




Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

Record of Proceedings, 17 October 2019

WORKERS' COMPENSATION AND REHABILITATION AND OTHER LEGISLATION AMENDMENT BILL

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Employment and Small Business and Minister for Training and Skills Development) (5.46 pm): I rise to support this important legislation. As well as making important changes to the Workers' Compensation and Rehabilitation Act, the bill amends the Further Education and Training Act and the TAFE Queensland Act. Since I became the Minister for Training and Skills Development, stakeholders have raised with me their concerns about fairness for apprentices in Queensland, particularly around contested cancellations, temporary suspensions and the mode of delivery of training. Those issues have only arisen due to the introduction of the Further Education and Training Act by the Newman government in 2014. In that legislation, the balance clearly shifted away from supporting and providing fairness to our apprentices.

In January 2018, in his report *Review of group training arrangements in Queensland*, the Queensland Training Ombudsman outlined that a number of group training organisations were incorrectly utilising the suspension provisions of the Further Education and Training Act. The Training Ombudsman outlined that there was general confusion about how the provisions of the act regarding the suspension of a training contract were to apply. The Queensland Training Ombudsman recommended—

DET should continue to implement an effective communication strategy with GTOs and other key stakeholders that clarifies when suspension of the training contract in accordance with the *FET Act* is appropriate, and ensures the suspension of the training contract is not being used as a proxy for stand downs.

These amendments clarify standdown or suspension arrangements for our apprentices.

In ministerial round tables on apprenticeships and traineeships that I held in July and August last year, I continued to hear about issues relating to suspensions and standdowns, and that changes were needed to support our apprentices during their apprenticeship journey. Further, the report *Positive futures: apprenticeships and traineeships in Queensland* prepared by Jobs Queensland outlined that concerns were raised about the removal of the right of apprentices to appeal a decision to cancel a training contract or a decision about standdowns to the Queensland Industrial Relations Commission. I am very proud that we are rectifying those issues in this bill and restoring rights to our apprentices.

Becoming an apprentice requires entering into and signing a training contract, a legal work document—a daunting experience for any person, let alone a young person starting their apprenticeship. We have a responsibility to ensure that the contract they are signing is one that is fair and that those apprentices have access to the protections and support they need throughout the course of their apprenticeship. The amendments will ensure that there is protection for young Queenslanders when there are changes made to training contracts at the initiative of the employer. In return, the employer is also protected as the obligations of the apprentice or trainee, or in some cases their guardian, is more transparent.

Just recently the Queensland Training Ombudsman received a complaint from a 19-year-old apprentice from regional Queensland who was in the final stage of their apprenticeship when their employment was terminated. In line with the current arrangements, the training contract was subsequently cancelled. While the apprentice is taking action in relation to the termination of their employment, the Queensland Training Ombudsman has been assisting this apprentice to re-engage in their trade and complete the qualification.

Under the proposed changes to the Further Education and Training Act my department would need to be involved prior to the termination of the training contract and provide much needed support to the apprentice at an earlier stage of the most difficult of times. Submissions regarding decisions about cancellations of contracts will be able to be made to the chief executive and any decision will be appealable under fair procedures through the Queensland Industrial Relations Commission.

We also want apprentices to be protected when their employer has run out of work. We do not want the provisions of the FET Act to be used to suspend apprentices when that was not their purpose. Further changes to the act will provide clarity to stakeholders on when it is appropriate to use standdown and suspension provisions. These amendments restore fairness for our apprentices and will support and protect them through their apprenticeship.

In response to the member for Kawana's questions regarding the potential impact on the department's resources in intervening in contested cancellations, the amendments will allow the department to provide a more balanced oversight of the apprenticeship and traineeship market in Queensland and maximise the investment made by employers, apprentices, trainees and government in the skilling of Queensland's current and future workforce. While the current Further Education and Training Act 2014 does not have a similar provision, the proposed amendment is very similar to a provision within the former Vocational Education, Training and Employment Act 2000—namely, sections 65 and 66.

The experience before the repeal of the Vocational Education, Training and Employment Act 2000 was a very small impact on departmental resources and it is expected that the proposed changes to the Further Education and Training Act 2014 will be managed within existing resources across the state. The proposed amendments will provide benefits to the parties involved in exploring options to remain engaged in the apprenticeship and trainee system. We know that this will maximise the outcomes for employers, apprentices and the industries they serve.

Our major training provider is also undergoing reform with amendments to the TAFE Queensland Act 2013. TAFE Queensland delivers training to almost 8,000 students from Aboriginal and Torres Strait Islander backgrounds and around 1.8 per cent of its staff are Aboriginal and Torres Strait Islander. Last year TAFE Queensland launched its Reconciliation Action Plan. This recognises the role that TAFE can play in supporting reconciliation and closing the gap between Aboriginal and Torres Strait Islander people and non-Indigenous Australian's participation in education, training and work.

The bill amends section 12 of the TAFE Queensland Act so that there must be at least one person on the board representing Aboriginal and Torres Strait Islander people. It is fitting for TAFE Queensland, as a statutory body and the state's largest provider of vocational education and training, that the governing board of TAFE Queensland demonstrates leadership and reflects the diversity of its staff and its students. TAFE Queensland and its board have an important role in supporting the delivery of training and skills that lead to jobs for our First Nation people. The Queensland government committed to restoring fairness for apprentices and ensuring that our boards are representative of Queenslanders. I commend the bill to the House.