

The Productivity Commission’s draft report on the vocational education and training workforce is so tendentious that it needs a comment on almost every page to deal with every problem. However, this response deals with only 11 issues:

Cross sectoral and integrated service delivery	1
Definition of vocational education and training.....	1
<i>Formal learning</i>	2
<i>Non formal learning</i>	3
Universities registered as training organisations.....	5
Australian qualifications framework.....	6
Employer’ myopia.....	7
Government support for vocational students	7
Misleading references to student satisfaction.....	7
Labour forecasting.....	8
Qualifications requirements	8
<i>Level of qualification in the area being taught</i>	8
<i>Level of qualification in teaching</i>	9
Remorseless cuts to vocational education’s funding levels	9
Casualisation of Australian higher education teachers	10

Cross sectoral and integrated service delivery

The draft report does not consider adequately the study’s term of reference on cross sectoral and integrated service delivery. This is particularly important for vocational education which is engaged extensively in cross sectoral teaching in schools particularly with VET in schools programs and its engagement in cross sectoral teaching with higher education is expanding strongly, altho off a more modest base.

Definition of vocational education and training

The draft report says at 2.5 –

The Commission will restrict its definition of the VET sector to all provision by specialised VET providers, such as TAFEs and private RTOs; non-specialised VET providers — enterprise RTOs (ERTOs) and Adult Community Education (ACE) providers; and accredited, VET-specific, activity in the schools and higher education sectors (figure 2.1). VET activity, under the Commission’s definition, is undertaken in all instances by an RTO.

(Productivity Commission, 2010: 2.5)

The draft report then illustrates ‘VET activity’ in figure 2.1 (page 2.6) and ‘the VET sector’ in figure 2.2. The commission uses another definition of Australian vocational education and training in its statistical appendix B.28 to B.32. This is unsatisfactory for several reasons. Because vocational education is understood differently by different people in Australia the commission can’t rely on a shared understanding of vocational education to resolve its ambiguous use of the term. The Productivity Commission should define the subject of its study ‘vocational education and training’ precisely and consistently. It may then define the vocational education ‘sector’ and vocational education ‘activity’ by extension if necessary.

The sentence: ‘The Commission will restrict its definition of the VET sector to all provision by specialised VET providers’ is circular. Even were vocational education defined as all provision by registered training organisations such a definition is clearly not meant by the Productivity Commission nor is it consistent with common usage since Tafe institutes and dual sector universities offer numerous programs which are not vocational education.

Formal learning

I argue elsewhere the difficulties of defining vocational education from first principles (Moodie, 2002: 258). I suggest the best compromise for Australia is to define vocational education as all education leading to a qualification offered at levels 1 to 6 (advanced diploma) in the new Australian qualifications framework except the senior secondary certificate of education (Table 1).

Table 1: level and notional duration of qualifications in the Australian qualifications framework

Level	Qualification	Typical volume of student learning
10	Doctoral degree (research)	3 - 4 years
	Doctoral degree (professional)	
9	Masters degree (research)	1 - 2 years
	Masters degree (coursework)	
8	Graduate diploma	1 - 2 years
	Vocational graduate diploma	
	Graduate certificate	0.5 – 1 year
	Vocational graduate certificate	
7	Bachelor honours degree	1 year
	Bachelor degree	3 - 4 years
6	Associate degree	2 years
	Advanced diploma	1.5 - 2 years
5	Diploma	1 - 2 years
4	Certificate IV	0.5 - 2 years
3	Certificate III	1 – 2 years
	Senior Secondary Certificate of Education	2 years
2	Certificate II	0.5 - 1 year
1	Certificate I	0.5 - 1 year

Source: adapted from Australian Qualifications Framework Council (2010) AQF qualification type descriptors, pages 6 – 9.

This definition has 1 difficulty and 1 possible objection. The difficulty is that diplomas and advanced diplomas have always been higher education awards in Australia and have also been vocational education qualifications since at least 1975. The dual nature of diplomas was recognised in the register of tertiary education adopted in 1991 (Australian Education Council, 1991: 12) and in every version of the Australian qualification framework. Counting (advanced) diplomas as vocational education awards will include in vocational education some programs that are higher education in nature. However, only 22% of enrolments in diplomas and advanced diplomas are higher education (Table 2) so the big majority of (advanced) diplomas are vocational education.

Table 2: full time equivalent enrolments in vocational and higher education diplomas and advanced diplomas, 2009

Program	Vocational education qualification equivalents	Higher education equivalent full time student load	Total full time equivalents
Advanced diploma	10,600	3,161	13,761
Diploma	58,300	16,665	74,965
Sub total	68,900	19,826	88,726
Share of total (%)	78	22	100

Sources: DEEWR (2010) Table (ii): summary of student load (EFTSL), 2009 and NCVER (2010) Table 17: number of qualification equivalents, Australia, 2005-09.

The possible objection is that some students may undertake certificate and diploma programs for non vocational reasons. On page B.31 the Productivity Commission counts only non formal learning undertaken ‘with a VET motivation’ –

VET motivations are assumed to include all study undertaken: for a work-related reason; to get into a further course of study; to obtain general education skills; or to get skills for community or voluntary work. Courses delivered by secondary schools and higher education providers are excluded from this estimate.

(Productivity Commission, 2010: B.31 footnote 6)

Arguably, to be consistent the Productivity Commission should count only formal learning undertaken ‘with a VET motivation’. However, this would incorporate into the definition of vocational education not a characteristic of the education but of the students undertaking it.

Non formal learning

Including non formal learning in a definition of vocational education raises numerous difficulties with establishing the boundary of non formal vocational education. Consider Portia. While at school Portia has a fortnight’s work experience in a local solicitor’s office. The experience gives her valuable skills in adapting to the workforce and working in a legal office, and inspires her to seek a career in the law. After finishing school Portia completes the advanced diploma of legal practice (NMIT, 2010). After graduating Portia gets a job as a law clerk in a big national law firm which gives Portia an **induction program** and rotates her thru 2 areas of practice (Maurice Blackburn Lawyers, 2010a).

After a time working as a law clerk Portia decides she wants to be a solicitor and so undertakes a bachelor of laws. During the second year of her law program Portia undertakes a clinical legal education subject which involves her working at a community legal aid service under the supervision of a practitioner-lecturer. The skills she learns of ‘communication, interviewing, providing legal advice, writing, legal research, negotiation, advocacy and a law reform project’ (La Trobe University, 2010) are clearly vocational, but because Portia acquires these skills as part of a higher education program this subject is categorised as higher education. In her third year Portia undertakes a summer clerkship, which is structured work experience in a legal practice for aspiring lawyers (Maurice Blackburn Lawyers, 2010b).

After graduation Portia completes a practical legal training program which has largely replaced **articles of clerkship** as the practical training required for admission as an Australian legal practitioner. The practical training course has been accredited as a graduate diploma in legal practice at least since 2004. It is clearly vocational in character, its description even adopting the language of competency based training –

The PTC is founded on the principle of ‘learning by doing’. It is designed to help you actively achieve understanding and competence in the National Competency Standards for Entry Level Lawyers.

(Leo Cussen Institute, 2010)

Upon admission Portia joins a big national law firm which provides her with a **1 week induction program**, gives her experience in 2 or 3 areas of practice, and **provides seminars in the firm and sends her on seminars offered by the law institute**. Portia satisfies the institute’s continuing professional development requirements for maintaining her practising certificate by completing 10 hours each year of **attending seminars and lectures**, preparing and presenting law seminars, publishing articles in law journals and participating in legal committees or taskforces (Law Institute of Victoria, 2009a). After practising for some time Portia studies for and completes the assessment to become an accredited specialist in commercial litigation (Law Institute of Victoria, 2009b).

Having established a strong reputation as a commercial litigation lawyer Portia is called to the bar whereupon she completes the **bar readers’ course**. The reader’s practice course is 12 weeks’ duration: ‘Principally, the Course focuses upon the teaching of advocacy skills by actual performance by the Reader of simulated court performances or partial performances, followed by assessment and instruction relating to the performance’ (Victorian Bar Incorporated, 2006: 3). For the first 9 months of her time at the bar Portia reads in the chambers of an experienced barrister who advises her on briefs she receives and shows her how to conduct the more complex matters that the experienced barrister handles. While at the bar Portia satisfies the mandatory continuing professional development requirement of 10 hours annually by attending **seminars** and discussion groups, publishing articles, instructing in the bar readers’ course and in a law program, active committee membership, making submissions on legal practice, writing reports of cases and attending conferences (Victorian Bar Incorporated, 2008: 4), including the Europe Pacific legal conference held at annually in January at Cortina D’Ampezzo in the southern Italian Alps (Continuing Professional Education Pty Ltd, no date).

Portia is elevated to the bench. She attends an **educational program** mounted by the Australasian Institute of Judicial Administration (2010) and thereafter attends the institute’s annual judicial officers’ conference.

Which of Portia’s non formal learning would be counted as non formal vocational education? The Australian Bureau of Statistics defines non-formal learning thus –

Non-formal learning refers to structured, taught learning, but differs from formal learning in that it does not lead to a qualification within the AQF. It includes non-accredited workplace training, that is, training that does not lead to a recognised qualification.

Some examples of types of non-formal courses include:

Adult education courses (eg. introduction to computing)
 Hobby and recreation courses (eg. ceramics, jewellery making, dancing)
 Personal enrichment courses (eg. personal finance, sports instruction, public speaking)
 Work-related courses (eg. manager development, job search training, induction courses)
 First aid courses
 Bridging courses
 Statements of attainment

(ABS, 2009: 70)

Even accepting the Productivity Commission’s position that only non formal learning undertaken ‘with a VET motivation’ counts as vocational education, arguably all the shaded activities would be included in the commission’s definition of vocational education. However, other important vocational learning would not be counted as vocational education and formal education leading to a higher education award such as the practical legal training program leading to the graduate diploma in legal practice would not count as vocational education. Furthermore, most of the non formal learning would not be collected in administrative collections nor reported in surveys. The Productivity Commission should reconsider whether non formal learning should be included in its definition of vocational education in view of the difficulties in distinguishing it from informal learning and in view of the incomplete collection of data on non formal learning. If the commission retains non formal learning in its definition of vocational education it should consider whether to include in its definition all non formal learning including non formal learning that complements higher education.

Universities registered as training organisations

The draft report notes that only 11 universities offer vocational education (page 2.9), however, there are in fact 21 universities registered to offer vocational education (Table 3).

Table 3: universities with a registered training organisation showing their equivalent full time student load (eftsl) in higher education, 2008

Institution	Eftsl	Registered training organisation	No. VET programs
<i>Dual sector universities</i>			
Charles Darwin University	3,587	Charles Darwin University	373
Royal Melbourne Institute of Technology	34,588	RMIT University	337
Swinburne University of Technology	14,124	Swinburne University of Technology	400
University of Ballarat	10,036	University of Ballarat	488
Victoria University	15,156	Victoria University	423
<i>Universities with a registered training organisation</i>			
Australian Catholic University	11,547	Australian Catholic University (St Patrick’s campus)	15
Charles Sturt University	17,754	CSU Training	17

Institution	Eftsl	Registered training organisation	No. VET programs
Curtin University of Technology	28,441	Vocational Training and Education Centre	167
Deakin University	25,576	DeakinPrime	8
Edith Cowan University	15,545	West Australian Academy of Performing Arts	21
Griffith University	27,743	Griffith University	2
La Trobe University	22,386	La Trobe University	1
Monash University	42,826	Monash University Centre for Ambulance and Paramedic Studies	6
		Monash Student Association (Clayton) Inc	4
University of Adelaide	16,831	University of Adelaide	4
		Radio Adelaide	11
University of Canberra	7,500	University of Canberra College Pty Ltd	5
University of New England	8,885	UNE Partnerships Pty Ltd	46
University of Notre Dame Australia	5,535	University of Notre Dame Australia	6
University of Queensland	29,803	University of Queensland (Gatton campus)	34
		The University of Queensland, the Institute of Continuing & TESOL Education	3
University of Tasmania	14,462	Australian Maritime College	37
University of Western Sydney	24,517	UWS College Pty Ltd	38
University of Wollongong	17,408	International Training & Careers College Wollongong University College, Wollongong College Australia	3
<i>Self accrediting tertiary education institution</i>			
Batchelor Institute of Indigenous Tertiary Education	432	Batchelor Institute of Indigenous Tertiary Education	88

Source: Moodie (2010: 12)

Australian qualifications framework

The discussion paper is not correct in saying that ‘. . . the AQF clearly delineates the qualifications that each type of educational institution can deliver . . .’ (page 2.15). It is more accurate to say that the soon to be superseded 2007 version of the Australian qualifications framework designated ‘the sector with authority for setting the standards of each qualification’ or the ‘sector of accreditation’ (Australian Qualifications Framework Advisory Board, 2007:

1). In any case, the Productivity Commission should frame its recommendations for the future on the Australian qualifications framework as adopted by the Ministerial Council for Tertiary Education and Employment on 19 November 2010 (Australian Qualifications Framework Council, 2010).

Employer' myopia

On page 4.5 the draft report should be more accurate in referring to employers' rather than industry's myopia, etc, because these are all actions of employers, not employees nor industry groups such as industry skills councils –

~~Industry~~ [Employers] can also be myopic. In consultations, it was evident to the Commission that some ~~sections of industry~~ [employers] that had raised concerns about skill shortages in recent years had also failed to upskill their workforces or recruit new skilled workers when the recovery was apparent and the resources boom re-emerging. When confronting skill shortages, ~~industries~~ [employers] have also 'poached' workers from the VET sector, with possible long-term consequences for the sustainability of the VET sector's operations and flow-on negative effects for the industries involved.

(Productivity Commission, 2010: 4.5)

Likewise on page 5.10 the sub heading 'What does industry expect from VET?' should be 'What do employers expect . . .' since all that section is about employers. And on the same page the sentence 'Industry also has expectations of VET providers . . .' should be changed to 'Employers'. For the same reason the sub heading on page 5.13 should be changed to 'How do employers influence the VET sector?' and the sub heading on page 5.18 should be changed to 'Are employers' expectations being met?'.

Government support for vocational students

The draft report should include the youth allowance amongst the Australian Government's support for vocational students (page 4.7). Centrelink (2010) describes the scheme and the Department of Education, Employment and Workplace Relations (2010: 94-5) reports that while 10,000 vocational students received ABSTUDY in 2009-10 and 14,500 received Austudy, the big majority of 44,500 vocational students receiving income support received the Youth Allowance.

Misleading references to student satisfaction

On pages 5.7 to 5.8 of the draft report the Productivity Commission writes –

In 2009:

* * *

87 per cent of graduates and 81 per cent of module completers were satisfied or very satisfied with the overall quality of training they undertook (tables D.7 and D.8).

* * *

Compared to perceptions of teaching quality, satisfaction rates were lower for assessment, and lower again for generic skills acquisition and learning experiences. For example, 57 per cent of VET graduates strongly agreed with the statement ‘my instructors had a thorough knowledge of the subject content’, 44 per cent with the statement ‘the way I was assessed was a fair test of my skills’ and 28 per cent with the statement ‘my training helped me develop my ability to work as a team member’ (tables D.7 and D.8).

(Productivity Commission, 2010: 5.7 – 5.8)

This is misleading if not intellectually dishonest because the Productivity Commission is comparing broad agreement (strongly agree + agree) with strong agreement. Graduates’ rates of broad agreement for the items cited by the Productivity Commission are 90.7%, 87.4% and 68.3% (Table 4).

Table 4: graduates’ broad agreement with selected items of the student outcomes survey, 2009

Item	Agree	Strongly agree	Broadly agree
My instructors had a thorough knowledge of the subject content	33.4	57.3	90.7
The way I was assessed was a fair test of my skills	43.8	43.6	87.4
My training helped me develop my ability to work as a team member	40.0	28.3	68.3

Source: Productivity Commission (2010: D7)

Labour forecasting

To the Productivity Commission’s scepticism of labour forecasting on page 7.7 the commission might add the evidence of Australian labour forecasting failures reported by Lewis (2008) on pages 4-5 (citing Richardson) and 16 (Freeman and Leigh).

Qualifications requirements

The draft report does not consider as fully as it should the level of qualifications that should be required of vocational teachers. There are 2 issues which are often confused in discussing vocational teacher preparation: the level of qualification in the area being taught and the level of qualification in teaching.

Level of qualification in the area being taught

Since the introduction of competency based training Australian vocational education has required teachers to have a qualification only at the same level of the qualification they teach. The argument is that a person who is competent in an area has sufficient expertise to teach it. But this confuses 3 aspects of competency based education:

- 1 basing programs on the skills (competences) used in a workplace;

- 2 the assessment of a person as being competent (having the minimum skills needed) in a workplace; and
- 3 the level of expertise in an area needed to teach it.

When one seeks a driving instructor, maths tutor or a music teacher one doesn't seek a teacher who has passed only the level that one seeks to achieve. Rather, one seeks a teacher who is expert in the field because many students' problems can be understood and solved only by a person who has achieved a high level of expertise in the field. Furthermore, many students don't want to become merely competent, but to excel in their field and thus seek a teacher who can develop their full potential. For this reason vocational teachers should have a qualification (whether awarded from study or from the recognition of prior learning) in the field in which they teach at a level above the level they teach. This position, which is about point 3, does not compromise basing curriculum on workplace competences (point 1) nor competency based assessment (point 2).

Level of qualification in teaching

The issue here is: what level of teaching expertise is needed to teach vocational education? Vocational education is more complex than school and higher education because vocational teachers teach not only (underpinning) knowledge and skills, but also their application in the workplace. This argues for vocational teachers to have a teaching qualification at least as high as that required of school teachers. It is at least inconsistent that a school teacher teaching year 12 legal studies (level 3 in the Australian qualifications framework) requires a teaching qualification which is level 7 (bachelor of education) or level 8 (graduate diploma of education) while a vocational teacher teaching the advanced diploma of legal practice (level 6) needs a teaching qualification only at level 4.

The Productivity Commission should also consider the implications for cross sectoral teaching of having the teacher qualification for vocational education so different from the teacher qualifications for school and higher education. Arguably having such a different qualification for vocational teachers reduces the capacity of teachers to teach across sectors and reduces the flexibility of schools, vocational institutes and higher education institutions to offer programs in multiple sectors. This issue should be included in the commission's response to its term of reference on cross sectoral and integrated service delivery

The Productivity Commission should consider more fully the desirability it mentions only in passing on page 8.10 of establishing qualification requirements specific to enterprise trainers and assessors.

Remorseless cuts to vocational education's funding levels

The draft report's discussion of the cuts to government expenditure on vocational education is too simple. Skills Australia (2010: 76) gives a far better account of governments' remorseless cuts in expenditure on vocational education in figure 12: government recurrent expenditure per publicly funded annual hour, 2004 to 2008 and the commission's suggestion that cuts in government funding might have been replaced by increases in fees paid by students is refuted in figure 11: VET revenue sources as a percentage of total revenue, 2001 to 2008 on page 75.

Casualisation of Australian higher education teachers

It is likely that many more than 22% of Australian academic staff are employed as casuals. Maslen (2010) reports Robyn May's analysis of UniSuper superannuation records which finds that 60% of Australian academics are casual. May's work, which will be published in her paper 'Casualisation: here to stay' in February 2011, is likely to be more robust than other research including that cited in the draft report which are based on surveys and estimates from administrative collections.

Gavin Moodie

16 January 2011

References

ABS (Australian Bureau of Statistics) (2009) *Education and training experience*, catalogue 6278.0.

Australian Education Council (1991) Register of Australian tertiary education, <http://www.aqf.edu.au/Portals/0/RATE%20MAY%201991%20EDITION.pdf> (accessed 10 October 2009).

Australasian Institute of Judicial Administration (2010) The Australasian Institute of Judicial Administration (AIJA), <http://www.aija.org.au/home.html> (accessed 20 December 2010).

Australian Qualifications Framework Advisory Board (2007) *Australian Qualifications Framework: implementation handbook*, fourth edition, Australian Qualifications Framework Advisory Board, Carlton, http://www.aqf.edu.au/Portals/0/Documents/Handbook/AQF_Handbook_07.pdf (accessed 10 October 2009).

Australian Qualifications Framework Council (2010) *The Australian qualifications framework* (for MCTEE approval 19 November 2010), [http://www.aqf.edu.au/Portals/0/Documents/The%20Australian%20Qualifications%20Frame work%20for%20MCTEE%20approval%2019%20Nov%202010.pdf](http://www.aqf.edu.au/Portals/0/Documents/The%20Australian%20Qualifications%20Framework%20for%20MCTEE%20approval%2019%20Nov%202010.pdf) (accessed 19 December 2010).

Centrelink (2010) Youth allowance, http://www.centrelink.gov.au/internet/internet.nsf/payments/youth_allow.htm (accessed 20 December 2010).

Continuing Professional Education Pty Ltd (no date) The 15th annual Europe Pacific legal conference fact sheet, <http://www.conferences21.com/UserFiles/File/CORTINA-LEGALFACT-2011.pdf> (accessed 20 December 2010).

Department of Education, Employment and Workplace Relations (DEEWR) (2010) DEEWR budget statements – outcomes and performance – outcome 3, table 2.3.3 administered

expenses and key performance indicators for program 3.3,
<http://www.deewr.gov.au/Department/Budget/Documents/Outcome3.pdf> (accessed 11 May 2010).

DEEWR (Department Education, Employment and Workplace Relations) (2010) *Students 2009 full year*,
<http://www.deewr.gov.au/HigherEducation/Publications/HEStatistics/Publications/Pages/2009FullYear.aspx> (accessed 10 December 2010).

La Trobe University (2010) Clinical legal education,
<http://www.latrobe.edu.au/lawman/courses/single-subjects/cle> (accessed 19 December 2010).

Law Institute of Victoria (2009a) Continuing professional development,
<http://www.liv.asn.au/Education---Events/Continuing-Professional-Development> (accessed 19 December 2010).

Law Institute of Victoria (2009b) Accredited specialisation, <http://www.liv.asn.au/Education--Events/Accredited-Specialisation.aspx> (accessed 19 December 2010).

Leo Cussen Institute (2010) Practical training course (graduate diploma in legal practice),
http://www.leocussen.vic.edu.au/cb_pages/ptc.php (accessed 19 December 2010).

Lewis, Phil (2008) The labour market, skills demand and skills formation, report of a half-day seminar on current research on the labour market, the formation and use of skills and future skills requirements organised by the Academy of the Social Sciences in Australia and sponsored by Skills Australia, September. Academy of the Social Sciences in Australia, Canberra, http://www.skillsaustralia.gov.au/NR/rdonlyres/D4C007C7-E3D6-478B-B279-7AA48A5EA470/25610/Skills_demand_skills_formation_paper.pdf,
http://www.skillsaustralia.gov.au/Publications_and_Resources/Skills_Australia_public_papers.htm (accessed 24 April 2009).

Maslen, Geoff (2010) Australia: Majority of academics are casual, *University World News*, 12 December, <http://www.universityworldnews.com/article.php?story=20101210221002512> (accessed 14 December 2010).

Maurice Blackburn Lawyers (2010a) Trainee legal assistants program,
<http://www.mauriceblackburn.com.au/careers/legal-assistants-program.aspx> (accessed 20 December 2010).

Maurice Blackburn Lawyers (2010b) Seasonal clerk program,
<http://www.mauriceblackburn.com.au/careers/seasonal-clerk-program.aspx> (accessed 19 December 2010).

Moodie, Gavin (2002) Identifying vocational education and training, *Journal of Vocational Education and Training*, volume 54, number 2, pages 251-267.

Moodie, Gavin (2010) *Mixed-sector tertiary education: implications for self-accrediting and other higher education institutions*, issues paper, National Centre for Vocational Education Research, Adelaide, <http://www.ncver.edu.au/publications/2331.html> (accessed 22 December 2010).

NCVER (National Centre for Vocational Education Research) (2010) *Students and courses 2009*, <http://www.ncver.edu.au/statistic/publications/2264.html> (accessed 7 July 2010).

NMIT (2010) Advanced diploma of legal practice, http://www.nmit.edu.au/courses/advanced_diploma_of_legal_practice (accessed 20 December 2010).

Skills Australia (2010) *Creating a future direction for Australian vocational education and training*, <http://www.skillsaustralia.gov.au/VETdiscussionpaper.shtml> (accessed 21 October 2010).

Victorian Bar Incorporated (2006) Objectives of the readers' course, <http://www.vicbar.com.au/about-us/how-to-become-a-barrister/preparation> (accessed 19 December 2010).

Victorian Bar Incorporated (2008) Compulsory continuing professional development rules, http://www.vicbar.com.au/uploads//publications/Victorian_Bar_Incorporated_Compulsory_Co ntinuing_Professional_Development_Rules.pdf (accessed 20 December 2010).