



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**STANDING COMMITTEE ON EDUCATION, TRAINING
AND YOUTH AFFAIRS**

(Reference: [Inquiry into vocational education and youth training in the ACT](#))

Members:

MS M PORTER (Chair)
MR S DOSZPOT (Deputy Chair)
MR A COE
MS M FITZHARRIS

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 1 APRIL 2015

Secretary to the committee:
Mr A Snedden (Ph: 620 50199)

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

WITNESSES

DUNSTAN, MR IAN, Trainer and Assessor, Canberra Institute of Technology**163**
FORWARD, MS PAT, Deputy Federal Secretary and Federal TAFE
Secretary, Australian Education Union.....**179**

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Amended 20 May 2013

The committee met at 10.03 am.

DUNSTAN, MR IAN, Trainer and Assessor, Canberra Institute of Technology

THE CHAIR: Good morning, Mr Dunstan, and welcome to the fifth public hearing into vocational education and youth training in the ACT of the Standing Committee on Education, Training and Youth Affairs. The committee has published 14 submissions. I hope you have had a chance to have a look at some of those. A copy of our hearing schedule is on the table just inside the door. We welcome you here today. Have you had a chance to look at the pink privileges card?

Mr Dunstan: The privileges, yes; I have a copy of that.

THE CHAIR: Can you acknowledge that you understand?

Mr Dunstan: Yes.

THE CHAIR: Thank you. The hearings will be recorded today. You will get a chance to have a look at the transcript afterwards, just to check for accuracy and what you have said. Have you got anything you would like to say as an introduction? Then we can go from there to questions.

Mr Dunstan: No, I will just take questions on the submission I forwarded.

THE CHAIR: Thank you. Mr Doszpot.

MR DOSZPOT: Thank you very much. Good morning, Mr Dunstan, and welcome to the hearing. Can you just outline your qualifications for us?

Mr Dunstan: I have been in the building industry for over 40 years. I have been a licensed electrical contractor for probably 35 years in New South Wales, the ACT and, I think, Queensland still. I hold a cert IV in training and assessment. I am a master cabler for data and communications cabling. I was on the vision 2000 committee in the 1980s to help write some of those codes. I have been a very active participant in the electrical industry for over 40 years.

MR DOSZPOT: With that sort of background, you were given the task of, according to your submission, being contracted by CIT to deliver units of competence for data and telecommunications commercial courses, as well as electives within the UEE11 package. Can you explain what that means and what courses that training was related to?

Mr Dunstan: That is the cert III electrotechnology package that is specifically for apprentice electricians. I brought with me a unit of competence from that package, one of the ones that I delivered. There are 22 units of competence that make up the UEE11, which is part of the requirements for a licensed outcome for a licensed electrician in the ACT and all over Australia.

MR DOSZPOT: Okay. You refer to gaps in training for apprenticeships inherited from the now-defunct Electroskills campus. Can you elaborate and explain what

happened to the Electroskills campus?

Mr Dunstan: The Electroskills campus was audited by ASQA and found to be noncompliant, deficient, in a lot of respects, in that they did not deliver correctly and compliantly the proper materials. They were delivering what was called the LSEs, which is a learning specification derived from the 06 package, which is two packages back from the 11 package that we are supposed to be delivering now, and they were not adhering to the practical assessment requirements and the learning specifications, only the theory component. It was found that even within those learning specifications, if you had two teachers teaching that same LSE in the one week, they were delivering inconsistently. So you had a situation where if you came in on a Monday you were being taught differently to what you were being taught on a Friday. Those gaps were identified. ASQA put out a very extensive report and, as a result, Electroskills closed their doors, and those apprentices were transferred to CIT.

MR DOSZPOT: Just a question on that. How were ASQA made aware of the gaps? How were they aware that there was an inconsistency?

Mr Dunstan: I am not sure how the audit was initiated. I understand that there were a few conversations between industry and the department of education. I believe there were some funding issues as well. I came into the training and assessment in 2011, and I walked right into it. I came in as a casual trainer. A little while later—it was 2012—the audit started, but there were some conversations going on in 2011 that led to the audit, which I was not privy to because I was just there as a casual trainer at that stage.

MR DOSZPOT: Can you just elaborate a little bit for us on Electroskills and its links to CIT?

Mr Dunstan: Electroskills is now defunct. That was the training organisation that was based at Mitchell. It was associated with the ETU. It was also closely associated with Electro Group, the group training scheme.

THE CHAIR: Excuse me, Mr Dunstan; you said the ETU?

Mr Dunstan: Yes, the Electrical Trades Union.

THE CHAIR: Thank you.

Mr Dunstan: They were all based at Mitchell. As a result, a lot of the apprentices that were being trained at Electroskills were actually Electro Group training apprentices.

MR DOSZPOT: All right. Your own involvement with developing an RPL tool for CIT—was that prior to your contract or was that as a casual in 2013?

Mr Dunstan: It was as a casual in 2013. After ASQA audited Electroskills, I was on a project 11 committee with Electroskills before they decided to close it down because we were attempting to make it as compliant as we possibly could after the audit, which we did achieve. Electroskills, unfortunately by the time they closed the doors, was a very compliant, viable institution which, on reflection, probably should have

stayed open.

MR COE: Whose decision was it to close it down?

Mr Dunstan: I think Electroskills themselves, but I was led to believe that they were told by ASQA that if they did not close down themselves they would be closed. If they had been closed forcefully, they would have suffered significant fines as a result of the noncompliance issues, which I believe are pretty considerable—around \$20,000-odd per noncompliant issue.

MR COE: So Electroskills was wholly owned by the ETU?

Mr Dunstan: No. I do not know the technicalities of the company. I believe it was a concern in its own right, but the ETU was very interested in the running of the organisation.

MR COE: Sure. And you have had some involvement with the ETU?

Mr Dunstan: I have been a member of ETU for some 40-odd years. I have also been on committees with NECA, the electrical contracting association. Being an old project manager, you learn to have a relationship with everyone.

THE CHAIR: Are you finished with your questions, Mr Doszpot?

MR DOSZPOT: I am happy for you to take a question. I will come back.

THE CHAIR: Mr Dunstan, I just wanted to clarify with you: all of those courses that were previously run by that organisation then went to the CIT? Is that correct?

Mr Dunstan: The students went. The courses at CIT—

THE CHAIR: The students went, yes.

Mr Dunstan: Yes, the apprentices.

THE CHAIR: Yes.

Mr Dunstan: The courses should have been; exactly. The compliant courses from the 11 package should have been run by CIT.

THE CHAIR: And?

Mr Dunstan: Well, basically they were not, no.

THE CHAIR: Right. So what courses were then provided? I know that you talk about it in your submission, but if you could just walk us through that?

Mr Dunstan: They called it the units of competence from the 11 package, but they were not. There were materials that I brought to the attention of the executive management in CIT that were from packages back in the 1980s.

THE CHAIR: Previous packages.

Mr Dunstan: Yes.

THE CHAIR: Even before the 06 package?

Mr Dunstan: Yes. If you look at the new package, all of the required skills and knowledge are clearly outlined in the topics within each package.

THE CHAIR: Are you able to table that document, Mr Dunstan?

Mr Dunstan: Yes.

THE CHAIR: Thank you.

Mr Dunstan: That is readily available on the internet.

THE CHAIR: We will also provide members with a hard copy of that. We will have a look at that, Mr Dunstan. Once you pointed that out to the person that you spoke to, what transpired at that stage?

Mr Dunstan: It goes back to the initial involvement I had with CIT, when they asked me to help run some of the gaps classes. I found that there were just not the resources to run compliant classes. I had to find some resources myself to run some of the gaps that I knew existed.

THE CHAIR: What kinds of resources are we talking about, Mr Dunstan?

Mr Dunstan: Some stuff from the recommended authors of the electrotechnology package. Pearson was one of the publishers. If you have a look at the topics within the required skills and knowledge, virtually you have to go through each topic. Once you have identified the gaps that have not been delivered previously—and it is very technical—and you know that they had the LSEs delivered at, say, Electroskills, you cannot give that as a credit transfer within the rules of the package. I brought some documentation with me and I will read it to you. This is straight from the AQF, the quality training legislation:

Credit transfer is a process that provides students with agreed and consistent credit outcomes for components of a qualification based on identified equivalence in content and learning outcomes between matched qualifications.

Regarding the LSEs, for a start, it is not a full qualification. It is only the theory component of an 06 package. Say it was a similar subject course to that one you have got in front of you, you would have to identify the gaps from the 06 package and then go to the 11 package and then train out those gaps. According to the rules of this—and this was clearly explained to us at Electroskills by ASQA—if the unit of competence was not complete, say, for the 07 package, which is what we should have been training at the time at Electroskills, you cannot credit transfer. You have got to RPL. You have got to take all the evidence. It is not acceptable to just take the LSE off the

transcript given by Electroskills and say that they have achieved that. You have got to have the underpinning evidence that they used to achieve that.

THE CHAIR: Right.

Mr Dunstan: And especially when I was privy to the information that there were inconsistencies in the delivery within Electroskills itself, as a trainer and assessor you must ensure that all of that evidence is authentic and they have been given that training, especially because ours is a licensed outcome in a high risk industry.

MR DOSZPOT: I have a quick supplementary on that, if you do not mind. In paragraph 1.3 of your submission—I want clarification that this is what you are referring to now—you state:

... some apprentices that had been wrongly allowed into Capstone in late 2013 could then be urgently assessed against these established deficiencies from their transcripts.

That was part of your gaps training package that you were hired to do. Is that correct?

Mr Dunstan: That is right.

MR DOSZPOT: And how many students did this involve?

Mr Dunstan: I am not sure, but I imagine it would be around 30 or 40.

MR DOSZPOT: What has happened to those students?

Mr Dunstan: I have no idea. I was never told. I prepared the RPL documents but I was instructed to prepare the RPL documents based on what is called the performance criteria, which is CIT. There are a lot of people in the executive at CIT who believe that that is all you have to do to map across to the relevant package.

But our package is unique because we have got what is called the R2 required skills and knowledge and all of those components. If you open up that, you go to the evidence guide within that unit of competence. It will tell you that there are three or four criteria which you have to assess to get all the relevant information before you can issue that qualification, including all of the on-job experience that should be reflected in their e-profiling.

THE CHAIR: Mr Dunstan, is the on-job experience off site—off the CIT site—and back on their work site where they are as an apprentice?

Mr Dunstan: That is right, yes.

THE CHAIR: How do they show that they have had that kind of experience?

Mr Dunstan: On the job they have e-profiling. It is a diary. It is an electronic diary. They fill it out each week and it is signed off by their supervisor. The supervisor that works with them on the job signs off all of the tasks that they have been undertaking

during that week. At least once a year—I think it is even twice a year—you interview the apprentice and the employer to ensure that they can train or provide experience against the training that we would be providing at the same time so that we can coordinate.

The idea of the e-profiling is to assess whether the apprentice would benefit from rotation. That means that if they are not getting the right experience with that employer, maybe we could look at rotating them with another employer so that they get the relevant experience.

THE CHAIR: Thank you. Ms Fitzharris.

MS FITZHARRIS: Thank you. Could you just walk me through this? If you were leaving school this year and you wanted to become an electrician, what steps would you need to go through over the course of your apprenticeship? Is CIT the only place now available in the ACT where you can get training?

Mr Dunstan: No, there is another RTO. I believe that the relevant gentleman is going to be before you in a short while. He is from AVTA—the Australian Vocational Training Academy. He is another one. I can tell you that there are other interested parties wanting to come to Canberra as well and start training. Our package clearly states that you should provide—the preferred method is flexible, blended delivery.

MS FITZHARRIS: Okay.

Mr Dunstan: At the moment I believe that one of the biggest problems with CIT is that it is far too structured. It is run like a school environment and they are not teachers. They are trainers and assessors. There is no requirement for teachers in our training package. They are trainers and assessors.

MS FITZHARRIS: Right. To complete your apprenticeship, how many hours of—

Mr Dunstan: There are no specific hours. Each one of those units of competence has assigned weighting points.

MS FITZHARRIS: Yes.

Mr Dunstan: But no apprentice shall be disadvantaged. That is where the flexible delivery comes into play. If you have an apprentice that can go ahead more rapidly than others, you should allow him to. If you have apprentices that need more time, you should allow for that as well.

MS FITZHARRIS: So your comment on the whole system of getting through an apprenticeship is less around what the competencies are—so the framework in your view is good. It is relevant to industry and provides all the—

Mr Dunstan: Yes, it is.

MS FITZHARRIS: It is the way it is being currently delivered through CIT?

Mr Dunstan: Absolutely.

MS FITZHARRIS: You mention training reforms in your submission. You obviously have a view about the way that you have experienced your involvement with CIT but your main concern is around making sure that the training reforms are implemented.

Mr Dunstan: Exactly.

MS FITZHARRIS: Can you talk us through what, in your view, you think those reforms would be?

Mr Dunstan: I will be pretty blunt and direct now because we have got limited time.

MS FITZHARRIS: Yes.

Mr Dunstan: At the moment if you look at the executive level within CIT, even if you go to the head of department level within electrotechnology, from that position upwards the people that are sitting in those positions have not got experience in our industry. As a result, they do not understand our industry and most of their decisions are based on revenue raising.

All they are concerned about is getting a student through so that they can get their funding. When it comes down to making a decision on whether the apprentice is competent, it is only the qualified trainers and assessors that can make that decision. If they do it wrongly they can be held accountable in a court of law. But immense pressure is applied, as you can see in my submission, to those who attempt to ensure that the quality of training is delivered.

MS FITZHARRIS: With the apprentices who are now either midway through their apprenticeship or have just completed it, what safeguards are there in place to make sure that they have, for their own sake, for the sake of the industry and for safety—

Mr Dunstan: There is a capstone process which is one of the final units of competence. But that is also run by CIT. So, unfortunately, it is not really transparent, I do not believe.

MS FITZHARRIS: No.

Mr Dunstan: The reality is that if you went in and audited CIT to the same extent that Electroskills was audited, the outcome would be, in my opinion, at least as bad, if not worse. I do not believe that that is acceptable. I am not trying to attack CIT. We have done everything for the last two years. When I say “we”, I am in close contact with most people in the industry that I have been a part of for 40 years. Everybody wants CIT to be a viable RTO but there are people, unfortunately, at the executive level in CIT that are just not listening.

MR DOSZPOT: Can I ask a question?

THE CHAIR: Do you have one more question, Ms Fitzharris?

MS FITZHARRIS: I do. You mentioned also before that there are other RTOs interested in coming and providing training here. Do you know what the barriers are to their coming? Are there barriers and, if so, what are they?

Mr Dunstan: No, they are going through the process now—

MS FITZHARRIS: Okay.

Mr Dunstan: and I believe that they will come to Canberra. It is inevitable mainly because—I will not disclose their names because they have only been in touch with me recently.

MS FITZHARRIS: Right.

Mr Dunstan: But they do deliver blended, flexible delivery and they are very successful in three other states.

MS FITZHARRIS: Right. Are you aware of a group called Electro Group that say they have a presence in training in the ACT?

Mr Dunstan: No, they do not have a presence. Electro Group are a group training organisation. They hire out apprentices. They do not train.

MS FITZHARRIS: Right.

Mr Dunstan: And NECA also hire out apprentices and they do not train.

MS FITZHARRIS: Right, okay.

THE CHAIR: Now, this is a public hearing.

Mr Dunstan: I think that after the Electro Group-Electroskills experience, which I was a big part of—this is my own personal view—it would be not a good move to allow the scenario to happen again where a very closely associated group of people were running a group and a training organisation. I think it is a considerable conflict of interest.

MS FITZHARRIS: Thank you.

THE CHAIR: Mr Coe?

MR COE: With regard to what you said earlier, are you, in effect, saying that if ASQA held CIT to the same standard they hold RTOs to, there is a chance—

Mr Dunstan: That they should?

MR COE: But if they did hold them to the same standard, CIT would be shut down?

Mr Dunstan: I do not know whether they would be shut down. I do not know

whether they should be shut down. I would not want to see that; I would want to see them being made to run compliance. If they have done some things wrong, they should redress those problems and do what they can to make them better.

MR COE: Don't get me wrong; I am not advocating that they be shut down. What I am getting to is: if CIT was a private RTO, do you think ASQA would have shut them down?

Mr Dunstan: I think ASQA would have rigidly audited them, similar to what they did with Electroskills, yes.

THE CHAIR: So can I just—

MR COE: Do you think they would, in effect, give a show cause notice in the same way that Electroskills—

Mr Dunstan: I have no doubt, because I know that the evidence that was lacking at Electroskills is also not at CIT.

MR COE: So can—

THE CHAIR: Just a minute, Mr Coe.

MR COE: Therefore, does that mean that there could be unsafe electrical tradespeople out there as a result of—

Mr Dunstan: There could be, yes. I think I have stated that quite clearly in my submission.

MR COE: As a result of poor training and education?

Mr Dunstan: Yes. Let us say inadequate; yes.

THE CHAIR: Mr Coe, can we just clarify something with Mr Dunstan. The actual course that is being run in this field would be the one that you are talking about. You are not talking about all the courses run by the CIT; you are talking about this particular course.

Mr Dunstan: No; I am talking about electrotechnology. I have not called it anything yet.

THE CHAIR: So we are not talking about the whole of CIT?

Mr Dunstan: No, electrotechnology.

THE CHAIR: Right; just to clarify that.

Mr Dunstan: Yes.

THE CHAIR: Thank you.

MR COE: In terms of the potential vulnerabilities in the community as a result of this training, or lack thereof, how could that manifest itself?

Mr Dunstan: If you have not provided sufficient training against all the units of competence—and the one I think I have given you is the G107A, which specifically deals with the selection of cables, the running of the right sized cables to the right job—then if you have put them out in the workplace without providing considerable training on that unit of competence, they choose an undersized cable which, without creating panic, could lead to a fire. It is as serious as that. We are a high risk industry. It is that simple.

MR COE: In order to rectify the situation, does there need to be an audit? Does there need to be an assessment of recent graduates or recent—

Mr Dunstan: I believe if you conducted an ASQA audit—ASQA looked at what has happened in the past. They will conduct an audit on what has previously been delivered. If the evidence is not as transparent as it should be, yes, they may not have much option. I do believe there was a similar scenario that happened in Queensland just recently, and they had to withdraw 300 qualifications.

MR COE: Do you think CIT have grasped the enormity of the situation?

Mr Dunstan: No. There are some very experienced trainers and assessors there; if they were adequately supported, they would do a fine job. They understand it, but unfortunately, like I say, the biggest problem is within the executive, especially in the structure. I would like to table these documents. I mentioned in my submission that it became clear to me about a month ago that CIT were aware of all these problems I was raising. These reports are for 2013. That told me, after all I went through, that they had already been dealing with them but had done nothing about it.

I think the people that are not getting it are the executive in CIT. And I really believe that the reason they are not getting it is that they are not technically proficient. I am not meaning it as a personal thing; I think they have been wrongly given a job that they are not capable of performing. Like I said to some people in recent times, I would not be able to handle very well being the head of the department in hairdressing.

THE CHAIR: Apart from the fact that you do not have very much, Mr Dunstan.

Mr Dunstan: I have got a sister who is a hairdresser.

MS FITZHARRIS: In order to be licensed as an electrician, what body does that currently in the ACT?

Mr Dunstan: Once CIT has issued the qualification, they present, in the ACT, to the regulator, which is ACTPLA, and ACTPLA will issue a licence. But once CIT or the RTO has issued the qualification, they cannot question that, because they are not the regulator of issuing the qualification; the regulator of issuing the qualification is ASQA.

MS FITZHARRIS: But the regulator of the electrical trades has not, in your understanding, raised issues around—

Mr Dunstan: Yes, I believe he has. It is a matter of discussion, and has been for quite a long time, that ITAB, the industry training council, and the regulator as a part of that—

MS FITZHARRIS: I am not aware of the industry training council, ITAB.

Mr Dunstan: Ross Heazlewood is the CEO of the ITAB. I have referred you to him in the submission.

THE CHAIR: Industry training advisory board.

Mr Dunstan: That is it, yes. I believe they would like to put a submission in at some stage as well.

MR COE: Has the ETU raised issues directly? I note that your submission states that the ETU accompanied you to a meeting.

Mr Dunstan: To various meetings, yes.

MR COE: To various meetings. Have they directly contacted CIT?

Mr Dunstan: Yes, they have. I have been advised there are some minutes floating around at the moment from the advisory board meeting where Neville Betts, who also sits on that board, raised considerable concerns at the level of training in electrotechnology at CIT.

THE CHAIR: Mr Doszpot.

MR DOSZPOT: Just harking back to Mr Coe's question to you regarding the qualification issues, through your submission it is pretty clear that you are concerned about the level of expertise of trainers. I just have a couple of questions. Is it a requirement of CIT that trainers be currently qualified and/or registered in a trade?

Mr Dunstan: Yes, it is. It is quite clear that that is the requirement. They must be a licensed electrician. You must have the relevant vocational experience, and it has got to be significant. In our trade, unless you have got a licence, you cannot work. Anybody who thinks that they have got experience and has been working without a licence has been doing it illegally anyway. But if you go to any other RTO—in the ASQA audit that was conducted on Electroskills, they clearly stated that all the trainers must be licensed.

MR DOSZPOT: To your knowledge, do the trainers within CIT meet these qualifications?

Mr Dunstan: No, they do not. There is one in particular, who has been conducting the RPL process, who only recently applied for a licence but only got a permit to work, which means he must be supervised at all times by a licensed electrician. So no.

MR DOSZPOT: These are serious issues.

Mr Dunstan: Yes, I know.

MR DOSZPOT: You have raised these with CIT management?

Mr Dunstan: Yes, I have.

MR DOSZPOT: And there has been documentary—

Mr Dunstan: The same old reply: they will get back to me.

MS FITZHARRIS: I have a supplementary. Presumably at CIT, given the range of courses that they run, at a certain point in management, as the numbers inevitably are smaller, you will not have a senior manager or a senior executive that is qualified in the range of courses being delivered. I am just not clear—and I guess CIT themselves need a right of reply on this issue—at what point that is.

Mr Dunstan: I absolutely agree.

MS FITZHARRIS: Can you explain where you are talking about, where someone is not a licensed electrician at a senior executive level and where they may be covering building and—

Mr Dunstan: At a senior executive level it is acceptable to be a senior executive; that is for sure. But if that senior executive, say, starts interfering in technical decisions within the training and assessment, that is a problem. And that has happened on a considerable number of occasions. It has happened to me personally; I was overridden on some decisions that I believed were incorrect. And they seem to make a lot of decisions based on their funding. We had a meeting with an executive manager earlier this year, with Mick Koppie from the ETU present. The executive manager stated to me, “You may want all these qualifications taught, Ian, but we can’t afford it.” I said, “As an electrical contractor, if I take on a contract and it has to be finished, if I lose money on it, that is my fault. If you are contracted to deliver the training in electrotechnology and you cannot afford to train it, you must not disadvantage the apprentice; you must train them out and you must seek funding from somewhere else.” That is the reality.

MR DOSZPOT: You mention in your submission a reply that you received on 14 August 2014 stating:

... the understanding was agreed that after due consideration and mapping the content of LSEGG304B was suitable to “fill the gap” for a number of Electro group apprentices ...

Mr Dunstan: Yes.

MR DOSZPOT: I have not got a page number, but this is after 1.7:

... the content of the LSEGG304B was suitable to “fill the gap” for a number of Electro group apprentices. i.e. assessment against this content would allow for a number of apprentices to achieve a number of Units of Competence.

Mr Dunstan: Yes.

MR DOSZPOT: And then you state:

This is not true ...

Mr Dunstan: Yes.

MR DOSZPOT: And you say:

... documentation had been supplied to management and the trainers involved in the RPL process to dispute this theory ...

And then you go to some issues from that point onwards.

Mr Dunstan: Absolutely. I have got that document here and I think I would like to table it.

THE CHAIR: Thank you, Mr Dunstan; you can table that document.

Mr Dunstan: It was written by the deputy chief executive officer of CIT, and I was a bit horrified that she believes that we were understanding. If I was the deputy chief executive officer, I would make absolutely sure. This is the underpinning mapping document which they use, which in some respects is fine, but that mapping document must be accompanied by considerable mapping evidence against each topic being delivered. I have done some mapping documents, and I have some that I did not bring today because they are about 30 or 40 pages long just for one unit of competence.

MR DOSZPOT: Have you raised these issues with the Australian Education Union?

Mr Dunstan: I have had some discussions with them, yes.

MR DOSZPOT: And any other body that you thought you had to—

Mr Dunstan: I have discussed it with the ETU; I have discussed it with the advisory board. I have discussed it mainly with CIT and the executive management.

MR DOSZPOT: So you have actually elevated it to the advisory board?

Mr Dunstan: Yes. The ETU did. They took my concerns and presented them to the board.

MR DOSZPOT: Are you aware of any response from the advisory board?

Mr Dunstan: I know that the advisory board are very concerned that they have got no response from CIT. Originally CIT agreed to an independent audit; then they retracted and did not go ahead with it. Even the advisory board and the industry would rather

they submit to an independent audit and we clear it up locally amongst ourselves, amongst the industry. They have a responsibility to make sure that the industry is totally involved in training in Canberra, naturally, and that is just not happening. As of this very moment, as of early this morning, I can tell you that they are still not very happy at the lack of response from CIT.

MR DOSZPOT: So just to—sorry.

MS FITZHARRIS: You said they are not very happy. Who are “they”?

Mr Dunstan: No. On virtually all the noncompliance issues there has not been any response whatsoever from CIT.

THE CHAIR: I think Ms Fitzharris wants to know who the “they” are.

MS FITZHARRIS: Yes, who are “they”? You said “they”.

Mr Dunstan: The advisory board.

MR DOSZPOT: To understand your concerns and to make sure we understand you correctly, you were originally employed by CIT to address some of the shortcomings that you have been referring to today?

Mr Dunstan: Yes. They asked me in 2013 to prepare those documents.

MR DOSZPOT: When you identified the issues and recommended solutions, your solutions were not accepted?

Mr Dunstan: No, they were more interested in the shortcuts.

MR DOSZPOT: And your own involvement has not continued as of then?

Mr Dunstan: No, I finished up on 23 March with CIT. They did not renew my contract.

MR COE: If I may just follow up on that? In effect, you have made comment on a number of positions, a number of roles, within CIT. Just so it is crystal clear for all of us, I do not believe you are being critical of these people.

Mr Dunstan: No, I am not.

MR COE: You seem to be being critical of CIT for not supporting these people in their tasks; is that correct?

Mr Dunstan: They are not supporting the right people and the wrong people are making the wrong decisions.

MR COE: Are these isolated issues?

Mr Dunstan: No.

MR COE: Are they systemic issues or are they cultural issues in CIT?

Mr Dunstan: Systemic and cultural, I would say, yes. That report that I tabled clearly states that they have been ongoing for quite a while.

MS FITZHARRIS: Can I ask you, and I am not sure if you know, Mr Dunstan, about the role of ASQA with CIT. I have taken from what you have said that ASQA will audit an RTO, a private RTO, but they will not audit an organisation like—

Mr Dunstan: That is not true. Their document says that they must audit.

MS FITZHARRIS: They must, yes.

Mr Dunstan: Rather than going in when something is wrong, I believe that they should play the umpire and look at it more frequently.

MR DOSZPOT: So whose responsibility would it be in the ACT if there was a concern along the lines that you have indicated? You mentioned that you thought Education put a report in about Electroskills?

Mr Dunstan: The education department have been involved in helping CIT maintain compliance. Last year they went through the clean-up process, where they believed, I think, putting everything in a brown paper envelope and sticking it in a storeroom made it go away.

MR DOSZPOT: Have you reported your concerns to anyone within the ACT education directorate?

Mr Dunstan: I have been in meetings where they were present, yes. They were aware of it because they supplied staff to help with the clean-up process.

MR DOSZPOT: And that clean-up process was not sufficient or—

Mr Dunstan: No.

MR DOSZPOT: So what would you have recommended to them to do to make it complete?

Mr Dunstan: I suppose the best thing to do is to make sure that all the current resources that are being delivered are compliant, and I have seen no attempt by CIT to do this. In fact, the e-match program that they were using, which is a pilot program run by EOZ, who are the architects of the package—they write the package—I believe from this year CIT chose to pull out of; they are not running with it. So they are back to, once again, making the teachers write their own resources, which I believe is very dangerous.

MR DOSZPOT: One final question. Have we covered everything that you wanted to cover from your submission or is there anything that we have left out?

Mr Dunstan: One very critical point is that I would like to table maybe a few more documents. This is the one about the RPL process that sort of admits that CIT have a significant problem. As of 31 July 2014, they did not have an RPL process at all, except for the one that I wrote for them, which was only based on performance criteria, which should raise questions about how they had been assessing gaps coming across from Electroskills, and even their own, for any RPL process.

The other concern I have is that one of the directors of CIT indicates that the selection process is that you get tapped on the shoulder for a position. I believe that may be going on at the moment for the selection of the head of department for electrotechnology because, once again, it looks like the head of department that may be selected is being tapped on the shoulder and that person is not from our discipline.

THE CHAIR: We will take those. Thank you, Mr Dunstan.

MR DOSZPOT: Just on the documents that you have tendered now, was there any acceptance or rejection of your report?

Mr Dunstan: No. It is just that nobody gets back to you at all. They just say, “I’ll get back to you,” and nothing happens.

MR DOSZPOT: Was there any action on your report?

Mr Dunstan: No. There is one other point I would like to make too. When Electroskills had an ASQA audit conducted, they were accompanied, as is the agreement, by a technical expert supplied by EOZ. If CIT were to undergo an ASQA audit, if it were not accompanied by a technical expert—once again, recommended by, say, EOZ—it would not be transparent.

THE CHAIR: Thank you very much, Mr Dunstan, for bringing the extra documents today and for appearing before us. As I said before, a copy of the transcript will be supplied to you by the secretary so that you can look at it and make sure that it has recorded the discussion accurately.

Mr Dunstan: Thank you.

THE CHAIR: You did not take any questions on notice so there will be no need for us to get back to you about any of that. Thank you very much for your time today.

Mr Dunstan: Thank you. Like I say, once again I want the plight of the apprentices to be addressed.

THE CHAIR: Thank you very much, Mr Dunstan.

FORWARD, MS PAT, Deputy Federal Secretary and Federal TAFE Secretary, Australian Education Union

THE CHAIR: Thank you, Ms Forward, for appearing before us today and for your submission. This is the vocational education and youth training in the ACT inquiry by the Standing Committee on Education, Training and Youth Affairs. This is the fifth hearing, and we will have a final hearing on 8 April. You are aware that there are 14 submissions on the website, if you want to look at those. Have you had an opportunity to look at the pink card, which is the privileges card?

Ms Forward: Yes, I got it.

THE CHAIR: You had it beforehand. So you have got it and you understand its implications and you are happy with them?

Ms Forward: Yes.

THE CHAIR: Thank you very much. Do you have something you would like to say as an introduction?

Ms Forward: I am here, basically, in response to your invitation. I should say that the secretary has just drawn my attention to the fact that the ACT branch have put in a submission. I must confess that I have not seen that. I am assuming that you have seen the submission that we made recently to the Senate inquiry into private providers. No? Because some of what I will draw on is in that, I am happy to make that available to you as well.

THE CHAIR: Thank you, Ms Forward.

Ms Forward: I will also refer to and make available some work that the Australian Education Union recently commissioned from the Workplace Research Centre at Sydney University around the business models of the private VET sector in Australia.

THE CHAIR: Thank you, Ms Forward. We will go straight to questions then. Mr Doszpot.

MR DOSZPOT: Thank you. Ms Forward, thank you for joining us. I understand that you are happy if we ask you a couple of questions related to the ACT submission?

Ms Forward: That is fine.

MR DOSZPOT: Thank you. The AEU's submission refers to the difficulty of schools and operators, RTOs, meeting ASQA requirements for teachers to update their VET qualifications and engage in industry experience and suggests that ETD should provide funds for teachers to be able to be released to do so. Are you aware of the number of teachers in ACT schools currently that we are talking about?

Ms Forward: No, I am sorry; I am not aware of the numbers. In broad terms, I am certainly aware of the issues around—

MR DOSZPOT: The 80-day training requirement?

Ms Forward: The additional qualifications and other requirements for teachers in schools delivering vocational qualifications. I am broadly aware of the issues—the resourcing and other problems, if you like—that this raises for teachers in ensuring that they are adequately and appropriately qualified.

MR DOSZPOT: What I am leading to is the pressure on teachers in terms of upgrading their qualifications and maintaining standards. Teachers within schools who have VET responsibility—are they responsible both to TQI and VET requirements?

Ms Forward: I will have to answer this in broad terms. I have no specific knowledge of the situation in the ACT, but in general terms my understanding is that the answer would be yes because teachers in territory schools would be required to be compliant with education department requirements around qualifications and so on for courses. Where they are delivering accredited training in the national accredited qualifications they would also need to be compliant in terms of their experience and qualifications around the specific industry areas that they are delivering in.

MR DOSZPOT: The Education Union ACT branch has raised some fairly significant problems in that arena. There is the 80-day professional qualification update that is required and, as well, the TQI is becoming quite onerous for some of the teachers. Is this a national issue or is this an ACT issue?

Ms Forward: You are moving into an area which is—

MR DOSZPOT: That is fine. I only expect you to answer what you can.

Ms Forward: There are eight states and territories. As to the management of VET in schools and the organisation of VET in schools, because of that overlap between the sectors—it is a good overlap; it is a really healthy overlap—VET in schools in each state and territory is handled differently enough to make it difficult for me to make any useful contribution to you in that respect.

MR DOSZPOT: Okay.

MS FITZHARRIS: Thank you for coming today. Could you outline the nature of your submission to the Senate inquiry around the role of private RTOs in particular, because that is linked to one of the references we have in this inquiry. Could you outline what you have submitted?

Ms Forward: Sure. The Senate inquiry, as you may be aware, was established—there were in fact two national inquiries last year into TAFE, one in the House of Representatives and one in the Senate.

MS FITZHARRIS: Yes.

Ms Forward: This was a third inquiry which was generated from the Senate. It was

particularly focused on the activities of the private for-profit sector in VET. It arose largely because of the increasing publicity towards the second half of last year of the activities of some in the private sector, particularly in terms of the quality of courses and activities in inducing students to enrol in courses. That was the kind of backdrop to it. Again, as you are probably aware, that situation has only become more and more public over the last couple of months.

Our submission, I think in broad terms, argues that the vocational education and training sector—we provide evidence for this fact in our submission—is the lowest funded of all education sectors in Australia. It lags behind primary, secondary and higher education in respect of resourcing and funding. That has been a picture of underfunding that goes back almost 25 years.

In the last 10 years, for example, drawing just on the Productivity Commission figures, the decline in funding to the VET sector has been about 25 per cent. So it is a significant pattern of underfunding over the last period of time. I guess what our submission focuses on is the dangers that are inherent in opening up the sector in a rapid way to the free market and encouraging private for-profit providers into the sector, using inducements of fairly readily available public funds in order to subsidise their training. The sector has been opened up rapidly. All states and territories are now required to work through two mechanisms: an entitlement, which the ACT is offering through its providers in the territory, and also VET FEE-HELP.

The public funds have been opened up to the private sector across the country. This has happened nationally, in a relatively short space of time. The figure in 2013 was around 40 per cent of public funds now open to the private market for training. Of that, around 23 per cent nationally is going to the private sector.

It is worth making the point that there is now national regulation, which covers the ACT—the two territories. The sector is now nationally regulated. That is as a result of legislation introduced in 2011 under the Labor government. The sector is nationally regulated through ASQA. However, the concerns that we have largely go to the issue of that regulation not being adequate to monitor what is a huge and growing private sector.

It is worth making the point that in the VET sector, as compared with the university sector, for example, there are more than 5,000 registered training organisations. About 60 of those are public TAFE colleges. In the VET sector there are about 5,000 registered training organisations. About 60 of those are public TAFE colleges. The large majority of those RTOs are private colleges. About 90 per cent of them are private colleges. There is a smattering of schools that deliver training, as you know, and there is a smattering of community sector organisations, but the vast majority of those 5,000 providers are private.

Also it is worth making the point that in the VET sector, as compared with the schools sector, private providers are allowed to operate on a for-profit basis. In the schools sector, private schools are not permitted, in their registration, to operate on a for-profit basis. In the VET sector, private providers operate on a for-profit basis. They are not required under their registration to have as their primary purpose the delivery of education.

They are absolutely permitted to have as their primary purpose the creation of profit, either for their shareholders or for their owners. So our concern relates to the twin imperatives, if you like—this is what our submission goes to—of the last national agreement in 2012, which implemented a national entitlement that was to be offered by public or private providers. It introduced, basically, voucher funding from certificates I to III across the country. It detached funding from providers, or holds the potential to detach funding from providers, and allowed students to carry an entitlement to training, which they can then expend at a public or private provider of their choice.

Of course, this is in a market where the private sector, in its own terms, quite rightly is operating to try and attract students with a whole range of incentives—for example, iPads or other incentives—to enrol. It has led to a whole range of concerns about not just the marketing practices of the private sector, and there are considerable concerns about that. It has also led to what we think is a very serious question about the incentives in the system for providers and how they operate.

The point I am trying to make is that these providers are accessing public funding in a sector which, comparative to other education sectors, is underfunded, or at least has seen ongoing declines in public funding. Really, the only way that they can make a profit in such an environment is by not delivering the hours that they should be delivering or that students are paying for, either through direct fees or through VET FEE-HELP, or that the government is subsidising them effectively to deliver.

Those were the sorts of activities that have led to the Senate inquiry. Our submission, probably in a more coherent way than I have just done, attempts to address the concerns that we have got there.

MS FITZHARRIS: In terms of the 5,000 providers and the ratio of private, community, schools and TAFEs, do you know what the proportion of students is in each of those?

Ms Forward: At the end of 2012, which is the best and most recent information that I can draw on—in other words, at the beginning of the reform process—there were about 5,000 RTOs included in the mix. But the public system at that stage, which is the 60 or so TAFE colleges, including CIT, accounted for about 70 per cent—70 to 80 per cent—of the delivery of education.

So up until about 2012, if you wanted to describe the private sector, it was a large number of comparatively small providers. That pattern has changed quite considerably over the last few years. In Victoria, for example, which is the state which went most quickly to a market reform process, they started in 2008 anticipating some of the reforms in the 2012 national agreement. In 2008 in Victoria the public sector TAFE had around about 70 per cent of students and the private sector had about 14 per cent of students, with the remainder being catered for in the community education sector.

This year, public provision in the TAFE colleges in Victoria has about 25 per cent of students and the private sector has between 50 to 60 per cent of students. So the sector

has consolidated in Victoria, where the reforms have gone on for a longer period of time, but that pattern is now being repeated nationally.

MS FITZHARRIS: Is there any evidence in Victoria that the quality of the skills being provided has changed or that the quality of the qualification has changed?

Ms Forward: Yes. There are two ways of answering that. The same concerns that have been raised around the quality of provision by the private sector in New South Wales and Queensland in particular are being repeated in Victoria. So there are both concerns around the marketing practices and the quality of training but there is also evidence increasingly, for example, of a reduction in the actual completion rates of qualifications in the Victorian government's own reporting of the activities of the sector.

In fact, in the most recent market report that the Victorian government released only in the last couple of weeks, they basically show that completion rates have dropped from 40 per cent to 20 per cent in, I think, the last year or so. So there is evidence. I should say, though, that in one sense completions are evidence. But the difficulty, I think, is that not just in VET but in all areas of education you are kind of looking for proxies for quality. In other words, what I mean is that there are issues with completion rates in the VET sector. They are serious issues.

MS FITZHARRIS: That is not the same thing as the quality of the course.

Ms Forward: What I am saying is, for the sector, what is quality? To be honest with you, it is about trying to establish what quality is. Completions could be one measure; at least people complete the qualifications.

MS FITZHARRIS: Yes.

Ms Forward: Do we know that they have had high-quality training? Well, we do not really, but it is as good a proxy as you could come across. Some other proxy might be their gaining employment.

MS FITZHARRIS: Employment, yes.

Ms Forward: Some other proxy might be their going on to further education or training. There are a range of ways in which you could look at proxies, but one of them in Victoria, if you wanted to point to it, clearly shows that there has been a decline in quality in the sector.

MS FITZHARRIS: Do employer groups have a similar view on that? Do they think that the quality has declined? Because they are the ones that will be employing the graduates.

Ms Forward: In Victoria and across the country—in particular in areas like aged care and early childhood—a lot of the employers have raised concerns around the quality of training which has been going on in the private sector, to the extent that they have argued that they will only take students who have been through a TAFE system, because the quality is so variable in the private sector.

MS FITZHARRIS: I have one more question, Madam Chair. It strikes me that it is a little bit similar to the NDIS in a way, in terms of the reform. Put aside the funding; in one way it can be described as a voucher system. In another way, it is choice for people wanting to receive a qualification and ongoing training. Is the issue, then, that the public system is not able to be nimble enough to provide a good enough choice and also that the private sector is not regulated enough to prevent what may be bad behaviour and profit-seeking behaviour over education? Is it that there is a sort of relatively older, more regulated public sector and a sort of unregulated, more nimble private sector that is in some cases possibly behaving badly?

Ms Forward: Look, I think—that is not my view.

MS FITZHARRIS: Yes.

Ms Forward: To be perfectly clear, I think government have to be really, really careful when they open public funding up to profit in a private sector. I mean that because I think that if you look at the backdrop of vocational education and you look at the pattern, even comparatively, of resource allocation between vocational education and the other education sectors—I am not saying it is all same-same, but I am saying that even if you stood back and took a look at the comparative resourcing across education sectors, the work is broadly the same. The pressures are broadly the same. Yet the sector has really struggled—the whole sector—as a result of, I think, a real pressure from governments around resourcing.

I absolutely do not agree that the TAFE system is older, less nimble, larger and so on. I do not agree with that. I think that there has been a great deal of research in recent times—over the whole period, really—which shows extraordinary adaptability, innovation, provision of research and other support to industry.

I think the thing that has always stood the TAFE sector in good stead is that it has historically developed really quite sophisticated relationships with industry and the community. They are educational institutes not unlike schools in lots of respects. They put their roots down into communities, work with local employers, do all of those sorts of things. There is much evidence of the high regard in which institutes are held both in metropolitan and regional and rural areas, and their capacity to respond both to individual needs in employment and study, but also in terms of industry need. I really think that for every bit of evidence you could come across which might show that there has been a problem, you would find ample to show that there is exemplary good practice in the sector.

I think the question around regulation is a really fair one. We went to national regulation of the VET sector a couple of years ago through the process of consolidating the state regulatory systems around the country and bringing them under a national umbrella. One of the points that the union argued at the time was that education providers have the honour or the privilege, in the first instance, to deliver national VET qualifications and, as it turned out, further down the track, to be able to access public funding to deliver those qualifications, either through vouchers or directly through public funding from students—and certainly to access VET FEE-HELP, which I should return to in a minute, because that is a massive growth. The

growth in VET FEE-HELP has been absolutely massive. I think that is another area where the private sector has just—I can go to that very quickly; we deal with it in our submission.

I think your points around regulation are absolutely right. In the higher education sector you have 40 or so universities. You have about 100 higher education providers. That is what TEQSA has to deal with. In the VET sector you have got 5,000. That is a massive number of RTOs. It does not really matter, as you know, whether they are delivering two or three courses or 100 courses. They still are going to need to be regulated.

I think there is a real question about the capacity of the regulator in a relatively immature state to scrutinise the sector in the way that it needs to be scrutinised, particularly at a point when it is so young and where the market settings have changed so rapidly, and with the sorts of practices that are going on. You could not have imagined them, or perhaps you could have, but they are things that are new.

I think, for governments, it does go to their willingness to prudently oversee the investment of scarce dollars. I do think they have to be certain that the purpose of these private colleges should, in the first instance at least, be the delivery of education to students for industry. The delivery of education: that should be their main job, and it is not.

The minute you introduce profit as their primary purpose for being there, they are servants of their shareholders and of their owners rather than of students. I think that introduces a perverse incentive into the equation, which means that the job of the regulator is always going to be extraordinarily difficult.

In this sector it is absolutely legal for a private provider to subcontract delivery to an unregistered provider. In other words, you can have a registered training organisation which can have a contract to deliver services and can subcontract that delivery to an organisation which is not registered and which therefore avoids the scrutiny of the national regulator. It is clearly a sector that is new and growing. It needs to be really closely scrutinised. I think you have got to ask yourself how much resourcing you need in the environment that we are operating in at the moment.

THE CHAIR: Mr Doszpot has a correction he wants to make. He also has a supplementary.

MR DOSZPOT: In one of the very first questions I asked you, I mentioned the provision for VET in terms of school teachers returning to industry. I think I mentioned 80 days, but it is 80 hours per annum. We did not deliberate the question, so I just wanted to set the record straight. My quick supplementary is this: ASQA is responsible for ensuring a desk audit of training program documentation, RTO financial viability, VET teacher qualification assessment reporting, result storage obligations and so on. But ASQA has no responsibility for ensuring that the graduating students are actually competent in the skills included in the training packages. This is from the Australian Education Union ACT branch's submission. The question that they are asking is: should there be an agency—there currently is not an agency—with oversight and responsibility for monitoring the quality of student

outcomes in any VET programs?

Ms Forward: There effectively is. I would need to have a look at the submission. There is in one sense, which is that the NCVER is tasked with doing student outcome surveys which actually look at the employment destination and so on of students. Again, I would refer to my earlier statement that what we are looking at in the sector is a proxy for quality. There is no external assessment process for graduating students in any industry area, with the possible exception, actually, of areas where licensing is required, where, if you like, there is another layer of requirements that students have to meet in order to become licensed in their particular trade.

There are a range of surveys and so on conducted by the NCVER both of students and employers: satisfaction surveys and students' own assessment of the quality of training. There are also—and I referred to this earlier—the surveys which look to their employment destination to see whether they have become employed as a result of undergoing the qualification.

In terms of the actual success or otherwise of the qualification, there are a huge range of problems in the sector around a competency-based system, that it is a competent or not competent outcome. The big problem for us at the moment in the sector is that qualifications are based on trust. All education, if you think about it, is based on the trust that the community has in the qualifications that educational institutions offer. Once that trust is undermined—that is, once people, parents or students, start to worry about the quality of the qualification that they are directly paying for or that they are taking out a loan for or even that they are being provided with through public subsidy—the implications for the community and for individuals are profound.

I think this is one of the hidden issues that we are facing at the moment. Not only does it act as a disincentive to encourage young people to continue with education and training in order to improve their skills, not just to get the credential but in fact to get skills so that they can both get a job immediately and be prepared for what we all know is now a lifetime—

MR DOSZPOT: I am sorry to interrupt, but you have answered my question. Thank you very much. In the interests of time I would like to move on.

THE CHAIR: Mr Coe.

MR COE: Thank you for all you have said so far. With regard to these market forces, which are possibly leading to the creation of RTOs, why is it then that we would be in a situation in the ACT—as we heard from the previous witness—where we pretty much do not have RTOs in the electrical space?

Ms Forward: I am not aware of the particular situation in terms of electrical trades in the ACT and private providers that may be delivering it. In the initial opening up of the market across the country the private sector has concentrated on high volume, low cost courses. High volume, low cost courses are courses like management and administration. The market in—for want of a better word—the traditional trades has been slower to open up because the resourcing and other requirements that providers need in order to deliver training are considerably greater than they are in things like

management and so on. I can only speculate that it may be to do with that. In particular industry areas, as I say, the traditional trades have been slower, but that is happening.

In terms of the ACT and the way in which the market is developing here, in national terms you would not be a thin market but you are a small market because of your geographic size and so on. I would think that, as time progresses, what is more likely to happen is that as the private sector establishes itself more in New South Wales it will be more about cross-border delivery than a huge growth in the private sector in the ACT.

MR COE: Your concern whereby education may not be the primary motivation—does that also apply to industry association or union-run RTOs?

Ms Forward: That is a really good question. My answer to that is that RTOs that deliver vocational education and training should have as their primary purpose the delivery of education. That should be their purpose. I do not think that anybody should be exempt from that at all.

MR COE: Thank you.

THE CHAIR: On page 5 of the ACT submission it talks about the capstone competency assessments that are required for licensing of individuals with relevant building trades, and you have mentioned the additional layer before. Do you have some understanding about what these capstone competency assessments are?

Ms Forward: Not in detail, no; I am sorry. They are an additional layer of testing once the course has been completed at the institution. The licensing authority comes in and basically applies that additional layer of testing. As I understand it, it is actual physical testing of somebody's skills.

THE CHAIR: Is that because in terms of the scope of training that is provided to some of these people that are learning a trade the standard varies across different institutions? Is this why they need to have additional testing of these students before they are allowed to go and work as a qualified person?

Ms Forward: The licensing arrangements, as I understand them, existed prior. It is not so much that they have been developed in response; it is more that in particular trades those arrangements have existed in the industry for many years, and they continue into the current day largely for reasons of safety. Largely it is because the argument is that in particular key areas the skills that are required will have an immediate impact on the public. In terms of electrical trade and building, if you let somebody out who you thought was trained but was not it could have real implications for health and safety.

The licensing arrangements have been developed historically over many years. They have continued despite, in many respects, attempts to relinquish some of the overarching licensing things, rather than in response to the current circumstances. But they are effectively a mechanism. In pure and simple terms, they are a mechanism for actually testing the skills that somebody has acquired through their course.

THE CHAIR: This is specific testing to a specific skill via people that are competent in that particular skill?

Ms Forward: Yes. It is very much external to the—

THE CHAIR: And external to the institution where the person has got the—

Ms Forward: Yes.

THE CHAIR: So it is independent testing by a person who is already a skilled person in that particular skill and has their own qualification in that skill.

Ms Forward: Yes, and a licence. They themselves would be, yes.

THE CHAIR: That means, does it, therefore—on your understanding of it—that a person who has completed a trade must do this first before they are let loose, as it were?

Ms Forward: Yes. It is like a practising certificate, I think, almost, before they can actually be employed.

THE CHAIR: My experience is not in any of these sorts of things, but when I did my nursing training, we did not go through university but we had to prove that we could, as midwives, deliver a baby safely and handle all those kinds of dangerous situations that arise. So this is what you are saying: before you can go out by yourself and do something, you have to actually have proven that?

Ms Forward: Yes.

THE CHAIR: If a person comes through a qualification and has not got those skills—and, when tested by this independent person, is shown not to have the skill in some particular area—what then happens to that person? Are they sent back to the institution? Are they just told, “No, you cannot get a job”? Are they sent out to be further supervised on the job? What actually happens to that person who believes that they have a qualification and now finds that they do not?

Ms Forward: The answer to that would be as variable as the number of people. That circumstance is happening quite a lot now. Students turn up to an employer and the employer discovers that they do not have the skills that the qualification that they hold would lead them to believe they should have.

The redress is very difficult for the individual in terms of, for example, getting their money back. They certainly cannot get the time back that they may have spent. There are a range of possibilities, but it would be handled on a case by case basis. We have heard of employers paying up-front for TAFE colleges, for example, to retrain or for students to redo units. But there is no clear and simple process for students to get the money back that they or others may have spent for a qualification which has not delivered the skills they require. Even in Victoria, where there was a massive collapse of a number of private providers and students were left with no useful qualifications,

the government had to basically pay for those students to go back to TAFE colleges to redo the qualifications. But there is no capacity, for example, to compensate students for the time that they may have spent doing it, or for anything else.

There is no clear answer. I guess my answer is that there is no clear answer to your question.

THE CHAIR: In relation to the organisation, though, that has provided the training which is shown to be not sufficient when tested by the independent person, what is the process for identifying the fact that a student has been trained by that particular RTO and found not to have the qualifications? What happens to the RTO? Are they allowed to continue to provide that training to other students that are coming through? Does ASQA step in at this stage? What happens?

Ms Forward: A student could go to ASQA and complain that they did not receive training. They could complain to ASQA that they did not receive adequate training, and ASQA could investigate it. The range of possibilities after that is really a question you would have to ask ASQA, because there would need to be an investigation. The provider would presumably be given the opportunity to respond to the student's claims. It is not a black-and-white area. It is not like the purchase of an actual product that is faulty; there is a whole range of subjective things involved in it.

Even with a student trying to establish that they were not competent in the area, it is more likely to be an employer who says to the student, "You simply do not have the skills that your qualification says you should have." A student could go back to the regulator—that would be where they should go—and complain about it, but after that there are a range of possibilities. It is probably a question better put to Chris Robinson at ASQA—ask him what they do. I am sure they are getting those sorts of questions now, but I would think that how they deal with it would have to be through investigation.

THE CHAIR: So there is no actual hard and fast rule that A happens, then B happens, then C happens?

Ms Forward: Certainly if there is a complaint, ASQA would need to investigate it. The range of penalties that ASQA could apply would depend a lot on the type of complaint and the outcome of any investigation, I would think.

THE CHAIR: Thank you. Mr Doszpot?

MR DOSZPOT: Following on from—

THE CHAIR: We are allowing a bit more time because we were a bit late starting. Are you okay, Ms Forward?

Ms Forward: I am fine.

MR DOSZPOT: Thank you. Following on from Ms Porter's question, the AEU submission, on page 6, states:

Recently, the ACT Commissioner for Work Safety, in an effort to stem the high incidence of injuries and deaths in the construction industry, has highlighted the need for high quality and consistent licencing assessments for all trades associated with the construction industry.

The AEU submission goes on to say:

This wisdom should .be extended to all VET qualifications as a measure of competence of licenced operators in an environment which in its current state may deliver an inconsistent quality of graduates across its VET programs.

So the AEU submission is calling for an external agency to monitor the quality of the outcomes of students being assessed. What would such an agency look like from your point of view?

Ms Forward: It is very difficult to imagine, really, because—

MR DOSZPOT: Is there any such agency elsewhere?

Ms Forward: Not that I am aware of. As I say, the licensing arrangements which currently apply in industry are attached to specific occupations, as we know. In large part, the capacity to license across a whole range of industry areas would have to be something which was negotiated with individual industry areas—for example, in the nursing example you used—for there to be an arrangement of licensing. There is registration, which is similar, in a range of industry areas, as we know, but you would need to do it on an industry by industry basis. In other words, I would imagine that it would be quite difficult to set up an overarching sort of licensing body across all industry areas. It would need to be something, as with licensing, where you worked with individual industry associations and looked at the sorts of requirements that they had in place for individuals to practise or gain employment in that sector.

Having said that, in recent times there has been consideration in the sector of industry skills councils. They tend to be ITABS in the state and territory jurisdictions, where they still exist, but there are the industry skill councils nationally. There are about 11 of them. There has been an argument that the industry skills councils, which effectively bring together industry areas into those segments, could develop mechanisms after the conclusion of testing—basically external assessment processes, which to some extent, I guess, would resemble additional licensing requirements but would bring in, again from outside, people with expertise, with specific industry skills, to look at the sorts of outcomes. They would either spot check individuals to test them externally to see whether they have the skills or perhaps, in a more targeted way, look at industries. For example, I have mentioned the aged care and early childhood areas, where there is a very strong argument to say that the outcomes are critical to health and safety, so maybe you could look at a mechanism where you checked industries that were more critical to health and safety.

But it is worth making the point in response to that that we do have about 1.6 or 1.8 million students in vocational education in Australia at any one time, and that part of the issue for governments—and part of the issue for the sector in trying to look at how you assess quality after the event—is how you resource such a practice with such a high volume of students. If you could imagine having to test each of them at the

conclusion of their courses, it would be a resource-intensive practice.

THE CHAIR: Thank you very much for your time today. You did agree to give us a copy of your submission to the Senate inquiry; thank you for that. I do not think you took any other questions on notice.

MR DOSZPOT: I would like to flag a few questions on notice regarding VET in schools.

THE CHAIR: Yes, so you may get some questions. If you could get those back to us at your earliest convenience, that would be tremendous. You will get a copy of the transcript, so you will be able to check to make sure they have picked up your voice correctly. Thank you very much for your time this morning.

Ms Forward: You are welcome. Would you like me to also leave you with a copy of the work we commissioned from the Workplace Research Centre?

THE CHAIR: Thank you very much; that would be wonderful.

Public hearing concluded at 11.39 am.