



## **Australian Education Union**

# **Productivity Commission Draft Report on the Vocational Education and Training Workforce - Australian Education Union Response**

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## Contents

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Introduction.....	2
1. Chapter 4: ‘Government involvement in the VET sector’ .....	3
2. Chapter 7: ‘Ensuring Workforce Capacity and Efficiency.’ .....	5
Wages and Salaries .....	7
Hourly Rates of Pay in TAFE.....	8
Limitations on Casual Employment.....	9
Linking Performance with Pay .....	10
Industrial Arrangements.....	11
3. Chapter 8: ‘Improving the workforce’s capability’ .....	14

## Introduction

The AEU welcomes the opportunity to respond further to the Productivity Commission Draft Report on the Vocational Educational and Training Workforce released in November 2010.

In doing so, the AEU continues to rely on the written submission it made on 31 July 2010 in response to the initial Productivity Commission issues paper.

In its original submission, the AEU provided substantial evidence of the significant changes which have swept across the TAFE and VET system over the last two decades. We argued that these changes continue to have far reaching consequences for the TAFE teaching workforce and the overall capability and sustainability of the Australian vocational education system. We demonstrated that the Australian TAFE system – the pre-eminent public provider of vocational education in Australia – has suffered significantly with declining government funding for VET, which has resulted in a 22% decrease in per student contact hour funding since 1997. Unsurprisingly, the first recommendation of the AEU submission called for a restoration of adequate TAFE funding. We argued that unless State, Territory and Commonwealth governments seriously address this persistent underfunding and the arbitrary consequences of government policy to impose crude 'per-hour' efficiency measures on TAFE, no strategies to improve the state of the TAFE workforce will succeed. A sustained re-investment in the public TAFE system must, we argued, be the bedrock upon which a TAFE workforce renewal strategy is based.

The AEU admits to some considerable disappointment with the Productivity Commission's Draft Report on the Vocational Education and Training Workforce. We would urge the Commission to revisit the AEU's original submission, and the submissions of several other stakeholders, because we find it difficult to see evidence of the Commission having seriously engaged with many of the issues it itself has raised.

In this response to the Draft Report, the AEU has sought to concentrate on the draft recommendations and findings of Chapters 7 and 8. We have also made some specific comments about Draft Recommendation 4.2. We do want to make it clear, however, that we have major concerns with the Draft Report overall, but feel that a revisiting by the Productivity Commission of the AEU's original submission would be more useful than simply repeating the detail here, and would explain why the AEU is disappointed with the Draft Report.

The AEU supports and endorses the submission of the ACTU, and also the submission of the Melbourne Graduate School of Education. The AEU also draws the attention of the Commission to the release of the final report of the Quality of Teaching in VET project by

the LH Martin Institute and RMIT. This report deals with many of the very same issues as the AEU submission.

We wish to make some opening comments before moving on to the substance of the submission.

Unless governments address the significant underfunding of TAFE, the sector will struggle to play the significant role it must play into the future for Australian society. We have made this point in our initial submission, but want to emphasise it because it is so crucial to any coherent workforce development strategy for the sector.

There is considerable irony in the reluctance by the Productivity Commission, having acknowledged the complexity of TAFE and VET teachers' contemporary work and their identity as dual professionals, to recognise the crucial importance of higher level teaching qualifications for TAFE and VET teachers. Indeed, so perplexing is the Commission's attitude to teaching qualifications that an uninformed observer would be forgiven for failing to grasp that the VET sector's currency, arguably its prime purpose is to respond to the qualifications needs of the Australian workforce and Australian industry. Apparently, it is acceptable for the TAFE and VET sector to deliver courses leading to qualifications, whilst at the same time denying its own teaching workforce access to the accredited courses (qualifications) it requires. It is also puzzling that the Productivity Commission seems to acknowledge that the VET teaching workforce requires access to professional development – unaccredited training – to meet its needs, whilst at the same time arguing that it doubts its need for access to qualifications. Indeed so contrary is the Productivity Commission's findings in relation to workforce capacity that even its own findings in respect of the CIVTAE are contradictory – the Commission seems to be saying that it doubts the value of teaching qualifications at all, but that nevertheless a discredited minimum qualification should be elevated, and "improved". We deal with this in more detail later in the submission.

## **1. Chapter 4: 'Government involvement in the VET sector'**

### *Draft Recommendation 4.2*

*Increased use of explicit on-budget community service obligation payments to all VET providers (to compensate for provision of non-commercial activities) has the potential to improve transparency regarding the viability of Technical and Further Education (TAFE) institutes and other government-owned VET providers, while also improving competitive neutrality across providers.*

It is misguided to cast literacy and numeracy support and the need for a sound educational basis for vocational education as a fragmented “add-ons” to the mainstream VET effort, rather than an integrated part of vocational education. The sector has only accepted the idea of a “community service obligation” as a mechanism for capturing the idea of a broad vocational education (including literacy and numeracy, etc) because currently this is significantly unrecognised in TAFE’s work, and unfunded in large part in the current narrow and mean-spirited approach to resourcing. But there is a danger in accepting a fragmented approach to literacy and numeracy, and the so-called “community service obligations” of TAFE because once decoupled from a broadly conceived vocational education, this aspect of TAFE’s work is vulnerable to the unpredictability of government budgets, and difficult to argue for as a key aspect of the work of the sector.

This is why the AEU has concerns with Draft Recommendation 4.2. While the movement of vocational education into a mainstream policy concern through the harnessing of VET effort to the needs of the economy through workforce development strategies, and in particular through attempts to both predict and address skills shortages is generally a good thing, addressing skills shortages in the economy does not represent a complete policy for the sector. Indeed, it has never been more important for the Australian community to have a properly funded public vocational education institution (TAFE) to address the vocational education needs, in a broad sense, of the generation of young Australians about to enter the workplace and society, and those workers currently in the workforce who need to up-skill and retrain.

There has been no evidence presented by Australian governments who have embraced the market as the sole organising principle for the VET sector that this will enable the VET sector to achieve the aims set by government.

A “just in time” approach to “skills” is antithetical to what is generally understood to be a much more effective approach to the vocational education of a nation’s citizens. Contemporary societies in a global economy require a citizenry and a workforce which have broadly based vocational skills, and a capacity to adapt to the changing needs of the economy and society in a relatively rapid way. A focus on narrow, just-in-time, fragmented skills leaves workers vulnerable to the vagaries of the market, and does not equip them to adapt to change.

In addition to this, it is widely acknowledged that predicting the emerging skills needs of the economy and the associated education and training needs is an imprecise science. By the time a skills shortage has been accurately identified, governments are already challenged to address them rapidly enough to suit the relevant industry.

It is far better for the mainstream effort of the public VET sector to be focussed on providing vocational education to individuals which both provides them with the skills (and knowledge) to enter the workforce immediately, but which also emphasizes a broad and adaptive approach to education through an acknowledgement of the necessity of lifelong learning. This approach also positions the public provider to more effectively and quickly meet shorter term and immediate skills needs, but this effort is positioned in the context of a much more broadly conceived vocational education effort.

In addition, if governments want to develop serious strategies to address what are significant issues around literacy in the Australian population, an approach which seeks to build these skills through an integrated approach to a broadly conceived vocational education has a much better chance of success than one which is based on a deficit model and a fragmented strategy which isolates and stigmatises.

The so-called “community service obligations” of public TAFE providers are difficult to define and quantify, particularly in the narrow economist frame presented by the Productivity Commission. At the same time, it is clear that in an economy where workers are going to have to change jobs and even vocations many times throughout their working life, and where economic and social disadvantage are entrenched and reproduced amongst sections of the population, a broad approach to vocational education delivered through well resourced public providers represents the best chance that governments have to strategically, effectively and efficiently approach the skills needs of their citizens.

“Community service obligations”, and literacy and numeracy provision are far too important to be fragmented and separated from mainstream provision in public providers. The AEU recommends that governments research, consult broadly and engage in public debate and discussion about what they require in public policy terms of their public TAFE providers. This is a much more effective way of defining and funding what is broadly referred to as “community service obligations” than simply and arbitrarily trying to quantify it and ultimately excise it from the core work of public TAFE providers.

We would also draw the Commissions attention to the specific discussion of community service obligations in the submission of Dr Phillip Toner.

## **2. Chapter 7: ‘Ensuring Workforce Capacity and Efficiency.’**

### *Draft Finding 7.1*

*Consistent national data about the size and characteristics of the VET workforce are lacking. Many administrative collections exist, at both the provider and jurisdictional level, but they*

*are incomplete, disparate and not widely used or disseminated. Lack of quality data is an obstacle to effective policy making and workforce planning at any level, and to efforts to improve the capacity and capability of the workforce.*

#### *Draft Recommendation 7.1*

*The Ministerial Council for Tertiary Education and Employment should engage the National Centre for Vocational Education Research to develop a comprehensive instrument with which to identify the VET workforce as soon as practicable. This instrument should focus on measuring and describing the workforce, but not unduly increase the response burden for providers.*

#### *Draft Recommendation 7.2*

*The National Centre for Vocational Education Research should consider the information required to allow the critical determinants of quality teaching to be investigated quantitatively, and consider the best means of capturing student and industry satisfaction with the VET workforce.*

#### *Draft Finding 7.2*

*Wage structures in the TAFE sector take no account of the relative scarcity of industry skills being sought. As a consequence, TAFE can find it difficult to attract and retain some VET trainers and assessors with particular industry skills without resorting to overaward payments, while other VET trainers and assessors may be paid more than is necessary to recruit and retain them as trainers and assessors.*

#### *Draft Recommendation 7.3*

*State and Territory governments should not have jurisdiction-wide industrial agreements for the TAFE sector. Current arrangements include caps on the use of casual staff, are prescriptive on hours to be worked in TAFE and encourage uniform wages and conditions. These have the effect of limiting the ability of TAFEs to respond quickly to changes in demand and disadvantage them relative to private RTOs. TAFE institutes should be able to select the mix of employment arrangements, supported by contemporary human resource management practices, that best suits their business goals.*

The major section within Chapter 7 is section 7.3 which deals with factors affecting attraction and retention. It proceeds to deal with this issue through a discussion of wages and salaries, hours of work, work arrangements, professional standing, career pathways, administrative load and work conditions and job satisfaction.

## ***Wages and Salaries***

The Productivity Commission asserts (p 7.13) that the latest ABS data show clear differences between the hourly earnings of VET trainers and assessors and the earnings of workers in a selection of alternative occupations. While the assertion itself may be uncontroversial, the methodology used to substantiate the assertion is highly questionable.

Figure 7.1 is presented as the basis for substantiation of its assertion. VET trainers and assessors are one of six different occupational groupings (the others are: structural steel and construction workers, aged and disabled carers, drillers miners and shot firers, tourism and travel advisers and nursing support and personal care workers).

Notes to the Figure indicate these other occupations are possible alternatives to VET teaching based on qualification fields. This observation is of dubious merit as the Productivity Commission elsewhere makes much of the status of the VET workforce as ‘dual professionals’ (draft finding 3.1), yet the proposed alternative occupations could hardly be characterised as dual professional in nature. In other words the comparator has no validity. However, more damning is the acknowledgement, again in the Notes to Figure 7.1, that the occupations were selected to demonstrate that VET teaching and assessing can pay a higher rate per hour than some occupations but a lower rate than others. In other words, the evidence is selected to support a conclusion rather than conclusions being based on the evidence!

This is the material and analysis the Productivity Commission uses to support its Draft Finding 7.2 that *‘Wage structures in the TAFE sector take no account of the relative scarcity of industry skills being sought. As a consequence, TAFE can find it difficult to attract and retain some VET trainers and assessors with particular industry skills without resorting to overaward payments, while other VET trainers and assessors may be paid more than is necessary to recruit and retain them as trainers and assessors.’*

It is important to observe that it is not the wage structure per se which is a factor in attraction and retention (the Productivity Commission earlier has indicated only 7% of the VET workforce intend leaving the sector within 12 months (p 3.1)) but it is the level of the wages which may be a factor in attraction in some instances. And in an era of post-centralised wage fixation, it is the market-place – broadly defined – that sets the wage rates through the processes of enterprise bargaining and contractual negotiation.

As if alive to the issue of the appropriate comparator, the Productivity Commission turns in Figure 7.2 to other workers in the education sector and across all occupations to show that the average total nominal earnings per hour for VET trainers and assessors is higher than the average for all occupations, higher than primary and secondary teachers but lower than



for University lecturers. While statistically accurate, this is intellectually unethical and a nonsense. It is simply a factor of the arithmetic and mathematics concerning the numbers and earnings within each of the comparators used.

To be fair the Productivity Commission does point out in its notes to both Figure 7.1 and 7.2 that the numbers are indicative only and that the standard errors can be quite high. However, although this is undoubtedly so, on what basis are the numbers presented and used to substantiate a finding about wage structures, levels, or rates?

### ***Hourly Rates of Pay in TAFE***

The Productivity Commission notes the difficulty in determining whether in TAFE, (as no data or analysis is provided for the non TAFE sector), casual or permanent/fixed term is more financially rewarding on a per hour basis (p 7.18). Casual employees generally work less hours and have a higher hourly rate of pay than permanent/fixed-term employees.

However, the Productivity Commission then asserts that nonetheless, the ability to carry out some work-related tasks from home can make casual employment in TAFE attractive to people working elsewhere as their main job or else transitioning to retirement.

While this may or may not be true as a general proposition or in the case of a particular worker or groups of workers, there is simply no evidence from the VET trainers and assessors themselves as to what their preferences are. More importantly, indirect evidence on mobility presented by the Productivity Commission (see p 7.24 and Table C31(not C39)) – and leaving aside the basis for the estimates in the Table – shows that 73% of trainers and assessors who commenced as casuals move into permanent employment.

So the ability to work from home may be a factor in attraction but is not a factor in retention. Or is something else at work here? The Productivity Commission refers to the existing industrial instruments for the public VET sector as highly prescriptive including as to where work is to be performed (p 7.35 – the reference should be to Table 7.3 not 7.2 as stated) and that this ‘can’ ( rather than actually ‘does’) constrain flexibility and efficiency. As Table 7.3 indicates, in all jurisdictions, the industrial instruments covering TAFE teachers and assessors prescribe a number of weekly and annual hours, days or weeks during which these employees cannot be required to attend for work although the total weekly working hours is greater than this ‘attendance time.’ This current industrial regulation enables those employees to conduct some part of their work-related tasks from home or elsewhere.

In other words, the very same factor which is claimed to be an attraction for some casual workers (the capacity to work from home) and lauded by the Productivity Commission is

criticised by the same body when it appears in industrial instruments for permanent workers.

This is inconsistent analysis by the Productivity Commission.

### ***Limitations on Casual Employment***

The Productivity Commission analysis of the restrictions applying to casual employment is confusing.

Administrative hurdles such as caps on the use of casuals, especially where VET shares workers with other industries are referred to as needing to be addressed (p7.26). The Commission asserts that casual employment 'can' (rather than actually 'does' ) provide the VET sector with both numerical and functional flexibility (p7.32) and that where restrictions on the use of casuals would restrict the use of industry experts, it would be undesirable (p7.34). According to the Productivity Commission, the discouragement of or formal caps on the use of casual employment in TAFE enterprise agreements 'can', (rather than actually 'does') have the effect of limiting the ability of VET providers to respond quickly to changes in demand for VET services and 'may' (rather than actually 'does') inhibit efficiency (p7.34). Later in Draft Recommendation 7.3 the Commission argues that caps on the use of casuals in current arrangements [in state and territory industrial agreements in TAFE] are prescriptive on hours to be worked and 'do' (rather than 'can' or 'may') have the effect of limiting the ability of TAFEs to respond quickly to changes in demand and disadvantage them relative to private RTOs (p7.38).

While the use of terms 'can', 'may' and 'does' are examples of the language of assertion and are highly contingent the conclusion drawn by the Productivity Commission such as in its Draft Recommendation 7.3 is actually contradicted by its own research evidence. It is also noteworthy that the Productivity Commission moves from using 'can' and 'may' in its analysis to 'do/does' in Draft Recommendation 7.3 without any attempt to justify such a significant change in analysis.

That evidence is in its Key Points (p xxxiv) that the VET workforce has a greater proportion of its staff that are part-time, casual or older when compared to the general labour force; in its Overview (p xl), that relative to other education workforces, on a head count basis, the VET sector has a relatively high prevalence of non-permanent employees with estimates for the non-TAFE sector of 30% and for TAFE of 60%; that in Chapter 3, pp 3.6 -3.7 while reinforcing the forgoing data (and for comparison showing casual employment for University teaching staff at 22% and for the labour force generally at 20%) says it expects to be in a position to present a more detailed analysis of the TAFE workforce in its final report (presumably on the

basis of the provision of more data by TAFE jurisdictions but interestingly, the private VET sector does not supply such data).

So, if the incidence of casualisation is a measure of the capacity or capability of providers to respond to change or to compete or to be flexible, then the inescapable conclusion can only be that, on the basis of that measure, TAFE providers are twice as able to respond to change, to compete or to be flexible as the non TAFE sector and about three times more able to do so than the university sector or the Australian labour force as a whole.

The further inescapable conclusion is that the industrial arrangements in TAFE which are said to include restrictions on casual employment do not as a matter of actual fact have that effect with the necessary corollary that the industrial arrangement concerning casuals in those instruments must, as a matter of fact, serve other purposes than limitation on the incidence of casual employment.

So there can be no basis for the assertions by the Productivity Commission about casual employment as found, for example, in its Draft Recommendation 7.3.

It is suggested that there is a cognitive discontinuity in the Productivity Commission, and in those submissions by industry stakeholders it extracts from, between what is perceived to be restrictions on the use of casuals and the actual reality.

### ***Linking Performance with Pay***

The Productivity Commission asserts that TAFE institutes tend to utilise performance management systems much less than other providers and further asserts that salary progression in TAFE is based mainly on seniority and to a lesser extent qualifications (p7.37). It quotes a 2008 Smith and Hawke survey for its evidence as to private RTOs. In footnote 4 (p7.37), a survey was conducted of 114 private RTOs with only 23% reporting linking performance with pay.

According to the NCVET (Harris and McCarthy, 2006, p18) there were 3127 private RTOs in 2006. According to the Productivity Commission itself (pxxxvi), as at August 2010, there are 3732 private RTOs. Reasonably the number of private RTOs at the time of the Smith and Hawke 2008 survey is somewhere between these two figures, say 3500.

This yields a sample size for the Smith and Hawke survey of very questionable statistical validity. But even excluding that consideration, less than a quarter of private RTOs engage in linking performance with pay.

This means the usefulness of the Productivity Commission comparison between TAFE and private RTOs is negligible or minimal at best.

Even with respect to TAFE itself, it is to be noted that the awards and enterprise agreement do not prohibit performance management systems. Some, such as the Victorian TAFE enterprise agreement actually require performance assessments as a prerequisite for salary progression.

And yet although the Productivity Commission acknowledges that performance pay arrangements may have limitations in all industries (p7.38), it ignores the reality that VET providers, whether public or private, have eschewed their use. The Productivity Commission recommends that VET providers be provided with greater autonomy to link pay with performance and to set wages generally, ie, to do things they haven't done, don't want to do and which have little value to them even if they were to be done!

Exactly why the Productivity Commission would want to advocate such measures for VET providers, whether public or private, and for the VET workforce remains critically unexamined.

The AEU views performance pay schemes based on bonus payments to teachers or institutions and linked to narrow measures of student test scores as educationally unsound, industrially counter-productive and ultimately futile.

### ***Industrial Arrangements***

The Productivity Commission also asserts that agreements in the TAFE sector have been criticised for not having kept pace with the changes in trainers and assessors work and therefore acting as an impediment to the process of adaptation to change (7.33). It refers to an NCVET publication, 2004b, *'The Vocational Education and Training Workforce: New Roles and Ways of Working'*. Yet this is a misrepresentation of what that publication actually says. The publication says (sixth dot point of its Key Messages, p1), that current VET industrial awards, performance indicators and funding models do not prohibit new approaches to work but do make it more difficult because they have not kept pace with the new ways practitioners are working, particularly in the public VET providers. Later, (p6), the publication refers to an earlier AEU study by Kronemann (2001), which showed TAFE teachers work long hours on tasks that were not properly recognised or remunerated in industrial agreements.

The Productivity Commission (p7.21) refers to 2010 survey data by DEEWR which indicate that two-thirds of all VET trainers and assessors work unpaid overtime (50% for private RTOs and 75% for TAFE!)

So in other words, the actual evidence which the Productivity Commission has is that industrial arrangements are not prohibitive of new ways of working, do not restrict the capacity or capability of employees to work beyond the hours ostensibly prescribed in those industrial arrangements and detailed in Table 7.3, but that VET trainers' and assessors' work is not properly remunerated!

The understanding of the Productivity Commission of the nature of industrial instruments regulating the VET workforce is glib and simplistic.

The formal statutory instruments, ie, statutory minima or national/state employment standards, state or federal/national awards and enterprise agreements, which regulate the VET sector have long moved beyond the mechanisms of centralised wage fixation. The various statutory minima applying either nationally or at state or territory level are the result of the democratic process; the awards and enterprise agreements whether applying nationally, federally or at a state or enterprise level are also minima above which the employment parties are free to contract. In large part, the awards and enterprise agreements, certainly for the public VET sector are consensual arrangements reached through compromise in the negotiation process or, where that has proved unsuccessful in reaching a conclusion, through an arbitral process of dispute resolution which is statutorily required to examine a host of factors including productivities, efficiencies, work value, market rates and so on.

As consensual arrangements, the instruments reflect the needs and objectives of the industrial parties to those arrangements.

Industrial awards and enterprise agreements establish only minimum wage levels and do not prohibit employers from paying more. Indeed, the Productivity Commission itself acknowledges, in Draft Finding 7.2, that at least in the TAFE sector, employers can and do pay more than the rate specified in the industrial agreement via the mechanism of 'overawards'. Interestingly, the Productivity Commission in this finding also refers to other (non-TAFE) VET providers paying higher rates than appear necessary to attract VET trainers and assessors. If this is a reference to providers covered by the relevant Modern Award, then again the Productivity Commission and other parties have misconceived the nature, role and purpose of wage rates in such Awards. They are a guarantee of a safety net of fair, relevant and enforceable minimum wages (Fair Work Act 2009, s3) and in their creation, were specifically required to be economically sustainable, promote flexible modern work practices and the efficient and productive performance of work and the development of skills and a fair labour market (see Workplace Relations Act 2006, s576 (A) and (B)).

Government policy, whether state or federal, in relation to wage levels for its public sector employees, both core public service and broader budget sector agencies, is one factor in the market establishing the level of wages and other working arrangements.

The Productivity Commission does not appear to advocate that government vacate the VET market and withdraw from VET provision or its purchase but acknowledges government is (and is likely to remain) the major purchaser of VET in Australia (p7.5).

What the position of the Productivity Commission appears to be is that wage levels should be determined between the provider (who in the public TAFE sector may not even be the employer) and the VET trainer and assessor with the role of government being to simply fund the levels as agreed. This appears to be the basis for its Draft Recommendation 7.3 and is consistent with its endorsement of the individual teacher employment contractual arrangements espoused in submissions from parties such as The Gordon (pp7.36-7.37).

While the AEU has always been a strong advocate for higher wage levels and for greater government funding for public VET provision, to argue that TAFE institutes/VET providers be given greater flexibility to determine their own employment arrangements (including wage levels) is a nonsense unless it carries the implicit acceptance that government will fund whatever arrangements are agreed between the employment parties.

More importantly, quite simply any such arrangement would be an abrogation of the fundamental role played by government in modern democratic societies. Furthermore such an arrangement has not been, and would not be, endorsed by the Australian people and in its most recent expression under the provisions of the then Workplace Relations Act 2006 has actually been rejected by the Australian people at the ballot box.

Why the Productivity Commission would continue to advocate such arrangements has more to do with its reliance upon the analytical tool of productive efficiency as the means to assess all industrial regulatory arrangements. To that extent, the Productivity Commission's draft findings and recommendations remain narrow in focus and ultimately of little use.

The AEU position is that industrial Awards and Enterprise Agreements should provide for skill-based career paths with wage rates set to attract and retrain the highest quality workforce and remains opposed to the currently unregulated, ad hoc and highly idiosyncratic 'system' of 'over award' payments.

### **3. Chapter 8: ‘Improving the workforce’s capability’**

As the Commission rightly observes in its Draft Report, the learning contexts, social demands and economic expectations on vocational education and training are growing ever complex and challenging. However, the commensurate need for expanded and more sophisticated teaching capabilities for vocational teachers to address these expectations, capabilities that move beyond limited notions of competency to more professional frameworks of practice, are not reflected in the capability findings and recommendations of the Draft Report.

Instead, the Draft Report simply suggests more of the same in regard to skilling vocational teachers, with an uncertain endorsement of the Certificate IV in Training and Education as a foundational qualification for vocational teachers. This is a puzzling finding as there is no empirical basis for the Draft Finding (8.1) that this qualification is indeed ‘an appropriate qualification’, particularly given related observations in the report that this current qualification is ‘high risk’ and much maligned in the sector itself. It would seem the primary basis for this claim lies in:

- the rationale behind Draft Finding (8.2) that outside the TAFE sector, most private sector and workplace based trainers have no educational qualifications of any form, rendering the Certificate IV an improvement into this vacuum; and
- the Draft Report’s overconfident reliance on the subjective data on teaching quality borne of student opinion, that leads to a fragile claim that higher level qualifications cannot be related to improved student learning outcomes.

The AEU argues that both these supports of the Certificate IV are specious. The failure of non-TAFE RTO’s to properly train staff or employ those with educational qualifications should not be a justification for the maintenance of a minimalist and largely discredited qualification. Similarly, there is considerable research evidence derived from a range of educational environments that higher qualified teachers improve student learning outcomes. The AEU would urge the Commission to reconsider the position offered in our earlier submission which called for a more sophisticated understanding of the developing work of the vocational teacher, an understanding that views teachers as professionals who require initial and developmental educational qualifications in vocational learning to meet the even more complex demands faced in this critical sector.

The AEU argues the Draft Report is misguided in calling for the gentle reform of the Certificate IV in Training and Education and its meek reliance on the hope that after a decade of a contrary experience that this qualification will be suddenly ‘well taught’, better

randomly audited and better assessed. Until a credible qualification at AQF7 level is endorsed and offered by high quality educational institutions (unlike the 'fly-by-night providers so prominent in the current Certificate IV market), it is difficult to see vocational education being able to meet the elevating social and economic expectations being placed on it for more sophisticated skills and capacity for innovation.

Moreover, no evidence is provided to justify the significant assertion that advocated reform gestures for the Certificate IV in TAE will generate any improvement in the quality of its currently inadequate sectoral outcomes (or indeed how such outcomes would be measured). What is known is that the Certificate IV in Training and Education maintains the fundamental flaws it has had over its decade long evolution: it is a basic workplace trainer and assessor qualification intended for a purpose entirely different for those working as institutionally based vocational teachers. Ironically, it is precisely in this environment that it is least apparent and instead has been progressively forced through the AQTF on the vast majority of teachers in the sector who work in the entirely different educational frameworks of institutional provision. It is demonstrably apparent that vocational teachers in these institutional contexts have fundamentally different and significant pedagogical environments to those of localised and most often intermittent workplace trainers.

A far more sophisticated proposition has been offered in the AEU submission to this inquiry, which is based on educational and professional research. It proposes a qualification based learning model that is based on embedded standards, agreed with the profession and reflective of the developing professional learning needs of vocational teachers. Instead of attempting to reform a failed and failing qualification, the AEU argues the Commission needs to investigate the introduction of high quality teacher qualifications in TAFE and VET, based on a three phased initial, consolidating and advanced approach. Such an approach far better recognises the dynamic nature of the contemporary vocational education environment, where qualifications for teaching are often acquired following initial employment, and where the importance of both education and vocation are acknowledged.