



Speech By  
**Hon. Yvette D'Ath**


**MEMBER FOR REDCLIFFE**

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Record of Proceedings, 24 February 2016

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

**Second Reading**

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (4.15 pm): I move—

That the bill be now read a second time.

I am proud to rise to speak in support of the Further Education and Training (Training Ombudsman) and Another Act Amendment Bill 2015. This government supports training opportunities for Queenslanders that are accessible, affordable and provide the quality training that Queenslanders deserve. On 1 December 2015, the Further Education and Training (Training Ombudsman) and Another Act Amendment Bill 2015 was introduced into the Queensland parliament. It was initially referred to the Legal Affairs and Community Safety Committee, but the Committee of the Legislative Assembly varied the referral of the bill to the Education, Tourism and Small Business Committee for consideration. The committee tabled its report on 12 February 2016. I now table a copy of the Queensland government's response to the report.

*Tabled paper:* Education, Tourism and Small Business Committee: Report No. 10, 55th Parliament—Further Education and Training (Training Ombudsman) and Another Act Amendment Bill 2015, government response [236].

I would first like to thank the Education, Tourism and Small Business Committee for its thorough consideration of the bill. I note that before preparing its report, the committee received a briefing from the Department of Education and Training and considered written submissions from stakeholders. I thank the chair, the member for Townsville, for his guardianship of the legislation and all committee members from both sides of the House. Of course, I thank the committee for the recommendation that the bill be passed. I would also like to acknowledge the contribution of stakeholders and their valuable input into the committee's consideration of the bill.

The government is committed to creating a sector-specific Training Ombudsman. This bill delivers on our election commitment by amending the Further Education and Training Act 2014 to establish the Queensland Training Ombudsman. The purpose of the Training Ombudsman's role is to: receive complaints about the provision or quality of vocational education and training; help people make a complaint to another entity, such as Australian Standards Quality Authority; refer a complaint to another relevant entity; give complainants information or advice; monitor the outcome of complaints; make recommendations to the Department of Education and Training chief executive about apprentices and trainees; identify and report to the Minister for Training and Skills 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 to enhance the quality of Queensland's pre-qualified VET suppliers and supervising registered training organisations; matters related to apprentices and trainees; strategies to improve the quality of VET; carry out promotional and educational activities for the training

sector; undertake or promote reviews and research by the Training Ombudsman; and carry out any other functions conferred on the Training Ombudsman under the FET Act or another act. The committee has prepared a comprehensive report on the bill. I am pleased that the committee unanimously recommends that the bill be passed.

I turn now to the two additional recommendations that the committee has suggested. Recommendation 2 suggests that proposed section 112D of the bill be amended to include a function for the Training Ombudsman of promotion and education about the Training Ombudsman's role. The government supports this recommendation. Section 112D(1)(i) currently provides that a function of the Training Ombudsman is to 'carry out promotional and educational activities relating to vocational education and training in Queensland'. In its submission to the committee, the Queensland Teachers' Union suggested that the promotional and educational function of the Training Ombudsman should focus on carrying out 'promotional and educational activities relating to the role of the ombudsman, especially with regard to the provision of vocational education and training in Queensland and its quality'. I intend to move amendments to give effect to the committee's recommendation during consideration in detail.

Recommendation 3 of the committee suggests that the bill be amended to correct a numbering error in proposed section 112D. I thank the QTU for identifying in its submission a minor error in the clause numbering of section 112D in that it contains sections 112D(1) and 112D(3), but no section 112D(2). The government supports this recommendation, and I will move amendments to give effect to the committee's recommendation during consideration in detail.

We are taking these steps because we are committed to a strong training and vocational education sector. Queensland consumers do not currently have access to a sector-specific independent complaints mechanism to deal with the wide range of issues that may arise in the VET sector. The Queensland government provides significant funding through the purchasing of training from prequalified suppliers. In addition, apprenticeships and traineeships continue to be regulated in Queensland through the Further Education and Training Act 2014.

We have all witnessed the recent proliferation of complaints about the practices of certain providers in the VET marketplace. I do not doubt that just about every member could share their own concerns about the marketing and quality of training being provided, the approach to those most vulnerable in communities in relation to how these courses are promoted and how people are signed up to potentially thousands of dollars' worth of fees under these courses. The Training Ombudsman can play an important role in addressing these issues by identifying risks early, by receiving complaints and by addressing systemic issues. The Training Ombudsman will be able to provide support for consumers to navigate the VET system, make complaints and be assisted to resolve disputes, whether informally or through a formal complaint to the relevant regulatory body. This can be important support for students, teachers, businesses, employers and family members who, even with the best of intentions, can struggle to navigate the complexities of the VET sector and the various mechanisms of regulation across state and federal jurisdictions. I know that training providers themselves are already bringing these issues to the attention of our interim Training Ombudsman relating to other training providers regarding the quality and marketing of products.

I am committed to Queensland having the best VET system in Australia. Although measures for improving training quality and the revision of standards for providers have recently been implemented at the national level, the establishment of the Training Ombudsman aims to assist the Queensland government to improve the quality of VET in this state. As I have said previously, I do not believe that the responsibility and oversight of the quality of training in Queensland should be left solely to the national government and ASQA to oversee. Queensland has a responsibility to ensure that we have a mechanism where people can easily find information, know how to progress complaints and have those complaints investigated to ensure that we do have the best system in Queensland. On behalf of the government I will continue to play an active role at the national level through cooperation through ministerial councils, but I am also determined that Queensland will play its part in delivering the training opportunities that Queenslanders deserve. A Queensland based Training Ombudsman will help consumers navigate the complexities of making a complaint and help to resolve those complaints. It will also have a role in identifying systemic issues with the quality and provision of VET and advise on strategies for my consideration to resolve these issues.

There is a wide range of stakeholders across the VET sector: providers, clients, employers and regulatory bodies. The Training Ombudsman will provide complete wraparound support for students, apprentices and trainees to assist them to address issues in relation to the VET services that they are being provided. The Training Ombudsman will be tasked to identify systemic issues about the provision and quality of VET in Queensland—which may be identified via complaints—and report to the Minister for Training and Skills on strategies to resolve these issues.

Importantly, the bill establishes the Training Ombudsman as an independent statutory position. The key functions of the Training Ombudsman include receiving complaints about the quality and provision of VET by RTOs and assisting complainants to have their issues addressed by the most appropriate agency. Under the bill, the Training Ombudsman will be able to assess complaints regarding prequalified supplier RTOs and make recommendations to the chief executive of the Department of Education and Training about RTOs who have a funding contract with DET or who supervise apprentices and trainees. The Training Ombudsman will also assess complaints in relation to the provision of apprenticeships and traineeships and make recommendations to the DET chief executive.

For matters that fall within the jurisdiction of the Australian Skills Quality Authority, ASQA, or another agency such as the Office of Fair Trading, the Training Ombudsman, with the consent of the parties, can attempt to mediate a resolution in the first instance. Where a resolution cannot be mediated, the Training Ombudsman can refer a complaint to ASQA or another relevant regulatory agency to progress the complainant's concerns. The Training Ombudsman will also be responsible for monitoring the outcomes of complaints, identifying systemic issues arising out of complaints and reporting to the Minister for Training and Skills on strategies to resolve these issues.

The bill provides that the Office of the Training Ombudsman is a public service office, and the Training Ombudsman is the head of the office. Providing that the Office of the Training Ombudsman is a public service office ensures the independence of the office. As the head of the office, in relation to the staff of the office the Training Ombudsman has all of a chief executive's functions and powers. In addition, the bill states that the Training Ombudsman controls the office. The bill enshrines the independence of the Training Ombudsman by providing that the Training Ombudsman is not subject to direction about the way the Training Ombudsman performs his or her functions.

While the Training Ombudsman is independent, the bill provides that the minister may refer a matter to the Training Ombudsman to review or research the matter and provide advice or make a recommendation. For example, the minister could ask the Training Ombudsman to review school based apprenticeship arrangements in Queensland to highlight best practice examples and identify impediments to growth or outcomes; however, the minister cannot direct the nature of the advice that the Training Ombudsman provides. The bill also provides that the minister may issue a written statement of expectations to the Training Ombudsman stating the minister's expectations for the performance of the Training Ombudsman's functions and, by written notice, ask the Training Ombudsman for information or documents about a stated matter relevant to the Training Ombudsman's functions.

The Department of Education and Training conducted targeted consultation on the draft bill with the following key stakeholders: Queensland Industrial Relations Commission; Energy Skills Queensland; Queensland Ombudsman; TAFE Queensland; ASQA; Australian Council of Private Education and Training; East Coast Group Apprenticeships; Apprenticeships Queensland; Queensland Fitness, Sport & Recreation Skills Alliance; Motor Trades Association Queensland; Office of Fair Trading; Queensland Council of Unions; Together union; and Careers Australia. There was general support for the bill and the introduction of an independent statutory position to assist VET stakeholders.

In July last year I also hosted a stakeholder round table to discuss the reinstatement of the Queensland Training Ombudsman, inviting participants from right across the sector. Participants included CEOs from the Queensland branch of the Australian Council of Private Education Training, Apprenticeships Queensland and TAFE Queensland. The chief commissioner of ASQA, the executive director of the Office of Fair Trading and a number of other significant industry representatives participated. I would like to sincerely thank those who attended and offered their perspectives to help shape the role of the Training Ombudsman. Their ideas and vision for the sector were welcomed. I certainly do appreciate ASQA, being the federal body overseeing registered training organisations, for their support of the establishment of a Queensland Training Ombudsman. The diverse insights helped ensure that the new Training Ombudsman will address the needs of the sector.

On 14 September 2015 a ministerial charter established an interim Training Ombudsman role as part of operational requirements. The interim Training Ombudsman has established an online and telephone presence. A number of discussions have been held by the interim Training Ombudsman with related stakeholders and agencies regarding future memoranda of understanding. I am heartened by the response to the interim ombudsman, with MPs already embracing the office as a useful tool to support constituents. I know that a number of issues and complaints have already been brought forward, not just by apprentices and trainees but also by RTOs, employers and other people in the general community raising issues about training.

I thank the interim Training Ombudsman, Mr Geoff Favell, and his team for the enthusiasm they have brought to the role, as well as their extensive experience and the industry knowledge they have to contribute and set up the Office of the Training Ombudsman. Following the passage of and assent to the bill, a significant appointment process will be undertaken to appoint the Training Ombudsman.

This bill delivers on the government's commitment to drive jobs and highlights the need to focus on training and skills because to grow our economy, deliver new industries and foster innovation Queensland needs a workforce that is up to the challenge. That is why quality training and skills are so important to future job creation and innovation.

The establishment of the Queensland Training Ombudsman's office and the Queensland Training Ombudsman was already allocated funding in the 2015-16 budget. A commitment of \$4 million to deliver on our election commitment to establish the Queensland Training Ombudsman has already been made.

This is just the latest example of this government delivering for jobs for Queenslanders. We have repealed the Queensland Training Assets Management Authority Act so that Queensland's public training assets are rightly back in the hands of Queensland people. We have delivered our Skilling Queenslanders for Work initiative, which is already seeing thousands of Queenslanders being given the opportunity to get the skills and experience they need to get back into the workforce and build a career. We are delivering on our commitment to rescuing TAFE because we, like most Queenslanders, recognise the need for a strong public provider of vocational education and training that is accessible, affordable and of high quality. Our \$34 million over three years will deliver up to 100 new staff, increase support services in rural areas and see further investment in foundation skills.

The Training Ombudsman will play an important role in maintaining and improving the quality of the training provided to Queenslanders to strive for better outcomes. We do all of this because we are committed to jobs, jobs creation and quality training and skills development for our current and future workforce because, to grow our economy, deliver new industries and foster innovation, as I say, Queensland needs a workforce that is up to the challenge.

This bill is a timely reminder of our priority to work with industry and public providers to develop jobs for the future and ensure we have the skilled workforce our economic growth depends on. We do this because we are delivering on our election commitment to Queenslanders. We do this because that is what Labor governments believe in: providing the opportunity for all Queenslanders to access training and skills to get into the workforce and contribute, to give Queenslanders security that they or their sons and daughters will have the chance to be trained and build a career and that when they enter into training they get the quality service they deserve. I commend the bill to the House.