

Further Education and Training Regulation 2024

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, the Honourable Lance McCallum MP, Minister for Employment and Small Business and Minister for Training and Skills Development provide this human rights certificate with respect to the *Further Education and Training Regulation 2024* made under the *Further Education and Training Act 2014*.

In my opinion, the *Further Education and Training Regulation 2024*, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The objective of the *Further Education and Training Regulation 2024* (the Regulation) is to prescribe necessary matters for the purpose of the *Further Education and Training Act 2014* (the Act). The Act provides for the following matters to be prescribed in the Regulation:

- additional matters which can be included in a declaration of an apprenticeship and traineeship;
- requirements for keeping, producing, and updating the training record for an apprenticeship or traineeship; and
- provision and costs for copies of certain apprenticeship and traineeship related documents.

The Act provides for employment-based training which leads to a qualification or statement of attainment to be declared as an apprenticeship or traineeship, including minimum hours of paid employment and whether the apprenticeship or traineeship may be completed by a school student. The Regulation prescribes additional matters that may be included in the declaration, such as the level of education a person must have reached before starting the apprenticeship or traineeship; and the supervision requirements for the apprenticeship or traineeship and the qualifications and experience the supervisor must have.

A failure to keep training records in the way prescribed under a regulation can constitute misconduct under the Act. The training record is essential for documenting an apprentice's or trainee's learnings and progress throughout the apprenticeship/traineeship, both workplace tasks completed under the employer and formal training delivered by the supervising registered training organisation. The Regulation prescribes who is responsible for providing, keeping, maintaining, and updating the training record; the frequency for updating the record; and the format of the training record.

Individuals may request a copy of historical apprenticeship, traineeship, and related documents kept for the individual under the Act and preceding, repealed legislation. The Regulation prescribes the documents that may be requested including completion certificates, training

contracts, and certificates certifying a matter relating to the individual's apprenticeship or traineeship. The Act provides that a regulation may prescribe the fee payable for providing a copy of these documents and includes a regulation making power to prescribe the fees payable. The Regulation prescribes that the fee may be waived if there are exceptional circumstances to do so.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

No human rights are identified as being relevant to the *Further Education and Training Regulation 2024*.

Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)

No human rights are identified as being limited by the *Further Education and Training Regulation 2024*.

Conclusion

I consider that the *Further Education and Training Regulation 2024* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

LANCE MCCALLUM MP
MINISTER FOR EMPLOYMENT AND SMALL BUSINESS
MINISTER FOR TRAINING AND SKILLS DEVELOPMENT

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