

**PARLIAMENT OF WESTERN AUSTRALIA  
STANDING COMMITTEE ON PUBLIC ADMINISTRATION  
INQUIRY INTO WORKSAFE**

**Tuesday 3 October 2017**

**QUESTION ON NOTICE**

**Question 1(a)**

**The CHAIR:** In each of the last five years, how many RTOs providing training for high-risk work licences in Western Australia have been audited by ASQA?

**Mr PATERSON:** I could not answer that question, chair.

**The CHAIR:** We will take that as **question on notice 1**. Would you be able to provide that information to the committee?

*The Australian Skills Quality Authority (ASQA) has provided the following response*

There are 36 ASQA-regulated RTOs having a head office listed in WA that are registered to deliver one or more unit of competency leading to a high risk work license. In the last five years, ASQA has audited 27 of these.

Note that RTOs are not required to advise ASQA of all delivery locations and there may be other RTOs delivering these units of competency that have their head office in other than WA.

**Question 1(b)**

**Mr PATERSON:** Happy to. I can endeavour to get the answer to that.

**The CHAIR:** In addition, how many of those were found to be noncompliant, and how many had levels of noncompliance that were significant or critical? In addition, for each of those, what action was taken in relation to that noncompliance by that RTO, and are those RTOs still registered as RTOs providing high-risk work licences in Western Australia? That can all be taken as **question on notice 1**. If you can endeavour to get that information to the committee, we would be most grateful.

*The Australian Skills Quality Authority (ASQA) has provided the following response*

Of the 27 RTOs audited by ASQA, five had non-compliances of sufficient severity that adverse regulatory action was proposed (one RTO has been subject to two separate actions). Of these:

- One RTO had its registration cancelled by ASQA (currently under appeal)
- One RTO had parts of its registration related to high risk work licences suspended
- Two RTOs were issued with a notice of intent to suspend parts of their registration not related to high risk work licences (suspensions were not imposed as the RTOs rectified the issues)
- One RTO had an application to add units related to high risk work licences refused
- One RTO had an application to add qualifications not related to high risk work licences refused.

In addition to the above, two RTOs have been issued with notice of ASQA's intent to cancel their registration due to either failure to pay fees or provide required information to ASQA.

## **Question 2**

**Hon KYLE McGINN:** I am just curious if there is any involvement with forums, reviews or industry forums in Western Australia that ASQA attends with WorkSafe in attendance as well.

**Mr PATERSON:** I would expect that there would be forums that officers from my Western Australian branch office or auditors associated with it may well attend that WorkSafe is in attendance at, but I could not say with confidence one way or another.

**Hon KYLE McGINN:** I would say I am more interested in, probably specifically, high-risk work licence events that may have been attended. Is it possible to find out if there has been any forums held where ASQA and WorkSafe have been in attendance?

**Mr PATERSON:** I can ask the question. I cannot guarantee I can give you an answer, but I can endeavour to find out. I can take that on notice.

**The CHAIR:** We will take that as **question on notice 2**.

*The Australian Skills Quality Authority (ASQA) has provided the following response*

In 2016 ASQA attended a seminar conducted by WorkSafe WA. The purpose of the seminar was to assist WorkSafe-accredited assessors to understand their obligations.

In November 2017, ASQA is participating in a further series of seminars with WorkSafe WA with a similar purpose, with additional focus on the obligations of assessors to understand and comply with the regulations applying to RTOs.

## **Question 3**

**Hon JACQUI BOYDELL:** Do you have situations that you could let the committee know of where you have tried to deal with WorkSafe with a particular RTO in relation to high-risk assessors that you have not been able to get information, but there has been clearly an issue in the workplace that WorkSafe have been involved in?

**Mr PATERSON:** Well, I am aware that there have been interactions between ASQA and WorkSafe and questions raised in relation to high-risk occupations. But where we have sought information, we have been advised that it cannot be provided to us. I use examples outside of Western Australia by way of example, where people get energised about the performance of particular RTOs, saying, "Well, you the regulator have got to do something about it" and we say, "Well, give us the information." The information is either not available to them and people are making general observations of criticism or others want to see us take a particular course of action where we do not have the information base which enables us to look at a particular RTO's performance. I cannot give you an example off the top of my head of where those interactions have occurred with respect to WorkSafe in Western Australia. If you want us to examine those interactions, I can have that work done. Being a chief commissioner I do not get to see many of the RTOs that perform well because they do not come before me and my fellow commissioners as part of the regulatory scrutiny. We get to focus on those that perform less well—that is, those that present a risk to the system.

**The CHAIR:** We will take that as **question on notice 3**. If you are able to source that information and provide it to the committee, that would be appreciated.

*The Australian Skills Quality Authority (ASQA) has provided the following response*

The issue of WorkSafe WA being unable to share information with ASQA regarding specific assessors or RTOs they have concerns about first arose during meetings between WorkSafe WA and ASQA in March and April 2015. The issue has arisen in other, less formal, conversations but ASQA does not have the dates of those conversations. Most recently, the issue arose once again at a similar meeting in September 2017. Due to the restrictions on sharing of information imposed on WorkSafe WA, ASQA has no knowledge of the specific RTOs or assessors that these concerns relate to and has not been able to take regulatory action aside from noting the concerns of WorkSafe WA in a general way.