




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

Record of Proceedings, 1 December 2015

**FURTHER EDUCATION AND TRAINING (TRAINING OMBUDSMAN) AND
ANOTHER ACT AMENDMENT BILL**

Introduction

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (12.53 pm): I present a bill for an act to amend the Further Education and Training Act 2014 to establish the office of the training ombudsman and for related purposes, and to amend the Public Service Act 2008 for a particular purpose. I table the bill and explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Further Education and Training (Training Ombudsman) and Another Act Amendment Bill 2015 [[1768](#)].

Tabled paper: Further Education and Training (Training Ombudsman) and Another Act Amendment Bill 2015, explanatory notes [[1769](#)].

Today I rise to introduce the Further Education and Training (Training Ombudsman) and Another Act Amendment Bill 2015. The Palaszczuk government is committed to jobs: jobs now and jobs in the future. The Palaszczuk government's Jobs Queensland is to consult with industry and other significant stakeholders to identify areas of future economic growth, so that Queensland is well placed to address future need. As these growth areas are identified, government needs to react through the provision of appropriate vocational education and training of the highest quality. The establishment of a training ombudsman is part of our broader plan to make Queensland's VET sector the strongest and most productive in the nation and to ensure that industry has access to the skills it needs to fuel this growth.

The Palaszczuk government is already acting on its commitment to develop the appropriately skilled work force to meet future industry growth. We have already: reintroduced the successful Skilling Queenslanders for Work initiative; enacted components of our Rescuing TAFE plan, which incorporates the repeal of the Queensland Training Assets Management Authority Act 2015; and established Jobs Queensland. Currently, Queensland's consumers of VET do not have access to a sector-specific independent complaints mechanism for VET matters. Given the broad and diverse range of stakeholders within the sector, it can be challenging for VET consumers to identify the most appropriate avenue for lodging concerns, as there is no clear pathway to raise concerns about systemic issues in the VET sector. This is important to help navigate the system and identify areas of reform and improvement.

The bill amends the Further Education and Training Act 2014 to establish the Training Ombudsman. One of the key functions of the Training Ombudsman will be to receive complaints about the provision and quality of VET by registered training organisations and assist complainants to have their issues addressed by the most appropriate agency. It is important to note that complainants are not just apprentices and trainees; they are also employers, trainers and other significant stakeholders. The Training Ombudsman will be able to support complainants to seek a resolution of their issues by mediating the matter with the other relevant parties. This also will help to get real outcomes for students

and providers alike. Where a resolution cannot be reached, the Training Ombudsman will be able to assist complainants to take the matter up with appropriate agencies. This might include the Department of Education and Training and other Queensland agencies such as the Office of Fair Trading, as well as the national VET regulator, the Australian Skills Quality Authority.

If issues are raised about the quality of training provided by an RTO that receives government funding under the Certificate 3 Guarantee or User Choice programs, the Training Ombudsman can investigate the concerns and make recommendations to DET about whether to continue the arrangements or take other action under the funding arrangements to address the concerns. While DET has strict requirements on prequalified supplier RTOs and closely monitors the provision of VET by funded prequalified suppliers, having oversight from the Training Ombudsman will be a significant measure in ensuring Queensland government funding is targeted to quality VET providers into the future.

The Training Ombudsman will also assess complaints in relation to compliance with the FET Act by apprentices, trainees, employers and supervising RTOs and make recommendations to the DET chief executive about the complaints. This may also include concerns about the range of work, supervision, training or facilities provided to an apprentice by their employer or supervising RTO. Further, the Training Ombudsman will be able to assess complaints and make recommendations about certain decisions of the DET chief executive. These are called 'prescribed decisions' in the bill and include decisions about training contracts and certificates of achievement, for example, the decision to refuse an application for the extension of a nominal term of a registered training contract. Currently, there are no external review rights for these decisions. Giving the Training Ombudsman capacity to consider complaints about such decisions will ensure parties aggrieved by any decisions can have their concerns heard and recommendations made by an independent person.

Importantly, the Training Ombudsman will have a function to monitor the outcome of complaints, including where complaints are referred to relevant agencies, including DET or ASQA. This will provide wraparound services for complainants and assist the Training Ombudsman in his or her function to identify and report to me as minister about issues relating to the provision and quality of VET in Queensland. The Training Ombudsman will also have a function to make recommendations to me about: ways to improve DET's systems, policies and processes relating to pre-qualified suppliers and supervising RTOs; matters relating to apprenticeships and traineeships; and strategies to improve the quality of VET in Queensland.

The VET sector does a great job and the sector wants someone to advocate for them. The Training Ombudsman will promote and carry out educational activities relating to VET in Queensland. The Training Ombudsman will improve consumer and stakeholder awareness and strengthen the quality of VET in Queensland. ASQA and other key industry stakeholders support us in establishing a Queensland Training Ombudsman.

Funding of up to \$5 million over three years has been allocated to establish and operate an independent training ombudsman in Queensland. On 14 September 2015, through a ministerial charter I established an interim Training Ombudsman role to give individuals in Queensland immediate assistance. The interim Training Ombudsman has established an online and telephone presence to support complainants and has begun the important work of developing relationships with other regulatory agencies. It is important to note that the interim Training Ombudsman has already been involved in resolving issues raised by Queenslanders in relation to the VET sector, including issues referred from members opposite.

Following assent of the bill, I will undertake a merit based process for appointment of the new Training Ombudsman. The Training Ombudsman will be supported by the Office of the Training Ombudsman. The independence of the Training Ombudsman from government control is enshrined in the bill. As I have mentioned, the bill ensures that the Training Ombudsman is not subject to direction from anyone, including the government, around the performance of its functions. The bill ensures that the Training Ombudsman, and no-one else, controls the staff of the office.

The Palaszczuk government is delivering on its promise for the VET sector in Queensland. The Training Ombudsman will provide a dedicated, independent one-stop shop for VET sector related issues, with a high level of individual support to VET stakeholders. I commend the bill to the House.

First Reading

Hon. YM D'ATH (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (1.00 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Legal Affairs and Community Safety Committee

Madam DEPUTY SPEAKER (Ms Grace): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.