



QUEENSLAND  
FARMERS'  
FEDERATION

# Implementation of Recommendation 38 from the Best Practice Review 2017

**Prepared by:**

**Name:** Jo Sheppard, CEO, QFF  
**E:** [qfarmers@qff.org.au](mailto:qfarmers@qff.org.au)

**Prepared for:**

Office of Industrial Relations

**Date prepared:**

October 2023

A large red tractor is shown from a low angle, moving through a field of dark brown soil. The tractor's large, treaded tires are kicking up a thick cloud of orange-brown dust. The background shows a clear blue sky with a few wispy white clouds. The tractor's cabin and front grille are visible, and a person can be seen inside the cabin.

The united voice of  
Queensland agriculture

## Contents page

About the Queensland Farmers' Federation.....	2
Submission .....	2
Background .....	2
Minimum training standards.....	3
RTO accountability .....	4
Costs and funding.....	5
Employment and licensing .....	5
Additional considerations .....	6

This submission is provided to:

Office of Industrial Relations  
Johanna Sutherland and Yvette Norris

Submitted via email [Johanna.Sutherland@oir.qld.gov.au](mailto:Johanna.Sutherland@oir.qld.gov.au) and [Yvette.Norris@oir.qld.gov.au](mailto:Yvette.Norris@oir.qld.gov.au)

## Our members

- Canegrowers
- Cotton Australia
- Queensland Fruit & Vegetable Growers
- Nursery & Garden Industry Queensland
- eastAUSmilk
- Australian Cane Farmers Association
- Queensland United Egg Producers
- Turf Queensland
- Queensland Chicken Meat Council
- Pork Queensland
- Bundaberg Regional Irrigators Group
- Burdekin River Irrigation Area
- Central Downs Irrigators Ltd
- Fairburn Irrigation Network
- Mallowa Irrigation
- Pioneer Valley Water Co-operative Ltd
- Theodore Water Pty Ltd
- Eton Irrigation
- Queensland Oyster Growers Association
- Lockyer Water Users Forum

## About the Queensland Farmers' Federation

### **The Queensland Farmers' Federation (QFF) is the united voice of agriculture in Queensland.**

We are a member-based organisation representing the interests of peak agriculture industry organisations, both state and national. Through our members QFF represents more than 13,000 primary producers across the cotton, sugarcane, horticulture, dairy, nursery and garden, poultry, eggs, pork, and intensive animal industries.

We unite the sector to engage in a broad range of economic, social, environmental, and regional issues through advocacy, policy development, and project activity. We work with the government of the day on behalf of industry, farmers, and the community to provide powerful representation and contribution to the policy direction, sustainability, and future growth of Queensland's agriculture sector.

Our Council of member representatives and policy committees set the strategic priorities for policy development and advocacy, while our Executive Board ensures our corporate governance.

QFF draws on the expertise and industry knowledge of our members and through our commitment to collaboration and considered policy development, we lead Queensland's agriculture sector towards a strong future, ensuring our members are ahead of the game and have a voice at the table on the issues that matter to their members.

## Submission

QFF welcomes the opportunity to provide comment on the Implementation of Recommendation 38 of the Best Practice Review 2017.

We provide this submission without prejudice to any additional submission from our members or individual farmers.

### **Background**

The Best Practice Review of Workplace Health and Safety 2017 was undertaken following the tragic incidents at Dreamworld and Eagle Farm Racecourse in 2017. This comprehensive review consulted with a variety of industry, union and academic agencies to conduct a thorough and detailed review of the Workplace Health and Safety Act 2011. One key point of the review, s3.8 Licensing frameworks, investigated licensing and accreditation requirements of high-risk work activities. Recommendation 38 of this section proposed 4 key amendments to the Work Health and Safety Regulation 2011, which the Office of Industrial Relations is presently implementing. These amendments will introduce stricter accreditation processes and minimum requirements for high-risk equipment training. While high-risk work encompasses various machinery including cranes, rigs, rigging and concrete booms, the changes to licencing and operation of forklift trucks will be a key impact across majority of industries.

QFF has consulted with department representatives regarding the impact these changes will have to farming businesses, rural and remote communities. Whilst QFF recognises the need to create a direct improvement in the standard of training underpinning forklift licensing and can appreciate these changes are driven by data following multiple workplace incidents, including several forklift accidents, these changes will still have a number of impacts on the agricultural sector, the viability of regional RTO's and have the potential to create detrimental unintended consequences. QFF has drafted the below points of concern and suggested recommendations for the departments consideration. These can be summarised as:

- QFF acknowledges the 10-hr minimum training requirement for forklift licencing would create adequate standardised training across RTOs but calls for flexibility so that competency-based training and assessment is possible where appropriate.
- QFF calls for further clarification on the definition and requirements of supervision, across the 10-hr training period and the proposed requirement for assessment not being able to be done by the trainer.
- QFF calls for clarification on changes to the forklift licence lifespan, and whether the current 5-year licence duration will be reduced.
- QFF calls for clarification on the expiry period of the training certificate before accreditation is granted.
- QFF supports shifting the cost burden from users to RTOs when a s.95 notice is issued and the user is deemed incompetent due to substandard training.
- QFF highlights that equitable access to training and licencing services is essential, training costs in rural and remote regions should be comparable to that of major regional centres.
- QFF submits that viable, quality regional RTO's are needed to support skilling across the agricultural sector and it is vital that these RTO's who are mostly delivering training in regional, rural and remote locations are not unfairly disadvantaged by these proposed changes.
- QFF advocates for government funding support to bolster training in rural areas to address cost and access issues. QFF pushes for better subsidies for users who must travel in order to obtain their licences.
- QFF encourages further consultation with relevant stakeholders, particularly small businesses and regional RTO's that will be impacted by these licencing changes.
- QFF calls for further information on what support and resources will be available to stakeholders during the initial 6-month transition period.

## Minimum training standards

The Department has acknowledged feedback from various stakeholders who have expressed concerns about the shortcomings of high-risk licenses. The primary concerns raised by these stakeholders revolve around the brevity of the licensing duration and the limited practical skills some RTOs currently provide to license applicants. The Department has suggested a minimum of 10 hours of practical training be incorporated into the forklift licensing process and that accreditation authority be removed from RTO's completely. QFF recognises that a 10-hour minimum training requirement would create standardised training across all RTOs but also acknowledges the need for competency-based training to not be ruled out, where appropriate. It is important that industry is able to trust the assessment of reputable RTOs in the appropriate delivery of training and assessment and that those RTO's doing the wrong thing are stamped out, rather than quality RTO's being burdened with a potentially costly and in some cases impractical mandated requirements.



If the 10-hr minimum requirement is to be implemented, QFF requests further clarification from the Department on the definition of supervision throughout this 10-hr training process. Supervision guidelines may vary significantly between the first 2 hours of training vs the final 2 hours. QFF also highlights the need for a more detailed response regarding changes to the lifespan of the forklift license, specifically, whether the current 5-year license duration may be reduced to 2 years. Furthermore, if the training and accreditation process is to be separated from RTOs, the department needs to define the expiry period of the 10-hr training certificate, before accreditation takes place. Consultation and outreach sessions with industry should continue to occur throughout the entire period of these legislation changes, to educate and assist stakeholders in the relevant details. The Department needs to ensure regional RTO's who are delivering in regional, rural and remote areas are supported to support the continuation of training to the regions. Mandating blanket minimum hours of supervision and separating training and assessing has the potential to drive up the cost of training and in some instances make it unviable for regionally focused RTO's to deliver.

QFF supports and calls for clarification as to whether there would be room for reducing the required training hours for individuals who previously held a license that has lapsed or who possess relevant experience (i.e. long-term business owners, mining industry). QFF calls for further clarification on this point including where the cost of verification would lie and reiterates the need for some flexibility so that competency-based training and recognition of prior skills can be incorporated into licencing where appropriate.

## **RTO accountability**

QFF supports the shift in cost burden away from the user and towards the RTOs in cases where a user is deemed incompetent due to substandard training. This change aligns with the principle that those responsible for providing the training should bear the cost of rectifying inadequate instruction. This cost-shifting mechanism would come into play when a s.95 notice is issued by the regulator, indicating that the user's training did not meet the required standards. By holding RTOs accountable for the quality of their training, this approach encourages them to deliver high-quality programs and ensures that users receive the training they need to safely operate high-risk equipment.

Under the proposed reforms, users will undergo training by Registered Training Organisations and then undergo separate assessments. This separation of training and assessment aims to ensure a more objective evaluation of a candidate's skills and knowledge, reducing potential conflicts of interest and maintaining the integrity of the licensing process. QFF acknowledges these changes would create a safer licensing process for users going through potentially unreputable RTOs, however, emphasises this separation is likely to negatively impact those RTOs who are delivering quality and safe training and accreditation to licence holders. With these changes, it is crucial to have equitable access to training and licensing services, particularly for rural areas. Cost of training in rural regions needs to be comparable to that in major regional centres (i.e. Brisbane), despite potential disparity in RTO and accreditor availability.

QFF has also raised concerns to the department regarding the existing distribution of assessors available in Queensland's rural and remote areas. Availability of both RTOs and accreditors will be a critical factor in many small businesses' ability to secure timely licensing for their workers and to continue to operate efficiently. While there is an understanding of the need to enhance safety through improved licensing processes, there is also recognition that these changes will slow down the licensing process significantly. It is vital that quality RTO's are not disadvantaged, but rather

supported to be able to continue to deliver cost and time effective training and accreditation in the regions. Unreputable RTO's must be weeded out but the Department needs to ensure that this is not done at the detriment of quality RTO's who are vital to the current and future skilling needs across Queensland agriculture.

## **Costs and funding**

The proposed increase in training requirements, audit oversight, and changes to servicing within the licensing process, are expected to have a notable impact on the availability and potential viability of RTOs, particularly in rural and remote areas. Despite the positive benefits Recommendation 38 will have across industry WHS, the proposed reforms will make it more challenging and expensive for RTOs to comply with the new standards. This is likely to have a ripple effect, impacting the availability and affordability of training services, especially in rural and remote areas. This risk needs to be acknowledged and measures put in place to ensure quality, reputable RTO's are supported and in no way disadvantaged by any changes implemented. Industry needs to be able to trust and allow RTO's to do their job. It is critical that the viability of quality RTO's delivering much needed training to regional, rural and remote areas, is not negatively impacted.

Some larger industry bodies may be able to absorb these additional costs, but government-assisted funding is seen as a critical component in this regard, in order to avoid undue financial burden on businesses across all industries. QFF advocates for financial support from the government to bolster training in rural areas to address these cost and access issues. Additionally, for users in remote areas who must travel for work or personal business reasons to obtain their licenses, QFF pushes for better training subsidies that would ease the financial burden associated with travel and training. This would include increased fuel subsidies for road and rail travel, and relaxation of eligibility criteria for these training subsidies. Criteria currently only allows for those travelling to the closest RTO to be eligible, if the current licencing changes are implemented this may not be possible for all users, particularly those in rural areas. Maintaining current subsidy criteria as is, will cause additional licencing and accreditation delays and push further burden on rural workplaces. Impacts on RTO availability must be factored into these requirements, eligibility criteria must adapt to the licencing and training changes. QFF submits that it is appropriate for reputable, quality RTO's to be supported to ensure their input is sought and addressed and they are able to continue to provide vital training to agriculture and regional communities across Queensland, irrespective of the location.

## **Employment and licensing**

The challenges related to high-risk training and accreditation are connected to both workforce employment problems and health and safety policy matters. During discussions with the Department, it was noted that many individuals, who may be facing unemployment or job insecurity, are sent through by employment centres to obtain high-risk licences as additional tickets to enhance their employability on paper. QFF supports the Department implementing measures aimed at prioritising those applicants which require the licence for their current work, over employment centres sending clients through these licensing processes, who do not have any intention of using the acquired skills in a professional capacity, during times of RTO availability shortages. This does not mean that those seeking licenses to improve national skills passports or those entering or already working in the industry should be excluded. It is important high-risk work licences are granted to individuals who genuinely require them for their work role and who are able to maintain the necessary competency and skill.

## Additional considerations

The recent conversations around safe forklift operation have also raised discussions regarding the use of telehandlers in the workplace. To avoid these additional licensing measures, some stakeholders may be inclined to transition from forklifts to telehandlers. The current legislation change only applies to vehicles of vertical lift, and as such telehandlers would be excluded. It is crucial to highlight that the risk of these machines is beyond the equipment, encompassing workplace traffic management and the effective management of personnel in close proximity to these machines. QFF understands telehandler use is a separate conversation but would be eager to participate in discussions around achieving and ensuring workplace competency, outside of licencing regulations.

Overall QFF encourages additional consultation, in particular with small employers and businesses as well as reputable regionally focused RTO's, in regard to these licencing changes. The department has also communicated a 6-month transition period, it is important for this to be further clarified as to how and where support will be provided to businesses during this period, and what resources will be available.

The poor practices of disreputable RTO's is at the heart of this issue. There are many quality, reputable RTO's doing great work delivering training across Queensland for industry and they are important to maintaining and building a strong workforce pipeline for agriculture. With the significant amount of economic activity planned for the regions, it is imperative that RTO capacity to deliver training is strong and supported. Hence, any changes made aimed at making the WHS improvements outlined, must effectively discourage poor training practices and support those RTO's who are doing good work and are needed to support industry.

QFF calls on the department to consider this matter carefully to ensure unintended consequences are not caught up in any changes to be implemented and the ongoing development of a strong RTO, agriculture and regional community framework is supported in driving any change.

Yours sincerely

Jo Sheppard  
Chief Executive Officer



**This submission is provided by the Queensland Farmers' Federation**

---

PO Box 12009 George Street, Brisbane Qld 4003  
Level 8, 183 North Quay, Brisbane Qld 4000  
ABN 44 055 764 488

**Contact QFF**

---

**E:** [qfarmers@qff.org.au](mailto:qfarmers@qff.org.au)  
**P:** 07 3837 4720  
**W:** [www.qff.org.au](http://www.qff.org.au)

