




Speech by

Michael Pucci

MEMBER FOR LOGAN

Hansard Thursday, 21 June 2012

VOCATIONAL EDUCATION AND TRAINING (COMMONWEALTH POWERS) BILL

 **Mr PUCCI** (Logan—LNP) (12.25 pm): I am pleased to speak in support of the Vocational Education and Training (Commonwealth Powers) Bill 2012. I am honoured to be on the Education and Innovation Committee, especially as I have two young daughters currently in school. This bill was referred to the parliamentary Education and Innovation Committee, which reported to parliament on 12 June with a recommendation that the bill be passed.

This bill will help meet the LNP government's commitment to reduce the regulatory burden on business. First of all, it will refer to the Commonwealth parliament the Queensland parliament's legislative power to regulate registered training organisations and vocational education and training courses. It will then abolish the Training and Employment Recognition Council and transfer its remaining functions, mostly in relation to apprenticeships and traineeships, to Skills Queensland. It will do this by adopting the National Vocational Education and Training Regulator Act 2011 and the National Vocational Education and Training Regulator (Transitional Provisions) Act 2011.

After referring Queensland's legislative power to the Commonwealth, the bill makes an amendment reference to allow the Commonwealth to make amendments to the national VET legislation in relation to continuing VET matters, as outlined in clause 4 of the bill. The continuing VET matters are: the registration and regulation of VET organisations; the accreditation or recognition of VET courses or programs; the issue and cancellation of VET qualifications or statements of attainment; the standards to be complied with by the VET regulator; the collection, publication, provision and sharing of information about VET; and investigative powers, sanctions and enforcement in relation to those matters. To ensure the Queensland parliament is informed of changes to the national VET legislation, the minister will be required to table any express amendments in the Queensland parliament.

The bill also clarifies that the referral does not include primary and secondary education; higher education; apprenticeships and traineeships; qualifications to undertake or carry on a business, occupation or other work; state funding of VET; and the establishment of public training providers such as TAFE institutes. This was considered necessary because the RTOs and VET are closely related to other education and training activities that remain the responsibility of Queensland. In the event that our state no longer wishes the Commonwealth to legislate in relation to continuing VET matters, clause 7 of the bill allows us to terminate the adoption or amendment reference at any time. The termination is achieved by the Governor proclaiming, by a notice published in the *Government Gazette*, that the adoption or amendment references are terminated.

Adopting this bill means there will be only one regulator setting standards for RTOs and VET courses in Queensland, rather than two. The national VET regulator is the Australian Skills Quality Authority—ASQA. It will ensure consistent standards for the RTOs across all jurisdictions, which will improve employer and consumer confidence in the quality and consistency of the assessment of VET qualifications. Providers that train overseas students will particularly benefit from this legislation as they

currently answer to multiple regulatory agencies. This legislation will reduce their regulatory burden through responding to only one regulator.

The bill will amend the Building Act 1975 to provide for the Pool Safety Council to approve a training course to be completed for the purpose of obtaining a licence as a pool safety inspector. In terms of this issue, the Building Act 1975 would currently be unworkable as it is inconsistent with the National Vocational Education and Training Regulator Act 2011 that we are referring our legislative power to. In future all training courses for pool safety inspectors will be a nationally accredited course delivered by the RTOs regulated with ASQA, instead of the current system where it is approved by the Pool Safety Council under the guidance of the Department of Housing and Public Works.

Similarly, displacement provisions will be inserted in part 5A of the Liquor Act 1992 and part 10A of the Gaming Machine Act 1991 to allow Queensland to continue to apply the provisions of those acts in relation to registered training organisations after the referral of power. It would otherwise be inconsistent with the National Vocational Education and Training Act 2011 that we are referring our legislative power to. The displacement provisions will allow the Office of Liquor and Gaming Regulation to continue to approve training with RTOs for responsible service of alcohol, responsible management of licensed venues and responsible service of gambling training. This will continue for a further two years, giving the Office of Liquor and Gaming Regulation time to consider an alternative option that is consistent with the national VET legislation.

An earlier version of this bill was introduced in the previous parliament. The former Industry, Training and Industrial Relations Committee issued its final report prior to parliament being dissolved for the election. The report recommended one amendment, which has been included in this bill, which required amendments to the Commonwealth legislation to be tabled in this parliament.

An alternative method of achieving national reform for vocational education and training would be for each state to implement uniform laws. This approach was previously tried in the VET sector with limited success. In 2002, all states agreed to enact legislation based on model provisions to regulate the VET sector. A set of national quality standards was also developed to be applied by each state and territory. The main limitation of this option is that the enforcement of the legislation is left to each state and can result in different standards of enforcement across Australia. In light of this experience, the Council of Australian Governments—COAG—determined that the best approach was to have a national regulator enforcing a single set of standards across the country and ASQA was established. Nearly all states and territories have referred their legislative power to the Commonwealth parliament as this bill will now do for Queensland.

As I mentioned earlier, this bill was referred to the parliament's Education and Innovation Committee to report back by 12 June. As well as recommending that this bill be passed, it also made two other recommendations. The first recommendation was that the Department of Education, Training and Employment annually monitor and report on the impact of registered training organisation fees on small registered training organisations. The committee had concerns about cost implications for smaller registered training organisations. Currently, Queensland fees for RTOs have been subsidised by the state and moving to national legislation regulated by the Australian Skills Quality Authority means fees will be charged to reflect full cost recovery. This will result in an increase in fees. However, given the state's current financial position, state subsidised fees may not have been sustainable and may have needed to be moved to a full cost recovery model similar to the fees charged by ASQA anyway.

On the whole, the committee agreed that the benefits of moving to a national regulator outweighed the increase in fees. To ensure any impact on small RTOs is managed appropriately, the committee recommended that the Department of Education, Training and Employment monitor and report on the impact of fee increases for these organisations. The committee also noted that the Australian Council for Private Education and Training, the peak body for RTOs, has given its support for this bill.

The other recommendation was that the Department of Education, Training and Employment annually monitor and report on the impact of registered training organisation fees on schools. The Department of Education, Training and Employment is working in close consultation with the national regulator—the Australian Skills Quality Authority—to ensure a smooth transition from state to national regulation.

Currently, school RTOs have their RTO registration managed by the Queensland Studies Authority and, through delegation from TERC, effectively school RTOs do not pay RTO registration fees. With the move to the national body, ASQA will issue a similar delegation to remain in force for at least 12 months, where school RTOs will not pay RTO fees. In that time ASQA and the Department of Education, Training and Employment will work together with schools to develop strategies to minimise the impact of fees. Our Minister for Education, Training and Employment, the Hon. John-Paul Langbroek, has assured us that Queensland schools will not be adversely affected by the move to the national regulation of VET and that this government is committed to ensuring that Queensland school students continue to have access to high-quality vocational education and training.

In summary, this bill will transfer the regulation of vocational education and training to a national body, ensuring a more consistent application of standards for registered training organisations. We support the establishment of a national VET regulator because it is the best way to assure the quality of training provided to Queenslanders. This bill will ensure that Queensland employers can continue to have confidence in being able to access a well trained, highly skilled workforce.

I take a moment to thank the member for Burdekin, as the chair of the committee, for her leadership during the committee proceedings. I thank the other members of the committee for their input and their work on this bill. I would like to thank the research team—Emily, Bernice and Carolyn—for their immense help. I thank the department for the very informative briefings they provided to us. I commend the bill to the House.