From: DE'ATH, Michael[redacted]

Sent: Tue 31/01/2023 6:18:38 AM (UTC)

To: [redacted]

Cc: BANCROFT, Kym[redacted] Nick Seeley [redacted]

Subject: Follow up on meeting 30 Jan 2023

Attachment: DDG to CFMMEU - CRTD - 7 OCT 2022.pdf

Dear Michael

Thank you for meeting with me yesterday to discuss current issues.

Firstly, you raised concerns with the recruitment and panel process that has occurred to date for the Executive Director, Compliance Field Services role. Ms Kym Bancroft, Deputy Director-General, Office of Industrial Relations (OIR), has since spoken to Mr Kurt Pauls, Health and Safety Co-ordinator, SEQ, regarding the recruitment and panel process and they have agreed that this role will be readvertised, and through a different recruitment agency. In addition, the panel will reconvene to confirm the recruitment and panel process, underpinned by the Queensland Government recruitment directive.

Secondly, OIR has changed its process for incoming work health and safety matters, inviting trade unions to phone work health and safety matters through to the Regional Director in the relevant region. As this is a temporary process, once again OIR seeks your involvement to help establish a permanent assessment process for work health and safety matters. Ms Bancroft will shortly send out a meeting request, inviting a representative of CFMMEU to provide input into this process.

In relation to your concerns regarding connected real time delivery training (CRTD), I enclose a copy of a letter from Ms Bancroft to Mr Pauls dated 7 October 2022. This decision supports quality training and assessment for people who live in remote and regional areas, are isolated or suffer mobility issues that render them unable to travel. As mentioned in the letter, detailed consideration of permanently continuing CRTD was made. I understand Workplace Health and Safety Queensland audits have confirmed the adequacy of training and assessment provided through CRTD, with ongoing compliance and monitoring measures to maintain the stringent requirements for CRTD.

Given the CFMMEU has ongoing concerns with CRTD, I have requested Ms Bancroft to commence the external review of CRTD earlier than the stated timeframe in the letter. OIR will now commence the planning phase of the external review in August 2023 and will invite relevant unions to provide feedback on the Terms of Reference and selection of the external reviewer.

Thank you for your time. We look forward to ongoing positive engagement with the CFMMEU on these matters.

Regards

Queensland Government **Michael De'Ath**
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Queensland Government

Office of
Industrial Relations

Department of Education

Our reference FILE63057, REC63059

Mr Kurt Pauls
Health and Safety Co-ordinator SEQ
Construction and General Division
Construction, Forestry, Maritime, Mining and Energy Union
Email: [redacted]

Dear Mr Pauls

Thank you for your email dated 16 September 2022 regarding matters of concern to the Construction, Forestry, Maritime, Mining and Energy Union (CFMMEU) in relation to the delivery of general construction induction training (GCIT) via connected real time delivery (CRTD). As you were unable to attend our meeting scheduled for 27 September 2022, I would like to address the matters raised in your email.

At the outset, it is important to clarify that CRTD differs significantly from online training. CRTD is a form of face-to-face training and assessment using live video streaming/conferencing on platforms such as Zoom, Skype or Teams. CRTD involves real-time interaction between a nominated trainer and students and active participation by students. This form of delivery also allows a student's evidence of identity to be verified in real-time, and direct observation or verbal assessment to be undertaken for all assessment components.

Before CRTD was permanently approved in Queensland, there was significant confusion from Registered Training Organisations (RTOs) and students as to the application of the 100km online training rule, where a student could undertake GCIT online training if they were more than 100km away from an RTO offering classroom delivery of GCIT. Regulation and enforcement of adherence to this 100km rule also presented significant challenges as a result of the general ambiguity around its application and the logistical inability of the Regulator to audit and verify compliance.

CRTD is a pragmatic delivery method for those students in remote and regional areas, as well as for people who are isolating or suffering mobility issues that render them unable to travel. It also avoids the potential for delay and disadvantage which arises for rural and remotely located workers. For example, it allows these workers to attend CRTD training sessions instead of having to travel to an urban classroom-based location at significant additional cost. Further, it caters for time constraints for workers needing to complete training in order to commence work.

Secondly, I understand you are concerned about students being required to purchase their own personal protective equipment (PPE) when opting to undertake GCIT training via CRTD. However, students have a choice as to what form of face-to-face GCIT they enrol in. If they do not want to purchase PPE, they can travel to a RTO and undertake classroom delivery. During the COVID-19

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pandemic and due to health and hygiene concerns, Workplace Health and Safety Queensland (WHSQ) understands that some RTOs also require students to provide their own PPE for face-to-face training.

The cost of GCIT delivered via CRTD is similar to the cost of classroom delivery.

The RSEA Safety website shows that all required PPE could be purchased for under $40.00 (RSEA Safety – Australia's Workwear and Equipment Safety Shop).

WHSQ is not aware of any complaints from students or RTOs regarding the requirement for students to provide their own PPE.

And lastly, you also raised concern about assessors' ability to properly determine if PPE was worn or fitted correctly being compromised when this assessment is undertaken via CRTD.

The GCIT unit of competency requires students to demonstrate correctly fitting the following PPE:

1. Eye protection
2. Hearing protection
3. Hard hat
4. High visibility vest, shirt or jacket.

As CRTD is a form of face-to-face training and assessment where direct observation can be undertaken for all assessment components, including the fitting of PPE, the Regulator does not share your concerns. During the height of the COVID-19 pandemic, WHSQ inspectors regularly audited CRTD sessions and found minimal issues around students fitting PPE.

You also indicated that if a student obtains their white card and has purchased their own PPE, when they are subsequently employed in the construction industry the employer is incentivised to avoid their obligations to provide PPE to the worker. This would constitute a breach of section 44 of the *Work Health and Safety Regulation 2011* (WHS Regulation) and section 273 of the *Work Health and Safety Act 2011* (WHS Act).

Whether or not someone commences at a workplace with PPE is not a relevant consideration for the Regulator in determining an employer's compliance with sections 44 or 273 of the WHS legislation. Accordingly, if a complaint was made that a workplace was not providing PPE on the basis that the person already owned PPE, this would be investigated by WHSQ. Any GCIT training requirements such as a student providing their own PPE would not detract from an employer's duties under section 44 of the WHS Regulation and section 273 of the WHS Act.

To date, WHSQ is not aware of any person conducting a business or undertaking breaching these sections of the WHS Act or WHS Regulation.

The Regulator has undertaken detailed consideration of the impacts and benefits of permanently continuing CRTD. The experience with CRTD as a delivery method has been positive, including for remote and regional workers throughout Queensland. WHSQ audits of training have confirmed the adequacy of training and assessment provided through CRTD and compliance and monitoring measures will remain in place to uphold the stringent requirements for CRTD training. The Regulator is satisfied that CRTD is an appropriate replacement of traditional online training, which does not achieve the same level of quality as classroom-based training models, and a comparable alternative to classroom-based training. The Regulator is satisfied that CRTD provides students with an equitable choice of GCIT training providers across Queensland, without compromising the quality of training or assessment.

The Regulator has also recently introduced additional requirements in the *Conditions of agreement for registered training organisations to issue general construction induction training cards in Queensland* which are designed to achieve continued improvement in the quality of GCIT delivered both classroom-based and via CRTD. This includes the introduction of:

- a requirement for RTOs to notify the Regulator 24 hours prior to the commencement of GCIT. This requirement commences on 1 November 2022 and will allow the Regulator to undertake targeted and timely auditing of GCIT delivered via CRTD and classroom-based; and
- a requirement for RTOs to use a mandated assessment instrument which is mapped to the Unit of Competency. This requirement will take effect on 1 February 2023 and will ensure a consistent, high standard of training assessment across all RTOs.

Following full implementation of these additional regulatory mechanisms, an external review will be undertaken in 2024 to examine the efficacy of both methods of delivery. The results of this review will be made available to stakeholders and will inform any reconsideration by the Regulator of the requirements around CRTD for GCIT in Queensland.

Currently classroom-based face-to-face training remains the predominant delivery mode for GCIT in Queensland.

There are currently only nine RTOs approved to deliver CRTD in Queensland and it is not anticipated that this will dramatically increase. The remaining 212 RTOs are approved to deliver classroom-based training.

Thank you for raising your concerns around CRTD for GCIT. We share the common goal of ensuring the health, safety and wellbeing of all workers across Queensland. I look forward to sharing the outcome of the 2024 review and any subsequent decisions that might be made based on the findings.

Should you wish to discuss this further please do not hesitate to contact me on [redacted]

Yours sincerely

[redacted]

Kym Bancroft
Deputy Director-General
Office of Industrial Relations
07/10/2022