




Speech By
Scott Stewart

MEMBER FOR TOWNSVILLE

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

 **Mr STEWART** (Townsville—ALP) (4.39 pm): I rise to speak in support of the Further Education and Training (Training Ombudsman) and Another Act Amendment Bill 2015. As the committee chair, I firstly want to thank the work and efforts of the committee and of course the secretariat for their work associated with this bill. I also want to recognise two members of that committee who have since left that committee, not because of the bill but because of the reshuffle. I want to acknowledge the member for Lytton, Joan Pease, for her work on this bill and also the member for Toowoomba South, John McVeigh, as the former deputy chair. It is interesting to hear that those opposite are not supporting this bill, because when the committee discussed this bill it was unanimously approved and supported by the committee. Perhaps one faction was not talking to the other faction and has since decided to change its mind, so it was interesting to hear the member for Everton say that the opposition is not going to support it now.

The vocational education and training, or VET, sector plays an important role in creating training opportunities that lead to career paths for many Queenslanders across the state. I have firsthand knowledge of this, considering that I worked in the education sector for many years and worked with those in the vocational education and training sector, particularly those in TAFE, who do a sensational job of vocational education and training right across Queensland. The VET sector can be complex as training is provided by both public sector and private sector organisations and the regulation of VET spans both Australian and state government agencies.

Prior to the introduction of the interim VET Training Ombudsman by the Minister for Training and Skills in September 2015, any concerns and complaints about apprenticeships and registered training organisations, or RTOs as they are referred to, were dealt with by a number of state and national agencies. The nature of the complaint or the entity providing the training determined which agency to lodge the complaint with. Of course, this meant that complainants often endured the magic roundabout of bureaucratic bouncing from one department to the other until the complainant lost faith and gave up. Often complainants were referred between the Australian Skills Quality Authority, the Office of Fair Trading, the Queensland Ombudsman, the Overseas Students Ombudsman or the Tuition Protection Service, just to name a few.

The Australian Skills Quality Authority received 1,512 complaints about VET providers in 2014-15. The most common categories of complaints were training, marketing and assessment, trainers and assessors, dishonest conduct and behaviour. Those complaint categories made up just over 60 per cent of complaints received. Common issues identified by complainants in 2014 included the marketing of providers and courses to vulnerable individuals—and members will hear quite a bit of that from a number of speakers this evening as we address this bill—including courses paid for through government funding and courses where the student incurs a debt; courses where the amount of training delivered to achieve the qualification did not allow the student to gain the necessary skills and

knowledge; training relating to child care, which is quite a big issue; and the marketing practices of third parties such as brokers, recruitment agencies and non-registered training organisations.

We have all no doubt heard of various dodgy RTOs offering incentives to sign up to VET courses which have included reduction of training costs, cashback offers after enrolment, fast-tracking of courses and, of course, we have all heard of those offering laptops or iPads and even overseas trips. The problem is that these incentives come with a catch: either the incentive does not appear or the fine print of committing to the training course or subjects incurs hefty costs. Those dodgy RTOs prey on those people who have low levels of English literacy levels or proficiencies and those who are most vulnerable to scams. This bill establishes a single point for complaints about the VET sector in a complex system where complaints about specific matters are dealt with by one of a number of agencies. As the department advised the committee, it can be difficult for consumers to know where to direct complaints and seek resolution of issues. The interim Training Ombudsman explained the complexity for consumers who have a complaint that might involve more than one of the existing complaint agencies. He said—

One of the issues with complaints about the VET sector is that it invariably covers a number of areas. So the Ombudsman, and certainly the interim Ombudsman at the moment, is providing that conduit for people to monitor their complaints and refer parts of it to the various centres but keep an eye on how it is tracking.

He went on to say—

Quite often it is not just an ASQA issue, or it is not just a Commonwealth government issue or an Office of Fair Trading issue; it covers everything. So that is part of the benefit of the Training Ombudsman.

The functions of the Training Ombudsman are broader than those of the former training ombudsman and include functions relevant to a role in identifying issues about the quality of VET, undertaking reviews and research and providing advice to the minister and include specifically the following functions: receiving complaints about the provision of or quality of vocational education and training by an RTO, a supervising RTO or an employer of an apprenticeship or trainee; a matter relating to an apprenticeship or traineeship, including decisions by the director-general of the department about a training contract or the declaration of a nominal term for an apprenticeship; compliance with the FET Act by an apprentice, trainee, employer or supervising registered training organisation; a prescribed decision under the act by the director-general of the department; and matters involving a prequalified provider.

Other functions include to help people in making complaints to a referral entity, for example ASQA; refer a complaint to a referral entity or deal with it under the FET Act; give complainants information or advice; monitor the outcomes of those complaints; make recommendations to the chief executive about apprenticeships and traineeships, including the declaration of or nominal term for an apprenticeship or traineeship; identify and report to the minister about issues in the provision of VET and its quality; and make recommendations to the minister about ways to improve the department's systems, policies and processes regarding prequalified suppliers and supervising RTOs, matters relating to apprenticeships and traineeships, and strategies to improve the quality of VET. The Training Ombudsman will also carry out promotional and educational activities relating to VET; undertake or promote reviews of or research into matters relating to the Training Ombudsman's functions, including reviews or research requested by the minister; and other functions conferred on the Training Ombudsman by the FET Act or another act.

The bill does not specify who may complain, which enables any interested person or organisation to use the Training Ombudsman's services. A brochure about the Training Ombudsman states that assistance, information or advice about any aspect of the VET system may be sought by students enrolled with RTOs, apprentices and trainees, employers, trainers, other government agencies, training providers, industry bodies, parents and/or guardians. The bill provides the Training Ombudsman with the discretion to decline to deal with a complaint if he or she reasonably believes that the complainant does not have sufficient interest in the matter or that the complaint lacks substance, is frivolous or vexatious, or that dealing with the complaint is unnecessary or unjustifiable. As stated, the functions of the Training Ombudsman include receiving complaints, helping people make complaints to another body, and giving information and advice to a complainant about their complaint.

The bill does not specify explicitly that complaints may be resolved informally or mediated. However, the policy intent is that the Training Ombudsman will formally resolve any complaints, therefore, answering that question asked by the member for Everton. The explanatory notes state—

For matters that fall within the jurisdiction of another agency, such as the Australian Skills Quality Authority or the Office of Fair Trading, the training ombudsman can assist the parties to attempt to resolve the matter in the first instance.

Again, that answers the question asked by the member for Everton. The explanatory notes state further—

Where a resolution cannot be reached, the training ombudsman can refer the complaint to the relevant agency to progress the complainant's concerns or assist the complainant to make the complaint to the other agency.

The function of the Training Ombudsman may not permit him or her to deal with a complaint regarding a decision that QCAT has reviewed or there is an application for review, or an appeal is started in the Industrial Relations Commission, or Industrial Court, or a decision has been made on appeal by one of those bodies. With the reintroduction of the Training Ombudsman, after receiving feedback from the Queensland Teachers' Union, the committee has recommended that a further function necessary for them to undertake is to promote and educate consumers about the role of the Training Ombudsman. That would provide consumers with a complaints and resolution pathway from the point of initial enrolment, thereby engaging them in further protecting themselves against a dodgy RTO.

Finally, it is necessary to ensure that the Training Ombudsman remains independent and has a high level of accountability to perform their role. Therefore, the Training Ombudsman is not subject to direction from the minister or any other person other than the Training Ombudsman's obligation to comply with a request to review or research a matter. In addition, staff are not subject to direction from outside the office of the Training Ombudsman about the way in which complaints are dealt with.

I believe that this bill is about protecting the rights of those engaged in vocational education and training in Queensland so that they will be able to make complaints about practices that are not just. Therefore, I commend the bill to the House.