

Indigenous Employment Policy for Queensland Government Building and Civil Construction Projects



Queensland Government
Department of Employment and Training

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Policy and better purchasing guide



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Overview of the Indigenous Employment Policy for Queensland Government Building and Civil Construction Projects

The Indigenous Employment Policy is part of the State Government's commitment to reconciliation. It provides improved economic development and employment outcomes for Aboriginal and Torres Strait Islander people.

Indigenous people are the most disadvantaged group in the labour market. Unemployment rates are unacceptably high, especially in rural and remote Indigenous communities. This *policy* addresses the need for employment opportunities in Indigenous communities through government infrastructure projects.

What is the *IEP (20% Policy)*?

The *Indigenous Employment Policy for Queensland Government Building and Civil Construction Projects - IEP (20% Policy)* has been in force since 2001. It requires **contractors** to ensure employment and accredited training occurs on Queensland Government building and civil construction sites, and that a minimum of 20 per cent of the total labour hours on any Queensland Government funded building or civil construction site, in specified Indigenous communities, be undertaken by Indigenous people recruited from the local community (Appendix A).

The *IEP (20% Policy)* applies to all civil construction contracts with no minimum threshold and building construction projects with a total value of \$100 000 (GST inclusive) and over, with half of the 20 per cent labour hours required to be in accredited training.

This *policy* replaces the *State Government Building and Construction – Structured Training Policy (10% Training Policy)* in identified Indigenous communities.

Contractors and **grant recipients** will be required to provide evidence of compliance with the *policy*. This information will ultimately be considered in any review of their eligibility to tender for future State Government work.

What is the aim of the *IEP (20% Policy)*?

The *IEP (20% Policy)* is designed to maximize the potential employment opportunities on Queensland Government building and civil construction projects and address skills shortages in Indigenous communities. It also aims to build Indigenous communities capacity to participate in building and civil construction projects.

What is new about the *IEP (20% Policy)*?

In 2003, a review was conducted in consultation with relevant Queensland Government agencies, the building construction industry and representative Indigenous community bodies, to evaluate the implementation of the *IEP (20% Policy)*. The review reported that the outcomes exceeded the required compliance rates.

This revised *policy* incorporates changes to be implemented from 1 January 2004, while continuing to maximize employment and training opportunities for Indigenous people living in designated Indigenous Community Council and Shire Council areas. The changes are:

- including building construction projects funded by State Government grants (see definition of **projects** in Appendix C of this document; and
- lowering the threshold for building construction projects from \$250 000 (GST inclusive) to \$100 000 (GST inclusive).

The revised **policy** will improve Indigenous community capacity to participate in the implementation of the **policy** and enhance reporting requirements.

To assist you in interpreting the terminology of the IEP (20% Policy) and its amendments, please read the “definitions at Appendix C.

Who is required to comply with the IEP (20% Policy)?

The **policy** is applicable to all Queensland Government funded building and civil construction projects (including contracts and building construction grants) in specified Indigenous communities (Appendix A).

Organisations required to follow the **policy** include:

- Queensland Government departments, as defined by the Financial Administration and Audit Act (QLD) 1977;
- **Recipients** of building construction grants with a total value of \$100 000 (GST inclusive) and over, including Indigenous Community Councils and Shire Councils of Aurukun, Mornington and Torres and incorporated organisations (ie. Community Development Employment Projects and Parents and Citizens Associations); and
- **Contractors** who successfully tender for these projects and perform the work in the Indigenous communities.

As **recipients** of building construction grant funding, Indigenous Community Councils and organisations will be required to comply with the *IEP (20% Policy)*. Non-State Government-funded building and civil construction contracts in Indigenous communities are encouraged to comply with the **policy**.

Through the review of the **policy**, the Aboriginal Coordinating Council and the Island Coordinating Council affirmed their commitment for Indigenous Community Councils and the Shire Councils of Aurukun, Mornington and Torres to participate in the continued implementation of the *IEP (20% Policy)*.

How will the IEP (20% Policy) be implemented?

A *Framework for Implementation of the Indigenous Employment Policy* has been created to assist agencies, Indigenous communities and, incorporated organizations, *grant recipients* and *contractors* when initiating, developing and implementing construction projects within the designated Indigenous communities.

The framework identifies the steps to complete State Government-funded building and civil construction projects. These include:

- consultation with Indigenous communities;
- planning and coordination processes;
- training arrangements;
- contractual arrangements and grant agreements;
- support processes; and
- reporting processes.

The *Capital Works Management Framework* incorporates a process for the planning and delivery of building projects. It identifies the major risk areas within that process and sets out the steps that must be undertaken to manage those risks.

The *Framework for Implementation of the Indigenous Employment Policy* is consistent with the *Capital Works Management Framework*. The differences in the two frameworks are highlighted in the following table.

Better Purchasing Guide Implementing the “Indigenous Employment Policy” for Queensland Government Building and Civil Construction Projects

<i>Framework for Planning and Implementation of Indigenous Employment Policy</i>	<i>Capital Works Management Framework Process</i>
<p><i>Consultation with Indigenous communities</i></p> <p>This process aligns to the <i>Capital Works Management Framework (CWMF) strategic planning process</i> by identifying the community needs and linking to service delivery strategies and operational - human resource strategy. Consultation with Indigenous communities will identify how the project will contribute to achieving the community’s development plan and longer-term goals.</p>	<p><i>Project initiation</i></p> <ul style="list-style-type: none"> • <i>Strategic Planning aligned with community needs</i> • <i>Service Delivery Strategies</i>
<p><i>Training arrangements</i></p> <p>For local Indigenous people to effectively participate in projects, the competencies required to undertake work defined in the project definition phase need to be identified in the project initiation stage. A skills audit will ensure appropriate training arrangements are made and an employment and training strategy can be developed. Relevant agencies and Indigenous Community Councils or Shire Councils can seek assistance with this process from the Indigenous Employment and Training Manager (IETM), Indigenous Employment and Training Support Officer (IETSO) or Employment and Training Consultant (ETC) in your area.</p>	<ul style="list-style-type: none"> • A number of <i>operational strategies</i> • Asset strategy • Finance strategy • Human resources strategy • IT strategy
<p><i>Planning and co-ordination process</i></p> <p>Agencies are required to notify the Department of Employment and Training (DET) where applicable, co-ordinating agencies, Department of Public Works (DPW) (for building construction contracts \$250 000 (GST inclusive) and Department of Main Roads (DMR) (for all civil construction contracts) of forward project plans. DPW and DMR will advise DET of specified forward projects administered by them, to contribute to scheduling.</p> <p>Agencies administering building construction contracts between \$100 000 (GST inclusive) and less than \$250 000 (GST inclusive) and all building construction grants \$100 000 (GST inclusive) and over will advise DET of forthcoming projects to contribute to scheduling of projects.</p> <p>During the project formulation phase, agencies are required to ensure that all tender documents and grant guidelines include relevant information on the <i>IEP (20% Policy)</i>. It is at this phase that any variation to complying with the policy needs to be approved by DET, so that contractors or grant applicants can consider the impact of the policy when developing their projects and proposed budgets.</p>	<p><i>Project development</i></p> <p><i>Project evaluation, which encompasses</i></p> <ul style="list-style-type: none"> • Project feasibility; and • Business care development. <p><i>Program formulation, which encompasses -</i></p> <ul style="list-style-type: none"> • Capital investment planning; • Funding approval; and • Capital works program development
<p><i>Contractual arrangements and grant agreement</i></p> <p>Where projects are to be undertaken in Indigenous communities, all tender documents and grant agreements or grant memoranda of understanding must include all relevant information on the <i>IEP (20% Policy)</i>.</p> <p>All contractual arrangements and grant memoranda of agreement must include the clauses (samples at Appendix B) requiring the successful contractor or grant recipient to fulfill their obligations under the policy, unless a variation has been approved by Director, Indigenous Employment Programs Unit, Department of Employment and Training, prior to finalizing tender documents or memoranda of agreements.</p> <p>State Government agencies must forward copies of letters of acceptance for tendered contracts and approved grant funding to DET. Contractors and grant recipients are required to comply with the conditions of the contractual arrangements and memoranda of agreement, including the conditions relating to compliance with the policy.</p>	<p><i>Project implementation</i></p> <p><i>Project delivery, which encompasses -</i></p> <ul style="list-style-type: none"> • Project definition; • Procurement strategy; • Consultant/contractor selection; • Design and construction; and • Handover

Support processes

The Department of Employment and Training funds several positions, ie the Indigenous Employment and Training Manager (IETM), Indigenous Employment and Training Support Officer (IETSO) or Employment and Training Consultant (ETC) throughout Queensland to assist Indigenous community organisations in providing culturally appropriate support to Indigenous apprentices and trainees, and improve retention and completion rates.

These positions are also available to assist Indigenous community organisations develop, research and implement employment and training strategies, through liaison and coordination with relevant Government agencies, other funding bodies, industry agencies and Indigenous communities.

Reporting processes

As noted in the Project Evaluation phase of the CWM Process and the Planning and Coordination process of the *Framework Planning and Implementation of the IEP (20% Policy)*, the outcomes to be achieved during civil and building construction projects are identified earlier in the project initiation process and are reviewed during project implementation.

There are two levels of reporting against the *IEP (20% Policy)*:

- an agency reports its compliance with the *Framework for Planning and Implementing the IEP (20% Policy)* on a quarterly basis; and
- **Contractors and grant recipients** report their compliance in providing 20 per cent of their deemed labour hours to local Indigenous people (half of which is accredited training) on a project basis for building projects and an agency basis for civil construction activities.

Project review, which encompasses

- Building performance review; and
- Process review

Framework for the Implementation of the Indigenous Employment Policy



The processes identified in the *Framework for Implementation of the Indigenous Employment Policy* are detailed below.

Consultation with Indigenous Communities

The essential key to effectively implementing the *IEP (20% Policy)* is the engagement of the respective Indigenous community throughout all stages of the project, including initiation, development and implementation.

The following provides the roles and responsibilities of various parties:

- 1 State Government agencies will report on their activities to develop the capacity of Indigenous communities to participate in building and civil construction contracts and grant management.
- 2 The Department of Employment and Training will continue to fund positions under the Indigenous Employment and Training Support Program and help Indigenous communities and incorporated bodies to access relevant programs to develop their capacity to effectively participate in the implementation of the *policy*.
- 3 DET will fund an IETM position to assist in the coordination of project initiation, development and implementation.
- 4 DET will provide on-going advice to peak Indigenous bodies, such as the Island Coordinating Council and Aboriginal Coordinating Council, on the overall program with the aims of:
 - (a) Advising peak bodies of linkages between Commonwealth, State Government and local community planning; and
 - (b) Establishing employment and training programs for local Indigenous people.
- 5 Indigenous Community Council or Shire Council will nominate an Indigenous representative where suitable, as the contact person, to participate in negotiations and consultation relating to the project initiation, implementation and monitoring.

In relation to civil construction projects, continuing employment may be offered where local people are willing to work on other projects within a reasonable proximity. With the formulation of a continuous timetable, future training needs in the Indigenous communities will be able to be identified.

Planning and coordination

- 1 Agency forward planned **building construction** project details are to be provided to DET on a quarterly basis:
 - (a) For building construction projects (excluding grants) \$250 000 (GST inclusive) and over, agencies need to forward details to Department of Public Works (DPW) for a consolidated report to be provided to DET.
 - (b) For building construction projects (excluding grants) \$100 000 (GST inclusive) or more and less than \$250 000 (GST inclusive), agencies need to forward details to DET.
 - (c) For building construction grant projects, agencies need to forward details to DET.
- 2 Agency forward planned **civil construction** project details are to be provided to DET on a quarterly basis:
 - (a) For civil construction contracts, agencies need to provide designated contact within Department of Main Roads (DMR) of agency forward projects.
 - (b) DMR will provide a collation of forward planned civil construction projects to DET to assist with developing a schedule of projects.
 - (c) DMR will negotiate with relevant agencies and local Indigenous communities during the project initiation stage, regarding scheduling of civil construction projects.
- 3 The scheduling of building construction projects will be negotiated by DET with support from DPW where appropriate, and advice from agencies and Indigenous communities.
- 4 The scheduling of civil construction projects will be negotiated by DET with support from DMR, where appropriate, and advice from agencies and Indigenous communities.
- 5 The scheduling of projects rests with the relevant constructing agency or grantor agency to maximise the outcomes of the *IEP (20% Policy)*.
- 6 The level of compliance with the *policy* is determined and approved by DET, at the project initiation phase of the project, following advice from relevant agencies and Indigenous communities.
- 7 Any rescheduling of projects, particularly in relation to delays in commencing projects, will require re-approval from DET for any previously granted variation.

Training arrangements

- 1 A skills audit of the community will commence when projects are identified and approved for each community. This will be managed by the DET, other agencies, and the community.
- 2 The skills audit will identify potential participants in apprenticeships and traineeships, higher level training needs and other (non-skilled) areas.
- 3 An employment and training plan will be developed where required and advice given to registered training organisations, group training organisations and the communities to enable facilitation of training programs at all levels. These training plans may include pre-employment, apprenticeships, traineeships, or other suitable training deemed appropriate by the constructing agency in consultation with the Department of Employment and Training.

Contractual arrangements and grant agreements

- 1 Sample contract clauses have been drafted by the Department of Public Works (DPW) and Department of Main Roads (DMR) for agency inclusion.
- 2 The clause relating to the employment of 20 per cent of the on-site construction labour force from the local community (with half of this group undertaking an accredited training program), replaces *the State Government Building and Construction Contracts - Structured Training Policy (10% Training Policy)*.
- 3 For variations, agencies proposing must negotiate with the DET and, if necessary, the most appropriate coordinating department (DPW or DMR). The variation must be approved prior to calling of the tender or approving grants planned for Indigenous communities, agencies should contact DET for advice. The specific percentage of compliance to be incorporated in the tender documents or whether Non Price Criteria are to be used will be based on the skills audit and an assessment of community capacity to manage the project.

With the development of a cross-agency timetable of building and civil construction, it is envisaged that employment and training programs can be on-going. Therefore, variations requested by agencies will be considered in the light of other works planned or in progress. Where a project which has previously been approved a variation, is rescheduled, the agency is required to seek re-approval from DET for that variation.

Variations will encompass:

- (a) Minimal change to percentages of employment.
 - i. When labour component of the project is too high to draw personnel from local labour force.
 - (b) Some flexibility regarding mix of employment and training percentages, depending on rationale, size and length of project and continuity of other work.
 - i. Where there are no Indigenous people available to participate in the project, a non-price criteria clause will be substituted based on advice from DPW or DMR. **Contractors/grant recipients** will be required to provide alternate support to the relevant Indigenous community.
 - ii. Where appropriate (civil construction), application of the *IEP (20% Policy)* will be on an annual basis, with DMR providing a list of projects prior to letting of tenders.
 - iii. Variations need to be approved by the DET, in conjunction with advice from the local Indigenous community.
- 4 The **contractor/grant recipient** has the primary role in ensuring training and employment requirements are fulfilled.
 - 5 With large projects, there is an expectation that the **contractor or grant recipient** may need to employ a training manager. In smaller projects, the **contractor or grant recipient** will be expected to work closely with the DET funded IETM. (See Appendix C for Definitions of terms)

Support processes

- 1 The Department of Employment and Training (DET), through the *Breaking the Unemployment Cycle*, provides funding under the Indigenous Employment and Training Support Program for:
 - A IETM to oversee training and assist **contractors/grant recipients** over a number of communities; and
 - Support officers and employment training coordinators throughout Queensland to provide a support/mentor role for apprentices and trainees. These officers facilitate skills audits within the community and assist in the implementation of the community employment and training plans. The support officer works closely with **contractors/grant recipients**, registered training organisation and group training organisations to facilitate the *IEP 20% Policy* requirement.

- 2 As part of the negotiations with the Indigenous peak bodies and the local communities, there is an expectation that each community could appoint a mentor for the participants during the life of each project.
- 3 DET has training service staff located in regional offices who will be able to provide advice to **contractors and grant recipients** on:
 - a. Adaptation of current training purchasing arrangements;
 - b. Flexibility of delivery; and
 - c. Training assistance and support available with registration of registered training organisations, new apprenticeship centres, group training organisation's apprenticeship and traineeship processes.

Reporting processes

- 1 Existing databases, including the database for pre-qualification of **contractors** (PQC), industry report, and the *Construction 10% Training Policy* have been modified. The *10% Training Policy* database will capture training data and non-training participation component. **Contractors and grant recipients** will report as per the *10% Training Policy*, and those reports (ie. Tools of the Trade at page 13) will be verified against the reporting procedures identified as the **principal** on the contract or **grantor** on the memorandum of agreement.
- 2 Agencies reporting either through DPW and DMR or directly to DET will continue to facilitate management of projects, including contracts and grants.
- 3 **Contractors and grant recipients** will report directly to DET with regards to the compliance plan, interim compliance report and practical completion report.
- 4 Information provided through DPW and DMR or directly to DET will be collated by DET.
- 5 Final compilation of information regarding levels of use of the *IEP (20% Policy)* by departments will be completed by DET,
- 6 A process to assess outcome quality of the policy will be established to ensure **contractors/grant recipients** are not paying "sit-down" money, without providing real employment and training. This will be implemented through community representatives, employment and training support officers, and IETMs.
- 7 In the case of civil construction, performance of the agency will be assessed annually on average overall onsite labour force activity and not on an individual contract basis.

The implementation of the *IEP (20% Policy)* will be reviewed at the end of 2005. A report will be made to Cabinet on the success of the implementation, with recommendations if required.

Who needs to do what? – roles and responsibilities

The following parties are required to comply with the *IEP (20% Policy)* and their roles and responsibilities are outlined below.

State Government agencies

As coordinating agencies, State Government agencies administer and manage components of the **policy**.

- DET oversees the overall implementation and monitoring of the *IEP (20% Policy)*.
- DPW monitors through the PQC database, all building construction contracts (excluding grants) \$250 000 (GST inclusive) and over.
- DMR administers and manages all civil construction contracts (excluding grants - for the purpose of the revised **policy** civil construction grants are not covered).
- DET coordinates all building construction contracts \$100 000 (GST inclusive) and less than \$250 000 (GST inclusive) and all building constructions grants \$100 000 and over.
- DET coordinates all building construction grants with total value of more than \$100 000 (GST inclusive) and over once relevant agencies provide copies of letters of acceptance for contracts or copies of memoranda of agreement for grants.

Other relevant State Government agencies will:

- Ensure consultation with relevant Indigenous communities at all stages of the project. It is essential for the effective implementation of the *IEP (20% Policy)* that State Government agencies consult with the Indigenous communities prior to development of the tender and grant documents.
- Invite offers for projects \$250 000 (GST inclusive) and over for direct funded contracts (not grants), only from **contractors** who demonstrate their commitment to comply with the policy.

- Insert clauses (Appendix B) in State Government contracts to ensure respective **contractors** recruit 20 per cent of the deemed labour hours from within local Indigenous communities.
- Adapt clauses (Appendix B) and insert in State Government grants to ensure respective grant memoranda of agreement recruit 20 per cent of the deemed labour hours from within local Indigenous communities.
- Ensure that all **contractors or grant recipients** are advised that they must provide a Privacy Statement to all employees engaged under the provisions of the **policy**.
- Assist **contractors and grant recipients** to comply with the **policy** by informing them of the reporting requirements.
- Provide DET with a copy of the **letter of acceptance** to the successful tenderer.
- Provide DET with a copy of the **letter of acknowledgement** and memorandum of agreement with successful **grant recipients**.
- Ensure that **grant recipients** of building construction grants totalling \$100 000 (GST inclusive) or more, provide a written undertaking that they intend to comply with the **policy**.
- Ensure that **contractors** tendering for building construction contracts totalling \$100 000 (GST inclusive) or more and all civil construction contracts provide a written undertaking that they intend to comply with the **policy**.
- Include the return of all the completed compliance forms to DET as a condition of contract or grant memorandum of agreement (see Note 1 below).
- Ensure that when an agency becomes aware of any non-compliance by a **contractor or grant recipient**, it is reported to DET.
- Liaise with DET in determining strategies to deal with **contractor or grant recipient** non-compliance.
- Will report to DET on a quarterly basis on their level of implementation against the *Framework for Implementation of the Indigenous Employment Policy* (see Quarterly Report Form at Appendix D).

All relevant agencies, including DET, DPW and DMR will report to the DET, Indigenous Employment Support Programs Unit on a quarterly basis on the level of implementation against the *Framework for Implementation of the Indigenous Employment Policy*. This reporting will contribute to the overall monitoring and evaluation of the implementation of the *IEP (20% Policy)*.

Note 1. Clauses have been developed by DPW and DMR that incorporate these requirements (see Appendix B).

Recipients of State Government building construction grant funds

The recipient of State Government building construction grant funds will:

- Comply with the specific clauses in grant memoranda of agreement to ensure respective **sub-contractors** contribute to compliance with the *IEP (20% Policy)* by recruiting 20 per cent of labour hours from local Indigenous communities.
- Ensure that **sub-contractors** tendering to complete components of building construction projects totalling \$100 000 (GST inclusive) or more provide a written undertaking that they intend to comply with the policy.
- Ensure that **sub-contractors** agree to comply with the **policy** (where applicable) by including the specific clause in contracts or memoranda of agreement and ensuring that they understand penalties for non-compliance. The rate of compliance is to reflect the prior approval given by DET at the project initiation phase.
- Ensure a Privacy Statement (Appendix H) is issued to all employees engaged under the provisions of the policy.
- Coordinate the development of employment and training project plans to identify skills required for the project, skills available within the community and relevant training needs.
- Include the return of all the completed compliance forms to DET as a condition of contract or grant memorandum of agreement.
- Liaise with DET in determining the most appropriate strategy to deal with **grant recipients and sub-contractor's** non-compliance.

Please note, **recipients** of State Government grant funding of more than \$100 000 (GST inclusive) or more perform the role similar to the **contractor**. It is essential that all recipients (ie. Indigenous Community Councils; the Shire Councils of Aurukun, Mornington and Torres; and other incorporated organisations) report their compliance with the policy for **sub-contractors** activities commissioned. To assist **grant recipients** in fulfilling all of their compliance reporting requirements, please read the information relevant to **contractors** below.

Contractors (not including sub-contractors commissioned to undertake projects through State Government funded grants)

The *IEP (20% Policy)* places the responsibility for ensuring compliance on the **contractor**. The **contractor** is responsible for integrating employment and training during the project while meeting the deemed hours of the contract.

The building construction **contractor** will:

- Comply with the specific clauses in contractual agreement to ensure respective **sub-contractors** contribute to compliance with the *IEP (20% Policy)* by recruiting 20 per cent of labour hours from local Indigenous communities.
- Ensure that **sub-contractors** tendering to complete components of building construction projects totalling \$100 000 (GST inclusive) or more provide a written undertaking that they intend to comply with the **policy**.
- Ensure that **sub-contractors** agree to comply with the **policy** (where applicable) by including the specific clause in contracts and ensuring that they understand penalties for non-compliance. The rate of compliance is to reflect the previously approval given by DET at the project initiation phase.
- Ensure a Privacy Statement (Appendix H) is issued to all employees engaged under the provisions of the **policy**.
- Coordinate the development of employment and training project plans to identify skills required for the project, skills available within the community and relevant training needs.
- Include the return of all the completed compliance forms to DET as a condition of contract or grant memorandum of agreement.
- Liaise with DET in determining the most appropriate strategy to deal with contractor non-compliance.

The **contractor** can decide on the employment hours which incorporate:

- Direct employment of Indigenous people from the relevant Indigenous communities;
- Direct employment of Indigenous people from surrounding districts, where no local Indigenous people are available from the designated Indigenous communities;
- Sub-contracting employees from the Community Council;
- Sub-contracting employees from CDEP;
- Sub-contracting employees from QBuild, DMR and Aboriginal and Torres Strait Islander Housing.

The **contractor** can decide on the hours of training which incorporate:

- Employing Indigenous apprentices and trainees from the local Indigenous community;
- Using group training organisations that employ Indigenous apprentices/trainees/cadets;
- Using **sub-contractor** who employ Indigenous apprentice/trainees /cadets from the local community;
- Using QBuild/DMR/Aboriginal and Torres Strait Islander Housing who employ Indigenous apprentices/trainees/cadets from the local community, where applicable and where prior approval is given by DET;
- Up-skilling existing local Indigenous workers; or
- Engaging Indigenous people from surrounding districts, where no local Indigenous people are available.

Responsibility for compliance should not be automatically passed down the contractual chain without consideration of the **sub-contractor's** capacity to comply.

- **Contractors** may require some **sub-contractors** to provide more hours of employment and training than others to meet the requirements of the **policy**.

(Please note, with large projects, the contractor or grant recipient may need to employ a training manager. In smaller projects, the contractor or grant recipient will be expected to work closely with the DET Indigenous Employment and Training Manager.)

What help is available to comply with the *IEP (20% Policy)* training requirements?

There are a number of organisations available to assist *contractors and grant recipients* develop a compliance plan.

For further information or assistance contact:

- Director, Indigenous Employment Support Programs Unit, Department of Employment and Training on (07) 3227 6185 or visit the website at www.trainandemploy.qld.gov.au

Contractors and Recipients of grants to Queensland State Government building and construction projects in specific Indigenous communities

• Q-Build

- Department of Employment and Training Regional Offices
- Indigenous Employment and Training Manager (IETM)
- Indigenous Employment and Training Support Officers (IETSO) or Employment and Training Coordinators
- Group Training Companies (GTC)
- Registered Training Organisations (RTO)
- Employment Agencies
- New Apprenticeship Centres (NAC)
- ATSIH Northern Construction, Cairns, and Southern Construction, Brisbane
- Assist councils to establish construction teams.

- Construction Training Queensland
- Local Industry associations
- Local Construction Training Queensland Office
- Local Building and Civil Construction Industry Training Fund Coordinator

The Construction Training Centre

• Department of Housing

SUPPORTED BY

Applying the Indigenous Employment Policy”

The *IEP (20% Policy)* has been designed to meet the many different scenarios in building and civil construction activity in Aboriginal and Torres Strait Islander communities. The following diagram shows the *policy* application to common scenarios.

Scenario 1 - Contractors and Training Arrangements

Large Glass and Glazing Specialist Contractor manufactures aluminum windows and doors off site and installs on site.

Compliance requirements:

The “*Indigenous Employment Policy*” does not allow off-site training to be included in compliance hours. However, the contractor could require a proportion of the on-site work to be performed by local Indigenous apprentices, trainees or cadets to assist overall compliance. If appropriate and negotiated with DET, the contractor may include off-site fabrication for other local Indigenous employees to be included in the deemed employment hours.

Scenario 2 – Contractor/Grant Recipient and Indigenous Employees

A Contractor/grant recipient may have an Indigenous employee but this employee is not from the local community.

Compliance requirements:

The “*policy*” requires that Indigenous employees are to be from the local community. This employee could still work on-site, following negotiation with the local community as to the cultural appropriateness. Any proposal to include this employee’s hours as part of the “*deemed hours*” statistics will be subject to approval from DET as a variation.

Scenario 3 – Grant Recipient and sub-contractors

An Indigenous incorporated body has been approved a grant of \$120 000 to undertake maintenance and repairs on 5 houses, including \$75 000 for carpentry work, \$30 000 for painting and \$15 000 for plumbing.

Compliance requirements:

The “*policy*” requires the *Grant recipient* to report on the sub-contracted works conducted by the carpenter, painter and plumber. The *grant recipient* can negotiate the rate of compliance with each *sub-contractor* in order to fulfill compliance requirements, ie the carpenter may be able to increase the rate of compliance as it is not cost effective for the plumber to comply with the “*Indigenous Employment Policy*”.

Scenario 5 - Joint State funded Projects

An Indigenous Community Council has been granted \$100 000 (GST inclusive) from Queensland Police and \$90 000 from Sports and Recreation, (being a total of \$190 000 for the project) to build a basketball court in a Police/Citizen’s Youth Centre.

Compliance requirements:

As the total cost of construction for the basketball court project is \$190 000, the Indigenous Community Council is required to provide one report to DET against the required compliance rate of 304 hours of employment and 152 training hours for the total project rather than two reports with 160 hours of employment (and 80 hours of training) for the Police grant and 144 hours of employment (72 hours of training for the Sports and Recreation Grant).

Scenario 4 Sub-contracts \$100 000 (GST inclusive) and over

A contractor or grant recipient is awarded \$340,000 to build two duplexes. \$200 000 is to undertake the carpentry work, \$50 000 for painting, \$50 000 for plumbing and \$40 000 for electrical work.

Compliance requirements:

The “*policy*” states that the *contractors* or *grant recipients* may require *sub-contractors* to provide more hours of employment and training than others in this situation in order to meet the projects compliance rates. This responsibility does not automatically pass down the contractual chain without considering the *sub-contractors* capacity to comply.

APPLYING THE “INDIGENOUS EMPLOYMENT POLICY”

The *Indigenous Employment Policy*” is designed to provide employment and structured training opportunities for building and construction apprentices, trainees, cadets and local Indigenous community members on Queensland State Government projects in Indigenous communities

Tools of the Trade For implementing the IEP (20% Policy)

What are the stages for implementing a project under the auspices of the *IEP (20% Policy)*?

When implementing a project under the *IEP (20% Policy)* *contractors and grant recipients* are required to:

Project initiation stage

- Agencies must ensure Indigenous communities are engaged in the process of developing the project.
- State Government agencies and Indigenous communities are encouraged to establish a steering committee to oversee the project planning, development and monitoring.

Project development - Tender stage

- The *contracting agency or grantor* agency will seek approval from DET with regard to the compliance rate to apply, after consultation with the relevant Indigenous community.
- The *contractor or grant recipient* requirements to comply with the *policy* will be included, as part of the tender documentation or grant program guidelines and application forms.
- *Contractors tenders or grant applicants* will provide a written undertaking to comply with the *policy IEP (20% Policy)* (based on the deemed hours of employment and training) when submitting a tender or grant application to the contracting agency or grantor agency (who will advise DET).
 - For example, a total value of the project contract or grant of \$1 000 000 contract or grant (inclusive of GST) x 0.16 per cent (deeming formula for building) = 1600 hours (deemed hours of employment, including on-the-job training). Based on the deemed hours the contractor should begin preparing an employment and training plan.

For large projects, *contractors or grant recipients* may consider including the costs for employing a project employment and training manager and other Indigenous people participating on the project.

Project implementation - Construction stage – initial

- The successful *contractors or grant applicants* will provide DET with a completed **Compliance Plan** (Appendix E) within 10 working days of the date of acceptance of tender or signing of the memorandum of agreement. It is advisable to finalise a training plan and consider the skills mix and type of workers to be engaged at this stage. *It is essential that the Indigenous Community Council be consulted regarding the employment and training plan.*

Project implementation - Construction stage – ongoing

- The successful *contractors or grant applicants* will provide DET with a completed a **Contractor/Grant Recipient – Participant Employment and Training Details Form** (Appendix H) and an **Interim Report** (Appendix F) within five working days of the expiration of each successive 13 week work period commencing from the tender acceptance date.

Project review phase - Practical completion stage

- The successful *contractors or grant applicants* will provide DET with a completed **Practical Completion Report** (Appendix G) within 10 working days of the date of practical completion. If a large amount of work needs to be undertaken after practical completion, the contractor can contact the Director, Indigenous Employment Programs on (07) 322 76185 to negotiate a deadline for reporting.

In summary, the *contractor or grant recipient* must complete the following compliance reporting requirements as specified.

- The **Compliance Plan** is due within 10 days of signing of the letter of acceptance or memorandum of agreement. The compliance plan (Appendix E) is to be forwarded to the Department of Employment and Training.
- The **Interim Compliance Report** (Appendix F) is to be forwarded to DET *within 10 working days every 13 weeks* for the duration of the project.
- The **Practical Completion Compliance Report** (Appendix G) is to be forwarded to DET *within 10 working days of completing the project.*

IEP (20% Policy) implementation – Monitoring and evaluation

State Government agencies are to report quarterly to the Department of Employment and Training on the implementation of the **policy** including processes established and activities undertaken. The reports (Appendix D) are due at the end of September, December, March and June each year. This will contribute to the overall evaluation of **policy** compliance.

Penalties for non-compliance with the IEP (20% Policy)

Contractors and grant recipients have a legal requirement to comply with the contractual arrangements and memoranda of agreements. The **principal or grantor agency** will ensure specific clauses are written into these contractual arrangements. These clauses will detail requirements of the **policy** and the penalties for non-compliance.

The Department of Employment and Training will produce a yearly compliance report for building construction projects which will be used as the basis for investigations, sanctions, or penalties for non-compliance, unless a complaint is received in the interim or a **contractor or grant recipient** is consistently not complying.

This policy has been formulated on the premise that **contractors and grant recipients** will demonstrate honesty in compliance reporting, however DET will undertake audits of compliance data to ensure accuracy.

Where a **contractor** has failed to demonstrate satisfactory compliance, or has not submitted compliance forms in relation to projects \$250 000 (GST inclusive) and over, DET will liaise with DPW and DMR, and other State Government agencies to determine the most appropriate strategy for dealing with this **contractor**.

Penalties could range from warnings to exclusion from future State Government contracts.

Where applicable, **contractors and grant recipient** organisations need to ensure that **sub-contractors** give an undertaking to comply with the **IEP (20% Policy)** and understand the penalties for non-compliance.

Where **grant recipients** fail to comply with the **policy** or have not submitted compliance forms, DET will consult with the relevant funding body and the **grant recipient** to determine the most appropriate strategy for resolving the situation.

Projects contributing to the implementation of the **policy** should be consistent with the *Capital Works Management (CWM) process* which is detailed in the *Capital Works Management Framework* found at the following website: <http://www.build.qld.gov.au/amps/AmpsDocs/CWMFMRBP.pdf>

Where government agencies fail to report to DET on a quarterly basis, the non-compliance will be included in briefs to Cabinet, and in the overall review report.

Where can I get more help?

Who can I talk to?

Department of Employment and Training (DET): Telephone 1300 369 935 (toll free)
Website <http://www.trainandemploy.qld.gov.au>.

Incentive payments for employing apprentices or trainees:

Department of Employment and Training	Telephone 1300 369 935 (toll free) Website http://www.det.qld.gov.au
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The Building and Construction Industry Training Fund	Telephone (07) 3846 8700 Website http://www.bcitf.com.au
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Commonwealth Government: New Apprenticeship Centres	Telephone 1800 639 629 Website http://www.newapprenticeships.gov.au
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What can I read?

The Queensland State Government Capital Works and Maintenance Management Frameworks and associated guidelines are available from Building Division, DPW at <http://www.build.qld.gov.au> or email cwmf@publicworks.qld.gov.au

APPENDIX A

List of Indigenous Communities

Island Community Councils

Badu Island Council
Bamaga Island Council
Boigu Community Council
Dauan Island Council
Erub Community Council
Hammond Community Council
Kubin Community Council
Mabuiag Community Council
Masig Community Council
Mer Community Council
Poruma Community Council
Saibai Community Council
Seisia Community Council
St Pauls Community Council
Torres Shire Council
Ugar Community Council
Warraber Community Council
Yam Community Council



Source: <http://www.ozoutback.com.au/postcards/tsi.htm>

Aboriginal Community Councils

Aurukun Shire Council
Cherbourg Community Council
Doomadgee Aboriginal Community Council
Hope Vale Aboriginal Council
Injinoo Aboriginal Council
Kowanyama Aboriginal Council
Lockhart River Aboriginal Council
Mapoon Community Council
Mornington Shire Council (Gununa)
Napranum Aboriginal Community Council
New Mapoon Aboriginal Council
Palm Island Aboriginal Council
Pormpuraaw Aboriginal Council
Umagico Aboriginal Council
Woorabinda Aboriginal Council
Wujal Wujal Aboriginal Council
Yarrabah Aboriginal Council



Source: <http://www.accq.org.au/comm/main.htm>

For more information on Indigenous Community Councils, you can visit the Department of Aboriginal and Torres Strait Islander Policy at <http://www.datsip.qld.gov.au> or the Department of Local Government and Planning at <http://dlgp.qld.gov.au>

APPENDIX B

Sample clauses available from the Department of Public Works or the Department of Main Roads

29. 1A

Engagement of Indigenous community workers

29. 1A.1

The **contractor** shall, in its execution of the work under the contract, either directly or indirectly through **sub-contractors** and in consultation with the local Indigenous community engage, Indigenous workers on the site of the works from the local Indigenous community for the number of labour hours no less than 20 per cent of the total labour hours. The hours will be derived by multiplying the accepted GST inclusive contract sum the relevant percentages as set out in the Framework for Indigenous Employment (20% Policy) viz:

- Building Construction: $\text{Contract sum} \times 0.16\% = \text{number of labour hours}$. (NB - GST has been excluded by the use of .16% in this formula - no additional calculation is required).
- Civil Construction: $\text{Contract sum} \times 0.08\% = \text{number of hours}$ (NB - GST has been excluded by the use of the .08% in this formula - no additional calculation is required.).

For the purposes of this clause, the term “local Indigenous community” means the community within the boundary of thecouncil.

29.1A.2

A minimum of 50 per cent of the labour hours calculated pursuant to clause 29.1A.1 shall be performed by apprentices/trainees or other employees from the local Indigenous community, undertaking accredited training.

For the purposes of this clause, the term “apprentices/trainees” shall include any workers engaged in the following arrangements:

- (a) a formal apprenticeship or formal traineeship as provided for in State Vocational Education and Training legislation that results in a nationally recognised building construction qualification; or
- (b) a cadetship or scholarship incorporating formal tertiary professional or technical education that results in a nationally recognised building construction qualification.

29.1A.3

The **contractor** shall:

- (a) within 10 days of the **Date of Acceptance of Tender** submit to DET, with a copy to the superintendent, a completed compliance plan in the form attached to these conditions; and
- (b) within five days of the expiration of each successive thirteen week period commencing from the date of acceptance of tender submit to DET, with a copy to the superintendent, a completed interim compliance report in the form attached to these conditions; and
- (c) within 10 days of the date of practical completion, or if there is more than one, the last occurring date of practical completion, submit to DET, with a copy to the superintendent, a completed practical completion compliance report in the form attached to these conditions.

29.1A.4

The **contractor** acknowledges that failure to comply in part or in whole with the requirements to engage Indigenous workers from the local Indigenous community will be a substantive factor that will be taken into account in the award of future contracts by the *principal* (the State of Queensland).

29.1A.5

For the purposes of this clause 29.1A the term DET means the Department of Employment and Training or its successor in title having responsibility for employment policies and programs.

APPENDIX C

Definitions

The definitions for this *policy* are consistent with the definitions of the *Capital Works Management Framework*.

0.16 per cent (Building construction projects) – For the purpose of establishing a clear and unambiguous target for deemed hours for on-job employment and training, the following process has been used to establish the 0.16 per cent conversion factor:

- a calculate the total labour dollars for a contract using a material labour ratio of 70:30. Exclude the GST component
- b calculate labour hours by dividing labour dollars (*“b” above*) by a notional \$35/hour conversion factor
- c calculate the *deemed hours* for a contract by multiplying labour hours (*“b” above*) x 20 per cent
- d use of the 0.16 per cent formula has enabled the GST component to be excluded. No further calculations for GST applied to the formula are required.

0.08 per cent (Civil construction projects) – For the purpose of establishing a clear and unambiguous target for deemed hours for on-job employment and training, the following process has been used to establish the 0.08 per cent conversion factor:

- a calculate the total labour dollars for a contract using a material:labour ratio of 85:15. Exclude the GST component
- b calculate labour hours by dividing labour dollars (*“a” above*) by a notional \$35/hour conversion factor
- c calculate the *deemed hours* for a contract by multiplying labour hours (*“b” above*) x 20 per cent
- d use of the 0.08 per cent formula has enabled the GST component to be excluded. No further calculations for GST applied to the formula are required.

Accredited training - Is a program through which:

- Competencies are specified and lead to the attainment of a nationally recognised qualification;
- Learning is planned, organised and sequenced in order to assist the apprentice/trainee/cadet achieve workplace competence;
- Methods of training delivery appropriate to the achievement of competence are chosen;
- Quality training resources are used to assist the apprentice/trainee/cadet learn; and
- Assessment events are planned and undertaken at appropriate points throughout the traineeship. (*Adapted from the Schofield Report 1999, Page 16.*)

Agency - For the purpose of implementation of this *policy* means a **department** as defined in the Financial Administration and Audit Act (QLD) 1977.

Apprentices/Trainees/Cadets - The terms apprentices/trainees/cadets shall include any employees engaged in the following arrangements:

- a formal apprenticeship or formal traineeship as provided for in State Vocational Education and Training legislation; and
- a cadetship or scholarship implying formal tertiary, professional or technical education.

Building and civil construction - These terms are defined as relating to the following activities:

- **Building construction**- residential, commercial, industrial or institutional (see *Appendix 1 of the Capital Works Management Framework*).
- **Civil construction** – earthworks, road works, pilings, bridges, power stations, dams or drainage works. The trades and traineeships covered by this activity, and the *IEP (20% Policy)* in general, are those that typically work on site on building and civil construction projects, for example, carpenters, plant operators etc.

The structured training component of this *policy* does not encompass administrative training. Therefore, a minimum of 50 per cent of the 20 per cent local Indigenous participation must be in construction and building trades. However, this does not preclude employment in the remaining percentage of deemed hours of employees in any other trade or occupation, including employment of administrative apprentices/trainees/cadets.

Contractor - Is defined as the party bound to execute the work under the contract.

Contract price - Is defined, where the State Government department/statutory body has accepted a tender, as being one of the following;

- 1 the lump sum, or
- 2 the sum ascertained by calculating the products of the rates and the corresponding quantities in the Bill of Quantities or Schedule of Rates, or
- 3 the aggregate of the sums referred to in 1 and 2 above, or
- 4 the anticipated guaranteed construction sum or guaranteed maximum price together with management fees and all overheads, at the time of acceptance of the tender.

Contract manager - Is responsible for ensuring that the contracted goods and/or services are delivered in accordance with the specification and the terms of the contract, all associated risks are identified and managed, and effective communication is maintained between all parties. The contract manager is also required to make arrangements for the routine contract administration functions, such as processing requests for variation to the contract, handling bank guarantees and security deposits and processing claims for payment.

Community or Indigenous community - Community shall be defined as the 32 Indigenous Community Councils and Shires of Aurukun, Mornington and Torres.

Compliance - Compliance shall be defined as satisfying the *Deemed Hours for the on-job employment and training* requirement for each project.

- **Building construction compliance**, refers to all contracts and grants with a valuation \$100 000 (including GST) or more;
- **Civil construction compliance**, as approved by DMR other State Government agencies, shall be defined as satisfying the *Deemed Hours for Training and Employment* when taken on an average of all State Government contracts and grants the **principal** has undertaken over 12 months.

Coordinating agency - Is defined in the section of this document at page 10, titled "*Who needs to do what? - roles and responsibilities*".

Deemed hours for on-job employment and training - These are defined as the minimum number of hours expected in on-site employment and training of employees, apprentices/trainees/cadets in any given State Government building and civil construction contract or grant. A minimum of 50 per cent of labour hours of the 20 per cent local Indigenous people employed under this **policy** are required to be in structured training.

To establish a consistent understanding, the 20 per cent employment and training requirement is expressed in terms of deemed hours using the conversion formula of:

- Building projects - contract price multiplied by 0.16% and expressed as hours.
- Civil projects - contract price multiplied by 0.08% and expressed as hours.
- **Calculation of deemed hours is contract price including GST component x by either 0.16% or 0.08% as required.**

DELTA. Direct entry level training administration - apprentice/trainee data base administered by the Department of Employment and Training.

Grant - For the purpose of this **policy**, Grant refers to funding provided directly or indirectly to Indigenous communities through relevant State Government programs to carry out capital works (building construction only) projects (NB. Grants are not commissioned works (contracts)).

Grant recipient - Includes community organisations (ie. Indigenous community or incorporated bodies) who have been approved State Government building construction funding for project in Indigenous Community Council regions.

Indigenous person - Is a person who:

- a is of Aboriginal and/or Torres Strait Islander descent;
- b identifies as being Aboriginal and/or Torres Strait Islander; and
- c is accepted by the Indigenous Community in which they live.

Non-priced criteria - Applies when there are insufficient Indigenous people available or qualified in the local Indigenous community to participate in the project. Tenderers will be required to demonstrate how they will benefit the Indigenous community's economic development other than providing employment or training opportunities.

Principal - Is defined as the State Government agency as nominated under the contract. Where there is a contract between an agency (as purchaser) and a contractor or consultant (as provider), the agency (or its nominated representative) performs the role of *principal* under the terms of the contract. The responsibilities of the *principal* vary according to the degree of risk allocation provided for in these contracts. For example, the responsibility for completing a project within a nominated period of time may be allocated fully to the contractor. Inevitably, contractual issues will arise and these must be administered in accordance with the contract conditions.

For the purpose of the *IEP (20% Policy)*, the State Government agency granting funding to the *recipient* (Indigenous community or incorporated organisation) is also defined as the *principal*, thus making the *grant recipient*, the *contractor*.

Project - Refers to all State Government funded civil construction contracts, and all building construction contracts and grants the total value of \$100 000 (including GST) or more in Indigenous communities.

State Government department - A *department* as defined in Section 4A of the *Financial Administration and Audit Act 1977*.

APPENDIX D

IEP (20% policy) implementation State Government Agency - reporting process

The Department of Employment and Training outlined the *Framework for the Implementation of the Indigenous Employment Policy (20% Policy)* in the *Policy and Best Practice Guide (January 2004)*.

The *Framework for the Planning and Implementation of the IEP 20% Policy* outlines six key processes for agencies, **contractors and grant recipients** to refer to when developing and implementing construction projects within Indigenous Community Council or Shire Council areas. These processes are:

- Planning and coordination processes;
- Consultation with Indigenous communities;
- Training arrangements;
- Contractual arrangements;
- Support processes; and
- Reporting processes.

It should be noted that the reporting processes states that “*the final compilation of information regarding levels of use of the IEP (20% Policy) by departments will be completed by the Department of Employment and Training, with a report delivered to the Breaking the Unemployment Cycle and Labour Market - Inter-Departmental Committee (BUC/LM-IDC)*”.

As the *IEP 20% Policy* was established in May 2001 and amended from January 2004, the department is now preparing to compile the information for the report to the *BUC/LM-IDC*. Participating agencies involved in the development and implementation of the **policy** are asked to contribute relevant information on the effectiveness of **policy** implementation. The attached reporting format will assist the contracting agency and grantor agency to provide relevant information to the department for future recommendations.

The reporting format below reflects the processes identified in the *Framework for Planning and Implementation of the IEP (20% Policy)*. You are asked to provide general comments with regards to your agencies activities in planning and implementing the **policy**, as well as providing examples that will contribute to developing a best practice model. You may also wish to identify areas of concern or problems identified in being able to implement the **policy** and any associated solutions that your agency developed to address these problems

Should you wish to discuss your input into the report to the BUC/LMIDC, please feel free to contact staff of the Indigenous Employment Support Programs Unit of DET, as below:

Director
Indigenous Employment Supprt Programs Unit
07 3227 6185

INDIGENOUS EMPLOYMENT POLICY (20% POLICY) PARTICIPATING AGENCY

Quarterly Reporting Requirements

NAME OF AGENCY:

COMPLETED BY:

POSITION HELD:

1 Consultation with Indigenous communities

The essential key to effectively implementing the *IEP (20% Policy)* is the engagement of the respective Indigenous community throughout all stages of the project, including initiation, development and implementation.

The following provides the roles and responsibilities of various parties.

1. State Government agencies will report on their activities to develop the capacity of Indigenous communities to participate in building and civil construction contracts and grant management.
2. The Department of Employment and Training will continue to fund positions under the **Indigenous Employment and Training Support Program** and help Indigenous communities and incorporated bodies to access relevant programs to develop their capacity to effectively participate in the implementation of the *policy*.
3. DET will fund RIETM position to assist in the coordination of project initiation, development and implementation.
4. DET will provide on-going advice to peak Indigenous bodies, such as the Island Coordinating Council and Aboriginal Coordinating Council, on the overall program with the aims of:
 - (a) Advising peak bodies of linkages between Commonwealth, State Government and local community planning; and
 - (b) Establishing employment and training programs for local people.
5. Indigenous Community Council or Shire Council will nominate an Indigenous representative where suitable, as the contact person, to participate in negotiations and consultation relating to the project initiation, implementation and monitoring.

*Please provide information on your agency's performance in relation to Consultation with Indigenous Communities this may include consultation conducted by **contractors/grant recipients** at a local level. (Refer to Page 6 of the Policy and Better Practice Guide)*

2 *Planning and coordination processes*

1. Agency forward planned **building construction** project details are to be provided to DET on a quarterly basis:
 - (a) For building construction projects (excluding grants) \$250 000 (GST inclusive) and over, agencies need to forward details to Department of Public Works (DPW) for a consolidated report to be provided to DET.
 - (b) For building construction projects (excluding grants) \$100 000 (GST inclusive) and less than \$250 000 (GST inclusive), agencies need to forward details to DET.

For building construction grant projects, agencies need to forward details to DET.
2. Agency forward planned **civil construction** project details are to be provided to DET on a quarterly basis:
 - (a) For civil construction contracts, agencies need to provide designated contact within Department of Main Roads (DMR) of agency forward projects.
 - (b) DMR will provide a collation of forward planned civil construction projects to DET to assist with developing a schedule of projects.
 - (c) DMR will negotiate with relevant agencies and local Indigenous communities during the project initiation stage, regarding scheduling of civil construction projects.
3. The scheduling of building construction projects will be negotiated by DET with support from DPW where appropriate, and advice from agencies and Indigenous communities.
4. The scheduling of civil construction projects will be negotiated by DET with support from DMR where appropriate, and advice from agencies and Indigenous communities.
5. The scheduling of projects rests with the relevant constructing agency or grantor agency to maximise the outcomes of the *IEP (20% Policy)*.
6. The level of compliance with the *policy* is determined and approved by DET, at the project initiation phase of the project, following advice from relevant agencies and Indigenous communities.
7. Any rescheduling of projects, particularly in relation to delays in commencing projects, will require re-approval from DET for any previously granted variation.

Please provide information on your agency's performance in implementing the Planning and Coordination processes. (Refer to Page 6 of the Policy and Better Practice Guide)

3 *Training arrangements*

1. A skills audit of the community will commence when projects are identified and approved for each community. This will be managed by the DET, other agencies, and the community.
2. The skills audit will identify potential participants in apprenticeships and traineeships, higher level training needs and other (non-skilled) areas.
3. An employment and training plan will be developed where required and advice given to registered training organisations, group training organisations and the communities to enable facilitation of training programs at all levels. These training plans may include pre-employment, apprenticeships, traineeships, or other suitable training deemed appropriate by the constructing agency in consultation with the Department of Employment and Training.

Please provide information on your agency's performance in implementing appropriate Training Arrangements. (Refer to Page 7 of the Policy and Better Practice Guide)

4 Contractual arrangements and grant recipients

1. Sample contract clauses have been drafted by the Department of Public Works (DPW) and Department of Main Roads (DMR) for agency inclusion.
 2. The clause relating to the employment of 20 per cent of the on-site construction labour force from the local community (with half of this group undertaking an accredited training program), replaces *The State Government Building and Construction Contracts - Structured Training Policy (10% Training Policy)*.
 3. For variations, agencies proposing must negotiate with the DET and, if necessary, the most appropriate coordinating department (DPW or DMR). The variation must be approved prior to calling of the tender or approving grants planned for Indigenous communities, agencies should contact DET for advice. The specific percentage of compliance to be incorporated in the tender documents or whether Non Price Criteria are to be used based will be based on the skills audit and an assessment of community capacity to manage the project.
-

With the development of a cross-agency timetable of building and civil construction, it is envisaged that employment and training programs can be on-going. Therefore, *variations* requested by agencies will be considered in the light of other works planned or in progress. Where a project which has previously been approved a variation, is rescheduled, the agency is required to seek re-approval from DET. for that variation.

Variations will encompass:

- (a) Minimal change to percentages of employment.
 - i. When labour component of the project is too high to draw personnel from local labour force.
 - (b) Some flexibility regarding mix of employment and training percentages, depending on rationale, size and length of project and continuity of other work.
 - i. Where there are no Indigenous people available to participate in the project, a non-price criteria clause will be substituted based on advice from DPW or DMR. *Contractors/grant recipients* will be required to provide alternate support to the relevant Indigenous community.
 - ii. Where appropriate (civil construction), application of the *IEP (20% Policy)* will be on an annual basis, with DMR providing a list of projects prior to letting of tenders.
 - iii. Variations need to be approved by the DET, in conjunction with advice from the local Indigenous community.
-
4. The *contractor/grant recipient* has a primary role in ensuring training and employment requirements are fulfilled.
 5. Large projects, there is an expectation that the *contractor or grant recipient* may need to employ an employment training project manager. In smaller projects, the *contractor or grant recipient* will be expected to work closely with DET funded IETM. (See Appendix C for Definitions of terms)
-

Please provide information on your agency's performance in implementing appropriate Contractual Arrangements. (Refer to Page 7 of the Policy and Better Practice Guide)

5 Support processes

1. The Department of Employment and Training (DET), through the *Breaking the Unemployment Cycle*, provides funding under the Indigenous Employment and Training Support Program for:
 - A IETM to oversee training and assist **contractors/grant recipients** over a number of communities; and
 - Support officers and employment training coordinators throughout Queensland to provide a support/mentor role for apprentices and trainees. These officers facilitate skills audits within the community and assist in the implementation of the community employment and training plans. The support officer works closely with **contractors/grant recipients**, registered training organisation and group training organisations to facilitate the *IEP 20% Policy* requirement.
2. As part of the negotiations with the Indigenous peak bodies and the local communities, there is an expectation that each community could appoint a mentor for the participants during the life of each project.
3. The DET has training service staff located in regional offices who will be able to provide advice to **contractors/grant recipients** on:
 - a. Adaptation of current training purchasing arrangements;
 - b. Flexibility of delivery; and
 - c. Training assistance and support available with registration of registered training organisations, new apprenticeship centres, group training organisation's apprenticeship and traineeship processes.

Please provide information on your agency's performance in implementing Support processes. (Refer to Page 7 of the Policy and Better Practice Guide)

6 Reporting processes

1. Existing databases, including the database for pre-qualification of **contractors** (PQC), industry report, and the *Construction 10% Training Policy* have been modified. The *10% Training Policy* database will capture training data and non-training participation component. **Contractors and grant recipients** will report as per the *10% Training Policy*, and those reports (ie. Tools of the Trade at page 13) will be verified against the reporting procedures identified as the **principle under the contract or grantor** in the memorandum of agreement.
2. Agencies reporting either through DPW and DMR or directly to DET will continue to facilitate management of projects, including contracts and grants.
3. **Contractors and grant recipients** will report directly to DET with regards to the compliance plan, interim compliance report and practical completion report.
4. Information provided through DPW and DMR or directly to DET will be collated by DET.
5. Final compilation of information regarding levels of use of the *IEP (20% Policy)* by departments will be completed by DET,
6. A process to assess outcome quality of the **policy** will be established to ensure **contractors/grant recipients** are not paying "sit-down" money, without providing real employment and training. This will be implemented through community representatives, employment and training support officers, and Indigenous Employment and Training Manager.
7. In the case of civil construction, performance of the agency will be assessed annually on average overall onsite labour force activity and not on an individual contract basis.

Please provide information on your agency's performance in implementing the Reporting processes. (Refer to Page 8 of the Policy and Better Practice Guide)

APPENDIX E

CONTRACTOR/GRANT RECIPIENT COMPLIANCE PLAN

Form to be completed and returned within 10 working days of the date of acceptance of tender or offer of grant

CONTRACTOR OR GRANT RECIPIENT DETAILS

Legal Name: _____

Trading Name: _____

Address: _____

Phone No.: _____

Fax No.: () _____

PQC Reg. No.: _____

PQC Level: _____

(if applicable)

PRINCIPAL OR GRANTOR AGENCY

Legal Name: _____

Trading Name: _____

Address: _____

Phone No.: _____

Fax No.: () _____

PROJECT DESCRIPTION

Project Name: _____

Project No.: _____

Proposed Commencement Date: _____

Proposed Completion Date: _____

Building construction: Yes/No

Civil Construction: Yes/No

As a successful tenderer or grantee, you have given a commitment to comply with the **“Indigenous Employment Policy”**. You are now required to provide an outline of how you intend to comply in broad terms. Please provide details of where you intend to source your workers under structured training. Note: This is simply a guide to indicate your intention.

PROJECT SUM \$ _____ x 0.16% (Building) (a) = _____ Total hours of compliance
(GST inclusive) _____ x 0.08% (Civil) (b) = _____ Total hours of compliance

Agreed Hours: _____

Employing your own apprentices/trainees/cadets = _____ hours

Using Group Training Scheme apprentices/trainees/cadets = _____ hours

Using Q-Build apprentices/trainees/cadets = _____ hours

Using Sub-contractor apprentices/trainees/cadets = _____ hours

Up-skilling your existing workers = _____ hours

Other (please specify) = _____ hours

(signature of **Contractor or Grant Recipient**) ____/____/____

Completed Form returned to: Director
Indigenous Employment Programs
Department of Employment and Training
LMB 527, GPO BRISBANE QLD 4001

APPENDIX F

CONTRACTOR/GRANT RECIPIENT - INTERIM COMPLIANCE REPORT

Form to be completed and returned within 10 working days of the expiration of successive 13 week periods commencing from the date of acceptance of tender or offer of grant

CONTRACTOR OR GRANT RECIPIENT DETAILS

Legal Name: _____

Trading Name: _____

Address: _____

Phone No.: _____

Fax No.: () _____

PQC Reg. No.: _____

PQC Level: _____

(if applicable)

PRINCIPAL OR GRANTOR AGENCY

Legal Name: _____

Trading Name: _____

Address: _____

Phone No.: _____

Fax No.: () _____

PROJECT DESCRIPTION

Project Name: _____

Project No.: _____

Actual Commencement Date: _____ Proposed Completion Date: _____

PROJECT SUM \$ _____ x 0.16% (Building) (a) = _____ Total hours of compliance

(GST inclusive) x 0.08% (Civil) (b) = _____ Total hours of compliance

Employment hours achieved

For period ____ / ____ / ____ = _____ hours

Accredited Training* hours achieved

For period ____ / ____ / ____ = _____ hours

(signature of *Contractor or Grant Recipient*) ____/____/____

Completed Form returned to: Director

Indigenous Employment Programs
Department of Employment and Training
LMB 527, GPO BRISBANE QLD 4001

EMPLOYMENT AND TRAINING DETAILS

Please complete the attached *Participant Employment and Training Details Form*.

*Accredited Training as defined "in Appendix C" of this document.

APPENDIX G

CONTRACTOR/GRANT RECIPIENT - PRACTICAL COMPLETION REPORT

Form to be completed and returned within 10 working days of Date of Practical Completion, or if there is more than one, the last occurring Date of Practical Completion

CONTRACTOR OR GRANT RECIPIENT DETAILS

Legal Name: _____

Trading Name: _____

Address: _____

Phone No.: _____

Fax No.: () _____

PQC Reg. No.: _____

PQC Level: _____

(if applicable)

PRINCIPAL OR GRANTOR AGENCY

Legal Name: _____

Trading Name: _____

Address: _____

Phone No.: _____

Fax No.: () _____

PROJECT DESCRIPTION

Project Name: _____

Project No.: _____

Actual Commencement Date: _____ Actual Completion Date: _____

PROJECT SUM \$ _____ x 0.16% (Building) (a) = _____ Total hours of compliance

(GST inclusive) x 0.08% (Civil) (b) = _____ Total hours of compliance

Employment hours achieved at completion of project _____ = _____ hours

Accredited Training* hours achieved at completion of project _____ = _____ hours

(signature of *Contractor or Grant Recipient*) ____/____/____

Completed Form returned to: Director
Indigenous Employment Programs
Department of Employment and Training
LMB 527, GPO BRISBANE QLD 4001

EMPLOYMENT AND TRAINING DETAILS

Please complete the attached Participant *Employment and Training Details Form*.

*Accredited Training as defined "in Appendix C" of this document.

PRIVACY STATEMENT

This Privacy Statement is to be provided to each employee/trainee participating on a Queensland Government funded Building and Civil Construction Project to comply with the Queensland Government Privacy Principles.

The Department of Employment and Training provides funds to community organisations, **contractors** and government authorities to deliver a range of employment and training services under the *Breaking the Unemployment Cycle* initiative. Services under these programs include but are not limited to:

Employment and vocational training

- Job preparation
- Job placement
- Post placement support
- Paid work experience on community projects

The Department of Employment and Training requires that contracted organisations collect, on behalf of the Department, limited personal information from participants including name, address, contact details, gender, age group, cultural origin, main language spoken and other self identified factors that may be barriers to employment and training outcomes. *It is the responsibility of individual employees/trainees to ensure personal details are correct and provide the contractor or grant recipient with any changes to this information throughout the duration of the project.*

In accordance with the Public Records Act 2002 the Department retains records for 7 years, at which time those records will be disposed of according to the Act. For the term that the record is maintained, the Department will use this information to conduct the program performance monitoring including participant surveys and statistical and financial reporting as required under the Government's Managing for Outcomes and Ministerial Portfolio Statements.

Only authorised departmental officers have access to this information and the department will only give some or all of this information to other agencies, consultants or service providers for the purposes outlined above. Your personal information will not be disclosed to any other third party without your consent, unless authorised or required by law.

I understand and accept that the Queensland Government will collect and protect my personal details specifically for the purpose of administering the Indigenous Employment Policy and other QLD Government Employment and Training Programs. Please sign this form where indicated.

SIGNATURE:

First Name:

Last Name:

Date of Birth: _____ / _____ / _____
 day month year

REGISTRATION NUMBER:

ADDRESS:

CONTRACT OR GRANT RECIPIENT NAME:

SIGNATURE:

please print



Queensland Government
Department of Employment and Training