

## Introduction

With the VET sector being opened up to competition,<sup>1</sup> the training of Australia's learners, Australia's future workforce, is entrusted to diverse organisations. They include private training companies, industry and professional associations, schools, TAFE and adult community education colleges<sup>2</sup>

The above diverse organisations are required to register with their State / Territory Training Authority and comply with AQTF Standards. It is interesting to read that '*Registration is a nationally recognised 'stamp of approval'*', and in Australia there are approximately 5,000 RTO's operating with a '*stamp of approval*'<sup>3</sup> to compete for State or Territory funding.<sup>4</sup> Of this number approximately 52 are TAFE Institutes.

## Audit Anomalies:

Compliance is currently merely an *auditing of procedures*,<sup>5</sup> against the Standards which regulate RTO's. The structure creates challenges to the notion of one consistent Australian training system guaranteeing consistent performance against the Standards.

On the one hand the national body develops and updates Qualifications and nominal hours in which a given Qualification is estimated to be achieved by a typical learner. On the other hand the State approves nominal hours as a funding measure to RTO's. RTO Management mandates how much of the funding actually reaches the typical learner to enable them to engage in quality learning.

It is very surprising that this element is not audited either by the national body or by State Authorities. Some RTO's certainly would not support this, as currently there are many RTO's that fast-track Qualification for a typical learner without suitable entry requirements, in order to deliver profits.

## Profit versus Quality Outcomes:

A lot of identified problems in VET in regard to quality learning are attributed to the need for teachers to hold suitable qualifications and continue to develop their skills and update their currency. Many teachers do just that and are in support of '*continually improving their high-quality professional practice*' as mentioned in the terms of reference.

However no number of professional qualifications would assist teachers whose enrolled learners are not required to meet entry standards pertaining to the level and the duration of the course. RTO's, for the sake of delivering a profit, enrol learners into courses, many of which are fast-tracked.

## Pre-entry Standards of Learners

For instance highly qualified VET teachers are encountering international students who hold IELTS certificate levels issued overseas but in reality have inappropriate language & numeracy skills necessary for the course. This is a concern as many Internationals are currently enrolling into courses, such as Nursing, that will assist their immigration opportunities. Vet trainers are also encountering domestic learners, who do not meet entry standards, being enrolled into fast-tracked courses.

There is no audit by the national body or the state authority of the suitability of fast-tracked courses to learner groups, when approving funding or registering a course. There are no set entry standards into higher qualifications, it is up to RTO Management. Enrolments, whether

---

<sup>1</sup> Fitzgerald Report 1994; (3) efforts to develop a more diverse and competitive training market.

<sup>2</sup> [www.training.com.au](http://www.training.com.au): a federal initiative designed to facilitate discovery and accessibility of information about the vocational education and training sector in Australia. training.com.au is designed to help employers, individuals, enterprises and public and private training providers (TAFE and private or community colleges or other vocational education and training organisations).

<sup>3</sup> [www.training.com.au](http://www.training.com.au)

<sup>4</sup> [www.training.com.au](http://www.training.com.au)

<sup>5</sup> QLD AEU Teachers Journal, Interim Chair National Vet Regulator Kaye Schofield.

funded by the State Authority or the Learner, are profit oriented. It is a failure in the structure of the training system.

### **Statutory Obligations**

RTO's are required to adhere to Australian, State and Territory Laws. On the main website for VET ([www.training.com.au](http://www.training.com.au)), the portal for new and existing RTO's, adherence to the following legal principles are mentioned,

- occupational health and safety
- workplace harassment, victimisation and bullying
- anti-discrimination, including equal opportunity and racial vilification
- disability discrimination
- vocational education and training
- apprenticeships and traineeships

### **IR Statute Obligations**

Although many legal principles are mentioned here, there is no mention of relevant IR Legislation, Industrial Award principles or Agreements, or reference for the need to comply.

This omission infers that any type of IR arrangement is acceptable. Certainly under WorkChoices, basic remuneration & conditions existed but was broadly rejected by Australian Workers and led to the Governments downfall.

Varying remuneration and conditions therefore have been established.

The extent to which Government funding, in particular with private RTO's, require commitments from those RTO's to comply with IR Statutes and to refer to relevant VET Awards for their professional teachers, is difficult to ascertain, whereas Public RTO's do. It is of no surprise therefore, to discover that within the Productivity Commission's Terms of Reference for the VET Workforce (3.1 & 3.4) there are inquiries into Industrial arrangements.

### **IR Obligations verses VET IR arrangements**

It is extremely surprising to infer that IR arrangements have rigidities and lack independence to re-write IR arrangements as referred in Draft Recommendation 7.3.

IR arrangements as expressed in Industrial Awards and Enterprise Agreements been developed over time through consultation and negotiation between relevant parties. Since 1991 Enterprise Agreements have been the centrepiece of the Australian Industrial Relations System.

The IR arrangements within Enterprise Agreements and Industrial Awards have repeatedly over time responded to and met the need TAFE Managers for IR flexibility through the introduction of Enterprise Agreements. Flexibility has existed and continues to exist. It is absurd to claim otherwise.

It would seem, by draft recommendation 7.3 that TAFE Managers have admitted they have failed in managing a workplace under prescribed regulations including IR Agreements.

Any other workplace that employs professionals has to manage IR Agreements within the legal framework, they are no different. Agreements are renewed every 3 years and are negotiated to provide Managers with the ability to express their merging business goals and needs and negotiate, as does any other Business Entity operating in Australia.

This indicates that TAFE Managers are unable to communicate, negotiate or implement a three yearly Business Plan, as Managers of Organisations that employ professional workers seem to be able to achieve.

It is absurd to claim that the *'TAFE Agreements have the effect of limiting the ability of TAFEs to respond quickly to changes in demand'*. All other similar sized business entities have to and do manage changes in demand whilst respecting current Legislation and Industrial

Agreements. A three yearly business plan is certainly quick enough to achieve this within any commercial environment.

It would seem that TAFE Managers want to be excluded, they desire *'independence'* from existing IR Legislation / Industrial agreements and be free of IR Statute Law and replace it by *'contemporary human resource management practices that best suit their business goals'*, whatever that means, but implying no doubt, the desire to blur teaching and non teaching roles, casualise the workforce and set wage and conditions. To any reasonable person it seems an extraordinary amount of independence. This type of independence only existed a number of centuries ago during master and servant legislation.

### **Research**

Draft Recommendations 7.1 and 7.2 recommends the funding of one organization- NCVET to conduct quantitative research of the VET workforce including quality teaching, student and industry satisfaction.

Unfortunately this is a narrow approach to research – size and quantity only partly assists critical determination.

It would be advantageous to the debate and subsequent determinations that (a) qualitative research be included and (b) another organization be equally funded to conduct this research.

Unfortunately if one organization (such as the NCVET) is providing research outcomes, it can be viewed as, for example, the tobacco industry conducting medical research and providing medical outcomes in respect to the effect of cigarette smoking.

**Valentina Luckus**

**VET Practitioner: Victoria and Queensland :**