placed on performance management. **This is just another level of Inspector intimidation introduced by Senior Management to ensure that the demands of the CFMMEU are met. This another area that is required to be investigated.**

BURGESS association with the CFMMEU

Helen BURGESS was a highly controversial appointment in the Construction Unit and her rapid elevation to executive level has raised serious questions about the selection and recruitment process due to her CFMMEU affiliation. Her appointment since the demise of Darryl BROOKER in 2017 and alleged unethical behaviour and support for the CFMMEU has brought the agency into disrepute and even though these events have been published in the print media and investigated, no form of any disciplinary action was initiated or other charges were laid against BURGESS.

I find this extraordinary, given that the numerous statements provided by the Experienced Construction Inspectors to (Peter COKER) of O'CONNOR MARSDEN (OCM) who investigated the ENCO complaint. These damning articles that have been publicised in the Courier Mail showed favourable treatment to allow CFMMEU right of entry onto the ENCO manufacturing facility and the presence of BURGESS becoming personally involved on behalf of the CFMMEU. If any further investigation into these allegations are made it is imperative that this investigation and the information collected by the Construction Inspectors be obtained to show the history of her alleged unethical and corrupt behaviour. Refer to the print media articles regarding the matters of ENCO and BURGESS's involvement.

The ESCI are also infuriated and frustrated at being continuously demanded to attend frivolous and malicious Union complaints and being enforcement whipping boys for the CFMMEU and Helen BURGESS (Construction Director).

Helen BURGESS appointment

The allegations of cronyism and the selection and appointment of Helen BURGESS to the position of (Construction Director) shows there are serious problems within the Public Service Selection and Recruitment process.

Under the PUBLIC SERVICE ETHICS ACT, BURGESS should have declared her total allegiance to the CFMMEU (conflict of interest) to the Interview Panel, and she should have been immediately excluded from the selection process. In addition, those on the interview panel need to be questioned about the methods and evidence used to assess BURGESS's suitability to the position, and her ability to decide and make competent impartial decisions that will not

bring the agency into disrepute with Industry stakeholders. If the interview panel were aware of her conflict of interest regarding her allegiance to the CFMMEU then the panel members acted unethically, and they should be stood down or brought to account and BURGESS relieved from her position immediately.

To ascertain whether the interview panel was independent and impartial, the matter must be investigated as to who was on the panel; who provided reference statements; was the information on her resume ratified for authenticity; what the merit selection criteria assessing her ability to effectively manage a diverse professional construction team fully assessed and **was her allegiance and loyalty to the CFMMEU declared as a definite conflict of interest raised before the interviewing panel.**

It must be acknowledged that Helen BURGESS and Marc DENNETT are protected species of the CFMMEU and their appointments to Executive Director and Director levels gives them total control of the Inspectorate resources and gives the CFMMEU immediate availability to enforcement personnel to implement the CMEP.

WHSQ and Treatment of staff

The treatment of staff at the hands of BURGESS and the CFMMEU is revolting to say the least. BURGESS'S treatment of Operation Managers, Andrew McKENNA and NIC DRAPES are examples of appalling management and leadership towards two highly respected and professional Inspectors who questioned the need for harsh enforcement demanded by the CFMMEU on the CROSS RIVER RAIL and within numerous construction sites in the Mount Gravatt/Brisbane area.

Nic DRAPES (Ops Manager- Brisbane) became a target for BURGESS's bullying, when he questioned and complained about the excessive level of enforcement demanded by the CFMMEU over a low risk matter on the CROSS RIVER RAIL project. DRAPES was involved in a CFMMEU dispute and CPB conducted a complete and thorough risk management process for the activity. The CFMMEU did not accept the risk management or (WMS) and demanded that entire area be closed down. Nic DRAPES was opposed to this and BURGESS bullied DRAPES to submit to the demands of the CFMMEU resulting in DRAPES suffering a mental stress illness requiring time off work. Since July 2020, DRAPES has not returned to his position as Ops Manager

The treatment of Andrew McKENNA, is also repulsive, as he was also opposed to the heavy, harsh and unnecessary enforcement demands being made by the CFMMEU on many construction projects. He was also bullied and placed on performance management because he did not agree with the opinions of the CFMMEU. He also suffered from a stress related illness and returned to the Asbestos Unit and demoted to his previous substantive position as a Principal Advisor (Asbestos). It is essential that if these allegations are investigated that both Nic DRAPES and Andrew McKENNA provide statements regarding BURGESS's bullying and favouritism to the CFMMEU.

The harsh, unnecessary and oppressive enforcement regime now administered by the WHSQ Construction Inspectorate under the management of Helen BURGESS is now considered a laughable joke to the majority of Construction Industry stakeholders. It is also a common saying within the construction industry that the Inspectors "should be wearing black CFMMEU signed hard hats". Hearing these remarks are extremely embarrassing and degrading to the professional standing of the experienced senior construction Inspectorate.

In relation training and development of the Newly Recruited Inspectors (NRI > 2 years experience), BURGESS has tried to segregate the NRIs from the main stream ESCI due to the fact that the ESCI are not aligning themselves to the CFMMEU enforcement beliefs and values. BURGESS has gone out of her way to groom the NRIs by holding separate meetings away from those (ESCI) and prevent the ESCI from providing professional training and mentoring to that group.

BURGESS and the release of information to the CFMMEU

The allegations of alleged unethical behaviour also extends to the personal work information being relayed back to the CFMMEU. There have been numerous issues brought up by CFMMEU officials in personal discussions with Inspectors regarding Inspector comments made at meetings, teleconferences etc, regarding CFMMEU behaviour on sites. BURGESS is the prime suspect as she has been present at many meetings and privy to hearing the information with Construction Inspectors. This is another reason for the dismal Employee staff survey results because BURGESS and other Senior Managers cannot be trusted.

TOGETHER UNION

The **TOGETHER UNION** under the leadership of Alex SCOTT has fought hard to protect and shield the Construction Inspectors from occupational violence issue on construction sites. Alex SCOTT and Remi ARMSTRONG (Industrial Officer) have solely supported the Inspectors on many fronts, including, confronting WHSQ Senior Management on CFMMEU and WHSQ Senior on Occupational violence (Management bullying and intimidation), chronic absenteeism, concerns and complaints regarding the implementation of the CMEP and inspector abuse from the CFMMEU to name just a few.

The **TOGETHER UNION** initiated Protected Industrial Action (PIA) on behalf of the Construction Inspectors following a series of continual occupational violence incidences on many construction sites throughout Queensland. As these incidences increased the Inspectors sought assistance from the **TOGETHER UNION** who initiated a series of "Protected Industrial Action" notices against those construction sites where the abuse was occurring.

At the time of the Protected Industrial Action, the CFMMEU was undertaking a concerted campaign in targeting Non EBA construction sites, meaning that the CFMMEU could not

demand Construction Inspector attendance at those PIA sites. This caused a significant disruption to the enforcement agenda of the CFMMEU and obtaining unvetted right of entry onto construction sites.

CFMMEU CONDEMNATION of ALEX SCOTT

If there is one piece of history that totally shows the true colours and beliefs of the CFMMEU, was their smear campaign against Alex SCOTT, (President of the TOGETHER UNION). Alex SCOTT and other Industrial officers from the TOGETHER UNION were assisting and supporting the Inspectors from continual Occupational violence while attending CFMMEU complaints on Non EBA construction sites.

As the TOGETHER UNION was working on behalf of the Inspectors endeavouring to protect the Inspectors from occupational violence issues the CFMMEU started distributing unauthorised material outside his office in Brisbane in an attempt to discredit him in the lead up to the TOGETHER UNION election. This information provided to all Inspectors proves beyond doubt that the hierarchy of the CFMMEU are not fit and proper persons to be in control of an Industrial Employee Union.

This pathetic display of intimidation against one of their own and against a decent and respectable person fulfilling his legal duties to protect his Union Members from occupational violence is beyond comprehension.

The real nail in the coffin came when WHSQ Senior Management in party with the CFMMEU conjointly took the matter to the QIRC to overturn the Protected Industrial Action. This matter was settled and the PIA's revoked, providing WHSQ ensured protection from occupational violence.

Refer to Appendix 8 relating to Alex SCOTT's email to members regarding CFMMEU unauthorised materials being circulated following his support for Inspectors from Occupational violence issues and the Protected Industrial Action taken.

Dissatisfaction of the Inspectorate (Working for Queensland Staff Surveys)

The Employee staff surveys over the past 4 years have been damning for the previous and current senior management. The damning results from the 2016-2019 staff surveys only further reinforce the dissatisfaction of the CFMMEU/WHSQ agency and the leadership and management of the WHSQ Executive team over this time. The dissatisfaction has caused the Inspectors to turn against management for its failure to **independently** exhibit strong ethical and moral values and fair treatment of staff. Their disregard for the health and safety of staff, cronyism and favouritism, dubious selection and recruitment appointments, favourable treatment to the CFMMEU, adverse treatment of stakeholders, waste of tax payers funded resources have all come home to roost with the surveys.

Worst of all, nothing has changed over those 4 years except for ongoing support from the TOGETHER UNION and the advent of the Organisational Culture Unit that was set up only to deal with the enormous rates of absenteeism caused by this CFMMEU/WHSQ agency. In response to the dismal survey results, the Inspectors have been provided a Team Culture Training Program that has been used as a self-reflection program to find areas where improvements can be made by the Inspectors to change their behaviour and in return instil trust back into the organisation. This Team Culture Training program is an absolute disgrace and insult to the ESCI and proved the level of denial of Senior Management to deal with the CFMMEU infiltration into WHSQ and appalling treatment of staff.

All I can say and with many other ESCI views is that the entire Culture Training Program is nothing but a façade to cover the failings and incompetence of Senior Management.

Ensuring Integrity Bill (Federal Perspective) Fair Work (Registered Organisations) Amendment (Ensuring Integrity No. 2) Bill 2019

Many other issues that have occurred over the past 4-5 years have raised other concerns for the entire Construction Industry. What is most concerning is that with every CFMMEU and affiliated Union amalgamation increases the power and control and the possibility for influencing politicians and others. Underlining this power is disobedience and unruliness that allegedly increases the belligerent and militant behaviour of the CFMMEU/ Union movement. At present the CFMMEU can do whatever they need to do with impunity and is condoned by the LABOR party. One only has to take notice of the allegations stated here to show what can happen when a powerful and wealthy Industrial Employee organisation and their hierarchy, plan and manipulate government process and political opinions and take control of an enforcement agency and its resources in a way that can legitimise its own agenda. This behaviour of the persons behind this alleged woeful mess are not fit and proper persons and should hold no position of authority in any Organisation.

This is why the "Ensuring Integrity Bill" must be reintroduced into the Senate. Many of the Construction Inspectors were extremely disappointed that the Fair Work (Registered Organisations) Amendment (Ensuring Integrity No. 2) Bill 2019 had been withdrawn from the Senate. At present there are many CFMMEU officials (**not all**) that are not fit and proper persons to play any part of an Industrial Organisation and this has played out in many other states in Australia.

There are many pleasant, decent, well intentioned CFMMEU and other construction related Union officials who are well liked within the Industry, however some are not.

Federal court cases revealing Union officials kicking over safety handrails on construction sites to create a safety risk to which they demand enforcement action against the head contractor and entering into high risk exclusion zones to cause chaos and standing between moving plant

to stop deliveries and concrete pours are example where these CFMMEU officials and others need to be excluded from any part of a Union.

To this point, and from the view of many Inspectors, it is imperative, that all Independent (senators HANSEN and LAMBIE) and the Liberal National Party National address this issue with the construction industry and look into reintroducing the Amendments to the Fair Work (Registered Organisations) Act 2009.

As part of this Bill they should introduce a public interest test for amalgamations of registered organisations as this is one major concern for all of the construction Industry in Australia.

Conclusion

All the allegations stated here, have many inferences to conflict of interests, alleged unethical and corrupt behaviour and must be investigated.

The allegations based in this analysis leads to one important assumption and that the result of the CFMMEU's influence over politicians and Industry Boards and Review Boards points directly to the CFMMEU trying to encourage Industry participants to sign up to EBAs. The financial benefits to the CFMMEU from such EBA's makes self-interest a significant motivator.

It is unfortunate that the allegations stated here had to be made at all, but the truth lies in the fact that what is happening in Queensland could be happening or happening in other Australian States and Territories.

APPENDIX ONE

APPENDIX 1 that shows Inspector dissatisfaction with the Compliance Management Enforcement Policy under the new enforcement regime.

RE: CMEP Implementation lack of consultation

Thu 24/01/2019 4:54 PM

Remi Armstrong <Remi.Armstrong@together.org.au>

**To Michelle Brooker <Michelle.Brooker@oir.qld.gov.au> Andrew Harris
<Andrew.Harris@oir.qld.gov.au> Danny Cummings
<Danny.Cummings@together.org.au>**

Hi Michelle and Andrew,

What is disappointing with the email response below, is that the process outlined in your response speaks to how long this has been in the works but also shows how at no stage was consultation conducted with Union members and their union about the details of changes.

Upon my return this year our members have been providing significant feedback in relation to this document. This feedback is outlined below.

1. Members advise the Inspectors have not been involved in the detailed development of this new policy but instead were just advised that it would be coming. Some of our members identifying the first they saw it was when they received our email.
2. While Inspectors agree that enforcement and compliance is essential, inspectors feel uncomfortable with the direction of issuing mandatory infringement notices rather than their ability to exercise their discretion as per the Act.
3. Inspectors also identify a concern for their safety, and have already identify an increase in occupational violence as a result of the mandated infringement notices and ultimately the penalties assigned to them.
4. Members report advice from the Department to manage this increase is to not issue the infringement notice on site but to wait until the Inspector returns to the office – members raise concerns with the integrity of this approach. This is also a band aid fix to the issue of occupational violence.
5. Inspectors acknowledge there are body cameras they can use if they choose however they have found this is not resulting in a reduction of occupational violence nor a solution to the issue.
6. The lack of training, involvement of the Inspectors in the development and application of the changes in this policy has meant little to no time to comprehend the changes.
7. The workloads have increased significantly as a result of the timeframes and processes being implemented, this is creating unmanageable and unsustainable workloads for Inspectors and as a result is creating another health and safety risk to staff.
8. Members advise of significant concerns that should an Inspector not immediately issue an infringement notice they may face discipline action. This concerns comes from verbal comments made to Inspectors by senior levels of management.

9. The Policy itself is not clear or consistent both in the document and or in the application.

Members continue to provide further details about concerns they are having with this policy – genuine consultation needs to occur immediately!

I am on leave from this afternoon until the 7th February however Danny Cummings will be acting in my role during this period – I have cc'd him into this email so that you have his details to commence consultation immediately.

Regards

Remi

Remi Armstrong | Lead Organiser

www.together.org.au | remi.armstrong@together.org.au | 0416 285 957



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From: Michelle Brooker <Michelle.Brooker@oir.qld.gov.au>
Sent: Thursday, 20 December 2018 5:02 PM
To: Cameron Watson <Cameron.Watson@together.org.au>
Cc: Remi Armstrong <Remi.Armstrong@together.org.au>
Subject: RE: CMEP Implementation lack of consultation

Dear Cameron

Thank you for re-forwarding this email to me.

The Compliance Monitoring and Enforcement Policy (CMEP) was developed in relation to Recommendation 9 of the Best-Practice Review (BPR). The BPR recommendations were supported by the Government and an amended bill to Parliament was introduced on 22 August 2017 to implement the legislative recommendations. The development of the policy was done in line with the legislative requirements and endorsed by the WHS Board and the Electrical Safety Board in October 2018. The policy has now been noted by the Minister for Education and Minister for Industrial Relations and is effective from today, 20 December 2018.

When the BPR recommendations were released they were immediately made available to OIR staff. WHS and ES Inspectors have also been provided with regular updates on the progress of the recommendation implementations.

OIR commenced an Implementation process for the CMEP which included the development of a change management strategy. On 19 October 2018 OIR facilitated an implementation workshop, which was attended by Directors, Operations Managers, Electrical Safety Managers and Investigations Managers. The purpose of this workshop was to develop action plans for socialising the policy with all WHS & ES staff; progression of the development of an Inspector guide to the CMEP; and continued work in developing other supporting aspects for the inspectors.

Information sessions were conducted by Directors and Managers in each of the OIR offices to all inspectors. Feedback from a number of the inspectors through this process indicated that it was no different to what they had already been doing and that the policy now provided them with an additional tool to aid them in the enforcement of their duties as an inspector. Other feedback received from the inspectorate was included in the development of the guidelines and concerns were clarified in relation to the inspector's discretion in the formation of a 'reasonable belief'.

At the Consultative Committee on 2 November 2018, recommendation 9 was discussed under Agenda item 5.3 regarding Expectations of Inspectors and the issuing of notices. I have attached the minutes for your information.

Although OIR cannot withdraw the policy or hold up its implementation, we are happy to arrange a meeting early in the new year with Together and their delegates to discuss any concerns that have not yet been raised through our consultation process with staff.

Regards

Michelle



Michelle Brooker

A/Executive Director, Business and Corporate Services

Office of Industrial Relations

P: 07 3406 9812 M: 0402 783 401

Level 11, 1 William Street, Brisbane QLD 4000

GPO Box 69, Brisbane QLD 4001



 Please consider the environment before printing this email.

From: Cameron Watson [<mailto:Cameron.Watson@together.org.au>]

Sent: Wednesday, 19 December 2018 4:45 PM

To: Michelle Brooker <Michelle.Brooker@oir.qld.gov.au>

Cc: Remi Armstrong <Remi.Armstrong@together.org.au>

Subject: CMEP Implementation lack of consultation

Dear Michelle,

This email was originally sent to Andrew Harris and I am resending to you in his absence.

I write to you regarding the implementation of the new Compliance Monitoring and Enforcement Policy for Workplace Health and Safety Queensland and Electrical Safety Office Queensland.

This policy has been implemented without consultation of either staff members or the Together Union. Together considers the introduction of such a policy as a significant change and as such requires consultation before it can be implemented. These proposed changes should have been tabled at the last OIR Consultative Committee meeting.

Together requests that the policy be withdrawn and implementation put on hold until a consultative process can be undertaken in the new year with impacted staff and the Together Union.

Together requests a response to this email by close of business Thursday 20 December 2018.

Regards,

Cameron Watson | Public Sector Organiser | **Together**

www.together.org.au | cameron.watson@together.org.au | 07 3017 6146 | 0418 719 069



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APPENDIX TWO

Dealing with Occupational Health and Safety Issues WHS Inspectors

Correspondence from the Together Union

30th June 2020

Dear Colleague

On Friday your Together delegates Karin, Frank and I had our most recent meeting regarding occupational violence with the Department. Representing the Department was Marc Dennett, Andrew Harris and Michelle Brooker.

The meeting was very productive and we are looking forward to seeing some new processes implemented in the coming weeks.

The group agreed there are improvements needed and that can be made when triaging incoming complaints, including seeking more details at that time. **We agreed that needed to be the priority to ensure resources are going where they are needed.** Your delegates are putting together a list of standard questions that they believe should always be asked prior to dispatching an Inspector, this list will be the start of this discussion.

Our priority for Friday's meeting was resolving the concerns members have raised regarding informal and formal complaints about the actions of inspectors and how they are managed by the Department.

OIR agreed there is a need for transparency and consistency for both staff and external stakeholders. Together had put together a draft flow chart in how the process should ALWAYS work, OIR are willing to adopt the flow chart with a few additions which is great!

That means this week we are working to finalise the document, including a template to record informal and formal complaints as a step in ensuring that transparency. The purpose of these documents will be to ensure that when an external stakeholder makes contact with OIR to raise an issue, either informally or formally, regarding an inspector's behaviour that the Department have a consistent process for exploring what has occurred, and ensuring there is a record to support and protect inspectors against vexatious complaints.

Creating a formal record will also allow the Department to identify repeated incidents of misunderstandings by external stakeholders as to the role and duties of a WHS inspector, ensuring inspectors have natural justice applied to complaints and that the department are enacting their commitment to supporting their inspectors.

Once we have these documents finalised over the next couple of weeks we will send them to all members. We also talked about doing a 'roadshow' to WHS offices to talk about the documents and the process. We will also come back to you with more details

on how this will occur – we obviously need to ensure we co-ordinate these in a safe way during the COVID-19 pandemic.

Please note the Department are still working on implementing a database that will record this information and track trends etc. This is still a little way off, but the Department acknowledge we cannot wait for it before doing something.

Further to this, Marc Dennett also welcomed the suggest to create a Local Consultative Committee (LCC) for WHS – **this could be a great opportunity to raise local issues specific to the inspectorate in a timely manner.** My suggestion would be we organise to meet bi-monthly commencing next month. What do you think?

Your delegates and I would attend with departmental representatives and we can use these forums to raise local issues such as, on-call rosters, training, workloads, parking expenses when attending jobs etc. Would members be keen in trialling the set up and operation of a LCC?

What do you think? Let us know here.

Finally we also wanted to ensure all members had been informed about the **increased penalties for obstruction and assault of inspectors** as part of the recent omnibus legislative changes – a welcome change:

Penalties for obstruction and assault of inspectors

The maximum penalties for offences against inspectors under Part 9, Division 6 of the WHS Act have been increased as follows:

- *hinder or obstruct inspector (section 188) and impersonate inspector (section 189): 500 penalty units*
- *assault, threaten or intimidate inspector (section 190): 1000 penalty units.*

Remember we encourage you to always report any incidents of occupational violence – your safety is paramount!

If you have any questions please do not hesitate to email oir@together.org.au

In union

Remi



APPENDIX 3

Paul FULLWOOD letter

Letter to BURGESS and DENNETT Regarding Union Interference, Union favouritism and waste of inspector Resources

Subject: FW: Unlawful entry by CFMEUQ employees to construction site Facilitated by WHSQ

FYI

Paul Fullwood
Compliance Manager

e paul@condevconstruction.com.au
<image001.jpg>

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From: Paul Fullwood

Sent: Wednesday, 18 March 2020 4:03 PM

To: marc.dennett@oir.qld

Cc: Damian Crow <travis.dungey@oir.qld.gov.au>; christopher.mutton@oir.qld.gov.au;
kawana@parliament.qld.gov; Mudgeeraba Electorate Office <Mudgeeraba@parliament.qld.gov.au>;
surfers.paradise@parliament.qld.gov; Andrew Sinclair-Ford <andrew@asflawyers.com.au>;
wayne.jenkinson@abcc.gov.au; > >

Subject: Unlawful entry by CFMEUQ employees to construction site Facilitated by WHSQ

Good afternoon Marc,

We have never met, so allow me to introduce myself. My name is Paul Fullwood and I am the Compliance Manager at Condi Construction.

Over the last several years I have facilitated a productive working relationship between our business and WHSQ by supporting many of the engagement and educational programmes promoted by the regulator.

On Monday this week I wrote to your department seeking legal clarification as to why WHSQ had directed their inspectors to facilitate entry to our construction site on 11 March 2020 of three alleged employees of the CFMEUQ –

Scott Vink, Kurt Pauls and Michael Davis. I am still awaiting your department's response.

It is perplexing as to why a banned and unlawful union official, with a court record, judgements and fines against his name (Scott Vink), can make a phone call and in 20 mins gain favourable advice from your office, but when an honest, legitimate and compliant business contacts your department for the clarification on that advice, nothing comes forth. (Perhaps we can discuss this disconnect with industry at a later time.)

In case you have not been made aware of your department's actions and advice by your subordinates, I will provide you a brief of the specific matter I refer to.

- On Wednesday 11, 2020 at approximately 8:00am three men, wearing CFMEU shirts presented to our site office at our construction project at the Corner of Chelsea Ave and Gold Coast Highway Broadbeach (The Spot Project).
- They provided no photographic identification, no entry permits, no entry notice and no evidence to validate their claims for the purpose of their entry.
- These men identified themselves as Scott Vink, Michael Davis and Kurt Pauls (two provided a business card each).
- Not having met these men before we could not validate their identities.
- Not having provided us with any photographic identification we were also unable to validate this.
- They requested entry to site under s81(3) of the WHS Act.
- They advised that they were employees of CFMEUQ and as such did not require the various permits or notices as prescribed under the WHS Act. (Justice B. Collier had a different view to this last October)
- Their intention was made clear... to walk the construction site and review a range of issues relating to safety.
- When asked to disclose the unresolved dispute they claimed to be representatives for, no explanation was provided, other than generalities.
- They were refused entry to our site, as no permits, no entry notice and no evidence to verify their claims of who they were or why they were on our site was provided.
- At this stage the men left the site-controlled area and advised that they had called WHSQ to arrange for inspectors to come to site (how interesting, a banned union official has a direct phone hook-up with the regulator)
- An hour or so later three WHS inspectors arrived on site (copied into the email for your referencing)
- All parties were ushered to a meeting room onsite and discussion commenced.
- The external party revealed that they requested the opportunity to walk around the construction site as they had concerns with some of the safety systems and procedures in place, these were recorded as Access and Egress, Falling Objects, Hazardous Chemicals and Amenities.
- The discussion was chaired by the senior inspector and as we expected, under the current lawful provisions of the WHS Act, the external party was advised that they did not have entitlement to walk around the site and conduct a safety inspection.
- Meeting concluded.
- Phone calls were made and received by your inspectors and the external party.

- Some 20-30mins later, the meeting was re-convened and the senior inspector advised all parties that the legal advice he was given and the direction from his superiors (your department) was to facilitate a safety walk with the external parties.
- Despite this contradicting the previous direction and not fulfilling the provisions of s81 (1) and (2) WHS Act, we submitted to the inspector's "direction" and allowed escorted access to the site for all parties.
- 4-5 hours later, not one of these alleged unresolved disputes could be validated.
- Our business received an improvement notice for a faded sign on a locked hazardous chemical cupboard.
- I might mention that these external parties were unruly, threatening, boisterous, littered while on site, and conducted themselves in an unprofessional and unwelcoming manner. Perhaps bullying by external parties is not yet a priority for the regulator.

What a shameful waste of resources for our business and the regulator. No dispute could be verified, much less resolved. No lives were saved, no crisis was averted, no revelations of safety non-compliance were made.

The lawful requirements detailing with Issue Resolution in the WHS Act were completely disregarded and most certainly misrepresented.

The Best Practice Review of WHS in Qld which gave birth to the Compliance Enforcement and Monitoring Policy articulates seven nationally agreed principles for the regulator to abide by:

1. **Consistency – the regulator will endeavour to ensure that similar circumstances lead to similar approaches being undertaken, providing greater protection and certainty in workplace and industry**
2. Constructiveness
3. **Transparency – the regulator will demonstrate impartiality, balance and integrity**
4. **Accountability – the regulator is willing to explain its decisions and make available avenues of complaint or appeal**
5. Proportionality
6. Responsiveness
7. Targeted

By your own policy definitions these principles have not been met.

The matter that concerns me is the regulator's interpretation of the law and senior management's directions to the field officers.

Your department has "assumed there is an issue that remains unresolved" and that the external party "has authorisation to represent this group of workers".

The alleged unresolved dispute was not validated by the external party and the WHS inspectors made no attempt to test, seek evidence or confirm if this unresolved issue was real, truthful or legitimate.

Let alone work through the dispute resolution process as prescribed.

There is NO record on site or held in any other location or by any party that documents a dispute, let alone an unresolved dispute. No phone call, no conversation, no hazard form, no SMS, no email, not one shred of evidence.

How is it that your department was prepared to validate this allegation? We certainly were not consulted.

How is it that your department did not follow the requirements of the WHS Act as prescribed in s81 (1) and (2)?

Instead they regulator facilitated what can only be characterised as a voyage of exploration, a fishing trip or witch hunt by these external parties. A disruption to the business operations.

Furthermore, our documented procedure for Resolving Issues was not reviewed, followed or adhered to by the external parties. It was not even consulted on or considered by the attending WHS inspectors.

Who is it that is making these wide-ranging decisions and giving directions to officers that affect business which are not supported by law or validated?

This disruption to our business, which was facilitated by WHSQ, after what is unclear and unsubstantiated legal advice, is a clear misrepresentation of the things authorised by the WHS Act.

I would hope that this serious breach is identified by your department and appropriate non-compliance measures are enforced to the parties that have misrepresented themselves.

In concluding, I invite you to contact me directly or by email to provide lawful clarification on the regulator's decisions. I truly value the health and safety of our workforce. Our business has a significant investment in people, training, monitoring, resources, procedures, procurement and systems to ensure we maintain an industry leading standard in workplace health and safety. We have always been co-operative and transparent with the regulator, that is why in this matter, of unlawful entry to our construction site, we require clear, transparent and accountable explanation on your department's interpretation of the law.

Regards,

Paul.

APPENDIX 4

ENCO ARTICLE

The documents record frequent contacts between under officials, public and business. They also show squabbles over who has the right to make private transactions.

And there are differing legal opinions about the validity of state and federal permits and licensing requirements.

Perhaps more worrying was
Javed Khan's assertions in
Parliament that the

Queensland Government
Office of Industrial Relations
was there to do the bidding of
the union movement.
Baffin, the opposition
industrial relations
spokesman, also told the
House that a deputy director-

“This unaccept-

This unacceptable conduct is seemingly endorsed by ... Labor

tion of The McGraw-Hill Companies or Elsevier on the contents of these advertisements only.

get from Baltimore to the
Quantico Coast after receiving
a complaint or a phone call
from the CTRADACTU's in

The subject: "Problems there is no solution to" and a discussion strategy by the CPDABU to influence the industrial relations department of the hospital.

These Precast Is a
manufacture of large
concrete pieces used in
building projects such as the
Tennessee Second Ranger
Crossing and twice Highway

Beaco Products, a non-union manufacturer, was involved in a number of

Diage told the House a CMMBU organizer named



Bliss, Hyman called Bureau a "f---ing dog and a c---" during a tape inspection and made other verbal threats of intimidation."

"This unacceptable conduct is repeatedly evidenced by Mr. Burgess and the Office of Industrial Relations and the Labor Government," he said. "There were three right-of-entry disputes at jobs of Boco's plant at September 1969. Boco's plant in Bridgeport was late last year."

Transcripts of recordings show there was libelous language and threats by union officials to "smash over my lip."

Burgess failed a battery of letters and other documents.

Evidence of threats, intimidation and attempting are all clearly detailed in the correspondence," he said.

Boco complained about Burgess adding with the union officials in a formal legal letter to Simon Blackwood, then the deputy D-G of the Office of Industrial Relations.

Alison Patterson of Hopper/German Lawyers, for Boco, said Boco maintained the CIMAIBU and the CIPU "are not entitled to represent any workers based at Boco's

workplace." She said there was no reasonable suspicion of any safety considerations.

Moreover, Boco will acquire union officials did not produce identification or did not have valid entry permits. Burgess locked the union officials.

Patterson said the ongoing strike "suggests our client is the target of a campaign of harassment by Mr. Burgess."

Boco also wrote a letter of complaint about Burgess to the Office of Industrial Relations requesting that he be required by an "independent officer."

In the reply Tony James, acting deputy D-G who replaced Blackwood, said the Burgess investigation involved "corrupt legal advice."

"Inspector Burgess has provided an explanation and response to the allegations," he said.

James said there were "substantially competing claims" about what took place about Burgess's conduct.

He told Boco the initial investigation found no evidence against Burgess "to substantiate any improper conduct."

He added "I have found not to establish proper Burgess side."

Maybe then investigators to OGC, common law. Misrepresentation did not border to right, personally Boco got a request that

no complaint under the law. Burgess, having done so, saying in complete that Boco referred back to the department.

Is this really good enough? The anonymous CG writer said that the CG referred to the "level of prejudice" in this case.

"Representative behavior" of staff should be investigated by the management of the department involved.

It added: "The OGC considers that it is appropriate for the Ethical Standards Unit of the Office of Industrial Relations to take responsibility for dealing with your concerns."

James said even though there was no evidence "to substantiate any inappropriate conduct" the Ethical Standards Unit would "conduct an independent investigation of the matters raised."

It would, however, not be possible to reveal the names of those given ground coverage. Despite the fact that the investigation did not border to right, personally Boco got a request that no complaint under the law. Burgess, having done so, saying in complete that Boco referred back to the department.

APPENDIX 5

RAVBAR letter degrading WHSQ and the Inspectorate

5

ENOUGH IS ENOUGH: HEADS MUST ROLL AT WHSQ



PUBLISHED: 14 SEP 2017

Thursday 14th September 2017

ENOUGH IS ENOUGH: HEADS MUST ROLL AT WHSQ

Multinational Spanish builder
Nexus continue to put lives at

risk at Toowoomba Second Range Crossing

Repeat offender, Spanish multinational Acciona Ferroviaria (operating under Nexus) have continually avoided infringement notices (on the spot fines) and prosecution over massive safety breaches due to current loopholes and a weak WHSQ regulator.

CFMEU Divisional Branch Secretary Michael Ravbar said, "It is outrageous that current policy dictates that an inspector is required to consider their relationship with the duty holder prior to issuing an on the spot fine.

"This multinational Spanish company Nexus who continually breaches WHSQ laws putting the safety of workers at risk should be given immediate on the spot fines, have their licences revoked and be prosecuted.

"The workplace health and safety system in Queensland is broken and action must be taken immediately to remedy the issues.

"Workers deserve to go to work and return home safely at the end of each and every day. They should be able to rely on the regulator to ensure that a safe workplace is provided for them and for the regulator to hold rogue employers accountable who breach the law and put workers lives at risk."

In total the project has received an astounding 24 improvement notices and 4 prohibition notices since the commencement of the project.

CFMEU NATIONAL OFFICE
WHSQ say they are concerned about what it sees as a high number of incidents at the project yet they still fail to take any action.

Michael Ravbar said, "If the regulator is not going to adhere to its own health and safety laws it is time for Minister Grace Grace to intervene and seek the resignation of the head of the regulator, Simon Blackwood.

"Under his watch, the system is broken and workers' can no longer rely on the regulator to keep them safe.

"Enough is enough. It is time for the Government to step in and act before an innocent life is lost."

This project is one of the worst on record for safety breaches and will ultimately lead to death and more serious injuries.

The CFMEU will continue to lobby and campaign against anyone who refuses to put the safety of their workers first. STAND UP. SPEAK UP. COME HOME.

Share now

(/#facebook)

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(/#email)

Appendix 6

CHAMBER of COMMERCE and INDUSTRY

CCIQ SUBMISSION

Best Practice Review of Workplace Health and Safety Queensland

Discussion Paper Comments

CHAMBER OF COMMERCE AND INDUSTRY QUEENSLAND

5 May 2017

Chamber of Commerce and Industry Queensland Submission

Best Practice Review – WHS QLD 2017

Page | 1

About the Submission

1. The Chamber of Commerce and Industry Queensland (CCIQ) makes this submission in response to the Best Practice Review of Workplace Health and Safety Queensland (the Review) Discussion Paper (the Discussion Paper). The Discussion Paper had five Terms of Reference (ToR) and 58 questions to be addressed. ToR were:

a. the appropriateness of Work, Health and Safety Queensland's (WHSQ)

Compliance and Enforcement Policy;

b. the effectiveness of WHSQ's compliance regime, enforcement activities, and dispute resolution processes;

c. WHSQ's effectiveness in relation to providing compliance information and promoting work health and safety awareness and education;

d. the appropriateness and effectiveness of the administration of public safety matters by WHSQ; and

e. any further measures that can be taken to discourage unsafe work practices, including the introduction of a new offence of gross negligence causing death as well as increasing existing penalties for work-related deaths and serious injuries.

2. The Review was announced by the Honourable Grace Grace MP in October 2016 following several highly publicised deaths in industrial settings. The reviewer is Mr Tim

Lyons.

3. CCIQ is Queensland's peak industry representative organisation for small and medium businesses. We represent over 25,000 businesses on local, state, and federal issues that matter to them.

4. Our guiding focus is to develop and advocate policies that are in the best interests of Queensland businesses, the Queensland economy, and the Queensland community.

5. On 13 April 2017, the Discussion Paper with respect to the Review was released to interested stakeholders and industry groups to provide comment by 5 May 2017. A final report containing recommendations will be provided by the reviewer to Minister Grace

Grace by 30 June 2017. Mr Lyons, between April 13 2017 and 5 May 2017, met with interested parties for feedback on the Discussion Paper.

6. The following submission contains CCIQ's commentary and concerns regarding the consultation process, proposed changes to the dispute resolution process, the introduction of industrial manslaughter and the proposed Prosecution Board.

Review Process

7. At the outset, CCIQ raises concern regarding the process of consultation and review. The Discussion Paper was released at 2:10pm Thursday, 13 April 2017. Due to the four day Easter break, CCIQ and other interested stakeholders were provided with only two full business days to review a 104-paged document, review sources, consult with members and provide meaningful commentary at a face to face consultation with Mr Lyons.

Chamber of Commerce and Industry Queensland Submission Best Practice Review – WHS QLD 2017

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8. In total, from the release of the Discussion Paper to final day to provide comment, CCIQ and other interested parties were provided with a total 12 business days to provide comment on WHSQ, its functions, responsibilities and performance.

9. CCIQ were also disheartened to have not been considered for an appointment to the Reference Group to contribute to development of the Discussion Paper. Having been involved with Work Health and Safety harmonisation, and a peak industry advocate, the exclusion of the Chamber from the Reference Group and development process undermines the consultation process engaged in with respect to this Review.

10. In addition, the nature of the consultation process, specifically informal closed door discussions accompanied by an informal and non-transparent submission process raises further concerns highlighting the opaque nature of the Review. This degrades the position and defensibility of the Discussion Paper recommendations and report to be presented by Mr Lyons.

11. During CCIQ's informal consultations with Mr Lyons, questions posed by CCIQ representatives regarding previous reports, submissions and policy positions of legal bodies, including the Queensland Police Service, Queensland Ombudsman and Queensland Law Society, were raised. Due to the nature and process of the Review, their opinions will not be publicly disclosed. Again, CCIQ believes this to be contrary to the spirit of consultation.

12. CCIQ acknowledges a best practice review of WHSQ can go a long way in ensuring employees and employers are protected, educated and provided tools to ensure the continued safety of staff in workplaces across Queensland. However, CCIQ does not support the Review in its current format and urges the government to reconsider proceeding with this Review and commence a neutral, transparent and more formal review in the spirit of a genuine consultation.

Dispute Resolution Process

13. Part 2.9, page 23 of the Discussion Paper raised the issue of expanding the Queensland Industrial Relations Commission (QIRC) to be the preferred independent third party referee overseeing work health and safety operational disputes. CCIQ opposes any move to expand the powers and responsibilities of the QIRC.

14. CCIQ believes any expansion of the responsibilities of the QIRC would add further burden to an already stretched Commission while increasing red tape and compliance for small businesses. In the financial year of 2015-16, 1,456 industrial applications were filed to the Commission. That is five and a half applications per working day. With eleven Commissioners that would require a Commissioner to address 132 applications per day, allowing only two days per application. This does not include leave, Industrial Court duties and filings, seminars and other responsibilities.

15. It would be irresponsible to assign further duties to the QIRC, without further justification and an increase of resources to the QIRC.

16. To date, as per the Discussion Paper, a resolution process has already been established under the Work Health and Safety Act 2011 (Qld) (the Act). The process allows for internal and external review. Disputes, if necessary are referred to the Queensland Civil Administration Tribunal (QCAT). As also noted in the Discussion paper, disputes need to Chamber of Commerce and Industry Queensland Submission Best Practice Review – WHS QLD 2017

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be resolved as quickly as possible and reduce the need to refer to an inspector or tribunal due to health and safety concerns for any delay.

17. Per the Discussion Paper, page 24, Work Health and Safety Queensland have found that disputes raised with inspectors are typically resolved in a matter of hours. Referring issues to third party would only further delay resolution.

18. Prima facie, there is no evidence to suggest the current dispute resolution process is inadequate and/or ineffective. CCIQ does not support any changes to the system as it currently stands.

Industrial Manslaughter

19. Under ToR 5, the Review considers whether further measures should be taken to discourage unsafe work practices. The Discussion paper at page 41 suggested the introduction of a discrete charge of 'Industrial Manslaughter'. This suggestion has been posed as concerns have been raised whether there is a legal gap between the defined three categories under the Act and the offence of Manslaughter, ss 300 and 303 of the Criminal Code-Act 1989 (Qld) (the Code).

20. Under the Act there are three categories¹ of penalties. To date category one is untried and untested in the courts. Under section 31(3) of the Act, category one offences are classed as criminal and proceedings can be brought by the Director of Public Prosecutions (DPP).

21. CCIQ does not support the inclusion of an additional offence as legally there is no gap between the Act and the Code. To date this presumption has not been challenged or tested and found to be inadequate. The purpose of the Act is to deter, not to be punitive. By adding an additional, specific offence CCIQ does not believe it will deter further incidents of work health and safety resulting in death.

22. CCIQ advocates that resources be dedicated to education initiatives to deter further incidents. CCIQ does not support a punitive approach; an approach which is outside of the scope of the Act.

23. Mr Lyons requested comment be provided if the additional offence were to be legislated how it would look and its contents. As to its construction CCIQ fails to see how the definition of manslaughter is insufficient and the addition of an Industrial or workplace description tacked onto a current manslaughter provision to create a separate offence would provide anything but mere puff.

Prosecution Board

24. In relation to prosecutions, the Discussion Paper raised the possibility of a Prosecution Board being appointed made up of key stakeholders, including the WHS Director of Prosecutions to determine cases to be prosecuted. The Discussion Paper makes it clear this suggestion resulted from a paper released by the Queensland Ombudsman in September 2015 recommending that prosecutions templates and memos of advice be reviewed by an independent person (a legal professional as highly desirable), examining how memos of advice pertain to recommendations to prosecute.



5 May 2017

Mr Tim Lyons
Independent Reviewer
Best Practice Review of Workplace Health and Safety Queensland

BY EMAIL: whspolicy@justice.qld.gov.au

Dear Mr Lyons

Submission by the Australian Sugar Milling Council to the Independent Reviewer, Best Practice Review of Workplace Health and Safety Queensland

The Australian Sugar Milling Council provides a policy forum for Australia's sugar milling sector, representing over 95% of Australia's raw sugar milling production, and Queensland's second largest source of renewable energy generation. The Sugar Milling Sector is a significant Queensland industry generating over \$2billion of exports each year and employing 5000 people in regional locations, in many of these instances, mills are the largest employer in that centre and the only employer of traditional trades.

This sector competes globally against low cost countries and urges all levels of government to assess the business costs created by any new policies or regulations. Our members are continuously seeking ways to improve outcomes and at the same time reduce the cost of doing business in order to sustain global competitiveness.

Currently the sector is working hard to improve safety performance and has extremely good working relationships with WH&SQ. The companies are collaborating beyond site specific initiatives and jointly investing in safety initiatives at an industry level, including establishing a performance framework which has been monitoring and benchmarking progress that is demonstrating sustained improvement. In addition mill companies are creating a capability framework linked to national qualifications to drive standards in safety and operations training.

Company Safety Managers meet a minimum of four times each year and have done so for many years. The company CEOs have safety as an agenda item on quarterly council meetings. The sector has created a Safety Charter, and selects and celebrates annual Safety Awards. The sector works together to find best practice among members and from other sectors, sharing and learning together.

The ASMC believe that the appropriateness of WHSQs compliance and enforcement policy, and the effectiveness of WHSQs compliance regime, enforcement activities, and dispute resolution processes, show no sign of failing and are working well to improve safety within sugar milling.

The sugar milling sector has been working closely with WH&SQ to review data and understand risk areas to target compliance and enforcement in the areas of most effect. The milling sector holds regular forums to clarify policy gaps and risk areas, share data and develop capability to self-assess performance of sugar milling companies. This model is demonstrating continued and sustained improvement across the milling sector in both company and WH&SQ measures.

ABN: 44 610 779 456 Australian Sugar Milling Council

IBM Building Level 3 / 348 Edward St Brisbane GPO Box 945 Brisbane Qld 4001 Australia

P: +61 7 3229 5000 F: +61 7 3229 2113 E: asmc@asmc.com.au

www.asmc.com.au



Sugar milling is an agricultural manufacturing sector competing globally with low cost producers; unnecessary increases in domestic business costs are not sustainable. ASMC would emphasise that proposed changes be evaluated for potential cost increases to business and discussed openly with industry before any changes to legislation and policy frameworks are implemented.

We are seeking more consistency in regulations and working closely with WHSQ to clarify known gaps, we are seeking assistance to clarify these points not additional regulation that will create greater confusion.

The ASMC is also seeking a rolling five year compliance program that is developed with industry and releases self-auditing tools in advance of this program. If this compliance program is developed from data and rolled out in this way it will do more for improving safety than any reactionary changes to laws or policy.

Should you have any further questions or wish to discuss the content of this submission, please contact me on 07 3231 5000 or at asmc@asmc.com.au.

Yours sincerely

Dominic V Nolan
Chief Executive Officer

Appendix 7

Outcome of Survey About Priority Infringement Notice List

From: >

Subject: Fwd: Outcome of Survey About Priority Infringement Notice List

Workplace Health and Safety Queensland

Office of Industrial Relations

The most important reason for making your workplace safe, is not at work at all.
Work Safe. Home Safe.

[Connect with us here](#)

Begin forwarded message: **From:** >

Date: November 2019

To: >

Subject: FW: Outcome of Survey About Priority Infringement Notice List

Hi all,

Please see below from our DDG if you haven't already read it.

Regards

The most important reason for making your workplace safe, is not at work at all.
Work safe. Home safe.

Connect with us:



From: DDG OIR <ODDG@oir.qld.gov.au>

Sent: Wednesday, 6 November 2019 3:55 PM

To: DDG OIR <ODDG@oir.qld.gov.au>

Subject: Outcome of Survey About Priority Infringement Notice List

Dear Inspectors

Thank you for completing the Inspector Survey on Priority Infringement Notices. The survey provided an opportunity for us to check in with you on the List of Priority Infringeable Offences in its early days of implementation.

The WHS Executive has considered your feedback, and noted your support to continue the priority list and proposals to add more offences to the list. We also note inspectors have mixed views on the hazardous chemical offences.

While we see the merit in the additional offences proposed, we recognise that the list has only recently been introduced (December 2018), and we'd like to give industry more time to understand the intent and implications of the list before we make amendments to it.

To help build this understanding and support for our inspectors, we've agreed to implement an education campaign around the CMEP and priority list. As part of this campaign, we'll be explaining the intent of the CMEP, and how the priority list supports this strategy by continuing the directed compliance approach and instilling sanctions (infringement notices) for offences that are symptomatic of poor WHS management. The campaign will address the issues with hazardous chemicals registers that inspectors have provided feedback on – by informing duty holders of the importance of hazardous chemicals registers in systematic WHS management, the consequences of not having a readily available and up to date register, and providing duty holders with a hazardous chemicals register template they can use to comply. We'll be drawing on industry partners to help us communicate this message (WHS Board, ISSCs, Industry associations, unions), and also promoting it on our website, and through our industry programs (IPaM, SLaW).

We'd like inspectors to continue to use the priority list in enforcement activities, and are confident that the education campaign will help duty holders understand the importance of systematic WHS management.

The WHS Executive and I thank you for taking the time to provide feedback on the priority list. The feedback you've provided has been very valuable to help us ensure a compliance and enforcement approach that works and that our inspectors have the tools and support to enforce it. We're committed to directed compliance and want to continue to work with you to ensure our compliance and enforcement approach works. We're keen to progressively evaluate the CMEP and list of priority infringeable offences, and will seek your views in another survey in the future once the CMEP has been operational for a longer period of time.

Regards

Craig Allen
Deputy Director-General
Office of Industrial Relations

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APPENDIX 8

Letter from ALEX SCOTT (Together Union) informing members of the CFMMEU sending unauthorised material being circulated around Brisbane, in response to his support for the Inspectors to initiate Protected Industrial Action following a series of ongoing Inspector Occupational Violence incidences on construction Sites.

Dear Colleague

This week and last week the CFMEU have been distributing unauthorised material outside government buildings in the Brisbane CBD about our Together Internal union elections.

The CFMEU are opposed to the industrial action being taken by Together members in the Office of Industrial Relations in pursuit of a safe working environment.

The CFMEU are seeking to undermine the industrial action being taken by Together members by attacking my leadership of our union.

The CFMEU flyer references material including media coverage from early 2018 and reports that have been provided to the Branch Council of Together. The use of key stroke logging in 2014 occurred without my knowledge and was not authorised.

The Together elections have not yet started and nominations will not open until next month. The elections are scheduled for late April. I will advise members by email of the exact dates when they have been set by the Australian Electoral Commission.

I am proud of the fact we have a strong democratic tradition in our union and contested elections are part of that culture. It is disappointing that these elections are now being used by the CFMEU to advance their interests at the expense of Together members.

I will continue to support the Together members who are taking protected industrial action to improve their working lives.

I will not allow the CFMEU and their supporters to distract the Union Office from the important industrial issues currently facing Together members.

Thank you to the many members who have contacted the office voicing their concern.

In union

Alex



Additional emails to Inspectors regarding CMEP and inspector's dissatisfaction with issuing unnecessary Infringement notices and dealing with occupational violence by initiating work bans.

From: Together PAB Team <pab@together.org.au>

Sent: Tuesday, 15 January 2019 3:07 PM

To: >

Subject: New Protected Action Ballot for OIR



As you know, members in Education and the Office of Industrial Relations (OIR) rejected the offer from the Government for your Enterprise Bargaining Agreement.

While there was some progress made on a range of issues the offer ultimately didn't deal with all the issues that are of great importance to our members in OIR. A fair wages offer and progression for workers in the inspectorate are still not dealt with.

Currently OIR members have been standing together and enforcing a number of work bans. We know members want to see more action from the Government to see movement on these issues.

We need to keep sending this message to the Department, louder and stronger every time. Your Delegates are now asking you to vote to increase the pressure on the Government and Department to come back to the table that deals with these real issues. The following actions are proposed to be taken as well as current actions.

1. A work ban on issuing infringement notices to workplaces.
2. When attending a complaint that requires two inspectors members will only attend where one of the inspectors is of the AO6 classification or above.
3. A work ban on answering calls outside of designated work hours unless the Inspector is on call.

To take part in this this Protected Action Ballot please use the online ballot form available here.

This ballot is open until 5pm on Friday 18 January.

You will be advised of the results of the ballot after this date.

Only Together members can participate in this ballot. If you are not a member you can join online here.

Please see a list of the bans that currently apply at this link.

If you need to update your contact details you can do so online here or you can contact the union office.

If you are concerned that you did not receive a ballot email when you are eligible for a ballot, you can email pab@together.org.au before the closing date of the ballot.

You can also call the union office on 1800 177 244.

Yours in union,

Alex Scott

Secretary

This email was sent: To stop receiving emails [click here](#)

CORRESPONDENCE FROM THE MASTER BUILDERS ASSOCIATION REGARDING CFMEU Q ENTITIES

CFMEU Q OFFICERS ENTRY

Master Builders has confirmed with the Office of Industrial Relations that the federal registered union CFMMEU has terminated at least three union officers, Kurt Pauls, Michael Davis and Justin Steele. These officers did not hold a federal entry permit, owing to the FWC refusing the applications for renewal.

The three officers are now employed by the state registered CFMEU Q.

This union is not a branch of the federal CFMMEU. It's a legal entity in its own right, registered under the Qld IR Act. Basically, this union is a pre Work choices relic, rendered in name only following the referral of state IR powers and the modern award system.

The officers of the Qld union operate outside the scope of the Fair Work Act when attending sites under WHS Act Q, s81(3), or s68(2) (g), which allow workers or HSR to obtain external assistance in relation to safety issues.

This tactic by the union sidesteps the federal court ruling in *'ABCC v CFMMEU (The Bruce Highway Caloundra to Sunshine Upgrade Case)'*, which determined that officers of a federal union must hold and show federal permits when seeking entry under 81(3) or 68(2) g.

Thus, the state union officials will be entitled to gain entry for the purpose of advising or assisting workers without having to show federal or state permits. Contractors cannot refuse entry on grounds these officials do not hold a federal permit.

Crucially, because they lack a federal permit, CFMEU state union representatives have no more status than a consultant. These officials have no power or right to address workers, interview subcontractors, inspect the site or documents.

Indeed, the head contractor or the WHS inspectors may breach the Fair Work Act if it allows the officer such access, being that it 'misrepresents' to the workers or subcontractors that the officials had a right at law to do so.

These powers or rights are only available to federal (union) permit holders, for example for entry and investigation of a suspected WHS contravention. That would be an entry under s117 of the WHS Act.

Sample of Working for Queensland Survey Results 2017

From: DDG OIR

Sent: Wednesday, 13 December 2017 11:22 AM

To: DDG OIR <DDG@oir.qld.gov.au>

Subject: Working for Queensland survey results

Dear Colleagues,

The Working for Queensland (WfQ) survey results are now available which highlight employee perceptions of engagement, leadership and workplace climate. Thank you to everyone who provided feedback. The Office of Industrial Relations (OIR) achieved a fantastic response rate of 72 per cent, which is much higher than the result for the entire public sector which was 49 per cent.

The survey covered approximately 169,057 employees across 62 agencies within Queensland Public Sector.

What was different in 2017?

At the end of 2016, a strategic review of the survey was conducted and as a result several changes to the questionnaire were made. No deletions were made to the existing survey, however there were a few amendments and additions.

Amendments to the following areas:

- gender
- years of employment
- flexible work
- sexual harassment
- clinical/non-clinical
- free text
- leadership.

New questions were added which related to:

- LGBTIQ+ identifier
- inclusiveness
- health and wellbeing
- flexible work arrangements
- domestic and family violence.

For more details about changes to the survey please refer to <https://www.forgov.qld.gov.au/working-queensland-survey>.

What was OIR's result?

In OIR 620 employees responded to the survey.

Our scorecard showed an overall increase in positive changes since 2016 for the strategic priorities:

- organisational leadership – an increase of five per cent
- agency engagement – an increase of one per cent
- innovation – an increase of three per cent.

The survey also highlighted some factors that had a low percentage in positive change such as:

- Organisational fairness – 38 per cent
- Workload and health – 44 per cent
- Learning and development – 44 per cent

Full details of the results are in the OIR Highlights Report on the [intranet](#).

What's next?

The Public Service Commission provided a briefing session on the survey results to the OIR Executive Leadership on Tuesday 5 December 2017 which included a comparison with other regulatory agencies. The survey provides a useful benchmark for OIR, identifying some areas to focus on and improve as well as other areas to continue to build on and maintain.

In considering the focus for the next few years, we want to know what is **important to you** and how we could all **work together to influence a positive culture**.

In 2018 we are planning to have a briefing session with the directors at the next Senior Leaders Forum (SLF) to identify important areas to focus on, and we want to hear from you too!

At your next team or group meeting discuss what you want to change or influence in OIR and share your ideas by placing them in the ideas funnel Challenge OIR.

These ideas will be collated and discussed at the SLF to provide a whole of OIR focus with regular communication relating to activities and outcomes.

Thank you again for participating in the 2017 survey and let's work together to further enhance the culture of OIR in 2018.

Regards,

Paul Goldsbrough
Acting Deputy Director-General
Office of Industrial Relations

Documents received after the hearing

Documents received after the hearing	
1.	List of clarifications of statements made at the hearing - Department of Employment, Small Business and Training

Estimates Hearing 9 December 2020

Statement Corrections

	Page ref	Paragraph ref	Statement made by	Transcript	Issue	Required edit
1	54	Last sentence	Minister Farmer	Small business represents 97 per cent of businesses statewide. They employ around 44 per cent of Queensland's workforce, which is nearly	Matter of fact	Small business represents 97 per cent of businesses statewide. They employ around 42 per cent of Queensland's workforce, which is nearly
2	55	3rd paragraph (last sentence).	Minister Farmer	Some 26,000 young people have already benefited from those great programs which we made available to Queenslanders under 21 and we expect another 37,000 will reap the rewards of extending it to those under 25.	Matter of fact	Some 26,000 young people have already benefited from those great programs which we made available to Queenslanders under 21 and we expect up to 37,000 will reap the rewards of extending it to those under 25.
3	62	2nd from bottom	Minister Farmer	As at 30 November 2020, the regional round has supported 10,747 businesses.	Matter of fact	As at 30 November 2020, the regional round has supported 3,872 businesses.
4	66	3rd paragraph down	Minister Farmer	I think there is a 73 per cent likelihood that you will get employment after a Skilling Queenslanders for Work initiative, and they opposed it	Matter of fact	The actual destination survey result is 73% employment and/or training..... The 73% is a positive outcome figure, not exclusively employment
5	73	3rd paragraph from bottom	Minister Farmer	I have spoken earlier in these hearings about, for instance, the work we have done on the Back to Work program reducing fraud quite considerably in successive years and, in fact, saving \$7.5 million in payments over that period of time. We apply that same measure of scrutiny no matter what.	Matter of fact	I have spoken earlier in these hearings about, for instance, the work we have done on the Back to Work program reducing fraud quite considerably in successive years and, in fact, saving \$7 million in payments over that period of time. We apply that same measure of scrutiny no matter what.
6	76	Half way	Warwick Agnew	how many days was the grant open for – the round 1 information was provided in the hearing. Information to be provided for Round 2	Matter of fact	Round 2 of the Adaption grant opened on 1 July 2020, and the South East funding allocation was closed on the 14 of July 2020. The Regional round remains open.

	Page ref	Paragraph ref	Statement made by	Transcript	Issue	Required edit
7	79	4 th from the top	Minister Farmer	I want to read out some of the fantastic opportunities. I will read out first what is happening in Rockhampton, which I know the member really wants to hear about. The member will know that we allocated \$400,000 for a business case for a TAFE centre of excellence at the Central Queensland University and a further \$8 million for stage 1 of the campus consolidation. That will bring the TAFE facilities into that campus in Rockhampton.	Matter of fact	“The member will know that we allocated \$400k for a business case for a campus consolidation at the Central Queensland University and \$8m is a contribution towards the Training Centre of Excellence as stage 1 of the campus consolidation.”
8	79	5th from top	Minister Farmer	Let me tell you about some of these other locations. You will see why they are so important. For Cairns there is \$2 million for cybersecurity training and \$3.6 million for an advanced manufacturing hub. For Bohle in Townsville there is \$10.6 million for renewable energy training and \$3.6 million for an advanced manufacturing skills lab. For Mackay there is \$7.5 million for a trade training centre at Ooralea	Matter of fact	Let me tell you about some of these other locations. You will see why they are so important. For Cairns there is \$2 million for cybersecurity training and \$3.6 million for an advanced manufacturing hub. For Bohle in Townsville there is \$10.6 million for renewable energy training and \$3.6 million for an advanced manufacturing skills lab. For Mackay there is \$7.5 million to expand an existing trade training centre at Ooralea
9	79	5th from top	Minister Farmer	In Bundaberg there will be a new agriculture and horticulture centre—member for Hinchinbrook, that is the other one I was thinking about— a new space centre.	Matter of fact	In Bundaberg there will be a new agriculture and horticulture centre—member for Hinchinbrook, that is the other one I was thinking about— and a proposal for lease of space for a challenger learning centre new space centre.
10	79	6th from Top	Minister Farmer	At Hervey Bay there will be nursing and allied health upgrades. At Toowoomba there will be a \$1 million rural centre of excellence	Matter of fact	At Hervey Bay there will be nursing and allied health upgrades. At Toowoomba there will be a \$1 million for stage 2 for the rural centre of excellence

	Page ref	Paragraph ref	Statement made by	Transcript	Issue	Required edit
11	80	10th from Top	Warwick Agnew	In relation to your questions on vacant TAFE sites and their location and their maintenance in relation to keeping those sites, there is a site in Maryborough, with a maintenance cost of \$339,873; a site in Ridgeway, with a maintenance cost of \$550,000; and a site in Tewantin, with a maintenance cost of \$150,000.	Matter of fact	In relation to your questions on vacant TAFE sites and their location and their maintenance and security costs in relation to keeping those sites, there is a site in Maryborough, with a maintenance cost of \$339,873; a site in Ridgeway, with a maintenance cost of \$550,000; and a site in Tewantin, with a maintenance cost of \$150,000.