




Speech By
Hon. John-Paul Langbroek

MEMBER FOR SURFERS PARADISE

Record of Proceedings, 4 March 2014

FURTHER EDUCATION AND TRAINING BILL

Introduction

 **Hon. JH LANGBROEK** (Surfers Paradise—LNP) (Minister for Education, Training and Employment) (12.12 pm): I present a bill for an act to streamline the regulation of apprenticeships and traineeships, to establish a robust and modern legislative framework for training and to make minor and consequential amendments to other legislation as stated in schedule 1. I table the bill and explanatory notes. I nominate the Education and Innovation Committee to consider the bill.

Tabled paper: Further Education and Training Bill 2014 [\[4583\]](#).

Tabled paper: Further Education and Training Bill 2014, explanatory notes [\[4584\]](#).

The Queensland government has a significant reform agenda for Queensland's vocational education and training sector. As part of this, we have committed to a range of reforms that will make the apprenticeship and traineeship system in Queensland simpler and more flexible, encourage broader participation and improve skills outcomes for training providers, industry and employers and aspiring and current apprentices and trainees. The bill repeals the Vocational Education, Training and Employment Act 2000 and establishes a new regulatory framework for apprenticeships, traineeships and other training related matters which is streamlined and meets the needs of industry and government. The bill will reduce red tape for employers and apprentices and trainees and bring Queensland into line with the approach of other jurisdictions.

By way of example, the bill changes the time frame for registration of a training contract to 28 days from the commencement of employment. Currently the employer is not required to lodge the training contract until after the end of the probationary period, which can be 90 days. During this time the employment status of the apprentice or trainee is uncertain as only a person with a registered training contract can be treated as an apprentice or trainee for employment purposes. A shorter time frame is consistent with the practice in other states and will resolve the employment status of apprentices and trainees sooner.

The bill adopts a modern drafting style. For example, it includes a detailed statement of the matters the chief executive takes into account when deciding whether to register a training contract. It incorporates into the act existing requirements in regulation, approved forms, guidelines and policies. Stating these requirements in a single place will allow users of the legislation to quickly locate the criteria and understand how the chief executive makes registration decisions. The bill now includes specific provision for school based apprenticeships and traineeships to recognise the unique needs of school students doing an apprenticeship or traineeship and to ensure they are receiving genuine training opportunities.

The bill streamlines and simplifies the process for suspension, cancellation and amendment of training contracts. Unlike the VETE Act, the bill relies primarily on the parties to the training contract to resolve their issues and lodge documentation with consent. Suspension and cancellation of training

contracts will now occur by consent of the parties. The bill provides for a suspension or cancellation form to be lodged with the chief executive and take effect seven days after it is lodged. During the seven-day period either party may withdraw their consent. This simplified process reduces red tape whilst maintaining protections for the parties. If one party feels they were coerced into signing the form, they have seven days to withdraw their consent. The chief executive will retain the discretion to cancel a training contract in specific circumstances. This power will be used where the parties were not able to reach agreement or the contract has been frustrated and it is necessary to cancel the agreement. For example, in some cases employers terminate employment of an apprentice without dealing with the training contract. This provision will allow the chief executive to act to cancel the training contract.

The bill includes a process that will allow an apprentice or trainee to permanently transfer a training contract to another employer. This is a significant reform and one that will provide significant benefits for employers and employees. A permanent transfer may be necessary for a number of reasons. For example, an apprentice or trainee may find an employer who offers improved conditions or better training opportunities. Currently this issue is dealt with by cancelling the first contract and registering another training contract. The current process is time consuming and overly bureaucratic. The bill addresses this issue.

The bill will remove unnecessary duplication of rights and processes in the VETE Act and industrial relations legislation. Existing duplication between laws regulating apprentices and trainees and industrial relations has allowed apprentices and trainees to pursue multiple options for compensation in relation to the one event, increasing costs for employers. This is a major red-tape reduction providing a clearer process for resolution of issues between apprentices and trainees and their employers. It will reduce complexity for employers and reduce barriers to employing apprentices and trainees. It was an issue identified by the Skills and Training Taskforce. Industry has lobbied for reforms in this regard via the Skills and Training Reform Board.

The amendments in this bill will, as far as possible, result in apprentices and trainees being entitled to the same protections as other employees in the workplace. Apprentices and trainees employed under the Queensland industrial relations system will now have access to notice of termination and unfair dismissal under the Industrial Relations Act 1999. The majority of apprentices are employed under the national industrial relations system and will rely on rights under the Commonwealth Fair Work Act 2009 instead of the VETE Act.

The bill also provides for the regulation of group training and principal employer organisations, or GTOs and PEOs. A GTO or PEO is an organisation that provides training and employment opportunities for apprentices and trainees. It does this by finding host employers. In some cases, an apprentice or trainee may work with multiple employers each week and in other cases the GTO or PEO may find a permanent host employer for the apprentice or trainee. The GTO or PEO remains the employer of the apprentice or trainee and is responsible for compliance with this bill. The bill updates the existing provisions in the VETE Act to recognise current practice in the regulation of GTOs and PEOs. The bill also incorporates a number of matters currently dealt with in forms, guidelines and procedures into one place to provide a clear and comprehensive system for the regulation of GTOs and PEOs.

The bill provides for the issue of certificates of achievement and implements a reform of this government that allows employees to use alternative training pathways to obtain recognised qualifications. Not every employee can commit to a three- or four-year apprenticeship. The certificate of achievement allows for a range of training experiences to be documented and recognised in accordance with government policy. This certificate of achievement can be used to demonstrate the completion of work based training, increasing employment opportunities for that person and helping employers to access the skills they need to grow their businesses.

The bill also repeals the Higher Education (General Provisions) Act 2008. Since 2012, the Tertiary Education Quality and Standards Agency, or TEQSA, established under Commonwealth legislation, has regulated the higher education sector. State governments no longer have a role in the regulation of higher education providers. The Higher Education (General Provisions) Act 2008 was used by the Queensland government when it regulated higher education providers. As all higher education providers in Queensland are now regulated under Commonwealth legislation, this act is no longer necessary and can be repealed.

The Department of Education, Training and Employment has conducted preliminary consultation on reforms proposed in this bill with stakeholders in the training sector and received some initial positive feedback. In order to progress this bill as soon as possible and deliver the benefits of reduced red tape to industry, the government did not release a consultation draft of the bill.

The government welcomes comments from stakeholders on the bill and anticipates that the examination of this bill by a committee of this House will allow further feedback to be provided. I commend the bill to the House.

First Reading

Hon. JH LANGBROEK (Surfers Paradise—LNP) (Minister for Education, Training and Employment) (12.21 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Education and Innovation Committee

Mr DEPUTY SPEAKER (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Education and Innovation Committee.