

# **STANDING COMMITTEE ON PUBLIC ADMINISTRATION**

## **INQUIRY INTO WORKSAFE**



**TRANSCRIPT OF EVIDENCE  
TAKEN AT PERTH  
WEDNESDAY, 1 NOVEMBER 2017**

### **SESSION TWO**

#### **Members**

**Hon Adele Farina (Chair)  
Hon Jacqui Boydell (Deputy Chair)  
Hon Ken Baston  
Hon Kyle McGinn  
Hon Darren West**

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**Hearing commenced at 11.28 am**

**Mr IAN HILL**

**Chairman, Training Accreditation Council, sworn and examined:**

**Miss STEPHANIE TRESTRAIL**

**Director, Training Regulation, Department of Education, sworn and examined:**

**The CHAIR:** On behalf of the committee, I would like to welcome you to the meeting. Before we begin, I must ask you to take either the oath or the affirmation.

[Witnesses took the oath or affirmation.]

**The CHAIR:** You will have signed a document entitled “Information for Witnesses”. Have you read and understood the document?

**The WITNESSES:** Yes.

**The CHAIR:** These proceedings are being reported by Hansard and are also being broadcast on the internet. A transcript of your evidence will be provided to you in due course. To assist the committee and Hansard, when you refer to a document, could you refer to the full title of the document, and also could you be aware of the microphones, try to talk into the microphones and do not cover the microphones with any paper. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today’s proceeding, you should request that that evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that publication or disclosure of your uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

Noting that we are running a little behind schedule, Ian, would you like to make a brief opening statement or are you happy to get straight into the questions?

**Mr HILL:** My answer to that would be, yes. If it would be helpful—perhaps you can provide guidance here—if I could just give you a brief statement about what TAC is and what our responsibilities are. If you do not feel that is necessary, we can get straight into —

**The CHAIR:** Are you able to table that and we will have that incorporated in the *Hansard*?

**Mr HILL:** Yes.

**The CHAIR:** Margaret will collect that statement from you and we will have that incorporated into the *Hansard*.

**Miss TRESTRAIL:** If we could provide that electronically.

**The CHAIR:** Yes, that will be fine.

For the committee, can you just put on the record, does TAC regulate WA-based RTOs that provide training courses in high-risk work licences and other courses relating to workplace training?

**Mr HILL:** There are two regulators in this state. There is the Training Accreditation Council and there is the national training regulator, which is ASQA. I understand they have appeared before you. They

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regulate any training provider who delivers training interstate and/or delivers training to international students. There is no RTO in Western Australia who is subject to regulators. They are either with us because ours is strictly a state-based delivery system or, in the case of ASQA, as I mentioned before, it is international and if you were delivering interstate.

What are our responsibilities? We register and are the course accreditation body responsible for quality assurance and recognition of vocational education services in WA. The entire TAFE network comes under us. We regulate the TAFE network. All RTOs, whether they are registered nationally or with the state, must comply with the requirements set out in the standards for registered training organisations 2015, so that is a national standard. As of 20 October 2017, there are 442 RTOs who have their head office in Western Australia; 235 of them, or 53 per cent, are regulated by TAC; and 207, or 47 per cent, are regulated by ASQA.

Of interest to you would be the fact that of the 235, we regulate 36 RTOs, or 15 per cent, deliver training products linked to high-risk work. Does that answer your questions?

**The CHAIR:** Yes, and a few I did not even think to ask. That is great; thank you. Could you just explain to the committee how frequently TAC audits RTOs providing training for high-risk work licences?

**Miss TRESTRAIL:** TAC undertook a strategic industry audit back in 2014–15. I am happy to table a full copy of the strategic industry audit report, which looked at units of competency that lead to high-risk work licences in Western Australia. I have eight copies of that available for the committee. That audit was conducted based on industry feedback that we had received both from the training council, from industry itself and from a review of our complaints register in that over 70 per cent of RTOs delivering high-risk work licence units of competency were audited at that stage. As an outcome of that audit, 35 per cent of those RTOs—the audit involved 20 RTOs and six were given follow-up audits the year later, in 2015–16, if we still had some concerns in regard to their ability to meet compliance. TAC also has an annual regulatory strategy. As part of that strategy, we require any RTOs that wish to have high-risk work licence units of competency added to their scope must have a site audit before it can be added, so you cannot automatically have it added. Even if you have an excellent track record, you still have to have an audit to have those qualifications added to your scope under TAC.

**The CHAIR:** Can you just explain to the committee, when you conduct an audit, is the audit to ensure that the person who has completed the training is actually competent in the tasks that they have been trained to do or is it an audit merely to check that the RTO has complied with deliverables?

**Mr HILL:** If I can just go back one step. Let us take a new entity that makes an application to TAC. A decision is made then based on the scope they are seeking for a full-site audit to be done. Twelve months later, they are given the opportunity to actually roll out. They need to have students before we can go out again to check that they have rolled out their systems. That is just to confirm that they are, in fact, doing what they say they are going to be doing. Depending on the nature of the scope—in other words, high-risk licences are, in fact, technical by nature—besides the auditors going out, you also have a technical officer who we borrow, as it were, directly from industry. So you have got that expertise when you are actually on site. If they are found to be noncompliant with the standards, Stephanie has the delegation from the board to give them 10 days to address those noncompliances. Most of them do so. You review the evidence and declare them compliant or not compliant. If they fail to do that, it comes to the council and we can give them another 20 days based on the advice from Stephanie and her team. If all that fails, we advise them that we are going to impose sanctions. That sanction ranges from suspension to deregistration. If they get through but we are dissatisfied with the critical noncompliances that brought them to our notice in the first

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place, we can declare at that stage that we do what is known as a compliance monitoring audit so we can go back to them any time between six months and 12 months to check.

To your specific question as to whether, in fact, we assess the individual, no, we do not. The evaluation assessment audit is about standards. There is also opportunity and this opportunity is exercised by RTOs, who in fact interview the students and gauge the feedback that they are getting that what is being delivered is consistent with what it is supposed to be. Does that answer your question?

**The CHAIR:** Yes.

**Miss TRESTRAIL:** If I can just add to that. As part of the audit, obviously we are checking that the RTO has the systems, particularly the assessment systems, in place to make sure that everything that is outlined in the training package is assessed. We also track student files. If they have established to us that this is how we assess them, we will go through a number of student files to make sure that the assessments have been undertaken in that manner.

**The CHAIR:** If TAC receives a complaint about a high-risk work licence assessor or in the course of auditing an RTO comes across information raising concerns about the competency of an assessor, does TAC provide this information to WorkSafe so that WorkSafe can audit the assessor? If you need to, you can take the question on notice.

**Mr HILL:** I am very happy for either me or Steph to answer that. The reason we are here is information sharing between WorkSafe and us. We believe it can be enhanced much better than it currently is. To answer your question, yes, we do provide that information.

[11.40 am]

**The CHAIR:** Would you be able to tell the committee how often you have provided that sort of information to WorkSafe in the last five years?

**Miss TRESTRAIL:** I do not have those details. If I could just clarify, if we receive a complaint, our obligation is to assess the RTO directly and it will be information at the RTO level that is exchanged with WorkSafe in that we think there are some concerns, as opposed to information on the specific individual. The council's mandate is with regard to the legally responsible person of the RTO meeting the requirements. We will identify if a trainer and assessor engaged by the RTO is not meeting the requirements of the standard. Our level of responsibility and interaction is actually with the legally responsible person of the RTO rather than directly with the trainer or assessor. So information that is provided to WorkSafe regarding concerns will be that we have concerns at RTO level, not at the individual level.

**The CHAIR:** Can you take as question on notice 1, and provide the committee with information for each of the last five years, what notifications you have provided to WorkSafe in relation to concerns about RTOs?

**Miss TRESTRAIL:** Yes.

**The CHAIR:** If WorkSafe has information about an RTO that may be of benefit to TAC in performing your role as regulator of RTOs, does WorkSafe provide that information to TAC?

**Mr HILL:** I would have to say no. By way of relevant background, I would like, with your permission and agreement, to in fact very quickly run through two public cases where we believe this could have been handled much better with the view of protecting innocent students and not allowing rogue training providers to operate in the market.

**The CHAIR:** Please proceed.

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**Mr HILL:** With your agreement, we could actually just go through that. I would also like to say that outcomes of any audit strategy which we run and the outcomes, we share widely within the state, within WorkSafe and nationally. In fact, the high-risk licence strategic audit which we did, those outcomes have influenced the way the national industry referenced committees are approaching their system. So it was run fairly thoroughly with a lot of support by industry. I would also like to mention that we feel it is extremely helpful to have protocols between organisations that are either involved in licensing or their activities are regulatory by nature. For example, we have MOUs with the police department, mines, the Department of Training and Workforce Development because of their financial contractual obligations—there are two more, including the maritime authority. But no, we do not have an MOU with WorkSafe. We would like to but we have not been successful with that.

**The CHAIR:** Has the request actually be made to WorkSafe to have an MOU between WorkSafe and TAC and WorkSafe has declined?

**Mr HILL:** Yes, and this was not a recent thing. It is an ongoing thing, as it were.

**The CHAIR:** Could you please inform the committee the reasons that WorkSafe have given for their reluctance to enter into an MOU?

**Mr HILL:** It varied from initially saying that their act precluded them from sharing the sort of information which we needed. The information we needed would have facilitated for the state and consumers a better outcome, but they are of the view that their act precludes them from actually doing that. I think it would help illustrate for the committee the two examples I can just run through. We see it as pretty simple. The outcomes were quite damaging for consumers and we think that could have been handled better, with a timelier exchange of information.

**The CHAIR:** If you could just run through the two examples that you have.

**Miss TRESTRAIL:** One recent example was in relation to an investigation that was conducted into Mr Kenneth Sully, which I think the committee is aware of. He was linked to an RTO that was regulated by TAC and he was prosecuted by WorkSafe. As the investigation was being undertaken by WorkSafe, the registration was due to expire for Mr Sully. Obviously, once a registration has expired, the council loses its ability to take action against a provider. If we had been aware at that stage that an investigation was ongoing with regard to that provider, the council could have, through its own volition, extended the registration period, therefore still enabling them to have an authority over the RTO to identify students to take further action against the RTO to prevent them entering into the system in the future. Because we were unaware of that, the council simply let the registration expire.

**The CHAIR:** Did that put an end to the WorkSafe prosecution as well?

**Miss TRESTRAIL:** No. WorkSafe was still able to go forward with their prosecution but it may have been more appropriate for the community if TAC could have taken action to cancel their registration as well. Under the Western Australian legislation for RTOs, that would then prevent that individual from ever being able to attempt to get into the system again. That was one example.

Another example was in regard to A&J Training & Assessing. There was a complaint—an alleged allegation—that they were fraudulently issuing certificates. By the time we received notification that there may have been a problem was actually when the doors were closed of the RTO and we had inquiries from students that were enrolled with the RTO. At that point in time, we learnt after the fact that there was a WorkSafe investigation going on and that, as part of that investigation, they had collected a large number of the student records. Therefore, again, the council was not able to progress its own prosecutions with regard to the individuals. If I could just possibly clarify also for

the committee, within a regulatory environment, regardless of who the regulator is, there is often a reluctance to share information on issues that are currently being investigated because any interference with the evidence may impact significantly on the ability to prosecute the individual. So, it is not uncommon once regulators reach a point of prosecution, particularly information on specific individuals, that there is a very controlled environment for how much of that information is released because it could have an adverse negative impact on the investigation that is currently being undertaken.

**The CHAIR:** Just for clarification purposes, at what point is the RTO stopped from taking money from any more students and enrolling them in training courses if there is an investigation underway? Because if you are not aware of it, then the RTO is continuing to take money from students, enrolling them in the next course, yet WorkSafe could be looking to prosecute.

**Miss TRESTRAIL:** It could also be a situation in which we go in to do an audit. The council's primary role is to ensure the quality of the training that is being provided. Its role is not to detect fraudulent activity. If an RTO is intentionally covering up and providing false documentation et cetera, our system is not designed specifically to detect that that is occurring. We will only find out that that is happening if we are provided with information by another body that indicates they may be having an issue in that space. So the council can only deregister a provider, and that is the point at which they can stop taking money from students and can stop actually operating. That will not occur until the council has been through all its due diligence and its processes and allowed natural justice for the RTO to respond.

[11.50 am]

**The CHAIR:** Correct me if I am wrong, but I thought you said earlier that in the case of A&J, you found out about the prosecution by WorkSafe, or the investigation by WorkSafe, after that RTO had closed its doors.

**Miss TRESTRAIL:** Yes.

**The CHAIR:** What did you mean by "closed its doors"? It stopped operating?

**Miss TRESTRAIL:** They had physically closed its doors and students were not able to find the RTO.

**The CHAIR:** Was that a result of being charged by WorkSafe, that they closed their doors?

**Miss TRESTRAIL:** I could not answer that, I am sorry. I do not know the reason the RTO —

**The CHAIR:** Okay.

**Mr HILL:** We simply do not know. They disappeared off the website. They would not answer telephone calls. We had no way of accessing them. The point we are making is that if we had been alerted to the fact that this inquiry was going on, we could have moved prior to him doing a runner, which is what happened.

**The CHAIR:** Okay. But when you say you could have moved before he did a runner, how would you have moved? What would you have done?

**Mr HILL:** We have a capacity to move in there and remove records—student records et cetera. If there is a case where we see fraudulent activity, we will refer it to the police. We have no capacity to prosecute ourselves, but we would refer it to the police or we would refer it to crown law, which we have done on occasion to prosecute, yes.

In regard to the student fees, all private RTOs do have insurance which they carry, and that forms part of the evidence that they have to provide when they initially register. That is meant to protect students. The protocols in fact enunciate what proportion of fees you can take when students start

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and how they pay you over the years. That is fine for people who are adhering to the regulations but for the rogue, you usually find out after the event.

**The CHAIR:** So there is really no protection for the client—for the student?

**Mr HILL:** Against the rogue, no, other than stopping a rogue being registered in the first place, yes.

**The CHAIR:** Okay. But no protection for them in terms of getting their fees back?

**Mr HILL:** No.

**Miss TRESTRAIL:** There is a limitation on the fees that the RTO can accept up-front, so that attempts to limit the exposure to the student. But there is no failsafe mechanism, no.

**The CHAIR:** Okay. You mentioned earlier that there is a point at which regulators get to where they do not want to release information to other bodies because it may actually hinder the success of a prosecution. Would you say that WorkSafe is operating under that model—that it is not releasing information because its first priority is to protect its processes and ensure that if it lays charges, it will have a successful prosecution at the end of the process?

**Mr HILL:** I have a view in public policy terms that you have to weigh up what you are trying to chase down against how much damage is happening in the interim. I think that should be the measure. I do not know of instances around Australia where as a result of an exchange of information a prosecution has failed. I think it can be done better—that is, the exchange of information. If I could just read this out, because otherwise you may feel we should have said this right from the word go. One of Stephanie's staff members, Morena Stanley—in fact, who happens to be in the public gallery here—was communicating with WorkSafe with regard to exchange of information. The staff have a good working relationship, and in fact this month are running education programs for workers, assessors and RTOs in terms of their obligations. The sticking point is still exchange of information. They sent us, or sent Morena—I am happy to table this. Morena's question was, in relation to sharing information issues —

... I understand that during an investigation there are obvious sensitivities in sharing information, but I need you to send me the section in your legislation that prevents you from sharing information with us.

I referred to that earlier because we have always been told that. The email continues —

I'm wondering also whether it is a process issue we need to work through in being able to share information between our agencies. For example, leading up to an RTO audit we would be interested in the number of licenses issued by WorkSafe linked to a particular RTO. Are you able to share this information on an ad hoc basis, or are there limitations in your ability to share this type of information?

We got an email, or Morena got an email from them on Monday, 30 October, which said —

As advised, there is no limitation in the OSH Act on WorkSafe providing information to the TAC.

WorkSafe is happy to consider any application for information and has previously provided information on request to the TAC. Similar to the TAC and other public sector agencies, generally there are limitations on requests relating to personal information or matters subject to investigation. I am not aware of any particular issue the TAC has had with WorkSafe in relation to information provision.

Noting your specific example below, from the information provided, it is likely that WorkSafe would provide that number if available, noting WorkSafe does not regulate RTOs.

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So having read this, I asked Stephanie, who is our expert on regulation, what does it actually mean, and Steph said, “Well, it’s a continuation of the situation as to how do you process this; how do you get someone to move forward and say, ‘Well, let’s have a look at whether we can do this better without creating major problems in terms of failure or prosecutions’”, et cetera. I just thought I would share that with you, and we are very happy to table that if you so wish.

**The CHAIR:** Yes, if I could. I would appreciate that being tabled. We will take that as a tabled document.

**Miss TRESTRAIL:** If I could possibly add to the question in relation to the sharing of information when an investigation is occurring. I guess the fear of agencies once they have commenced a process, whether it is through an investigation or an audit process, is if they were to share the information and another agency was to particularly drill down—so if in this instance WorkSafe were to provide us with specific information and we were then to go into an audit and specifically drill down into either the qualifications of the assessor or where we thought the issue would be, the fear would be that it would trigger a nervousness in the RTO that something might be happening behind the scenes, where they would start potentially hiding information or covering things up before the other organisation had, to the full extent it was required to, actually gained that information, if that makes sense to the committee. So that is where the nervousness usually comes between the agencies operating together. An RTO itself may start removing information or hiding information on the basis that they have an inkling that another agency may actually be onto the conduct that is of concern to the agencies.

**The CHAIR:** Okay. But just for me to get it straight: WorkSafe can audit the assessor?

**Miss TRESTRAIL:** Yes.

**The CHAIR:** So they can only make a judgement on the assessor as to whether the assessor should remain registered or not. They do not have any jurisdiction in relation to the RTO?

**Miss TRESTRAIL:** No.

**Mr HILL:** That is correct.

[12 noon]

**The CHAIR:** The advantage of WorkSafe advising you that they are investigating an assessor who they believe is not competent, how does that help the TAC?

**Mr HILL:** Whilst the details are in that audit, which were high-risk work licences, it would have been very helpful if we knew—and WorkSafe was asked the question—how many assessors are there, those RTOs who are involved in this? We could link that to the number of complaints which had come in the previous 18 months about those RTOs as it related to noncompliance with high-risk work licences. It would have helped the strategic industry audit, which had an advisory committee comprising, in the main, industry, better target those RTOs who should have been in the firing line because of that evidence. But without that information, we believe, it restricted what should have been the full field we looked at. That is an example.

**The CHAIR:** But there would not be any circumstances in which TAC, knowing that WorkSafe was investigating a particular assessor, would come in and undertake an audit of the RTO and suspend the operations of the RTO?

**Mr HILL:** No. Unless there was an audit already been undertaken and we came to know that we would not have stopped that audit because that audit was not triggered as a result of information given to us. I think it would be simple to do by establishing protocols. We do have a police licensing

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authority on firearms training and it works well with them there. I do not see why we cannot do the same thing here.

**The CHAIR:** You mentioned earlier that an RTO is either registered with TAC or with ASQA; they are not registered with both. Is it possible that they could have some courses registered with TAC and different courses registered with ASQA?

**Miss TRESTRAIL:** No.

**Mr HILL:** No, because it is the organisation; it is not what you have got on your scope. You must be registered as an RTO as an entity, either with ASQA or TAC.

**The CHAIR:** What sort of information sharing occurs between TAC and ASQA?

**Mr HILL:** Very good. We have got a very good, thorough working relationship, including alerting each other.

**The CHAIR:** Alerting each other to what, precisely, if you are actually auditing completely different RTOs?

**Mr HILL:** Because we do have RTOs who tend to move between jurisdictions. If there is a pattern—just say, high-risk work licence, aged care. We did a strategic industry audit on aged care and we shared information with ASQA. There were training providers who fell within the registration remit of ASQA, but ASQA permitted us to do an audit of them as well as part and parcel of it. I would ask Stephanie to comment on that, but I believe the information sharing between the two organisations is pretty strong, without it creating problems for them prosecuting or us prosecuting.

**Miss TRESTRAIL:** One of the primary purposes of retaining a state-based regulator was so that we could actually drill down on local issues. High-risk work licence, units of competency is a prime example that we had at WorkSafe. We had industry itself, we had information from our complaints that triggered the audit to occur and obviously that was done at the local level. We then provided that information to ASQA so that they could review the risk associated with the providers that they register. As a national regulator, ASQA has advised that they will take action on issues that are of national interest such as aged care and education support, which they have done in the past. This was seen as a very strong state-based issue and that was why TAC took the action that it did in regard to the audit. There were some recommendations that came out of the audit that go a lot more broadly than just in the training regulator space and that has an influence on the industry in general to affect the situation in Western Australia. We provide and communicate that information both nationally to the industry reference groups associated with the development of the training as well as with the regulator, so that they can consider it as part of their risk profile as well.

**The CHAIR:** The committee has heard evidence that there have been situations in which workers who have a high-risk work licence, when they undergo their certificate of verification—I hope I have got the right way around; yes, VOC—that they are deemed not to be competent, despite the fact that they have got this high-risk work licence that has been issued. The committee is trying to understand how that happens, because obviously it is not a good outcome for industry or for workplace safety. Is the problem that there is a failure with the work that is being undertaken by the assessor who is assessing that student and issuing the high-risk work licence or is there a problem with the standards that are applied?

**Mr HILL:** I think there is some confusion generally in industry in this area. I will ask Steph to enunciate for you and we will also table it for your information. But VOCs have emerged in more recent times as a tool which is used by industry for occupational health and safety reasons so that when workers come on site, they are subjected to a verification of competency. That same worker, the same employer, moving onto different sites could undertake exactly the same verification of competency,

which they in fact have to pay for; it is not paid for by the employer. That I think has got to do with insurance liabilities and occupational safety. But it is not part and parcel of RTO standards or training packages. It sits outside.

**Miss TRESTRAIL:** I could table a document that we have put together called “Summary of bodies and responsibilities for high risk work licenses”. Having had the opportunity to read some of the previous transcripts, we thought it would be of value to the committee to put down who the bodies were and what responsibilities they had in this area.

**The CHAIR:** That would be very useful. Margaret, would you mind distributing that to members so that we can have a look at it.

**Miss TRESTRAIL:** Just in regard to verification of competencies, verification of competencies is not a system mandated by legislation as such. You will not see the term “verification of competency” in any of the legislation. It is a system that industry have actually developed, primarily to meet in Western Australia the Mines Safety and Inspection Act 1994. If you look at that act, it defines a competent person as a person who is appointed or designated by the employer to perform specific duties, which the person is qualified to perform by knowledge, training and experience. Industry has implemented the verification of competency process and from having read that statement, it is in regard to the acknowledged training and experience, so it is not limited just to training. Therefore, from the training perspective and RTO perspective from the WorkSafe assessor, who in all cases is the training organisation’s assessor as well, it is only one of those components. It is only the training component. I guess someone who has a licence for high-risk work has passed a training course only. It does not take into consideration the knowledge and experience that that person has within the industry. If you can draw the same equation to someone who has recently obtained their driver’s licence, they would not necessarily be as experienced as someone who has held their licence for several years. It is a little bit of a stretch to say that the assessor only assessing the training component would have the same responsibility of assessing the knowledge and experience that that person has as well.

[12.10 pm]

**Hon KYLE McGINN:** It is very complicated to understand. I struggle to understand how you can pass a course without being competent in the skills of that course. When you pass a riggers ticket, you would be competent in performing rigging.

**Miss TRESTRAIL:** You are competent to the level that someone who has recently engaged in a training course has completed that training course. Say you did your first aid certificate, you are as competent the day you come out of that course as anyone is who retains a certain volume of the knowledge learnt within that course. It does not mean that you are an experienced, knowledgeable professional in that field. It simply means that you have been assessed within the requirements of the training course to be able to do that particular skill on one or more occasions.

**Hon KYLE McGINN:** So you are saying that there is the possibility that you can get the qualification but not be competent in the skill?

**Miss TRESTRAIL:** No. Within the definition of competency within vocational education and training, they have been able to perform the skill on two or more occasions and demonstrate that they can perform that skill correctly. I guess the point I am trying to make is that that is the limitation of the level of experience and competency that the person is required to obtain to obtain the qualification. They are not a seasoned professional at the end of doing that.

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**Hon KYLE McGINN:** In respect of an advanced ticket—advanced rigging, for example—is there any need to show competency on the two lower tickets, being beginner and intermediate, prior to doing a course for advanced rigging?

**Miss TRESTRAIL:** I would have to take that question on notice. My understanding is that they are what you call nested qualifications, that you cannot progress to the next one unless you hold the previous qualification, but I would like to check that.

**Hon KYLE McGINN:** Unless you hold them, but the question would be more specific to competency rather than just being able to do all three tickets in a week.

**The CHAIR:** We will take that question as question on notice 2, just for the record.

**Miss TRESTRAIL:** The way the training package is designed, it allows you to move from one qualification to the other. It does not require you to have significant experience in industry before you can move from one to the other.

**Hon KYLE McGINN:** Would it shock you if someone went and got a ticket—we will stick with rigging tickets—and then went out to a workplace and was deemed non-competent in rigging? Would that surprise you?

**Miss TRESTRAIL:** No.

**The CHAIR:** As I understand it, there is a difference between having completed and passed a training course and having competency as defined with having years of work experience—on-the-job training.

**Miss TRESTRAIL:** Or arriving on site and not being familiar with the equipment, the environment and the processes of that particular employer to be able to demonstrate that you were competent within that environment.

**Mr HILL:** Could I make a general comment here about this training environment and this particular frustrating complexity? There is an expectation—I am from industry and I understand this—that graduates who graduate with certificate IV or whatever and turn up on site, they anticipate that that person would be able to perform at the same level of skill as someone they have had with them for five years. All that person has acquired in the training course is a skill set—being able to use equipment which is authorised and which they are familiar with. Move to a worksite where it is an entirely different environment, you may or may not have that same equipment. This has been a debate with industry for the last two or three decades. There are those who expect a new graduate walk on site and be as good as very experienced workers and those who understand that when they turn up on site, there is an obligation to ensure that their induction—whether it is one week, two weeks or three weeks—gives them the opportunity to get up to speed with that work environment and it may or may not be a new piece of equipment.

There is another issue and this, I suppose, is the subterranean issue which I think you are referring to. Those RTOs and assessors who are rorting the system—to call it bluntly, that is the issue. We know of cases where a person has been declared competent and it should have taken seven days, 10 days or a fortnight for them to have used that but they find that they have done it in one day, half a day or one hour. Then they turn up on site and they are actually asked to use something. There is an assessment made, for reasons I enunciated earlier, and they find this person cannot do this job at all. I view that as a separate problem. The system is set up on the basis that there will be integrity and honesty and people will do what they are expected to do. There is a capacity for someone to rort the system and there is evidence of that around Australia.

**The CHAIR:** When you audit the RTO, if you have an RTO that is doing training in a particular area and that training is taking 10 days to complete, and under the standards it is anticipated that about

10 days is what is required to complete the training, and if you have another RTO that is delivering it in four days, does that automatically spark an alarm bell to the fact that you need to audit that RTO because they cannot possibly be delivering the standards required within four days?

**Mr HILL:** I do not want to sound like an economist and have a two-way bet here, but yes and no. It is understanding the principle that the entire system is based on competency. We as a regulator do not believe—I know my view is different from the chairman of ASQA’s view on this issue. I do not believe we have a role in terms of spelling out the duration of training. That rests squarely with industry; it is for industry to specify. It is the environment they live in. It is the experience they have got. Our job is to —

**The CHAIR:** But they do not regulate RTOs.

**Mr HILL:** No, but they do in terms of the content of training packages they develop. They can spell it out there in terms of how they see duration. I do not believe it is the regulator’s role to say, “Well, you should do X.” It is not based on that. We do not have that expertise. It is not our area of expertise. We audit against standards which are spelled out by industry.

**The CHAIR:** So it would be reasonable for someone who is employing a plumber, who has a plumber’s certificate, to expect that person to have a certain level of competency to be able to do what a plumber is required to do. But the same understanding would not occur in the case of a rigger who has a high-risk work licence which has been completed in 10 days if they have had no on-the-job experience.

**Mr HILL:** I think the nature of those two qualifications—one entails four years of on the job and off the job, so there is a significant opportunity to bed those skills and attune those skills so that when they do, in fact, leave at the end of four years, they are competent professionals. A high-risk work licence tends to be a skill set which can be delivered in a week, based on that person’s experience—in a week’s time, two weeks’ time, three weeks’ time. We would be concerned and I can ask Stephanie to articulate that. Some of the complaints that we get is about the duration of training—that the course offered was so short. As part of the audit process, what we do then is to ask them to explain how they imparted these skills in this short period of time. That, we see, is our role, and audit them against that. Do you want to add to that?

[12.20 pm]

**The CHAIR:** Sorry, Stephanie. I am just noticing the time and the fact that members of Parliament have Parliament starting very soon and we are running out of time. Although I do want to continue exploring this a bit further, I am going to need to bring the hearing to a close at this point in time. The committee will either write to you with additional questions or invite you back for another hearing. I apologise that we have had to cut the hearing short but we are running behind schedule and we are running into the time that Parliament has to start.

I want to thank you very much for coming before the committee. I think that the evidence you have given to the committee has been very helpful in clarifying a number of issues that some members of the committee have been struggling with. I remind you that a transcript of the hearing will be provided to you and that you have an opportunity to correct any typographical or transcription errors by simply marking the transcript and returning it to the staff. Could you provide answers to the questions taken on notice within two weeks of the date that you receive communication from the staff in relation to those questions on notice? If you want to provide supplementary information to the committee arising from the questioning this morning, you are welcome to do so as well. At this point, I thank you very much for your evidence this morning and I bring the hearing to a close.

**Hearing concluded at 12.22 pm**

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