



Speech by  
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BEANLAND**

**MEMBER FOR INDOOROOPILLY**

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Hansard 1 & 20 June 2000

**TRAINING AND EMPLOYMENT BILL**

**Mr BEANLAND** (Indooroopilly—LP) (5.43 p.m.): I am pleased to rise to participate in this most important debate. Never has there been a greater need or role for vocational educational and training to meet the rapidly changing needs of industry, business and the community than today. Of course, opportunities abound for students who participate in this area of education, whether it is in hospitality through to horticulture. In those industries and the ones in between there are many opportunities. Those with expertise in these and other areas have never been in greater demand. I think we have to compare those who have skills with those who do not. Certainly this is the era of skills, and young people who come through the educational system without skills start their adult life—their future—at a grave disadvantage indeed. Therefore, all students are to be encouraged to go on to university or to this vocational education training area to ensure that they do have appropriate skills for the future.

This legislation replaces the current antiquated legislation—legislation which the former Government was very much aware of, as the honourable member for Clayfield did a tremendous amount of work in this area. I am pleased to say that a great deal of the legislation and the Bill that we see coming forward here today contains a lot of that great consultation, that great work that the former Minister did. It is good to see that it has been carried forward. However, there are a number of problem areas which this Government or this Minister did not look at, but which the former Minister did, that would have further freed up the system. This legislation comes forward today with the extensive and major consultation that was carried out by the former Minister, together with some of the work carried out by the current Government.

There are a number of areas of concern with the legislation. One of those is the bureaucratic approval process in addition to other bureaucratic processes, which I see are still contained within the legislation. This comes at a time when there has never been greater competition in the marketplace and a greater need for freeing up the processes. It also comes at a time when opportunities abound for students in the secondary education system. Today we see a number of Queensland secondary schools which provide young people with the opportunity in their later years of secondary schooling to take in those vocational educational training areas. It gives them opportunities if they are not going to follow the more academic styles, if they are not going on to university because they are not suited to those types of courses, or if they are not interested in them or they do not enjoy them.

We should not forget that people undertaking training today are not necessarily preparing themselves for life; they are preparing for their next career. Many young people have to recognise that they are going to have two or three careers, as many members in this Chamber have had. Everybody in this Chamber has had at least two careers. I am sure that you appreciate that, Mr Deputy Speaker. Of course, that is going to happen to young students today, too.

It is necessary in the immediate future for young people to move off into these areas if they are not interested in going to university or getting skills elsewhere. Secondary schooling provides those sorts of opportunities. The Toowong College, as it is now called, is one such school. I know that that is just one of many secondary schools within the Queensland schooling community that is moving towards providing not just courses, but courses that carry accreditation. That is terribly important

because young people can see that, when they undertake these courses at secondary schools, they will get some benefit, some reward. They will leave with a certificate saying that they have completed a course in something—not just a course in nothing. They will have something to show for their work and effort. That gives them self-esteem; they will feel that they have gained something from their education in these particular areas.

It is very important that these types of courses have standing and accreditation in the community. Businesses and industry leaders are prepared to accept these young people—and the not so young, I might say—who are going through training for a second or third career. Some people return again and again to undertake different courses as they change careers. Those who have undertaken older style courses many years ago will also be looking to return to undertake the newer technology courses.

It is disappointing that, within this legislation and within this Government's legislation generally, we have not seen some of the changes that are necessary to free up the system. One has only to look at the Federal system and the opportunities that it is providing under the leadership of the Howard Government to see what can be achieved. That Government introduced new apprenticeships in January 1998, for example. The number of its new apprenticeships has grown rapidly. The latest figures that I have seen show that at the end of 1999 the number of new apprenticeships was double the number that was provided for in the system left by the outgoing Labor Government. There were something like 268,000 new apprenticeships in training in that area.

This is not the only area in which we have seen changes by the Howard Government, which has done what it can in this area to put in place modern business principles which move with the times as changes occur. By 1995, the proportion of apprentices in the total national labour force was at the lowest level in three decades under the former Labor Government. In the early 1990s, when the Leader of the Federal Opposition, the Honourable Kim Beazley, was the Minister, apprenticeships in traditional trades fell by over 20,000 in one year alone. Rapid changes are occurring within this area. Training and education must be able to adapt to rapidly changing circumstances. That is also the case for workplace relations. If this Government is genuinely serious about its jobs, jobs, jobs mantra, these two issues must go hand in hand. If the Government is to succeed with its mantra of jobs, jobs, jobs, it needs to develop both flexible workplace relations programs and, most importantly, a very flexible training system. However, that is not happening because there are too many bureaucrats within the system. Also, it is not flexible enough within the marketplace.

Queensland needs to develop a training culture. The current Federal Government is promoting that as hard as possible. We need to be more innovative. We need to improve the competitiveness of Queensland's industries. It is fair to say that that is not happening, and that has been one of the great disappointments of this Government. That greater competitiveness needed to allow Queensland's industries to compete in today's very internationally competitive marketplace is not in this legislation and is not in the workplace generally. That competition in the marketplace will only increase as time goes by.

This side of the Chamber—and I would hope the other side of the Chamber is, too—is about generating greater prosperity and wealth for Queenslanders. At the end of the day, that is what we hope to achieve. Enjoyment is a concept that goes hand in hand with that. Unfortunately, one of the many problems in the community today is that so many people are unhappy with life and unhappy with the workplace. They are unhappy with their training and unhappy with their education. That is a very important aspect for the young and not so young people undertaking these courses. They need the right attitude and the right culture. Armed with those things, their opportunities are boundless. I am concerned about many aspects of this legislation because it does not achieve that goal.

There are a range of issues I want to touch upon relating to aspects of the legislation itself. I hope to get some answers from the Minister in relation to some of these issues. The legislation places restrictions after action to amend, suspend or cancel registrations once that action has been commenced following a show cause notice. The legislation therefore limits the capacity of registered training organisations to continue normal trading operations during any investigation by the department once a show cause notice has been given. A show cause notice can be given for a whole range of reasons.

One example is that the organisation is no longer a suitable organisation for registration. I presume that covers a multitude of sins that perhaps are not covered under other sections of the legislation. Therefore, if for some reason the legislation misses an organisation for whatever reason, there is this catch-all clause. I know Governments like to put catch-all clauses in legislation in case they have forgotten something. There are already four other subclauses in this clause, one of which is that the organisation has contravened a condition of registration. Another is that the registration was obtained because of incorrect or misleading information. That is fair enough, but nevertheless there is a catch-all clause.

The catch-all clause and the way in which the legislation is worded—that is, there is a restriction on businesses operating once the show cause notice has been given—limits the capacity of registered

training organisations during any investigation by the Department of Employment, Training and Industrial Relations. A show cause notice would mean that the registered training organisation would have to cease taking any new trainees or students until the matters in the show cause notice had been remedied to the department's satisfaction. The legislation also prohibits businesses from advertising while that investigation takes place. There is a presumption that the show cause notice will always be based on fact. As we all know, that may not be the case. Nevertheless, the registered training organisation in breach of the legislation will have to stop operations.

This situation is of concern. I would have thought it would have been fairer to adopt an "innocent until proven guilty" approach and therefore not severely hamper the business activities of the registered training organisation. As members can appreciate, those organisations will be very severely hampered because they will be closed down while this investigation takes place. This is very unfair on the provider, the RTO. If a TAFE college and a private provider are operating in the same area and the private provider has a show cause notice placed on it that prevents it from doing business or advertising courses, the only victor in that situation would obviously be TAFE. It is an unfair advantage.

**Mr Santoro:** That's the objective.

**Mr BEANLAND:** The member for Clayfield says that that is the objective. I hope that that is not the objective, Minister. I look forward to the Minister's reply to this, because it is a very serious issue. However, that will certainly be the result. If that is the objective, it is a very sad day indeed when a Government puts up legislation that achieves that end. That will be the result; there is no doubt about that.

There is nothing in the Bill to specify how quickly the department has to conclude investigations into private providers. It is feasible that a training provider could effectively be closed by the department stalling the process. Even the usual run of difficulties departments have in carrying out investigations will mean that the training provider has to close its doors. It will take some time to carry out in-depth and detailed investigations. The end result on the private provider, the RTO, is that it will have to close. It will face bankruptcy and a loss of jobs. That does not say much for a Government that talks about jobs, jobs, jobs. One of the fundamental features of this legislation will be a loss of jobs.

Following from that, I now turn to the prosecution of providers. Under this legislation, TAFE colleges cannot be prosecuted in the same way as a private training provider. I accept that. We are not going to prosecute the Crown unless the Government takes action against the director or a member of staff. This is based on the fact that the Crown cannot prosecute the Crown, and the same rules and regulations bind TAFE. I accept that they do, but when it comes to prosecution it will end up being different. The Bill is somewhat of a toothless tiger when it comes to TAFE colleges. They cannot be prosecuted. If a TAFE college is guilty of the same breach as a private training provider, the implications for them are not the same. That will not create a level playing field. We all know that there are not too many level playing fields around. However, the end result is that the legislation has the power to close down the private provider. That is a very sad situation indeed.

The legislation defines a trainee as someone who is under a traineeship contract, regardless of whether the contract has been registered. I understand that in the past trainees commenced their traineeship after signing a training agreement. I am not sure whether that will apply in the future, but that was the situation in the past. The situation may arise that the training agreement—the contract—may have been signed and the provider remunerated for any training undertaken outside the registration period. This could easily indicate that, whilst the training agreement has been signed, the trainee is not a trainee until the contract has been registered by the department. There is an anomaly there. When does the contract actually apply from? What is the situation in relation to the time between when the contract applies and when it is registered? There is a concern in relation to that.

**Mr BEANLAND** (Indooroopilly—LP) (8.30 p.m.), continuing: Prior to the adjournment of the debate on this Bill, I was saying that this legislation is typical of this Government, which misses opportunities. The Government is missing a number of opportunities with this legislation. In common with so much of the Government's legislation and its actions both in this place and in the public arena, this Bill is anti-jobs. We should be taking action to ensure that jobs are created. This legislation misses the boat, because it does not do that. It is a great disappointment and an opportunity lost. The Government says that it thinks of jobs, jobs, jobs each day when it gets out of bed. Of course, it does not. The Premier has already jettisoned his jobless target. He has indicated that he will not meet his 5% target and he has come up with all sorts of excuses. One of the major reasons for that is his own legislation—legislation such as we have before the Parliament this evening. The Bill could be improved in so many ways and it could provide many more opportunities than will be created by it. The Government's rhetoric is simply not matched with action. That is certainly the case with respect to this piece of legislation, which is disappointing in a number of areas.

One area that I touched on prior to the adjournment of this debate is training agreements. A training agreement needs to be signed as the first step. This is the form on which the trainee and the employer nominate a training provider of their choice. How can a training plan be expected to be

completed by the training provider before they have been selected as the provider? Why should a training provider take the economic risk of expending money on a training plan and an induction for a person who might not become a trainee? It could well be the case that a trainee does not continue with a provider. However, given the way this legislation is worded, the provider is forced to offer that plan in the first instance.

I have highlighted already a number of examples of the legislation working against the provision of a range of opportunities. It is certainly working against the provision of opportunities for private providers within the community. This legislation is stacked against them. As I said, no matter where one looks within the legislation one sees opportunities lost by this Government. This illustrates the fact that the Government has not gone, and does not really want to go, down this track. Had it wanted to, we could have ended up with legislation that provided opportunities for the community.

The last issue I wish to touch on is colleges and secondary schools—something I mentioned in my earlier contribution. The day after speaking in this debate the last time, the Minister and I were fortunate to attend the Toowong College, at Milton, which is offering a special program on information technology— for example, computers and the Internet— through a training provider. This is about providing opportunities for young people other than school courses that lead to university training. For example, I refer to vocational education and training opportunities in IT—an area in which there are high career prospects and opportunities to earn huge salaries. There is a range of jobs for young people in that industry, for example, in research, development, programming and making movies using computer technology. There are many opportunities. I am very proud to say that the Toowong College is providing these sorts of opportunities. This serves to illustrate the educational opportunities in these areas.

We should be providing a greater range of educational opportunities for our young people; there are many job opportunities out there. If only this Government could be as good at taking up those opportunities as private providers are at providing them. The Government is holding back private providers with this legislation. It is certainly not providing within the vocational education—

Time expired.

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