



Australian Government
Australian Skills Quality Authority

Hon Adele Farina MLC
Chair
Standing Committee on Public Administration
Legislative Council, Parliament House
PERTH WA 6000
By email to: lcpac@parliament.wa.gov.au

Dear Ms Farina

Re: ASQA Submission to Standing Committee on Public Administration Inquiry into Worksafe WA

Thank you for the opportunity to provide this submission into the above inquiry.

This submission specifically responds to the Inquiry Term of Reference 8 – Legislative and Jurisdictional Issues

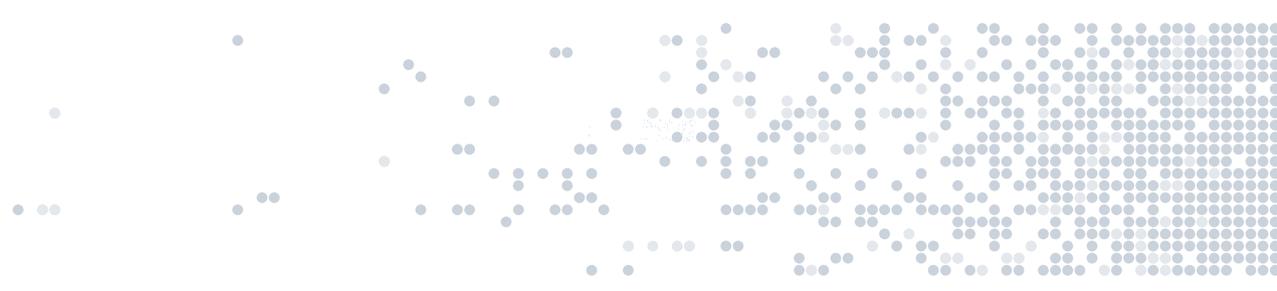
The Australian Skills Quality Authority (ASQA) is the national regulator of vocational education and training (VET) in Australia. This responsibility encompasses regulating around 4100 registered training organisations (RTOs) delivering to in excess of four million students each year. This includes 213 active RTOs based in Western Australia that are regulated by ASQA.

Currently there are 241 RTOs regulated by the Western Australia Training and Accreditation Council (WA TAC) as Western Australia has not yet referred its VET regulatory powers to the Commonwealth.

ASQA discloses information to Commonwealth, State and Territory authorities under the provisions of section 207(1) of the *National Vocational Education and Training Regulator Act 2011* (NVETR Act). ASQA also receives information from those authorities where that information assists ASQA in its role and functions.

ASQA has a strong working relationship with the WA TAC and both regulators share information as required to support their assessment of risks and their regulatory actions against RTOs that do not meet their obligations under the VET Quality Framework.

ASQA has the authority to release to Worksafe WA information about specific RTOs and assessors where it is relevant and necessary to enable Worksafe WA to exercise its powers.



Unfortunately the legislative framework within which Worksafe WA currently operates prevents it from disclosing information about specific RTOs and assessors to ASQA. This means that ASQA is unable to take regulatory action that targets breaches of the Standards for Registered Training Organisations 2015.

ASQA would particularly value specific information from Worksafe about HRWL assessors and/or RTOs that are not providing quality assessment, assessors that are signing off students without any training and/or assessment and also about any so called 'rogue assessors'.

In the absence of this type of specific information, poor training and assessment practices can continue with consequential risks to workplace and public safety.

Recommendation to the Inquiry

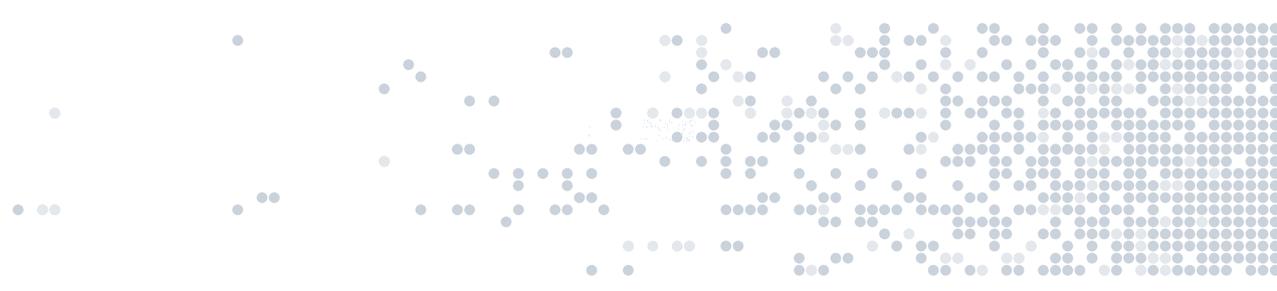
On the basis of the information provided above, ASQA recommends that the WA Government give consideration to amending Worksafe WA's governing legislation to include information disclosure provisions in the relevant Acts and Regulations, including but not limited, to the *WA Occupational Safety and Health Regulations 1996*.

It is suggested that the disclosure provisions could mirror those in section 205A of the NVETR Act to allow the sharing of information with Commonwealth, State or Territory authorities if WorkSafe WA is satisfied that the disclosure is necessary to enable or assist the authority to perform or exercise any of the authority's functions or powers.

A copy of section 205A of the NVETR Act is provided below for your reference.

205A Disclosing information to certain government bodies etc.

- (1) The National VET Regulator may disclose VET information to:
 - (a) a Commonwealth authority, or a State or Territory authority, if the Regulator is satisfied that the disclosure is necessary to enable or assist the authority to perform or exercise any of the authority's functions or powers; or
 - (b) a Royal Commission.
- (2) If the National VET Regulator discloses personal information under subsection (1) to a Royal Commission, the Regulator must advise the person about whom the information is disclosed, by notice in writing, of:
 - (a) the disclosure; and
 - (b) the details of the personal information disclosed



I wish to advise that ASQA does not seek to appear before the Committee but a representative will be available if requested. I note that this submission may be published at the discretion of the inquiry.

Please contact Ms Lesley Warren, Manager Regulatory Operations Perth, if you require further advice in relation to this matter. Her contact details are: lesley.warren@asqa.gov.au or telephone 08 9464 4202.

Yours sincerely



Mark Paterson AO
**Chief Commissioner and
Chief Executive Officer**

21 July 2017