

**STANDING COMMITTEE ON ESTIMATES AND
FINANCIAL OPERATIONS**

2015–16 ANNUAL REPORT HEARINGS

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
WEDNESDAY, 2 NOVEMBER 2016**

**SESSION FIVE
DEPARTMENT OF EDUCATION SERVICES**

Members

**Hon Rick Mazza (Chair)
Hon Peter Katsambanis (Deputy Chair)
Hon Alanna Clohesy
Hon Helen Morton
Hon Sally Talbot**

Hearing commenced at 3.15 pm

Hon PETER COLLIER
Minister for Education, examined:

Mr RICHARD STRICKLAND
Director General, examined:

Mr DAVID LLOYD
Executive Director, Corporate Governance and Funding, examined:

Ms STEPHANIE TRESTRAIL
Director, Training Regulation, Training Accreditation Council, examined:

Mr JOHN JURKOWSKI
Chief Finance Officer, examined:

Mr RICHARD MILES
Director, Teacher Registration, examined:

Mr TERRY WERNER
Director, Higher Education and Legislative Review, examined:

Ms JOANNE TAGGART
Director, Education Regulation, examined:

The CHAIR: On behalf of the Legislative Council Standing Committee on Estimates and Financial Operations, I welcome you to today's hearing. Can the witnesses confirm that they have read, understood and signed a document headed "Information for Witnesses"?

The Witnesses: Yes.

The CHAIR: It is essential that all your testimony before the committee is complete and truthful to the best of your knowledge. This hearing is being recorded by Hansard and a transcript of your evidence will be provided to you. It is also being broadcast on the Parliament's website. The hearing is being held in public, although there is discretion available to the committee to hear evidence in private. If for some reason you wish to make a confidential statement during today's proceedings, you should request that the evidence be taken in closed session before answering the question. Agencies and departments have an important role and duty in assisting the Parliament to review agency outcomes and the committee values your assistance with this.

Hon SUE ELLERY: I refer to page 14 of the annual report. I might say at the outset that depending on what version of the annual report you are using, sometimes we have had difficulties with matching page numbers, but it looks like you are all using the same booklet that I am. There is a table on page 14, which is those independent schools that were re-registered. In the second part of that table, there is a certain number that have been re-registered with conditions or directions outstanding; for 2015–16, it was eight schools. Are you able to tell us the kind of conditions or directions that are recorded there?

[3.20 pm]

Hon PETER COLLIER: Generally or for each or a breakdown?

Hon SUE ELLERY: The sort of categories you would place on a school.

Mr Strickland: Well, the education act changed and the minister had been the decision-maker up until the end of the calendar year and then I became the decision-maker for the next six months. I need to talk about both of those. I can go through the schools and —

Hon SUE ELLERY: That would be helpful. You are effectively giving them a provisional re-registration, as I understand it.

Mr Strickland: Yes.

Hon SUE ELLERY: Yes, the list, but the sort of things you would normally say to a school, “We’re going to have to give you a provisional because of X.” I am imagining there would be a range of issues that normally trigger a provisional re-registration.

Hon PETER COLLIER: I will let Mr Strickland comment in a moment, but something, for example, like they are not adhering to guidelines with regard to curriculum and despite constant attention, they are still not delivering curriculum as per expectations. I know that is something that has come across my desk.

Mr Strickland: That is correct. In the changes to the act, there are three sorts of limitations that I as a decision-maker can make. The first is a quality improvement notice. There is no review for that. Then there is a condition they sort of step up. I will make a condition that they make a change by a particular date or what have you. And then there is a direction, which is much more severe. If I place a direction on a school, they cannot enrol any more students until that direction is lifted. Both the condition and the direction are reviewable decisions, so they have 20 days and they can apply to the minister to have the decisions I make reviewed. Obviously, when it gets serious like they cannot enrol any more students or what have you, they are likely to be more concerned in seeking review.

Hon PETER COLLIER: I think she is asking what sort of things you would take into consideration to not re-register a school. Like, for example, the implementation of the curriculum.

Mr Strickland: Correct. Curriculum is an important one. Key issues are levels of care and safety. If I am not satisfied that children will be safe in a school, and there was one where there was considerable concern—I think it was in this period—we basically put directions on and then a show cause as to why I should not close the school. At the end of the day, the school ended up relinquishing its registration.

There are issues that we encounter right through the standards and other requirements. Governance issues—boards are supposed to maintain an oversight on levels of care and levels of education and ensure that there is strategic planning and those sorts of things. There are standards in regards to staff. They have to be registered. They have to have working with children checks. They have to be continually professionally developed in areas of level of care, like mandatory reporting. We are introducing next year a new standard in terms of child abuse and there will be a requirement that they understand the codes of conduct in terms of grooming behaviour, for instance, and if there are breaches, they have to report those breaches through a critical incident report to myself. But it goes on.

Financial viability is a key concern. There was a school that had to close because, basically, it could not afford to provide the education programs and the levels of care that were necessary. We obviously give them natural justice and an opportunity to persuade us that they can. In that case, again, the school, basically, relinquished their registration. Often we will take them to a point where they realise they cannot go further. Do you want —

Hon SUE ELLERY: No, that is helpful to me. I wonder if you can give me a list of the eight that are referred to in 2015–16. You might have that in front of you or you might need to table those.

Mr Strickland: We have. Al-Hidayah Islamic School; Australian Christian College—Southlands—it was good news there. They had a curriculum that did not meet the standard by the School

Curriculum and Standards Authority, but they made significant changes. They had accelerated Christian education, which is not accredited by SCASA so they moved. Bible Baptist Christian Academy; Caversham Training and Education Centre; COMET school; Karalundi Aboriginal education community—that school relinquished its registration. KIDS Open Learning School; and Parnngurr Community School, remote Aboriginal school. That is the eight.

Hon SUE ELLERY: Thank you very much for that. I think it is still on page 14 as well; it talks about the advance determination system. This is where schools are seeking registration or significant change to an existing registration. Can you provide me with a list of the schools in the dot points that are listed in that last paragraph on page 14?

Hon PETER COLLIER: The actual schools?

Hon SUE ELLERY: Yes, please.

Hon PETER COLLIER: Yes. Do you want me to go through that or just table it?

Hon SUE ELLERY: If you have got something that you can table.

Hon PETER COLLIER: It is something we can table. You can have this one.

Mr Strickland: I will just change mine with yours because we have got a few handwritten—that is the whole lot there.

Hon SUE ELLERY: On page 15, it lists those applications that were approved during the reporting period. Is there some overlap between those approvals and the list you have just tabled? Because I am going to ask for the list of those approvals, but there might be overlap.

Hon PETER COLLIER: The applications for non-government schools?

Hon SUE ELLERY: Yes.

Mr Strickland: What happens with advanced determination is the school applies to see if the minister will approve in terms of the impact it is going to have on other schools. If it is going to have a detrimental impact —

Hon SUE ELLERY: To know if it is worth proceeding.

Mr Strickland: Yes; that is right.

Hon SUE ELLERY: I get it.

Mr Strickland: After that has been approved, the school has to apply for registration. The whole process can take 18 months. In that 18 months sometimes they apply for things to be shortened and that can be done et cetera. New schools actually take quite a while, but extensions to year levels et cetera are a little easier to resolve so often that can happen a bit quicker. There could be some overlap. Yes.

Hon SUE ELLERY: If you can give me the list of those and if I could be so bold, if there have been any approvals granted since the close-off date of your annual report, if you are able to provide a list of those as well.

[Supplementary Information No E1.]

Mr Strickland: Sorry, is this the advance determinations?

Hon PETER COLLIER: No, I have already got advance determinations.

Hon SUE ELLERY: I am on applications approved.

Mr Strickland: These are the approved applications?

Hon PETER COLLIER: Changes to registrations. We will table those.

Hon SUE ELLERY: Thank you for that. On page 15 as well is the “critical incident category”. I have some questions I want to ask about that but first I want to ask a question similar to what

I asked the Department of Education. I am just using the critical incident as a hook, as a way to ask this question. It is about what work has been done between DES and non-government schools in respect to extreme violence and making sure that schools are ahead of the game in terms of identifying students at risk of being attracted to those organisations associated, for example, with terrorism. We have seen some examples in the eastern states where 15-year-old students have been caught up in terrible circumstances which have resulted in further terrible circumstances and I am interested in what work DES has been doing with the schools that you register in that space.

[3.30 pm]

Mr Miles: As you would be aware, the state government, I think, late in 2015 had considered strategy around putting in processes around countering violent extremism. Western Australia Police is currently chairing a collection of agencies across government, and those agencies include the Department of Education Services, with a view to establishing more or less a partnership arrangement. I think there are two main elements in that space. One is making sure that there are appropriate referral pathways in terms of matters around behaviours that might point to radicalisation and ensuring that that information is put in front of the right people as soon as practicable so that decisions can be made about appropriate interventions. The other dimension, I would suggest, is just ensuring that there is good information that is right across the community, but also, obviously, within non-government schools, to ensure that people are aware of the issues and that when information may come to light, there is a calm approach in terms of dealing with the information and ensuring that the information, as I say, is referred in the right way. The Department of Education Services has been in dialogue with Catholic Education and also with AISWA about establishing those kinds of arrangements and also about providing the right kind of information within the non-government sector. We have also been in dialogue, I should say, with the Department of Education in that space as well because I think, as much as possible, the Department of Education Services is obviously in a different position because it is a regulator; it is not an employer of teachers. There is an onus, I would suggest, in terms of making sure that there is a reasonable parity of approach in terms of what is happening in the government sector and the non-government sector as well. Information is being prepared for distribution in that space and, subject to ministerial consideration of that information, I would be suggesting that it would be put out formally quite shortly.

Hon SUE ELLERY: Thank you. Earlier in the year, there was quite a distressing incident at the Islamic school in Thornlie. I visited the school the morning after. Some people had set off a device underneath a vehicle while there were people on the school grounds—adults and children—and the vehicle exploded. It was generally quite a frightening and scary thing to happen. It seems to me that some of the schools that are in the non-government sector are far more likely to be victims of that kind of thing than perhaps our public schools are, and I wonder what information is available now, appreciating the work that has been done, to help those schools that are themselves the victims of that kind of behaviour so that the kids seeing that do not start—it is that kind of behaviour that can start people thinking that we ought be divided and that people are against us and the like. I wonder what assistance is available now to help schools manage that sort of situation in a calm, methodical way, but in a way that explains it to the children.

Mr Miles: One thing I would point out in that space is that this is a national issue. In that space, there has been considerable work on the part of the federal government towards the establishment of information and also the establishment of hotlines that have been made publicly available. I cannot say that it has been specifically pumped out in the non-government sector but, in general terms, people are being directed in particular to hotlines. One is particularly around the issue of countering terrorism and the other one is obviously Crime Stoppers in that space as well. I am not wanting to comment more generally than that, but I would agree with you in terms of the risk in that space and the issues around labelling particular cultures. The risks in Western Australia are, from a terrorism point of view, probably not only around issues around religion et cetera but, as I say,

there is energy that is being put in terms of actually producing good information to be pumped out across the sector.

Hon SUE ELLERY: Thank you for that. On to another matter, the table on page 15 sets out the critical incident reports that have been received by DES and there is a significant jump. The explanation in the text around that is about increased awareness and changes to the definition of critical incidents to include allegations of child abuse, for example. There is a significant jump in the numbers. I wonder if you are able to explain, I guess, the kind of incidents that fall within each of those three categories. If I can tell you why I want to understand this better, in the Department of Education's report on similar things, it has a series of categories, for example, around misconduct of staff. There are incidents that fall within physical touching and incidents that fall within a range of categories. Are you able, please, to give me a bit more definition information around what kind of incident falls within each of those three categories? I am hoping that that number 6 for "Accident or death" is actually only accident and not death, but I would ask for some definition explanations.

Hon PETER COLLIER: I will get Mr Strickland to make some comments first.

Mr Strickland: In terms of the expansion in numbers, they are expanding again. Basically, schools are beginning to learn their responsibilities. The Catholic system has been doing an excellent job in terms of getting it out there and, as a system, they have been educating all their schools. It is a little more problematic with the independent schools. We have AISWA in the loop and they do provide professional development about the requirements et cetera, but sometimes schools do not get fully aware until they actually go through one of our renewal of their registration processes. We are doing what we can and we are seeing a significant increase from both sectors. In terms of those particular definitions, we have lined ourselves up in reporting to the Department of Education, basically, so that sense can be made in comparison across the two. "Behavioural" incidents include matters such as child abuse allegations, sexual allegations, disruptive conduct, physical assault, restraint or contact, or suicidal behaviour or self-harm. "Disruption to school" routine incidents include matters such as intruders, medical emergencies, fire damage or threat of damage, or communicable diseases. "Accidental death" includes accident leading to injury, near misses and death.

Hon PETER COLLIER: It has been a work in action, I have to say, because a lot of incidents in the non-government sector, with all due respect, I do not think there has been enough emphasis placed on this as far as the schools are concerned in terms of their understanding that they do have to report. That awareness has been developing and growing. Particularly, we have made it quite clear in the last 18 months in particular, and that is why you have seen an increase particularly this year, but it is incumbent upon a non-government school to report just as it is from a government school.

[3.40 pm]

Hon SUE ELLERY: Are those six under "Accidental death" all accidents or does it include any deaths?

Mr Strickland: Does somebody have more information on that?

Hon SUE ELLERY: Perhaps you could take that on notice.

Mr Strickland: Sure.

[*Supplementary Information No E2.*]

Hon SUE ELLERY: In respect of critical incidents that include allegations of child abuse, do you track whether charges are laid and what the outcome of that is; or, if charges are not laid, what action the school takes? Do you actually track the response to that?

Mr Strickland: Yes.

Hon SUE ELLERY: Can you talk to that a bit?

Mr Strickland: I can. We actually have a significant role in child protection in the education system, because we support the Teacher Registration Board, and the resources they have are basically departmental resources; plus we have the non-government school regulation and levels of care; and, like I have said, the minister has introduced a new child abuse standard et cetera. But these things talk to each other, and we have done that through MOUs and appropriate processes. We are also a prescribed authority in the DCPFS legislation. I have an MOU with the Commissioner of Police. We exchange information. In fact, we get information through critical incident reports of this sort. Basically, the police do not want to deal with a lot of people in an agency; they want one person. The most appropriate person is our director of the Teacher Registration Board, because part of what they have in resources is an investigation and compliance area. We have got three ex-detectives from the child abuse unit in the police department. We do investigations, too. We do not double-up in our investigations, but we might have to do more investigation after, for instance, the Department of Education has done theirs. The reason we have that is the police do the initial investigation and work with DCPFS, and that is where things get reported. We keep track of that, but we have a different threshold. Somebody in teacher registration might not get convicted, but there is enough information there to bring in the question of whether they are fit and proper or whether there has been serious misconduct, so we continue to follow up. We have to meet evidence requirements, because the original jurisdiction is SAT; they make decisions of that sort. We connect it all. We actually have a forum that I chair—it is fortnightly—where all the areas involved in this in the department come together and we look at all the new critical incident reports, we look at all the new reports that have come in through the Teacher Registration Board, and we all know what is going on. As soon as these things come in, I have to see it within 48 hours basically from the school, and I get them every day and I look at them. Some I will advise the minister about, but we look at every one and make sure that the correct action is being taken. The reports actually indicate what the school has done—have they done a mandatory report et cetera? So we are onto it.

Hon SUE ELLERY: That is good. Is it possible for you to consider reporting on that, so that at some point in the future you might see in an annual report—the Department of Education does this report—allegations of misconduct and ones that are resolved and sorted out and ones that are ongoing? Have you considered doing that kind of reporting?

Mr Strickland: The Teacher Registration Board's annual report is also in our report, so when they take action on a teacher, basically there is information in here about what that is and what have you. In terms of critical incident reporting, we are reporting on that separately and following those through. Those things connect up.

Mr Miles: One of the other important distinctions to be drawn, I think, is if a mandatory report is made, it may not have anything to do with the school itself. A mandatory report can be about matters that are ancillary, I would say, to the functions of the school. You might have, for example, a teacher who has reported abuse of a child that has happened in another environment.

Hon SUE ELLERY: Yes, because it has been disclosed by the child.

Mr Miles: Yes; that is right. But the funnel of CIs still reflects quite a lot of child abuse.

Mr Strickland: We get quite a lot of child-to-child abuse, as well as children reporting things at home or a stranger or what have you. We get the full gamut.

Mr Miles: Those matters that might be subject to issues around teacher registration in the child protection space are rare. I do not want to provide the impression that it is happening every day. We go through, as Richard was referring to, very good processes in terms of our investigations in that space. We have got good working relationships under the MOU with both WAPOL and the

standards and integrity unit within the Department of Education, because from a coverage point of view we have got both the non-government and government schools in that space as well.

Mr Strickland: One of the things that has been important to us is that teachers move around. So if we get reports on grooming through a critical incident report, it is not enough necessarily to deregister the teacher, but it is a breach of the conduct in the school. It might have been being seen with a child on their lap with the door closed or something like that. I then hand that information across to the Teacher Registration Board and they put it on the file for that teacher. If that teacher then moves into another school, leaves the Department of Education and goes to the Catholic area or to an independent school, we have that information so that if there is another incident, you have got a pattern. We are actually bringing it all together, if you know what I mean.

Hon SUE ELLERY: Yes, I do.

Hon HELEN MORTON: On page 47, the number of audits under the grants auditing program of the non-government schools sector has shown a fairly steady decline from 62 in 2013–14 to 48 in 2015–16. I have a number of questions about that. As I understand it, it is the mechanism by which the department determines the accuracy of the school's claims for the per capita funding that it gets. I think I worked out that there are 311 schools that receive those funds. How do you choose which 15 are audited? What is the basis of choosing which schools are going to be audited? Why has that number decreased so much? If only 15 out of the 311 schools are being audited, what other processes do you have to determine that accuracy?

Mr Lloyd: That number reflected the tail end of an inaugural program. When the program started in 2009, we made it a target to see every school over the next four years. That 15 represents the tail end of that program. We have finally got to the last schools at the end of that four years. Based on the experience of that part of the program, we have now moved to a more risk-based approach. We identify some schools where their involvement and attendance practices are schmick—very solid. We would not necessarily be wanting to target those schools on the same basis as schools where the patterns would cause us more concern. So what we have shifted to thereafter is a more risk-based approach. There are some schools, which include some of the remote Aboriginal schools, where record keeping and attendance is a more difficult issue, and they will get visited more frequently—potentially once every couple of years. That 15 was essentially the tail end as opposed to the start of a new program where it will be more risk focused.

[3.50 pm]

Hon HELEN MORTON: Do you follow up? Could a school be audited regularly twice a year, once every two years, once a year for three or four years or whatever until it achieves the outcome that you are seeking?

Mr Lloyd: Yes, there are some categories of school whereby the nature of their student populations—I mentioned some of the remote schools—we would be going back every couple of years, and if we needed to go back more frequently, we would. You work out what the risks are in terms of following that approach. We also keep in touch with the school registration side, so the school inspectors will come back and say that there are issues to do with attendance or record keeping and that also feeds into assessing whether that school is at higher risk in terms of this particular program.

Hon HELEN MORTON: You have never had to withdraw funding because of the outcome of those audits?

Mr Lloyd: We commonly adjust funding. So, auditors will go to a school, there might be hundreds of students in the school, and it will come down to the last handful of students and whether, for instance, their visa is eligible or whether their attendance pattern has been sufficient, and there will be a question of judgement. It is a routine matter that at each audit there is a small adjustment. Sometimes schools under-claim; sometimes they may self-assess perhaps more harshly than we

would and occasionally we will adjust the census claim upwards. Given that we have now got to the maturity of the program, those adjustments are at the margin—you are talking two or three students out of hundreds. Essentially, that is also an educational process for the school, because they see how we would judge those cases. That is kind of the way it happens. We would not sort of totally cut off funding; that would be draconian. We would be essentially identifying those categories of students where they were making a different judgement than we would support and we would stay on top of that.

The CHAIR: Before I across to Hon Alanna Clohesy, just going back to the independent school reregistration, particularly re-registering with a condition, what sort of time frame do you usually give schools to meet the condition and are there many schools that go from year to year where they are constantly having to put their conditions on their re-registration?

Hon PETER COLLIER: It varies from school to school. I will ask Mr Strickland to comment, but again it varies. Some are a constant problem. In the non-government sector you have got some very precarious schools because of the nature of their clientele—in some of the remote areas of the state or that deal with particularly at-risk students; they are particularly vulnerable.

Mr Strickland: It will depend. For instance, there was a school the other day where the reviewer came back and reported that they had exposed asbestos in the building that the kids were accessing. I said in two weeks or else, basically, because you could not allow that to happen. But then there are other issues that they will need quite some time to adjust to; you know, the improvements are fairly significant in terms of the changes that need to be made and one sort of makes a judgement about allowing a longer time period for those. Yes, we do have schools that have a condition in one year and it is in stellar condition when the reviewers go out. Now with the way the limitations are working, I would probably move from a quality improvement to a condition, and if it is a significant and worrying issue, we would move to a direction—in other words, you have got to do it; you cannot enrol another student until it is done et cetera. It gives quite a bit of power to putting a limitation on.

The CHAIR: Have you had cause to cancel a registration in the past?

Mr Strickland: We have. As I said, there were a couple of schools this year that had show-cause notices asking why I should not shut them. One of those relinquished. Another one is just finishing off their opportunity to seek a review from the minister, so I cannot tell you exactly where that is at. But yes, that does happen. It is a significant thing to shut a school, but as I say —

The CHAIR: What do you do with the students to resettle them into another school?

Mr Strickland: Generally these have been pretty tiny schools, to be honest, but we have a responsibility to collect the information about the students who are there and to communicate with the Department of Education so those students are relocated. We are all cautious around the timing of when they have to provide evidence, so we would normally make that coincide with the period in the year like the end of term or the end of the year or something like that so it has less of an impact on a school.

Hon PETER COLLIER: They are usually schools at the margins—as I said, usually very low numbers or they have had more than enough, dare I say, rope, for want of a better term. They have been given every opportunity to improve their standards and their quality, and it has not been taken lightly. But if it is, there is always work done with the school to assist the students to make sure that they have got someone else to go, and as Richard said, you would not do it mid-term or just before year 12 exams or something along those lines. You would do it after a significant amount of time and effort has been placed at school to ensure that it did reach that particular standard or overcome those barriers, and then there would be an assistance with that cohort of students to put them into alternative schools.

The CHAIR: If that is religious based, it could be difficult to place the students.

Hon PETER COLLIER: It might be, but then, of course, were not going to retain a school just because it is religious based when the standards are substandard. As I said, we do not do it lightly. You do not want to close the school; ultimately, parents have made that conscious choice that they want to go to that particular school. But if the school has not reached a particular set of standards for a whole host of reasons—in governance areas, in curriculum, in the welfare of the child—of course, it is incumbent upon DES and the government to do something about it. Our registration process in Western Australia is second to none in both the non-government sector and in training. We do not have a lot of the registration issues that exist in the eastern states and the reason is that we are quite vigilant, but at the same time sympathetic and mindful of the fact that the students have to go somewhere. As I said, very rarely does it happen, and it is only after you are given so many opportunities. DES will meet, and we talk about this constantly, to make sure that we have done all we possibly can, but ultimately there has to be a line in the sand so you can say, “Sorry, but the welfare of the children, educational and personal, is perhaps under threat and we have got to do something about it.”

Hon ALANNA CLOHESY: I go to page 20 of the annual report and the strategic industry audits and the strategic industry audit around units of competency that lead to high-risk work licences. I understand that there were a number of audits of RTOs based on industry concerns about the quality of the training and assessments in that field, particularly for people in high-risk work like doggers, riggers and scaffolders. What was the extent of concerns raised by industry about the quality of the training and assessment?

Ms Trestrail: The strategic industry audit, if I can just set the scene for you, is an audit where we delve a bit deeper into a specific client group where all the RTOs may be delivering in the same space. The particular audit in regard to high-risk work licences was brought to us by a couple of government departments, specifically WorkSafe and the department of mines, which had concerns. Those agencies, certainly in the instance of WorkSafe, issued their licences based on the qualifications presented to them.

[4.00 pm]

The specific concerns that were brought to the council were in regard to very short courses being conducted, and also industry’s concerns that people were getting to the worksite, whether it be a construction site or a resources site, and not actually having significant experience in the skill area that they were qualified to do. One of the findings of the report was that in probably about 35 per cent of circumstances we actually validated industry’s concerns. There were poor assessment practices. There was also an issue with the general understanding and acceptance of what high-risk licences actually provide an employer with, in that it certifies that they have undertaken a series of training and been deemed competent in that training; it is not certifying to the employer that that is a significantly experienced and qualified person to undertake the role. So they are two of the things that came out of the recommendations of the strategic review—to do further communication works with industry on what that qualification itself actually represented, and it has also opened up our industry engagement channels to make sure that we are capturing that risk information.

Hon ALANNA CLOHESY: What happens, first of all, to the participants who industry had been concerned about, who had received these assessments or certificates but in fact were not qualified really to work on the various worksites? What sort of support or assistance did they get to actually update their skills? Obviously, the RTO had not done the right thing by them either.

Ms Trestrail: Firstly, there was that recognition that there is often a difference between the employer’s understanding getting a person who has undertaken a training course and getting a significantly competent, experienced employee.

Hon ALANNA CLOHESY: So, the employer was looking at a certificate and saying, “Certificate equals number of years of working on a rig”, or something?

Ms Trestrail: The expectation was that this is a person who could go directly onto site and start work tomorrow. As you would appreciate with any other training programs, you get someone who has been through the program, completed the program and been deemed competent; however, they still need some transition to the worksite before they become fully experienced.

Hon ALANNA CLOHESY: So what happened to the participants that the industry had identified were not —

Ms Trestrail: Okay. The role of the Training Accreditation Council is to identify where the RTO may have deficiencies in its practices and, in regard to those deficiencies, making sure that they have improved their practices and that they can demonstrate meeting the minimum requirements. The council does not individually deal with issues of students who may have kind of come out of that process and not been adequately assessed.

Hon ALANNA CLOHESY: Who does?

Ms Trestrail: Usually the responsibility lies with the employer.

The CHAIR: The VOC?

Ms Trestrail: Yes, in the resources industry there is a VOC process, which is a verification of competency process that the employer will go through.

Hon ALANNA CLOHESY: But the students have paid this money to the RTOs, presumably to get qualifications that they were not receiving. Whose responsibility is that?

Ms Trestrail: In certain circumstances the council has gone back to the RTO and asked them, if there has been a significant issue with how the student was assessed, to actually make good on that assessment, and the RTO has actively undertaken some retraining. But also it is a very difficult space in that an employee may have an issue with a student some six months after they have actually undertaken the qualification, or other students who, while the assessment may not have been to standard, have now worked within the industry for a 12-month period and are actually competent at that point in time. So, it is only under the most serious circumstances would the council consider actually withdrawing a qualification from the student directly.

Hon ALANNA CLOHESY: I would be concerned about how they felt about their qualifications as well and whether they would continue in the industry if they were aware this occurred, much less also having the skills to get a job.

Ms Trestrail: Yes.

Hon ALANNA CLOHESY: How widespread was it? How many RTOs did you audit?

Ms Trestrail: We audited 20 RTOs. Approximately 58 per cent of those RTOs were unable to justify the duration which their courses were delivered in.

Hon ALANNA CLOHESY: How many?

Ms Trestrail: With 58 per cent of the 20 there were issues with the course duration. That is a bit of a double-edged sword at the moment; that standard was very new in regard to duration when nationally ministers endorsed new standards at the end of 2014. At the point of time when the high-risk work licence audit was undertaken, providers had only been aware of that standard for a very short period of time. It reflected more that they were not quite up with how to respond to the standard, as opposed to there being a significant deficiency in the time frames provided. In regard to time frames, one of the outcomes of the audit was to, through the various industry bodies that sat on our reference group, develop material on what industry should actually be looking for. As we are all aware, in previous years it has been a peak period for the resources sector, and really they are interested in having staff off site for the minimum amount of time so that tickets could be obtained. It is working with employers to understand what they are getting, should they choose to go with

a shorter period course. Sometimes the short-duration courses are appropriate because someone may be significantly skilled, just not hold the formal qualification.

Hon ALANNA CLOHESY: Great; thanks. Similarly with the monitoring of RTOs in delivering the tilt-up units of competency, particularly after—I think that was identified after a workplace death—is that right?

Ms Trestrail: Yes. In response to that incident, the council was proactive in ensuring that all the RTOs—there are eight RTOs in Western Australia registered by the council that provide the unit of competency directly linked to tilt-up construction—and the council undertook an audit of all those providers.

Hon ALANNA CLOHESY: You talk about the varying levels of overall compliance with the standards.

Ms Trestrail: Yes.

Hon ALANNA CLOHESY: Can you just give me an indication of the kind of extremes of that?

Ms Trestrail: I am not sure I have the exact numbers or the exact level of noncompliances for each of those providers.

Hon ALANNA CLOHESY: Was there a report on that audit?

Ms Trestrail: No. It was a situation where the council wanted to act as quickly as possible to limit the risk in that area. As you would appreciate with things like strategic industry audits, a lot of research and a lot of consultation is required as part of those audits. The council wanted to get to this issue very quickly and just decided to blanket audit all the providers delivering in that area.

Hon ALANNA CLOHESY: But you did not write up what you found in terms of the audit, or what the audit outcomes were?

Ms Trestrail: I do not have the specific audit outcomes in relation to them; we could provide those outcomes.

[Supplementary Information No E3.]

Hon ALANNA CLOHESY: Similarly, what work was done to inform students—the participants—about the quality of the RTO they were either in the middle of undergoing training with? Or there might have been some questions about the adequacy of competencies.

Ms Trestrail: Currently, once a provider has demonstrated compliance there is not a system where students are automatically informed of the issues that may have been identified with that provider.

Hon SALLY TALBOT: I just have a couple of questions that are in a very similar area to Hon Alanna Clohesy. In relation to the regulation of training and the standards for VET regulation, do you monitor TAFE at all?

[4.10 pm]

Ms Trestrail: Yes.

Hon SALLY TALBOT: You do monitor TAFE?

Ms Trestrail: Yes.

Hon SALLY TALBOT: Do you monitor TAFE for compliance with national standards, or what form does your monitoring of TAFE take?

Ms Trestrail: There is no differentiation. The council's role and responsibility is to undertake quality assurance of all registered training organisations. We do not treat the TAFEs any differently from any other RTOs.

Hon SALLY TALBOT: For those purposes you just treat TAFE as another RTO?

Ms Trestrail: Another RTO and they are audited against the same standards.

Mr Strickland: They are national standards.

Hon SALLY TALBOT: Do you audit individual TAFE colleges?

Ms Trestrail: Yes, we do.

Hon SALLY TALBOT: Have you yet audited the new TAFE line-up since TAFE was reorganised?

Ms Trestrail: The council undertakes a number of different types of audits. One of those audits is when a provider applies to extend their scope of registration either into a new industry area, or the qualification in that industry area has been updated. We have nationally endorsed training packages that regularly go through a process of updating qualifications to reflect industry standards. When a provider applies to deliver that new qualification, they are audited and several of the TAFEs have been audited for extensions to their registration or replacement scope. We have not undertaken a full re-registration audit of any of the TAFE colleges under the new structure since April.

Hon SALLY TALBOT: The new structure did not involve a re-registration process?

Ms Trestrail: No, because the council had a wide variety of information of the organisations that were merged, they had a good understanding of the level of risk applied to each of those industry areas that were being delivered by those organisations; therefore the registration was approved based on the previous knowledge of the organisations that were merged.

Hon SALLY TALBOT: So there was approval required?

Ms Trestrail: Yes, there was.

Hon SALLY TALBOT: But you did not undertake an audit in order to grant those approvals?

Ms Trestrail: Council undertook a review of the existing risks for each of the individual organisations and then looked at the level of risk that would exist if those organisations were merged. There was also —

Hon SALLY TALBOT: So it was a risk assessment of the new organisational structure?

Ms Trestrail: The council risk assesses RTOs on an ongoing basis. One of the things it does to counter those risks is within 12 to 24 months of any new registration—the TAFE colleges were all registered as a new registration—it will undertake a full registration audit of those organisations.

Hon SALLY TALBOT: When is that scheduled? Are they staggered throughout the state?

Ms Trestrail: Obviously we are talking about five institutions at the moment. We expect to commence those audits within about 12 months.

Hon SALLY TALBOT: Do you have a timetable for the South Regional TAFE?

Ms Trestrail: Not at this point, no.

Hon SALLY TALBOT: Sometime in the next 12 months?

Ms Trestrail: All of the TAFEs were registered, with a mandatory follow-up audit within 24 months. Due to the resources of the council, we will be staggering those audits across the next 24 months.

Hon SALLY TALBOT: Just to clarify my understanding of this: is each TAFE college registered as an RTO?

Ms Trestrail: Yes, they are. We have five.

Hon SALLY TALBOT: South Regional TAFE is one RTO under your jurisdiction?

Hon PETER COLLIER: That is right.

Hon SALLY TALBOT: On page 19, under “Compliance Recognition Program”, I would like some explanation of what the third paragraph means. It states —

RTOs that consistently demonstrate compliance, are provided with a degree of flexibility, through removal of the requirement for RTOs to submit an application and associated fees to TAC for an amended scope of delivery.

Can you explain what that is about?

Ms Trestrail: At the national level, under the standards for VET regulators, regulators are required to apply the highest level of regulatory scrutiny at those providers that represent the highest risk. The compliance recognition program offers an opportunity for extremely high quality providers that have a consistent record over a long period of time at demonstrating compliance to actually submit that they have established their own internal review process and to submit to the council that they have undertaken an internal review process and deemed that they have met the requirements for registration of certain areas of scope. They advise the council of what they have done and the council immediately grants registration for that area of scope. Obviously these providers still have to go through their renewal of registration process in consideration and at that point in time the council would consider anything that they have amended and we will actually review that the next time we audit them.

Hon SALLY TALBOT: How many are on this list?

Ms Trestrail: There are currently only five.

Hon SALLY TALBOT: Can you give us the names of those five?

Ms Trestrail: Yes, I can.

Mr Strickland: The five are the Department for Child Protection and Family Support; the Public Transport Authority of Western Australia; Ralglen Pty Ltd trading as Frontline Safety and Training Services; Volona Nominees Pty Ltd trading as Western Australian Academy of Hair, Beauty, Makeup and Nails; and Lee Training Solutions Pty Ltd.

Hon SALLY TALBOT: Have you reduced the scrutiny of those five RTOs? You talk about it as cutting red tape. Are they essentially self-reporting to you?

Ms Trestrail: To some degree, although the RTO still has to get the authorisation. There is still a minimal process that the council goes through where it confirms the previous history of noncompliance they have and, as I said, at a point of re-registration the provider will be reviewed in regard to anything that it has added.

Mr Strickland: Or if complaints and issues emerge, we get advice from industry that there are concerns; that would come under review.

Ms Trestrail: We would also look in circumstances where the provider has been granted access to the program and suddenly you have a massive extension—a flag is raised in our system and we undertake a review.

Hon SALLY TALBOT: How many RTOs do you regulate?

Ms Trestrail: As of today, 271.

Hon SALLY TALBOT: You have only got five on that list at the moment?

Ms Trestrail: Yes.

Hon SALLY TALBOT: What is the expectation for that? You say you are reviewing the program next year.

Ms Trestrail: Yes.

Hon SALLY TALBOT: What is your expectation?

Ms Trestrail: The program was launched at a time when new standards had been introduced. Anecdotal evidence we have had is that there was a lack of confidence in the RTO completely understanding its requirements; therefore, it felt better in the short term for the council to actually endorse that they were meeting all of the standards. There was also concern the program requires the RTO to establish its own internal system of review. In some instances RTOs felt that that would place as much burden on them as actually sending applications to the council. The council has commissioned a review of the program to make sure that it is meeting the objectives and any alterations we would need to make, to make it more attractive to RTOs.

Hon SALLY TALBOT: Do the TAFEs not have their own processes of internal review?

Ms Trestrail: Each TAFE college establishes their own process. They are not all identical, but most of them have a review process or a quality assurance unit that ensures the application they are submitting to us is compliant.

Hon SALLY TALBOT: This might be a bit speculative: is the reason the TAFE colleges are not part of that trial group—would you call it a trial group, is that reasonable, or were they people who met the competencies at that moment?

Ms Trestrail: It is the initial applicants to the program.

Hon SALLY TALBOT: Is the reason that TAFE colleges are not part of the initial group because the restructure was too recent?

Mr Strickland: It is a self-selection thing. They have not selected to go onto it.

Hon SALLY TALBOT: Do RTOs have to nominate themselves to be part of that program?

Mr Strickland: Yes.

Ms Trestrail: The council undertakes a risk-assessment process and then invites RTOS that have met the criteria to apply for the program.

Hon SALLY TALBOT: Did the TAFE colleges meet the criteria?

Ms Trestrail: I cannot talk about the existing structure of TAFE because the program was implemented prior to its existing structure, but there were TAFE colleges that were eligible to join under the old structure.

The CHAIR: Noting the time, we might draw it to a close, unless there is a question you specifically want to finish up on.

Hon SALLY TALBOT: If there is further information you could provide about the TAFE colleges' eligibility to enter the scheme, could you take that on notice?

Ms Trestrail: Yes, we could provide you with those that are eligible.

[Supplementary Information No E4.]

The CHAIR: On behalf of the committee, I thank you for your attendance today. The committee will forward the transcript of evidence, which highlights the questions taken on notice, together with any additional questions in writing, after Monday, 7 November 2016. Responses to these questions will be requested within 10 working days of receipt of the questions. Should you be unable to meet this due date, please advise the committee in writing as soon as possible beforehand. The advice is to include specific reasons as to why the due date cannot be met. If members have any unasked questions, I ask them to submit these to the committee clerk at the close of the hearing. Once again, I thank you for your attendance today. I remind members that the deadline for submitting additional questions is 12 midday on Monday, 7 November 2016, as stated in paragraph 8.2 of the procedure policy.

Hearing concluded at 4.20 pm
