

# Interface with Licensing within the Queensland Construction Industry – a follow-up to the 2018 Review

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

**Office of the Queensland Training Ombudsman  
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## Purpose of the Review

The purpose of this follow-up report is to provide an update on the implementation of recommendations from the 2018 review, identify the impact of changes made and identify further opportunities to enhance the interface between the attainment of a qualification or competency and the issuing of a licence.

## Background

This report should be read in conjunction with the February 2019 report *Review of Training and Assessment and Interface with Licensing within the Construction Industry – Key Findings and Recommendations* which can be found on the Queensland Training Ombudsman (QTO) website [here](#).

Since the 2019 report, there has been significant activity with regards to skills and licensing within the construction industry, particularly with the development of a proposed Continuing Professional Development (CPD) Framework by the Queensland Building and Construction Commission (QBCC), in partnership with all stakeholders. Workplace Health and Safety Queensland (WHSQ) has also continued to refine High Risk Work (HRW) licensing arrangements. Despite this, many stakeholders are still raising a number of issues with the QTO including concerns regarding areas where licences are no longer required and concerns with training for rigging, dogging and scaffolding.

The scope of the follow-up review included:

- providing an update on the implementation of recommendations from the 2019 report
- undertaking a further detailed review of training linked to rigging, dogging, scaffolding and discontinued licences, and other HRW licence areas identified by stakeholders
- analysing training delivery across the range of identified qualifications and competencies, including the level of training activity occurring relevant to discontinued licences
- identifying current stakeholder concerns regarding the quality of training delivery.

Given the development of the proposed CPD Framework by QBCC, new qualification and licence areas administered by QBCC were not included in the scope of this review.

## Consultation

To assist with the review, a review steering committee was formed. Membership of the committee included:

- Queensland Training Ombudsman (Chair)
- Representatives from Construction Skills Queensland
- Representatives from Department of Employment, Small Business and Training
- Representatives from Office of Industrial Relations
- Representative from Construction, Forestry, Mining and Energy Union
- Representative from Civil Contractors Federation

# Update on Implementation of the 2018 Key Findings and Recommendations

## White Card

1. OIR should provide clear communication to the industry regarding the expiration of a White or Blue Card if construction work has not been performed during the preceding two years, together with clear advice to stakeholders on what action is required to be undertaken by individuals to regain a White Card.
2. Given the significant changes implemented by OIR in February 2019, a follow-up review should be conducted in 2020 by the QTO and Construction Skills Queensland (CSQ), in conjunction with OIR, to determine the impact that those changes have had in addressing the key findings outlined in this report.

On 1 June 2020, OIR publicly released an *ESafe* article providing guidance to industry about the need for blue card holders to apply for a White Card if they have not carried out construction work in the previous two years.

OIR will also be releasing follow-up guidance to industry in relation to the requirement for White Card holders to apply for a new White Card in circumstances where they have not carried out construction work in the previous two years.

Changes implemented by OIR in February 2019 included a requirement that delivery of CPCCOHS1001A Prepare to work safely in the construction industry be delivered face-to-face (unless an individual lived more than 100kms from an approved Registered Training Organisation (RTO)) to be eligible for a White Card in Queensland.

Online general construction induction training continues to be a permitted mode of delivery for Queensland residents who live in a remote or regional area greater than 100km from an RTO approved to deliver face-to-face training. Since May 2020, Connected Real-Time Delivery (CRTD) has also been approved for White Card training delivery during the COVID-19 pandemic and is continuing until further notice.

CRTD includes:

- live video streaming/conferencing using platforms such as Zoom, Skype and Teams
- real-time interaction between learner and trainer
- active participation of learners and trainers
- verification of learner Evidence of Identity, which can be done one-on-one (or face-to-face) via video conference
- direct observation or verbal assessment being undertaken for all assessment components.

Safe Work Australia guidance for CRTD prohibits the use of pre-training requirements, self-paced learning and pre-recorded trainer videos teaching course content. In addition, Queensland requires pre-approval auditing, notification to WHSQ so as to allow inspectors to attend, minimum training durations and trainer/student ratios, and compliance and quality monitoring.

WHSQ's audits of CRTD training to date have been positive and revealed no significant issues in quality of White Card training and assessment.

## **Painting and Decorating**

- 1. The QTO to continue to work with QBCC to identify why there is a significant difference between the number of individuals completing the qualification and the number of Trade Contractor licences issued.*

Further analysis of the discrepancies identified in the number of individuals completing the painting and decorating qualification and licences issued was undertaken by QTO and QBCC. It was identified that the licence numbers included trade contractor, nominee supervisor and company licences. Importantly, trade contractors can also be nominee supervisors for several organisations. A review of the 2018 Total VET Activity (TVA) data and QBCC details regarding the numbers of licences issued confirmed the number of trade contractor licences issued was consistent with the number of painting and decorating qualification completions. No further action is required in relation to this recommendation.

## **Plumbing and Drainage**

- 1. QBCC should continue to work with the Department of Employment, Small Business and Training (DESBT) and industry to align licence requirements with apprenticeship outcomes and industry expectations and provide clear advice to all stakeholders regarding licence requirements.*

The Technical Qualifications for Licensing – Plumbing and Drainage Occupational Licences under the Plumbing and Drainage Act 2018 issued in August 2020 identifies that completion of CPC32413 Certificate III in Plumbing through an apprenticeship is the eligible qualification for an occupational plumbers' licence.

It is noted that a new Certificate III in Plumbing CPC32420 has been introduced and has recently been declared by DESBT as available through the apprenticeship pathway that leads to the occupational outcome of plumber. QBCC has not yet updated their licensing requirements to reflect the new qualification.

Additionally, QBCC has engaged a range of stakeholders in a process to develop a proposal for a Compulsory Continuing Professional Development (CCPD) Framework for the consideration of Government. Any changes to technical requirements will need to be made within the context of the proposed CCPD Framework and, as such, no further action is proposed in relation to this recommendation.

- 2. The QTO to work with QBCC and CSQ to identify which competencies, if any, within the Certificate III in Plumbing and the Certificate IV in Plumbing and Services, could be recognised for licensing purposes if delivered through a Recognition of Prior Learning pathway.*

The requirement for this ongoing work will need to be part of the implementation of a CCPD Framework and, as such, no further action is required in relation to this recommendation at this time.

- 3. QBCC should provide clear advice to all stakeholders regarding competencies that will not be accepted for licensing purposes if delivered through a Recognition of Prior Learning pathway.*

QBCC has clarified this matter through the publication of the Technical Qualifications for Licensing document that clearly states, "provided the certificate or qualification excludes reliance on recognition of prior learning for any period where unlawful work (including work without the required licence) was carried out". As such, this recommendation has been implemented.

- 4. CSQ should work with DESBT, QBCC and industry stakeholders to identify potential opportunities to provide assistance for experienced individuals in the construction industry to complete qualifications outside of the apprenticeship pathway where applicable.*

CSQ has committed this will be an ongoing part of their engagement with industry and key stakeholders. As such, no further action is required in relation to this recommendation.

5. *Given recent changes implemented by QBCC, the introduction of the revised “Technical Qualifications for Licensing” document, upcoming legislative changes, and the current training package review, a further review should be conducted by the QTO and CSQ in 2020 to ensure that the key issues identified in this report are being addressed. This follow-up review should also consider DESBT Employer Resource Assessment requirements and User Choice funding.*

Any changes to technical requirements will need to be made within the context of the proposed CCPD Framework and, as such, no further action is proposed in relation to this recommendation.

### High Risk Work Licences

1. *Due to what appears to be unexplained discrepancies between competency enrolments and licences issued, the QTO, in conjunction with CSQ and OIR, should undertake further analysis of the following competencies once 2018 TVA data is available:*

- *Licence to operate a reach stacker (greater than 3 tonnes capacity)*
- *Licence to operate a slewing mobile crane (up to 20 tonnes)*
- *Licence to operate a slewing mobile crane (up to 60 tonnes)*
- *Licence to operate slewing mobile crane (over 100 tonnes)*
- *Licence to operate a derrick crane*
- *Licence to operate a portal boom crane*
- *Licence to operate a non-slewing mobile crane (greater than 3 tonne capacity)*
- *Licence to operate a tower crane*
- *Licence to operate a self-erecting tower crane*
- *Licence to operate forklift truck*
- *Licence to operate an order picking forklift truck.*
- *Licence to perform rigging advanced level*
- *Licence to perform dogging*
- *Licence to erect, alter and dismantle scaffolding advanced level*

A review of 2018 and 2019 TVA data, and data provided by OIR regarding the number of licences issued, revealed there is now close correlation and no further action is required for the following licences:

- Licence to operate a reach stacker (greater than 3 tonnes capacity)
- Licence to operate a derrick crane
- Licence to operate a portal boom crane
- Licence to operate forklift truck
- Licence to operate an order picking forklift truck.

Data related to the following licences has continued to identify discrepancies and will need further monitoring by OIR and QTO.

Licence/Competency	2019 Students	2019 Licences
Licence to operate a slewing mobile crane (up to 20 tonnes)	150	215
Licence to operate a slewing mobile crane (up to 60 tonnes)	489	557
Licence to operate slewing mobile crane (over 100 tonnes)	88	171

Licence/Competency	2019 Students	2019 Licences
Licence to operate a non-slewing mobile crane (greater than 3 tonne capacity)	303	346
Licence to operate a tower crane	32	70
Licence to operate a self-erecting tower crane	19	36
Licence to perform rigging advanced level	70	106
Licence to perform dogging	3412	3682
Licence to erect, alter and dismantle scaffolding advanced level	38	99

Source: 2019 TVA data and OIR data

2. CSQ and DESBT should use the analysis provided to determine the appropriateness of their investment in each licence competency and identify areas for future targeted investment.

As identified through the above analysis, CSQ has increased their investment in a number of the competencies required for HRW licences. DESBT continues to review investment in all related qualifications during the annual review of VET investment priorities.

3. OIR should remove reference to 30765QLD General Course in Demolition, Theory and Application from its website as it ceased to be an accredited course on 30 April 2014 and new licence applicants should be encouraged to undertake the most up to date training available.

This has been implemented and no further action is required.

### Gas Work Licences

The initial review identified that experience requirements for Gas Work Licences administered by DNRME vary depending on whether an individual has completed an apprenticeship or not. Many plumbing apprentices are completing their gas work competencies through simulated environments. It was recommended that DNRME consider reviewing the experience requirements.

DNRME undertook a review of existing experience requirements and developed a Practical Experience Form.

The Practical Experience Form was developed in line with updates for requirements for Queensland gas work licences and gas work authorisations, following significant consultation with industry stakeholders. The updates included:

- documents that are easier to understand
- updated experience requirements, including minimum hours and types of work
- an updated Practical Experience Form for all applicants to use which now includes a statutory declaration
- a simplified online application process and reduce text in the requirements
- a new identification card for all individual licence and authorisation applicants.

The Stakeholder Engagement Committee Meeting in November 2019 endorsed these changes, and they were implemented in February 2020.

## Discontinued Licences

In the 2018 review, it was identified by stakeholders that they believed some discontinued prescribed occupation licences should be reinstated, particularly those related to operating earthmoving machinery. Since that review, stakeholders have continued to raise this issue, and complaints have been regularly received by the QTO indicating confusion experienced by employers and individuals regarding the need for a licence, often referring to a Statement of Attainment as their licence. Under current arrangements, earthmoving machinery operators are not required to be licensed, with the responsibility placed on the employer to determine the individual has the skills and capabilities required to operate the machine on which they are working. One means of doing this is for employers to view details of training competencies completed with an RTO relevant to machinery operated.

For the purpose of this review, the operators of the following earthmoving machinery have been included:

- backhoe
- dozer
- excavator
- scraper
- grader
- skid steer loader
- front end loader
- articulated haul truck
- roller

An analysis of TVA data for competencies relevant to the above machinery has been completed to determine if it can be verified that employers are relying on individuals to hold the relevant competency to demonstrate their skills and capabilities relative to the machine operated. This data has also been matched to available labour market data and is outlined below.

Competency	Student Enrolments		
	2017	2018	2019
Conduct <b>backhoe/loader</b> operations	1,585	1,335	1,259
Conduct civil construction <b>dozer</b> operations	1,075	918	1,041
Conduct civil construction <b>excavator</b> operations	5,525	4,654	4,780
Conduct civil construction <b>scraper</b> operations	191	150	160
Conduct civil construction <b>grader</b> operations	934	717	722
Conduct civil construction <b>skid steer</b> loader operations	5,510	4,597	4,840
Conduct civil construction <b>tracked front end loader</b> operations	107	105	63
Conduct civil construction <b>wheeled front end loader</b> operations	4,043	3,286	3,529
Conduct <b>articulated haul truck</b> operations	2,327	2,165	1,664
Conduct <b>roller</b> operations	3,894	2,995	3,328



Employees in the QLD construction industry by selected occupations				
Nominated Occupation Name	ANZSCO Unit Name 4-digit Code	Average Qld construction employees 2019-2020	Unit Enrolments 2019	Completion Rate %
Backhoe Operator	7212 - Earthmoving Plant Operators	8,400	18,058	91.7%
Dozer Operator				
Excavator Operator				
Scraper Operator				
Grader Operator				
Loader Operator				
Haul Truck Operator/ Driver				
Roller Operator	7219 - Other Mobile Plant Operators	580	3,328	92.6%

This data indicates there are more people enrolling in the relevant competency, and completing the competency each year, than the average number of employees in total. On an assumption there is a labour turnover of 25%, then based on the above data there would be 2100 new earthmoving plant operators entering the industry each year. It is also noted most people undertake and complete more than one of these competencies, with three competencies being the average. As such, based on the above data, over 6000 (18,058) individual students undertook the training and is higher than the number of new entrants to the industry.

### Compliance Notices issued by Workplace Health and Safety Queensland (WHSQ)

OIR has undertaken an analysis of construction sector incident data pre 2012 when the earthmoving and particular crane (EPC) licensing framework was abolished, and post 2012 to determine if there is an indication of an increase in plant related incidents.

Between 2002 and 2011, there was a yearly average of 133 plant related incidents in the construction sector, making up an average of 18% of the total construction related incidents each year.

Between 2014 and 2021, the average yearly incidents increased to 198. However, the percentage of total construction related incidents dropped to an average of 17%.

It is important to note that although this data provides total plant related incidents in the construction sector, the data is not limited to civil construction. Further, it does not indicate how many of those incidents were the result of a lack of operator training or competence.

Based on this analysis, the data is not suggestive of an increase in plant related incidents since the cessation of the EPC licensing framework in 2012.

*NOTE. Incident data includes serious incidents, dangerous events as defined under Part 3 of the Work Health and Safety Act and fatalities.*

## Consultation with workers

The Construction, Forestry, Mining and Energy Union surveyed 62 workers who operate earthmoving machinery. Of the workers surveyed, 82.3% held, or were studying, competencies relevant to the machinery operated. On average, each worker operated three types of machinery (eg excavator, backhoe, dozer).

Specific comments made by workers included:

- everyone should be required to hold the Certificate III in Civil Construction (Plant Operations)
- the previous licensing arrangements should be returned with everyone being required to hold a ticket for each machine they operate
- licensing is needed for safety reasons
- quality of training is good, and some trainers are excellent
- quality training does not exist for the industry
- need to go back to licensing as training in the industry is poor
- everything is good as long as people are trained competently
- should be mandated that all machinery operators do an apprenticeship.

## Consultation with Employers

Civil Contractors Federation Qld sent a survey to members regarding types of operations and competency in relevant fields. The invitation to complete the survey was distributed to 87 members. Ten members responded and completed the survey questions.

On average, members who completed the survey reported they employed around 80 staff. Respondents use staff who operate the following plant and machinery:

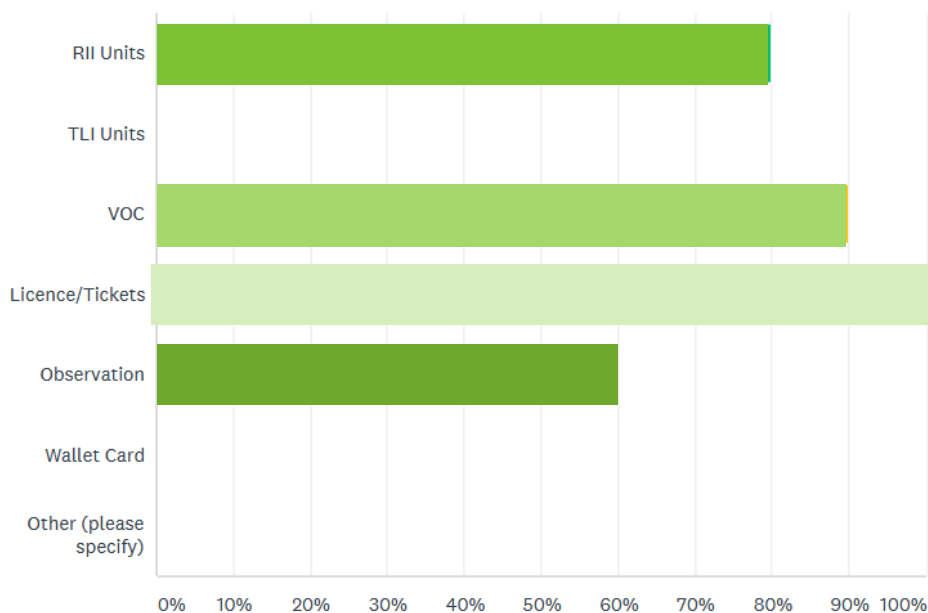
- skid steer loader
- front end loader/backhoe
- excavator
- dozer
- grader
- road roller
- scraper
- bridge or gantry crane with three or less powered operations.

Skid steer loader, front end loader/backhoe and excavator were the most common of all the operations, with scraper and bridge or gantry crane being the least represented, but still with a significant representation overall.

It was reported the skid steer loader and front-end loader/backhoe were the only two professions where all operators had successfully completed a unit of competency relevant to the machines they were operating.

Excavator operators, graders and road rollers also had a high degree of competency relevant to completion, while scrapers and bridge or gantry cranes tended to have less workers with the competency qualifications (just two-thirds).

Survey results demonstrated that members used other processes or information to ensure the earthmoving machinery operators are competent to operate a machine. These are set out in the following graph, with the most common process being licenses and tickets.



A large majority (nine in ten) of respondents reported employing apprentices who are undertaking the Certificate III in Civil Construction Plant Operations, with an average rate of seven apprentices per workplace.

Overall, respondents reported the current quality of training delivered in the civil construction sector was good.

## Options

### Introduce licensing requirements

Whilst there is a desire from stakeholders, workers, and employers to reintroduce licensing, the data provided above identifies that significant gains may not be achieved. Licensing in most industries requires an individual to undertake a qualification or identified competency to be eligible for a licence.

To obtain a HRW licence under the Work Health and Safety (WHS) Regulation, a person must be trained in accordance with the applicable unit of competency by an RTO and then be assessed as competent against the applicable national assessment instrument (NAI) by an assessor who is accredited by WHSQ. Accredited assessors are required to comply with the Conditions of accreditation (the Conditions) as an assessor for HRW classes issued section 121 of the WHS Regulation. The Conditions provide details of specific conditions relating to the conduct of HRW licence assessments and associated administrative procedures, to help uphold public and industry confidence in the assessment of individuals for HRW licences.

The data provided in this report identifies there are more people undertaking training in the relevant competencies than new entrants to the industry and/or occupation.

However, there is no requirement for independent assessment by a WHSQ accredited assessor in these instances. The RTO must still meet national standards for training and assessment and is audited by the Australian Skills Quality Authority (ASQA).

Any decision to reintroduce licensing for operating earthmoving must include consideration of mandated assessment and a broadening of the accredited assessor framework to accommodate additional licence classes for earthmoving equipment.

The benefits of licensing earthmoving machinery operators, noting this is supported by both the employer association and the union, would include:

- a highly visible industry standard
- mandating of competencies required to operate each type of machinery
- strengthened assessment requirements
- high awareness of individuals regarding the need for a licence which is accepted across the industry
- an ability for a regulator to take action against an individual licence holder if required
- alignment with requirements for other machinery operators such as forklift drivers and crane operators.

### Skills Passport

A skills passport is a tool allowing individuals to record skills competencies and knowledge and enables employers to quickly verify relevant training records and qualifications.

Skills passports have been used in many parts of the world and in many industries including:

- Health Skills Passport (UK)
- European Skills Passport
- European Hospitality and Tourism Skills Passport
- Skills Passport South Africa
- Disability Skills Passport (being piloted in Western Australia in 2021)
- SkillPass (managed by Energy Skills Queensland as outlined below).

## What is SkillPASS?

SkillPASS is an industry competency management scheme for verifying the competency. SkillPASS enables workers to provide proof of competency to comply with company, project, and regulatory requirements with the aim to minimise the risk of untrained personnel carrying out any work.

SkillPASS is strictly controlled through business protocols backed up by SkillPASS administration to ensure that information is only accessed by authorised users. All data is hosted in Australia.

Benefits of SkillPASS:

- proof of competency to work across multiple worksites
- manage workers individual records and skills sets, training and competencies
- minimises the need for staff to carry large amounts of cards and paper-based documentation to worksites
- track expiring competencies
- assists companies to comply with client and regulatory reporting requirements.

There is an opportunity for the civil construction industry to develop a skills passport to assist individuals and employers in ensuring the competence of the workforce.

Of course, this approach would also need to be matched by ASQA and government funding arrangements ensuring there is a focus on quality training and assessment.

DESBT has advised the contract audit or supplier review approach is currently being reviewed as part of a Strategic Monitoring and Compliance Model project and will seek to match a compliance response with the relative risk identified. Through this model, there may be an opportunity to design an audit approach that targets assessment practices related to identified high risk competencies and, if implemented, should assist in relation to funded training linked to the Skills Passport. These targeted audits may also be able to be undertaken in conjunction with industry advisors, to ensure industry standards and practice are reflected in the findings.

Initial discussions with CSQ have identified they are prepared to work with the sector to explore the administration, implementation, and possible funding of a skills passport for the civil construction sector.

In general terms, the benefits of a skills passport are outlined in the benefits of SkillPASS stated above. Compared to licensing, a skills passport:

- relies heavily on industry champions and may not have industry wide acceptance
- is a record of what an individual has achieved but does not mandate what competencies are required
- does not enable action to be taken by a regulator to remove an individual's skills passport if required.

### Conclusion

As outlined in this report, the training data does not justify the introduction of licensing earthmoving machinery operators. However, whilst not within the remit of the QTO, it is noted there are many other drivers for licensing requirements and there are benefits which could be considered by government when both the employer association and union are in agreement.

There is also merit in considering a skills passport for the industry whilst the need for licensing is considered by relevant agencies. Industry stakeholders should work with CSQ to further consider this issue.

## Recommendations

1. The QTO continues to work with OIR regarding the HRW licences identified in this report.
2. The QTO continues to work with QBCC regarding technical qualification requirements for the occupational licence for plumbers.