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Submission details

1. Submission made on behalf of: Individual Organisation
2. Full name:
3. Organisation (if applicable):
4. Please indicate your interest in this discussion paper:

(i.e. as a student, VET practitioner, RTO, third-party provider, peak body, business, industry representative, regulator or other government agency or community member)
5. Do you want your submission to be published on the department's website or otherwise be made publicly available? Yes No
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1. Discussion questions – RTO limitations:

- Is it appropriate for relatively large numbers of RTOs to deliver TAE qualifications or skill sets? Should the number be reduced to a targeted number of RTOs focusing on high-quality provision?
- Should RTOs be restricted from issuing TAE qualifications or skill sets to their own trainers and assessors?
- Are TAE qualifications and skill sets so significant that evidence of competence should not—or cannot—be appropriately demonstrated via recognition of prior learning?
 - Is recognition of prior learning for TAE qualifications or skill sets granted with sufficient rigour to ensure the quality of student assessment? Should the practice be restricted?
- Are there opportunities to improve the assessment skills of the VET workforce through changes to the delivery and assessment of TAE qualifications and skill sets?
 - Should TAE qualifications and skill sets only be delivered by VET practitioners who can demonstrate a specific period of training and/or assessing employment history in the VET sector?
 - What circumstances would support a change requiring some VET trainers and assessors to hold university-level or higher-level VET qualifications, for example, practitioners delivering and assessing TAE qualifications and skill sets?
 - Should the TAE Certificate IV and/or Diploma require a practical component? If so, how long should the practical component be?
 - Should entrants to the TAE Diploma be required to demonstrate employment history in the VET industry before being issued with the qualification? Would this condition help to improve the relevance and validity of assessment? How long would this period of time be?

COMMENT:

To achieve support for the serious reforms needed to lift the quality of assessment across the VET sector will require serious engagement by governments and government agencies. While there are problems with some providers' practices – starting this section of questions under the heading '**RTO limitations**' does nothing in terms of building the confidence and rapport across the sector which will be vital for serious and successful reform.

Number of providers offering TAE

Currently more than 2000 providers offer TAE qualifications and skill sets, that is almost half of all registered providers in Australia have been found suitable to teach the VET teaching workforce. Given the ongoing problems with VET assessment identified by the regulator, ASQA, it is clear that some of them are not delivering at the appropriate standard. In order to enhance the professionalism of VET teachers and improve the quality of assessment, it is vital that only those providers which demonstrate that they meet high quality standards and fully understand the both competency based training and competency based assessment, are approved to deliver TAE qualifications and skill sets.

The idea posited in the discussion paper and questions, implying that there is a magical number of providers which can be trusted to deliver TAE qualifications is naïve. Rather than setting a target for a preferred number of providers, the government should instead ensure that a fair and transparent re-approval process is established for existing providers to be able to *retain* TAE courses on their scope of registration. Such a re-approval process should include clear selection criteria and a fair and transparent process, ensuring fairness in deciding which providers are able to continue to have TAE10 on their scope of registration

Something similar was planned in 2004, with the move from the old Workplace Training and Assessment qualification (BSZ40198) to the then new Training and Assessment qualification (TAA40104). At the time the State VET regulators considered the step up from the BSZ Certificate IV to the new TAA Certificate IV was so significant, and assessment was such a problem in the system, that a new process was needed to enable providers to add the TAA qualification to their scope of registration. That is, the introduction of the new qualification would not be dealt with as if it were a 'regular' update to a Training Package. Regrettably, the Victorian regulator (the then Victorian Qualifications Authority) took the 'purist' view – that all changes to scope and Training Package transitions should be dealt with in a consistent manner. The reality of the problems with weekend courses proliferating in the delivery of the Certificate IV BSZ40198, the relatively poor quality of assessment within the VET sector and the fundamental importance of this qualification to sound training and assessment practices across the sector, were all ignored – for the sake of system 'purity'.

If quality outcomes are to be achieved, then the time has come for the VET sector to put common sense first and 'purity' second. It is clear that a portfolio based approval process, involving independent experts, needs to be put in place to enable all current TAE providers to demonstrate their ongoing suitability to deliver the Training and Education qualification. This was the original process agreed to by all of the State regulators (except Victoria) back in 2004. Sadly the Victorians went through a 'tick and flick' approval process which subsequently saw large numbers of providers crossing State borders and offering more weekend courses and RPL processes for people to upgrade from BSZ40198 to TAA40104, completely undermining the efforts of the other regulators to take a serious stance on the introduction of this vital qualification.

Restrictions on providers teaching and assessing their own staff

The discussion paper also suggests placing restrictions on providers to prevent them from issuing TAE qualifications or skill sets to their own trainers. While the intent of such a restriction is clearly to remove the potential for conflicts of interest to emerge in the training and assessment process, this may be unnecessarily restrictive, particularly in regional areas. In addition to the reform outlined above (which will ensure only expert providers are offering TAE qualifications), consideration should be given to introducing a requirement that a provider must retain all original evidence when they

teach and assess their own staff or hire a recent student (in any qualifications not just the TAE). This will ensure that if any quality concerns arise, the regulator can subsequently confirm to their own satisfaction that the student has in fact demonstrated competence.

Appropriateness of RPL for TAE competencies and qualifications

While VET teaching requires some specialist skills, there are numerous components of the TAE qualification and skill sets that are common to the skills and knowledge required to teach in other areas, eg higher education, for registration as a school teacher, and in some industries/businesses as a corporate trainer. At a minimum, units which have wide applicability and where RPL could easily be appropriate include all of the imported elective BSZ units and the delivery and facilitation elective units. For those with a strong teaching background – many of the other units are not so unique that RPL should not apply.

Given this, it would be unreasonable *not* to allow RPL for components of the TAE qualifications and skill. At the same time though, given the specific nature of VET, it is unlikely that many candidates would be able to receive RPL for 100% of the TAE qualification other than in exceptional circumstances. The most appropriate way for the regulator to ensure that only appropriate RPL is being undertaken is to monitor real-time AVETMIS data from the NCVET (which includes codes specifying how units and qualifications have been awarded – including “Outcome Identifier 51 – RPL granted”). Those providers with high levels of RPL for their students should be kept under scrutiny by ASQA and be required to keep full copies of the evidence they used to make their RPL decisions on file so that the regulator can review it at a later date should that be necessary.

If a clear and transparent process for approval to deliver TAE qualifications is established, it should not be necessary to restrict the RPL process, other than in line with the discussion above re: providers awarding a TAE to current staff or recent students.

Improving the assessment skills of the VET workforce by changing the TAE qualifications and units

Unless ASQA recommends specific changes to the TAE qualifications or units, it does not appear that the problems in assessment across the system are a result of the nature of what is being taught. Rather it is the ability for VET trainers and assessors to step straight from the classroom as a student, into a role as a teacher of VET trainers and assessors.

In all other industry areas trainers are required to demonstrate and maintain industry currency (and educational expertise) to be a VET trainer. While industry currency can be demonstrated by a trainer holding the same or higher qualification than the one they are teaching, this is not ideal and it is arguable that few if any employers would want a fresh graduate of construction, hairdressing, or any

number of other technical qualifications launching straight into a teaching career in those technical occupations, without spending any time polishing and refining their skills in the real world of industry first.

Training and assessment in VET should be no different.

In the same way that school teachers do a period of supervised practice before they are 'let loose' on a class on their own, we should not allow brand new graduates of a VET teaching qualification to immediately start teaching other trainers. A period of supervised practice with an experienced VET trainer should be mandatory before new trainers should be allowed to start training other new trainers. Given the lack of educational preparation for university teachers and the concerns currently being expressed across the community about the academic preparation being provided by the university sector for school teachers, it is unclear why the Discussion Paper apparently sees a university level qualification as a panacea for lifting quality in the skills of VET trainers and assessors. Not only would such a change unnecessarily limit the VET workforce, it would also potentially act as a barrier to entry for individuals with industry experience – a group it is already difficult to attract and maintain in VET.

As outlined above, requiring a practical component in the Certificate IV is a desirable addition, however care needs to be taken to ensure that the introduction of such a requirement does not make it difficult for unemployed people to gain the qualification. Some thought should be given to the appropriate amount of experience required – practicum requirements for school teacher registration vary (e.g. Queensland requires 60 days for their 12 month graduate entry teacher programs, Victoria requires 45 days).

2. Discussion questions – skills and qualifications of trainers and assessors:

- Should the TAE Certificate IV be changed to a core unit on the design and development of assessment tools? How would this improve assessment outcomes for students?
 - Should the core unit be the existing *TAEASS502B Design and develop assessment tools* unit of competency? Are there alternative approaches, such as developing a new unit on the design and development of assessment tools?
 - Is the *TAEASS502B Design and develop assessment tools* unit of competency a specialist unit that should only sit at the diploma-level on the basis the Certificate IV is currently designed for delivery to new entrants seeking to be trainers and assessors?
- In the case of making any updates to the TAE, is it appropriate to form judgements based on majority considerations? Or is it too risky to do so? Is it a better basis for decision makers to give strong weight to key stakeholders and the nature of the argument put forward?

COMMENT:

Should the TAE Certificate IV be changed?

In responding to this question it is assumed that it includes a typographical error and should read, “*Should the TAE Certificate IV be changed to include a core unit on the design and development of assessment tools?*” If that is the case, then such a change would be supported.

The discussion questions then essentially ask “if the change should be made by changing the existing unit from being an elective to a core unit, or whether another unit with the same focus should be developed?” Not only is no case made for the inadequacies of the current unit, no clear rationale on what aspects would be changed in a ‘new unit on the design and development of assessment tools’. At this stage no evidence is available on the adequacy of the current unit. It therefore makes no sense to try and resolve this issue via responses to this discussion paper. Instead, it is recommended that the current core unit should immediately be made an elective. Then after 12 months, the Education Sector Advisory Committee of ‘PWC’s Skills for Australia’ Skills Service Organisation should be asked to liaise with ASQA and the education sector on the effectiveness of the new core unit and any specific changes that may be needed.

Should the TAEASS502B unit only sit at Diploma level?

No, a unit of this type should also be required as a core part of the Certificate IV TAE qualification if we are to strengthen the capabilities of VET trainers and assessors. Consideration could be given to mandating additional units of competency in design and development of assessment tools at the Diploma level.

Making updates to the TAE

In making updates to the TAE, greater emphasis should be given to the views of educators – that is, the group of professionals who deliver the TAE. Unlike other industries where the views of for example, plumbers, are never seen to be ‘self serving’ when they recommend changes to the Plumbing Training Package – regrettably the same is not true of our leading educators when it comes to changes to the Training and Assessment Training Package. Too frequently their voices have been ignored or marginalised in the development of, and changes to, the TAE Package when in fact, educators are the industry. While the views of major employer bodies and specific industry groups should be sought on the calibre of VET trainers more broadly, educators understand teaching and learning, and the specialist requirements of teaching the VET sector and their views should have primacy.

3. Discussion questions – benefits and purpose of a VET professional association:

- Is there a need to establish a national professional association for Australia’s VET system?
 - Specifically, is there a clear role for Australian governments in assisting the development of professional skills of the VET workforce by funding a professional association?
- What are the barriers to establishing a national professional association? How could these be overcome?
- What would be the most useful guiding purpose of a national professional association?

COMMENT:

Government assistance for a professional association for the VET workforce

There is a clear role for government in promoting and providing seed funding for a professional association for the VET workforce, as well as in supporting the improvement of professional skills in the VET workforce. The VET sector is the only sector in which governments have yet to make an investment to support professional standards in teaching. This is despite a clear recommendation from the OECD review team, following their 2008 review of VET in Australia, that more needed to be done to support the professionalism of Australia’s VET trainers.

Many organisations currently offer professional development for VET teachers, such as peak bodies and government agencies offering professional development on compliance issues, and these efforts should continue. However, they do so on an ad hoc and uncoordinated basis.

Efforts to improve professional standards in the VET workforce need a new association with a focus on the work of the individual as a practitioner.

There are few current examples of good practice across Australia, other than Victoria's VET Development Centre or the Vocational Education Learning Group (VELG) – both of which have a strong track record in promoting a sense of professionalism and skills development in the VET workforce. It is likely that lessons can be learned from both organisations.

Barriers to progressing a national, professional association

Whenever a new body or association is suggested it has the potential to create waves, as existing roles and responsibilities of other bodies are likely to be affected. Most peak bodies/associations in the VET sector (except for the teachers' unions and student groups) have 'organisations' and not individuals as their key area of focus and thus their members. Some providers (including enterprises) may not be comfortable with there being a national association which speaks on behalf of their staff.

At the same time, the views of governments like Victoria, which have had a long-term commitment to VET professional development would need to be ascertained in setting up a national 'alternative'.

A guiding purpose for a national professional association

A national professional association for VET educators should focus on:

- Standards – including teaching and assessment
- Professional identity
- Continuous improvement
- Rewarding excellence, and
- Advocating for, and making use of, data and longitudinal research on the VET workforce (the lack of national data on the VET workforce is a significant weakness in the current Australian system and was identified as such by the OECD. They argued that "Consistent data on the key characteristics of the teaching workforce are needed, including previous career/jobs, attrition and turnover rates, and, ideally, information on why people leave the teaching profession and where they go. Longitudinal data, at least on a sample basis, would help to understand the factors influencing key career decisions. Improving the data would allow policy makers first to diagnose the scale of the problem, second to predict its evolution over time (given projected retention and recruitment rates), and third, to evaluate the different solutions adopted locally. For example, good data would make it possible to compare the impact and cost of salary increases with other incentive mechanisms.")

It will also be important for government to signal the importance of such a national association by providing financial support for its efforts – perhaps at a level similar to that provided for the Office for Learning and Teaching, which promotes and supports change in higher education institutions for the enhancement of learning and teaching. Consideration will need to be given to the funding

mechanism, and to the extent and desirability of contributions from state and territory governments.

4. Discussion questions – potential activities of a VET professional association:

- What activities would be most beneficial for a national professional association to undertake? For example, would it:
 - coordinate, approve or design professional development programs
 - develop capability frameworks
 - positively promote the profession of VET trainers and assessors as an employment destination and career path to attract professionals
 - act as an advocate and voice for VET trainers and assessors
 - interact with industry to respond to their emerging needs
 - register VET practitioners?
- What advantages would there be to conducting these activities at a national level rather than through existing professional development undertaken through membership of existing groups, or that which is currently organised by RTOs?
- Are there any existing organisations that could fulfil this role?

COMMENT:

Activities a national association could undertake

A national professional association for VET educators should:

- positively promote the profession of VET trainers and assessors as an employment destination and career path to attract professionals
- act as an advocate and voice for VET trainers and assessors
- keep abreast of trends in teaching and learning and changing industry needs
- provide expert input into TAE Training Package development
- encourage participation in PD, and
- work with the NCVER on the collection of data and longitudinal research on the VET workforce (see above).

Given the newness of such a body in the VET sector, if it were to be established, and the lack of success achieved in designing and implementing major reforms in VET in recent years, it would be better in the first instance if instead of establishing the national professional association as a registering body, the association was instead voluntary, with an initial focus on professional development and promoting professionalism in the industry.

The association should not develop a capability framework, but should set clear requirements for membership, including for example, demonstrated participation in ongoing professional development. Allowing educators (and providers) to advertise their membership would encourage membership. Working with ASQA and the Education Sector Advisory Committee of 'PWC's Skills for Australia' Skills Service Organisation on the design of the professional development being offered, would allow the PD offered by the new association to be explicitly recognised by ASQA as meeting compliance under Clause 1.1.6 of the Standards for RTOs 2015.

Advantages of a national association

As outlined above, existing VET associations are based on organisations and their needs first and foremost. This makes it harder to prioritise the needs of the VET workforce in the design and rollout of the professional development offered (for example PD in 'securing new markets through the new Free Trade Agreements' may prove more popular than PD associated with developing the competence of the VET educator). In this way, existing associations must meet the needs of organisational members and potentially offer less PD for VET educators and more for marketing and business development staff. A dedicated organisation, set-up and funded solely for the purposes of building the competence and professionalism of VET educators, would not need to deal with the same trade-offs.

Furthermore, establishing a dedicated association for the VET workforce sends a clear signal about the specialist skills required and provides a focus for the development of a stronger sense of professional identity.

The closest existing organisation is the privately run VELG Training. Establishing a tender process which would see organisations like VELG training operate the association under contract to government would potentially promote faster take up in the industry, and provide the association with the benefit of existing reputation, networks and skills. However given the importance of the VET workforce, and governments' support and commitment to the school and university teaching workforces, there is merit in the government establishing a statutory authority or similar arrangement, potentially modelled on its higher education Office for Learning and Teaching. Given the significant differences between the VET and academic workforces it is *not* recommended that the responsibilities of the OLT be expanded to cover VET.

5. Discussion questions – models for a VET professional association:

- Which of the suggested models for a VET professional association would be considered most preferable and viable in the current VET environment? Model A,B or C?

- What value would a VET professional association, or associations, add to the VET sector?
- What mechanism would sustain a professional association, for example, membership fees from individuals or RTOs?
- Should VET teacher and trainer membership with a professional association be mandatory or voluntary?

COMMENT:

A model for a national association

Model B is supported – although the need for the development of a capability framework for the VET workforce is not seen as a priority in the first instance.

Model B provides appropriate recognition that teaching in the VET sector requires a specialist set of skills, including the requirement to actively maintain industry currency. It is also considered most likely to promote a strong sense of identity and professionalism.

Value added by a VET professional association

A number of earlier answers have outlined the value a stand-alone professional association for the VET workforce would add.

Funding mechanisms to support the association

As noted above, it is important that government provides support for the new association, in particular financial. The Mitchell Institute and others have pointed to the significant under-investment in VET nationally (notwithstanding the current level of VET FEE-HELP debt). The new Commonwealth-State National Partnership agreement should include a commitment to support for the association, and an agreement that the Commonwealth and state governments will contribute to its establishment and ongoing maintenance.

In addition to funding from government, membership fees should also be charged. While the question asks if individuals or providers should pay, a model like that of the International Education Association of Australia could be employed whereby individuals are the primary members of the association and providers can sponsor IEAA, which enables them to package memberships for their staff at a reduced rate. As with other professional associations, there should be the capacity for members to advertise their membership and for providers to advertise both the proportion of their teachers who are members and their support for the association.

Mandatory or voluntary membership

As noted earlier – a shift to a national professional association would be a major reform for the VET sector. Given the problems in successfully implementing major reform in VET in recent years (at both the Commonwealth and State level) it is strongly recommended that membership should initially be voluntary.

6. Discussion questions – capability frameworks:

- What can be learnt or applied from the capability frameworks that have been developed or are currently being developed?
 - Is there an opportunity to make better use of these frameworks, irrespective of proposals to develop a professional association?

COMMENT:

The Training and Education Training Package sets out the capabilities required by VET educators.

Focussing the sector's efforts on the crucial steps below will improve the quality of VET trainers and assessors by ensuring:

- the right providers are teaching the TAE Training Package,
- the TAE Certificate IV is strengthened through the introduction of *TAEASS502B Design and develop assessment tools* as a core unit,
- an investment in a national association to lift professionalism and strengthen PD, and
- data and research on the VET workforce is collected to inform policy making.

It is unclear what additional value a capability framework would have. In fact, it is more likely to be an additional and unnecessary change placed on top of a sector that is already struggling under the profound weight and rate of current change. Implementation of a capability framework would subject the sector and individual teachers to a significant increase in red tape. In the longer term, if the sector supports the establishment of a registering body, the development of a capability framework should be underpinned by a significant consultation process with educators, industry and the public.

7. Discussion questions – increasing industry confidence:

- Are there alternative approaches not covered in this discussion paper on how industry can increase engagement with the conduct of assessment, but not specifically the validation?
- Are there other ways to ensure industry confidence in assessment without requiring independent validation of assessment? For example, are industry-endorsed, externally administered tests a practical alternative to ensure that VET graduates are competent?
 - What would be the benefits and drawbacks in requiring such tests? Under what circumstances would they be mandated, for example, for particular student cohorts? Should these be specified in training products?
 - Who should regulate the tests?

- Should such a test be a pass/fail dichotomy, or would it be more important to use the test to identify gap training?
- Is the concept of an externally administered test, such as a test required before receiving a qualification, inconsistent with the premise of a competency based VET system?
- Should the results of tests be made public at the RTO level?

COMMENT:

Is there a need for different types of industry engagement?

Industry does not only engage with providers and their training and assessment via assessment validation, as the question posed above seems to imply. In fact providers are required to show they have also consulted industry in the development of their Training and Assessment Strategies for each qualification on their scope of registration. This consultation involves training providers engaging with industry on their planned learning and assessment approaches.

Other than in work-based learning situations, it is hard to imagine how else employers could or should be more involved. As a former regulator, one of the frequent problems I observed in providers engaging with industry, is the fact that (as the Discussion Paper points out) industry is far from uniform. When one group of employers and industry peak bodies (often larger employers) have input into the design of training packages and providers are often delivering skills to, and engaging with, locally based small businesses – the tensions in some industries can be extremely difficult to manage (for both providers and the regulator). For example – how adaptive can/should a provider be in tailoring their courses on the basis of genuine industry consultation if that puts them out of step with the requirements of the Training Package? If a providers' local employers disagree with some of the requirements of a Training Package can the provider be penalised for not incorporating their advice into their Training and Assessment strategy and the tasks and tools associated with them? A stronger feedback loop within and across industries and wider engagement by some of the Industry Reference Committees and their SSOs is required as a priority if this tension is to be resolved.

Should other assessment methods be introduced to restore industry confidence in VET?

The assessment issues currently faced by the VET sector are unlikely to be resolved simply by introducing additional capstone testing, and in any case while such an approach might work well in heavily licensed occupations it is unlikely to suit all industries – e.g. what organisation/body would set the capstone tests for Business qualifications?

Decades of attempts to harmonise licensing requirements across jurisdictions illustrate the inherent difficulties of these proposals. In addition, increased use of centralised testing is likely to serve to reduce the flexibility and responsiveness of the sector and generate additional layers of red tape for students and training providers.

As the discussion paper also points out, moderation processes can provide a quality control mechanism to confirm not only the appropriateness of specific assessments, but the standard of achievement demonstrated by students. The Queensland schooling sector offers an example of some of the benefits of moderation in making judgements about student's work where assessment is school based, and in particular in promoting professional development, valuing teacher judgement and sharing best practice. For further information, refer to https://www.acer.edu.au/files/Redesigning_the_secondary-tertiary_interface_Ed_2.pdf

Finally, it should be remembered that the problems in assessment do not affect all providers. Removing the 'right' to assess students from some providers in certain circumstances will do much to strengthen industry confidence in VET and improve the outcomes for learners without creating significant additional red-tape for all providers (for further details see response to Q. 11 below).

8. Discussion questions – the role of industry in assessment:

- What role should industry, for example, employers and industry organisations, play in validation of assessment? Does the varied interpretation of 'industry' inhibit a proper appreciation of the topic and should it be defined? If so, who would best define 'industry' when considering the practice of validating assessment?
- Do employers or industry groups have the skills required to fulfil this role in validating assessment? Is assessment such a specialised skill that industry and employers either do not want to get involved or should not get involved?
- Is there a need to build industry capacity and capability regarding involvement with training and assessment? If so, how might this be done?
- How can we ensure engagement with industry is appropriately targeted so it does not add undue burden and is targeted to those within industry with appropriate expertise required for validation of assessment?

COMMENT:

What role should industry play in validation?

As stated earlier, there is a genuine tension in the sector between ensuring that a qualification responds to the requirements that a specific employer has for future employees, and ensuring that students are fully qualified for employment in the industry.

Given that training providers – and regulators – face a quandary when the views of local employers differ from those who have had input into the Training Package it is not recommended that employer associations are best placed to involve their staff in validation.

Do employers or industry associations have the necessary skills?

While employers can have a role in validation and do not need to be experts in assessment to participate, industry input into the validation exercise can be time consuming and therefore come at a cost to employers (for little direct benefit to individual employers if graduates from a provider go on subsequently to work for a range of different organisations).

As a consequence it is recommended that either governments get serious about supporting validation and commit funding and infrastructure to a national validation process which runs alongside a national moderation process (like the Queensland government's secondary school example mentioned above), or the current approach should continue with primary responsibility resting with the provider; and where tensions arise between a providers' employer partners and the specific requirements of the Training Package, the IRCs through their SSOs should work with the regulators to 'adjudicate' on the issue.

Should industry capacity be built up?

Industry validation workshops offered and facilitated during my time at the Australian Council for Private Education and Training indicate that when guided through the validation process, employers are more than capable of playing a role. Therefore, in terms of building capacity and capability, the focus should be on building the capacity and capability of VET educators (including in engaging employers in validation). To do otherwise will divert scarce resources with little likelihood of improving outcomes.

Ensuring industry engagement is appropriately targeted and not an undue burden

Options are outlined in the responses above.

9. Discussion questions – specific models:

- How can independent validation be best applied to avoid a ‘one size fits all’ approach? For example should independent validation of assessment be triggered by:
 - improving RTO practice, for example, through a principles based model and best practice guide to support the VET workforce in identifying the most appropriate technique to validate assessment
 - mandatory requirement to lift quality in specific instances, for example, where a qualification is identified as high-risk
 - funding requirement, for example, independent validation of assessment could become a requirement for RTOs seeking to access government funding.
- Should there be an increased role for external assessment by industry, and in which situations? For example, should it be mandatory for certain industries where there is a concern for public safety if a learner is incorrectly deemed competent?
- If independent validation of assessment is to be risk-based, then what factors should be considered in the assessment of risk, for example, public safety, RTO profile, student cohort?
- Should high-risk student cohorts be required to undergo independent reassessment of industry-agreed sets of competencies before being issued with their qualifications?
 - For example, particular qualifications; students undertaking qualifications with RTOs with high levels of non-compliance; or that conduct assessment wholly online or on-the-job; or in areas of public safety.
- Would the burden be too great if independent reassessments were required for an entire student cohort, and should independent reassessment apply to a sample of students instead? If so, how could such a sample be chosen?
- Who would be most appropriate to oversee the reassessment of qualifications?

- For example, could existing regulators or other organisations (such as firms that specialise in assessing students) take on this role?

COMMENT:

Industry validation – specific models

While the proposal to develop a best practice guide is supported, as is the proposal to impose mandatory requirements in specific instances – the assumption of the question appears to be that independent validation is an ‘optional’ extra and only some providers should be doing it, in some circumstances (e.g. when they receive government funding).

In fact Clauses 1.9 and 1.11 of the Standards for RTOS 2015 require that:

1.9 The RTO implements a plan for ongoing systematic validation of assessment practices and judgements that includes for each training product on the RTO’s scope of registration:

- when assessment validation will occur;
- which training products will be the focus of the validation;
- who will lead and participate in validation activities; and
- how the outcomes of these activities will be documented and acted upon.

1.11 For the purposes of Clause 1.9, systematic validation of an RTO’s assessment practices and judgements is undertaken by one or more persons who are not directly involved in the particular instance of delivery and assessment of the training product being validated, and who collectively have:

- vocational competencies and current industry skills relevant to the assessment being validated;
- current knowledge and skills in vocational teaching and learning; and
- the training and assessment qualification or assessor skill set referred to in Item 1 or 3 of Schedule 1.

Industry experts may be involved in validation to ensure there is the combination of expertise set out in (a) to (c) above.

While I am no longer a regulator, unless a provider has staff not involved in the specific assessment decisions who are currently working in industry (i.e. have *current industry skills*) then it is difficult to imagine how they can demonstrate successful validation if their process is entirely internally focussed.

If these clauses are being adhered to then independent validation is a must for many providers, unless they have staff currently working in industry. Rather than introducing new arrangements because of perceived problems, it would be more effective to confirm with the regulator how the clauses are being regulated, what problems are evident and, if necessary, to tighten the wording of the Standards. All students and employers deserve high level outcomes from VET, not just, for example, from those providers in receipt of government funding.

An increased role for external assessments by industry

In a number of licensed occupations, additional capstone tests already exist. These are unlikely to have wide applicability across non-licensed industries in part because of the difficulties in defining 'who' is industry. As a result further expansion of external assessments are not supported, and if some providers were removed from assessing, would not be needed (see below).

Teaching-only providers

While many commentators have argued for higher barriers to entry to VET in the form of the finances a provider must have behind them to apply for registration, or the facilities they have access to, in fact many poor performing VET providers have significant sums of money behind them and did when they commenced operation.

In fact what differentiates between educationally strong and weak providers is educational experience. This is something that the *Standards for RTOs 2015* do not make specific judgements on, instead by assessing new (and existing providers) against the Clauses in the Standards the aim is to ensure that providers can 'do' education to the required standard.

The reason the Standards don't specify a certain level of educational expertise is because it is hard to identify and quantify. As a result it has largely been ignored in previous versions of the Standards (with one minor exception in the previous iteration requiring education staff to input into business decision making).

The problems with assessment and its impact on student outcomes and industry confidence mean that this situation cannot continue. Instead of ignoring educational expertise when deciding which providers can be registered as an RTO, it needs to be introduced as a specific requirement. That is, it is recommended that all new RTOs must have both their Chief Executive and at least one Board member with more than a decade's experience working in an educational provider, including at least five years in VET (and meet the requirements of the other Standards) to be registered as an RTO. If they do not meet the requirement for educational expertise at CEO and Board level then (assuming

they comply with the other standards) they should be registered as a 'teaching only' RTO for their first five years as a VET provider.

In this new model, with a specific requirement on educational expertise for new operators, those providers who ASQA has granted a delegation to self-manage their scope of registration (because of their strong track record of compliance) should be the only group of providers that teaching only RTOs can have their students assessed by. This provides an incentive to other RTOs to improve their compliance with the Standards so that they can undertake assessments of students from teaching only RTOs (and increase their income streams as a result).

The model could also be extended to incorporate existing providers who are found to have significant problems with assessment during an audit. While the provider may ultimately be able to demonstrate compliance with the Standards, their initial problems with assessment and the impact on students should be explicitly addressed by removing their assessment capacity for a period of 1-2 years. This will allow the provider time to review and bed down the system and process changes they have had to put in place to demonstrate compliance with the Standards and will ensure that during this time the students they have been teaching are being properly assessed. Once again, such a model provides an incentive for higher performance from providers – to ensure they have their assessment practices working properly and in compliance with the Standards – or they run the risk of losing their right to assess their students for a period of time (and the concomitant financial costs this would impose upon them as they would have to pay another provider to undertake their assessments).

Finally these assessment-expert providers (doing assessments of students from teaching only providers) could also be used to re-assess students in instances where serious concerns are held about student outcomes where they have been studying at a seriously non-compliant provider.

Implementing this model rewards providers with a strong compliance track record, establishes a high bar for entry for new providers, and incentivises providers to maintain their compliance with the Standards. It removes the need for the other options outlined in the questions in this section.

10. Discussion questions – industry expectations and graduate capabilities:

- Is there a role for Government or industry to develop resources outlining VET graduate expectations for particular training products? If so, who should take this work forward?
 - Do higher order issues need to be resolved regarding terminology such as ‘competent’ (as assessed against the training product) and ‘job ready’ (ready to undertake all aspects of a particular job)? Is there a common understanding of VET system outcomes?

COMMENT:

Training Packages were designed to identify the skills needed to perform specific job roles.

Somehow or other in the past twenty years they appear to have been overloaded with all manner of other information to the point where that expectation may have been lost.

In a recent submission on the complexity in current Training Packages I made the following points:

“By way of example, rather than reducing the complexity of Training Packages, since the (OECD 2008) review the system has contrived to make them significantly more complex. Consider just two examples:

- *In 2006 the Manufacturing Training Package contained eight qualifications and ran to 763 pages. The current version now contains 12 current and 8 superseded qualifications (ie 20 in total) and runs to 5,370 pages.*
- *In 2004, the Business Services Training Package contained 64 qualifications and ran to 4,257 pages. Just over a decade later, two additional qualifications have been added along with more than 1,000 extra pages.*

While some will say that this growing complexity is one of the reasons behind the need to shift from Industry Skills Councils to the new Skills Service Organisations, the reality is that there is nothing in the current reforms that identifies the complexity of Training Packages as an issue to be addressed. Furthermore, many of the additional details introduced into Training Packages over the last decade have come about because of government requirements, not at the whim of the relevant ISC.”

If there is a mismatch between industry expectations and graduate outcomes, this should be rectified in the Training Package.

The new Skills Service Organisations and their Industry Reference Committees could play a useful role in disseminating information about graduate outcomes, as part of their role in improving Training Packages.

11. Discussion questions – evidence of assessment and graduate competency:

- Should the Standards for RTOs be revised to include strengthened and more specific rules around the conduct of and evidence to support assessment? Which elements that have a clear link to quality of student outcomes need to be strengthened?
- Would a more prescriptive condition of registration, such as a requirement for RTOs to retain all assessment samples for a longer period, improve the quality of assessment?
- How could the focus of regulation move to evaluating assessment outputs, such as samples of students' assessment pieces, without incurring excessive costs or imposing excessive burden on RTOs?
 - Is ASQA the appropriate regulator to oversee this function, or are there better placed agencies such as firms that specialise in assessing students?
- Are there other mechanisms that you would like to see added to the regulatory framework to prevent poor assessment? For example, should training-only RTOs be recognised as a formal part of the regulatory framework?

COMMENT:

Revising the Standards for RTOs 2015

ASQA is best placed to respond to the question of whether the Standards should be strengthened in relation to assessment.

Retaining assessment samples

The retention of assessment samples for a longer period of time is not likely to improve the quality of assessment. What will change behaviour is continuing to emphasise assessment in audit processes, and providing for strong regulatory responses in relation to poor assessment practice (including the introduction of the new 'teaching only' provider model outlined above).

Changing the regulatory approach to evaluating assessment outputs

As above, there is no need for ASQA to change its audit approach if teaching only status is introduced for provider who do not demonstrate compliance with the assessment clauses of the Standards, or who seek to enter the VET sector with insufficient VET expertise.

Other mechanisms

As outlined above, the proposal for teaching-only provider status to be introduced is supported.

12. Discussion questions – enforcement:

- How could the focus of regulation move to evaluating assessment outputs?
- Which additional regulatory enforcement options should be considered in dealing with RTOs providing inadequate assessment? For example, should the regulator have an explicit administrative power to require a RTO to arrange and fund external reassessment, or should additional civil penalty provisions be created?
- To what extent should the characteristics of the RTO influence the response? Should the size of the RTO or the number of students involved matter?
- Given the need to balance procedural fairness with swift and effective enforcement action, what methods should be available to the regulator to manage RTOs that are repeatedly non-compliant with assessment requirements? How could such repeat offenders be defined?
- What role should regulators have in communicating their activities and findings? Does current regulatory practice provide adequate transparency and disclosure, or are there other approaches that should be taken?

COMMENT:

Moving to evaluate assessment outputs

Such a move is not supported. ASQA lacks the expertise and resources to implement such an approach and it would not be needed if the introduction of 'teaching only' status is introduced for some providers as outlined earlier.

Additional regulatory enforcement options

Ready availability of data from the NCVET, the Commonwealth and State governments is the key regulatory tool ASQA needs to get ahead of non-compliant providers.

Increasing ASQA's powers, to require a provider to arrange and fund external reassessment when ASQA has concerns about inadequate assessment is supported on the strict condition that if the students are subsequently found to be competent that ASQA reimburses the provider's costs. Otherwise there is likely to be pressure, including from politicians and the community to have large numbers of students reassessed 'to be certain'. ASQA is likely to be more judicious and thoughtful (and less likely to overreach in its use of these powers) if the taxpayer may end up meeting the costs of unnecessary re-assessments, where students are found to be compliant.

Should the size of provider impact on regulatory action?

All students deserve a good VET education, irrespective of the size of the provider they choose to study with. Where providers are found non-compliant at audit, ASQA should impose conditions

appropriate to the provider's circumstances to ensure compliance. Where providers continue to be found non-compliant at audit, their registration should be revoked. For providers which demonstrate non-compliance with the assessment requirements of the Standards, they should be designated as a teaching-only provider for a period determined by ASQA.

Transparency and disclosure

Current regulatory practice provides sufficient transparency of the findings of audits.

13. Discussion questions – cancellation and reassessment:

- Where inadequate assessment has occurred, should the power to cancel qualifications be exercised more frequently than it has in the past? What factors should affect this decision (for example, potential impact on public safety) and how should they be balanced?
- Should a scheme for the reassessment of students be implemented? If so:
 - Are there any situations where a student should not be offered the chance to be reassessed, for example, student fraud?
 - Should there be a time period after which ASQA should not move to cancel an individual's qualification? Noting potential public and other safety issues, should a decision to cancel consider whether or not the person involved is reliant on the qualification for their current employment?
 - Who should bear the cost of reassessment and any gap training found to be necessary? If the cost is to be recovered from the RTO, should this be pursued regardless of the RTOs financial viability?
 - Who should deliver the reassessment? Are there any circumstances in which it would be appropriate for the original RTO to undertake the reassessment?
 - What should the qualifications be for those doing the reassessment, and what industry experience and currency would they need? To what extent should ASQA, industry or employers be directly involved in the reassessment process?
- Should a tuition assurance fund be set up to further protect students in Australia's VET sector, particularly in the context of any scheme of reassessment or cancellation of qualifications? Should membership be mandatory for all RTOs? Who should operate such a fund, and who should bear the cost of its operation?
- What linkages with income support eligibility should apply for graduates impacted by any recall of qualifications?

COMMENT:

Cancelling qualifications where inadequate assessment (and training) has occurred

The Victorian regulator, the VRQA, is to be commended for its efforts in recent years to cancel qualifications issued where training and assessment have been inadequate. It has been disappointing not to see ASQA pursue the same approaches and changes are recommended to bring ASQA's approach into line with the VRQA's.

Reassessment of students and income support eligibility

If re-assessment is deemed necessary, every effort should be made to ensure that the cost of the re-assessment and any gap training required is borne by the provider, where the original education and/or assessment is found to be sub-standard. Further, students in receipt of income support should continue to receive it during any additional training period. As outlined earlier, re-assessment should be delivered by an expert provider, not the initial provider.

A tuition assurance fund

Before deciding if a national tuition assurance/protection scheme is needed for VET, and the merits of extending the three existing schemes, it is firstly critical to be clear on what a tuition assurance scheme is: it is a co-operative arrangement where providers join together to pay money to a third party (a peak body or a government agency) and agree to jointly share responsibility for continuing the education of students affected by the failure of one or more members of the scheme. The commercial schemes operated by ACPET and TAFE Directors Australia are required to be underpinned by a commercial insurance contract – to enable funds to be paid out to refund or place students where a provider has collapsed and left no money in the business for these purposes.

Against these rather quaint notions of provider cooperation in the face of a failure by one member, for better or worse, the reality of the VET sector in 2016 is that it is not a co-operative of educators but an educational market dominated by many multi-million dollar ventures. The appropriateness of a cooperative/collective arrangement in such an environment must be called into question when considering the most appropriate student fee protection arrangements for the future.

Looking back, briefly, to the closure of international providers during the mid-late 2000s, I cannot recall any providers which closed during this period and left funds behind to pay refunds to students or assist in placing students. So much for the cooperative/collective nature of the scheme.

At the time I joined ACPET there were a number of CRICOS college closures being managed by the Council, and more colleges closed during my first eighteen months of tenure – as a result of the government crackdown on the sector. During that initial 18 month period, and having listened carefully to ACPET members and affected students, it was clear to me that the existing arrangements were unsustainable. As a consequence, despite having some initial concerns about the timing and

nature of the transition, I gave my full support (and ACPET's) to the development and implementation of the Commonwealth's Tuition Protection Service (which replaced the existing Overseas Student TAS schemes).

Since its establishment the TPS has dealt with a similar number of college closures to those managed by ACPET and the other peak bodies during their operation of the OSTAS schemes. Unlike the management by the peak bodies (and specifically ACPET which managed all but one of the CRICOS college closures), the government's TPS service has been able to proactively work with providers ahead of closure, and to provide the support, guidance, impartiality and administrative expertise necessary to reassure students and their parents during the closure of a college and through their placement with a new provider. As a consequence *not one closure* managed by the TPS has been 'played out' in the media. Overseas governments and media have not raised college closures as a diplomatic concern, and Australia's international sector has been able to thrive with its reputation firmly intact.

A related point when considering the merits of future tuition assurance arrangements for the sector involves the amount of funding available to support the student's continued studies, or a refund, when a college closes.

Despite concerns across the sector this is *not* an issue in either the VET FEE-HELP or FEE-HELP schemes. Arguably tuition assurance is *only* needed for students electing to 'pay their own way'. That is because, when students take out a VET FEE-HELP loan, the provider does not receive all of the funds from the Commonwealth in one payment.

In fact it is crucial to remember that, for actively engaged students, the number of Census dates in their courses are *not* related to the timing of payments their provider receives. For example, a student who enrolled in 2015 in a two-year course with one Census date incurred all of the debt for their course when they went past the single Census date, but the provider only receives funding for the student on a periodic, approximately monthly, basis. Therefore if the college in this example were to close tomorrow the student has approximately 9 months worth of study still to do, and the provider will not have received full funding for the student. Hence the student can be relocated to study at a new provider and the remaining funding can be paid to the new provider. While the above example is a fairly crude and simplistic example of the arrangements – the reality is that students using a government backed loan to pay for their studies do not need additional tuition assurance in the event of a closure. The government simply needs to pay the rest of their agreed funding for their course to the receiving provider the student elects to study with. In the event that the student wishes to stop studying when their college closes, the government should use the remaining funding as an offset against the student's debt.

Given the above, and the low level of risk that a 'call' will need to be placed on an ASTAS scheme to fund student placements or refunds, it is time to move on from the current arrangements for VET FEE-HELP students. The current schemes require providers to pay excessive fees and (where they have large numbers of students) to also put aside large amounts of capital to ensure they have ASTAS cover. This is a direct result of the limitations of the insurance cover available to the ASTAS schemes and the inappropriateness of the cooperative model underpinning the schemes.

The same reality applies in relation to unspent government funding being available to place students undertaking State government funded training. If a college closes the States use the remaining funding previously due to the initial provider, for receiving providers to 'teach out' the students. Once again there is no need for elaborate, expensive and unnecessary tuition assurance arrangements for government funded students.

Given the above – and the overwhelming success of the TPS scheme – it is recommended that it be expanded to offer tuition protection to all VET FEE-HELP students, and other VET students not undertaking training funded by the State governments (unless the States wish to participate in the new arrangements).