



Government of **Western Australia**
Department of **Training**
and **Workforce Development**

PRIORITY START - BUILDING

EFFECTIVE: 1 MARCH 2010

Please note the following changes are effective from 1 July 2015:

ApprentiCentre will be called the Department of Training and Workforce Development Apprenticeship Office (DTWD Apprenticeship Office).

Contact details are:

Telephone: 13 19 54
Email: apprenticeshipoffice@dtwd.wa.gov.au
Website: www.dtwd.wa.gov.au/apprenticeshipoffice

The role and functions of the ApprentiCentre will significantly change following the transition to DTWD Apprenticeship Office. All queries relating to employing apprentices and trainees should now be directed to the Australian Apprenticeship Support Network providers. Contact details are as follows:

Australian Apprenticeship Support Network
Telephone: 13 38 73
Website: <http://www.australianapprenticeships.gov.au/>

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1 POLICY STATEMENT

Priority Start – Building is a single policy with two components that supersedes all previous State Government tendering policies including:

- Homeswest Apprentice Policy;
- Priority Access; and
- Building Skills Policy.

The Policy continues the current emphasis of rewarding head contractors who already employ apprentices but increases the role of head contractors in ensuring specific target numbers of apprenticeships are met as a result of Government contracting.

The term apprentice means apprentice, trainees and cadets as per Western Australia's *Vocational Education and Training Act 1996*.

In addition, **Priority Start – Building** is more streamlined, less bureaucratic and administratively simple.

The key purpose of the policy is to ensure that Government achieves a significant contribution in the engagement of apprentices in the building and construction industry by:

- identifying and rewarding head contractors that maintain a minimum level of apprentice engagement;
- increasing the role and responsibility of head contractors;
- ensuring pre-determined target numbers of apprentices are met through Government contracting arrangements; and
- developing a stronger training culture and increased commitment to training within the whole of the building and construction industry through its private works contracts.

2 BACKGROUND

The Western Australian Government and the building and construction industry have made a firm commitment to ensure an adequate supply of skilled workers are available to address the current and future needs of the industry.

The **Priority Start – Building** policy is a single policy for Government contracting arrangements in the building and construction industry. It will utilise State Government building and construction contracts as a mechanism for ensuring pre-determined targets of apprentices are met as a result of tender with preference for new entrants into the system.

To ensure the allocation of apprentices is targeted and effective each Government Agency will develop, implement and maintain an apprentice employment program (the "Training Program") that delivers training outcomes consistent with the requirements of the policy. This Training Program will outline the total number of expected projects for each year and include the target number of apprentices taking into account the State training priorities.

Agencies may prefer to manage training requirements on a project by project basis rather than developing an annual Training Program.

The Training Program will obligate Government Agencies to deliver the relevant training outcomes through their construction programs and their established construction contracts. Agencies will report to the Department of Training and Workforce Development the number of apprentices created and maintained under the program.

The policy complements the *Building and Construction Industry Code of Practice* introduced by the industry and the State Government in 2002. Best practice in the area of training is a significant clause in the Code of Practice.

3 SCOPE

The Policy applies to all Western Australian State Government building and construction projects including civil and engineering projects with a **labour component** in excess of \$300 000.

All Western Australian State Government Agencies and all contractors tendering for projects must comply with the policy in all of their operations. This means that contractors are expected to comply with **Priority Start – Building** in their private contracts.

Contractors must be committed to training across the board if industry is to have an adequate supply of skilled tradespeople for the future.

4 DEFINITIONS

APPRENTICE

Apprentice refers to apprentices, trainees, cadets and interns unless specified otherwise.

An apprentice who is party to a Western Australian registered training contract may have a fly in fly out employment arrangement.

APPRENTICESHIP

A structured employment based training program that leads to apprentices gaining a nationally recognised qualification. Apprenticeships (including apprenticeships, traineeships and cadetships) may be full-time, part-time or school based.

AUSTRALIAN APPRENTICESHIP SUPPORT NETWORK

The Australian Apprenticeship Support Network (AASN) will replace the existing Australian Apprenticeship Centres from 1 July 2015. The AASN will help employers to recruit, train and retain apprentices and trainees.

BUILDING AND CONSTRUCTION

'Construction work' as defined in the *Building and Construction Industry Training Fund and Levy Collection Act 1991* that is 'government work' as defined in the Regulations under that Act.

CONSTRUCTION OCCUPATIONS

Apprenticeships that meet the requirements of this policy are those that are linked to the construction occupations as listed in the *Australian and New Zealand Standard Industrial Classifications (ANZSIC) 2006* - Division E – Construction, Sub-Division 30, 31 and 32.

COMPLIANCE

Compliance is defined as satisfying the requirements outlined in Components A and B of the policy as determined by the Department.

GOVERNMENT AGENCY

All State Government and Public Non-Financial Corporations Agencies (Government Trading Enterprises).

GROUP TRAINING ORGANISATION

A Group Training Organisation has an employment and training arrangement whereby the organisation employs apprentices under an Training Contract and places them with host employers. The organisation undertakes the employer responsibilities for the quality and continuity of the apprentices' employment and training.

Further information on Group Training Organisations, including contact details are available from www.apprenticecentre.wa.gov.au.

HEAD CONTRACTOR

The party awarded the State Government contract to execute the work.

LABOUR COMPONENT

The labour component means the overall cost associated with employing or contracting staff related to the project. It includes management staff and supervisors but does not include materials or equipment costs.

REMOTE AND REGIONAL AREAS

Projects in remote and regional areas are defined as those that are geographically isolated and distant from other populated centres and where there is a degree of difficulty when travelling to the project.

SUB-CONTRACTOR

Designated sub-contractor working on behalf of the head contractor.

TRAINING

Training of apprentices engaged in building and construction work, or engaged in the off-site construction of components for the project as approved by the Department of Training and Workforce Development.

WORKS AGENCY OR TRAINING UNIT

An approved arrangement or model used by Government agencies to assist their head contractors comply with Component B training requirement.

5 RELEVANT LEGISLATION OR AUTHORITY

Australian and New Zealand Standard Industrial Classifications (ANZSIC) 2006
Division E Construction
The Building and Construction Industry Code of Practice 2002
Vocational Education and Training Act 1996
Vocational Education and Training Regulations 2009

5.1 RELATED DEPARTMENT GUIDELINES

Aboriginal School Based Training (ASBT) Guidelines
Apprenticeship Policy Guidelines
School Based Training Guidelines

6 POLICY FRAMEWORK

6.1 POLICY COMPONENTS

The Priority Start – Building policy has two components:

- **Component A** – *Registration*, which requires evidence to establish a head contractor's ongoing commitment to training in the workplace; and
- **Component B** – *Training requirement*, which establishes the training requirements of the head contractor.

6.2 COMPONENT A - REGISTRATION

To be eligible to undertake any state government building, civil or engineering construction contracts that have an estimated labour component in excess of \$300 000, head contractors will need to be registered by the Department of Training and Workforce Development as part of a pre-qualification process.

Registration is renewable on an annual basis.

Guidelines

Style for the guide section.

6.3 REGISTRATION PROCESS

Registration under Component A of Priority Start – Building is achieved by providing the Department with evidence that demonstrates a commitment to training in the workplace. Documentary evidence such as:

- evidence that the head contractor has directly indentured, or has engaged apprentices from a Group Training Organisation (see section 4 Definitions) over the previous 12 month period; or
- evidence that the head contractor regularly engages sub-contractors who employ or host apprentices as part of their workforce.

6.4 PROVISIONAL REGISTRATION

Head contractors unable to satisfy the criteria for full registration requirements for Component A can apply for provisional registration valid for a period of no longer than six months from the date of application.

Provisional registration under Component A will only be granted once and enables the head contractor, prior to being awarded a State Government contract, to satisfy the necessary criteria before full registration under Component A is granted.

7 COMPONENT B - TRAINING REQUIREMENT

Prior to being awarded a State Government contract, head contractors must be registered under Component A of **Priority Start – Building**.

7.1 TRAINING REQUIREMENT

Successful tenders are required to meet a pre-determined training requirement by providing training opportunities for a target number of apprentices to be engaged for the full duration of the contract.

This target is linked to the labour component of the contract (see section 7.5 Training Requirement Table) and will be identified by the Works Agency for inclusion in the initial tender documentation.

7.2 APPRENTICE ENGAGEMENT PROCESS

Head contractors can demonstrate compliance of the training requirement by nominating the target number of apprentices specified through any combination of the following:

- direct employment of an apprentice;
- hosting apprentices from a Group Training Organisation;
- participating in, and recruiting apprentices from a Works Agency apprenticeship initiative;
- contracting with sub-contractors that either directly indenture or engage apprentices from a Group Training Organisation; or
- contracting with sub-contractors that participate in Works Agency apprenticeship initiatives.

While priority is to be given to new commencements and the recommencement of disengaged apprentices, those already in the system can be nominated for compliance under Component B regardless of the year of indenture.

Apprentices nominated for a specific contract cannot be nominated again until the initial contract is completed.

Students undertaking school based arrangements, such as School Apprenticeship Link, School Based Traineeships or School Based Apprenticeships can be included as compliance options for Component B with a full time employment equivalent rating of 50% per student.

Contractors can also meet compliance by employing apprentices that are not related to the project, provided they are employed in the building and construction industry in any capacity.

7.3 EXCLUSIONS

Government Agencies can utilise a works agency or training unit arrangement to assist head contractors comply with Component B training requirement.

A Government Agency must apply to the Department of Training and Workforce Development if they wish to assist head contractors through this arrangement.

All proposals must show a planned annual growth in apprenticeships; indicate the strategies or methods to achieve the growth; and ensure the intent of the PS-B Policy is maintained.

Government Departments that do not utilise a training unit or works agency option must pass the component B requirement on to the head contractors.

Guidelines

Government Departments approved to utilise a works agency or training unit model may operate under a Memorandum of Understanding or Exchange of Letters with the Department of Training and Workforce Development to ensure the intent of the PS-B Policy is maintained.

7.4 APPRENTICE PLACEMENT

Apprentices engaged by the head contractor or a sub-contractor to demonstrate compliance with Component B may work on the Government site or undertake off-site work relating to the project (e.g. pre-fabrication processes).

To ensure apprentices are fully engaged in productive work when not engaged on the Government contract, the head contractor or sub-contractor may place them on other construction projects suitable to their training needs.

7.5 TRAINING REQUIREMENT TABLE

When calculating the training requirements for apprentices for a Training Program the Government Agency will use the following table as a guide.

Estimated Value of the Labour for a Contract	Minimum Apprentice Requirement
\$300 001 - \$1 million	1
\$1 000 001 - \$2 million	2
\$2 000 001 - \$3 million	3

\$3 000 001 - \$4 million	4
\$4 000 001 - \$5 million	5
\$5 000 001 - \$6 million	6
\$6 000 001 and above	Continuation of ratio*

*Projects with an estimated labour component in excess of \$6 million will be assessed on a project by project basis by the relevant Government Agency using the above ratios as a guide.

Other factors that are taken into account when calculating the training requirement will include:

- projects in remote and regional areas; and
- projects that do not lend themselves to achievable training outcomes due to specific circumstances e.g. Out-of-hours work or worksites that are inappropriate for apprentice placement.

Additionally, when a Government Agency identifies a specific project where the training requirement cannot realistically be achieved the Agency must seek endorsement from the Department of Training and Workforce Development prior to any deviation from the Training Requirement Table. The Department will assist the Government Agency to achieve the best possible training outcomes.

Government Agencies may also choose to become directly involved in recruitment and deployment of apprentices through their own initiatives. Apprentices recruited as part of a Works Agency training initiative can be nominated as compliance options for Component B.

Contractors who do not comply with Component B risk suspension or withdrawal of their Priority Start – Building registration (see section 11 Non Compliance).

8 REGULATION AND REPORTING

PRE TENDER

All head contractors are required to obtain registration under Component A of **Priority Start – Building** prior to being awarded a State Government works contract. Evidence to support the ongoing registration process will be requested by the Department of Training and Workforce Development on an annual basis and cross referenced with the Training Records System database.

POST TENDER

As a requirement under Component B, head contractors will undergo compliance and monitoring checks during the life of each project conducted by the Department of Training and Workforce Development. These will include:

- the development of a Training Plan by contractors, outlining the scope of works, and the nominated apprentices for the specific project;

- onsite monitoring of apprentices (if required) by officers from the Department; and
- database cross-referencing to match nominated apprentices against individual head contractors, sub-contractors or Group Training Organisation.

9 RESPONSIBILITIES

9.1 HEAD CONTRACTORS

It is the head contractor's responsibility to ensure compliance with the **Priority Start – Building** policy. As compliance with the policy is part of the contractual terms, any breach of the policy will be treated as a breach of contract.

Head contractors must provide employment opportunities conducive to suitable training outcomes for nominated apprentices.

9.2 SUB-CONTRACTORS

Sub-contractors are obliged to accommodate requests from head contractors to assist in providing work placement opportunities to apprentices recruited as a consequence of Component B.

Additionally, apprentices employed by sub-contractors can be nominated as compliance options.

Sub-contractors must provide employment opportunities conducive to suitable training outcomes for apprentices.

10 COMPLIANCE PROCESS

10.1 STEP ONE - COMPONENT A REGISTRATION

Head contractors can obtain Component A registration by supplying the required information to the Department of Training and Workforce Development.

10.2 STEP TWO - TRAINING PLAN

Within four weeks of the contract being awarded the head contractor shall submit a Training Plan to the Department of Training and Workforce Development for endorsement. This Training Plan will include:

- the commencement date and the anticipated practical completion date of the nominated project;
- name(s) of apprentices nominated or recruited for the specific project;
- name of contracted Group Training Organisation (if applicable); and
- project site details.

Contractors can also negotiate an alternative timeframe with the Department of Training and Workforce Development in submitting Training Plans in cases where the four weeks is insufficient.

10.3 ADDITIONAL STEPS

The head contractor must grant officers from the Department, or other persons authorised by the Department, access to sites if required to enable confirmation of on-site compliance with the policy.

10.4 PROCESS FORMS

The Priority Start – Building forms are available from the Department of Training and Workforce Development's website, www.dtwd.wa.gov.au.

Copies of the relevant forms can also be obtained by contacting the **Priority Start – Building** Project Officer on (08) 6551 5360.

All completed documentation can be faxed to the **Priority Start – Building** Project Officer on (08) 6551 5040 or emailed directly to Programs.PS.Building@dtwd.wa.gov.au.

11 NON COMPLIANCE

Where a contractor has failed to demonstrate compliance with **Priority Start – Building Policy**, or has not submitted the required forms, the Department will write to the contractor and send a copy to the government agency managing the contract outlining the non compliance.

The Department and the managing agency will determine the best strategy for resolving the situation.

All matters relating to compliance can be discussed in confidence with officers from the Department.

12 THE ROLE OF STATE GOVERNMENT WORKS AGENCIES

The relevant State Government Agencies will apply the **Priority Start – Building** policy by:

- including appropriate contractual requirements in its tender and contract documents for eligible contracts;
- advising the Department of eligible contracts;
- liaising with, and supporting the Department regarding contractor compliance with the policy; and
- ensuring the pre-qualification process outlines in Component A is consistent with policy requirements.

13 THE ROLE OF THE DEPARTMENT

The Department of Training and Workforce Development will closely monitor compliance with the **Priority Start – Building** policy. Information on individual contractor compliance will be passed on to other agencies for consideration of eligibility to tender and selection for future government contracts. The Department will:

- assess and approve (or otherwise) all pre-qualification applications under Component A of the policy;
- assess and approve (or otherwise) compliance reports as specified in Component B of the policy;
- liaise with head contractors and relevant Government Agencies on matters of compliance;
- assist head contractors with compliance obligations where necessary;
- provide verification of contractor compliance to the relevant Government Agencies;
- visit sites where necessary, to verify compliance;
- record all compliance data; and
- review on an ongoing basis, the effectiveness of the policy.

14 CONTACT INFORMATION

Priority Start – Building

Project Officer

Phone: (08) 6551 5360

Fax: (08) 6551 5040

Email: Programs.PS.Building@dtwd.wa.gov.au

Website: www.dtwd.wa.gov.au

Postal address

Priority Start – Building
Department of Training and Workforce Development
Locked Bag 16
Osborne Park Delivery Centre WA 6916

Please note: The process forms are available at or by contacting the Priority Start – Building Project Officer on (08) 6551 5360 or Programs.PS.Building@dtwd.wa.gov.au.