



Template for submissions to the *Quality of assessment in vocational education and training – Discussion Paper*

Key consultation areas

The Department of Education and Training (the department) seeks stakeholder input on the *Quality of assessment in vocational education and training – Discussion Paper* (the discussion paper). The paper covers the following broad themes to improve assessment in vocational education and training (VET):

Chapter 1: Foundation reforms

- ensuring the requirements for VET teachers and trainers provide the strongest platform for high-quality assessment
- ensuring those teaching VET skills are highly competent professionals with high-quality, contemporary skills in assessment.

Chapter 2: Reforms to the assessment of VET students

- assuring the quality of assessment through industry engagement with assessment review and control mechanisms as a gatekeeper before qualifications are issued
- ensuring employers have clear and realistic expectations of VET graduate capabilities which align with the assessment of students.

Chapter 3: Reforms to the regulatory framework

- improving the detection of poor quality assessment
- ensuring quick action can be taken against registered training organisations (RTOs) delivering inadequate assessment
- managing the consequences of inadequate assessment by removing invalid qualifications from the system where necessary and supporting students if this occurs.

How to provide feedback

To support the Training and Assessment Working Group to provide the Australian Government Minister for Vocational Education and Skills with recommendations on how to improve assessment, stakeholder consultations will begin with the release of the discussion paper in January 2016 and continue through to Friday 11 March 2016.

Respondents may provide feedback on some or all of the discussion paper's themes. To assist with the compilation and analysis of the views of all stakeholders, respondents are encouraged to provide feedback via this preferred submission template, with attachments as required. Submissions in alternative formats will also be accepted.

All written submissions to the discussion paper and queries on the consultation process may be directed to the department via email at trainingpackages&VETquality@education.gov.au.

All written submissions will be made publicly available on the department's website, unless respondents direct otherwise. See the [terms and conditions for public submissions](#).

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
 - a. If yes, do you want your name and organisation (if applicable) to be published alongside your submission, OR would you like for only your submission to be available and your details kept anonymous? Published Anonymous
 - b. If no, please advise the department upon submission that you do not want your submission to be published or otherwise be made publicly available.

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:

- 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?

The number of RTOs is not the issue. There is no need to set a targeted number. There is need to adequately police the RTOs delivering TAE.

- Should RTOs be restricted from issuing TAE qualifications or skill sets to their own trainers and assessors?

YES – and this should apply to any qualification. It is a conflict of interest and should be in the Standards. The only time this should happen is Credit Transfer, where the trainer/assessor already holds the superseded and equivalent qualification – as this is just an administrative task and does not require assessment

- Are TAE qualifications and skill sets so significant that evidence of competence should not—or cannot—be appropriately demonstrated via recognition of prior learning?

Absolutely not. RPL, correctly done, is a better form of assessment. Note that RPL is really quite difficult because at the moment the Standards preclude working as an RTO trainer/assessor unless the individual holds TAE40110. Therefore, unless an individual has worked as an enterprise trainer/assessor for a significant period, RPL is not an option.

- 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?

YES – I would suggest a minimum of 3 years working as an RTO trainer/assessor.

- 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?

NOTE – and this is important. A university VET qualification is NOT good enough. Any trainer/assessor delivering TAE40110 should hold a TAE Diploma and TAE40110. University education is an academic approach which is inappropriate in the VET environment. I would go one further. Any TAE40110 trainer/assessor should also hold a vocational qualification at Diploma level, which they have been delivering for a minimum of 3 years.

- Should the TAE Certificate IV and/or Diploma require a practical component? If so, how long should the practical component be?

Strictly speaking, the units of competency right now do require a practical component. The problem is that it cannot be performed except in a simulated assessment – not the real workplace. This is because TAE40110 is, effectively, a “licence to practice” for an RTO trainer/assessor. The wording of the Standards does allow for trainers to work under supervision but few RTOs would be prepared to take the risk of failing audit by employing trainers who don’t hold TAE40110.

This is actually the underlying cause of “tick and flick” TAE. If you have a vocational qualification and expertise and wish to become an RTO trainer/assessor – then you need the piece of paper and, naturally, will seek the quickest and cheapest path to achieve it.

- 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?

Of course they should. Personally I believe that the TAE Diplomas should always be an assessment only pathway. I would also make TAE40110 a prerequisite. Perhaps 3 years is an appropriate period.

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 to a core unit on the design and development of assessment tools? How would this improve assessment outcomes for students?

Absolutely not. It will do NOTHING to improve the quality of assessment. Remember that this unit was a core in the TAA Cert IV and made no difference whatsoever. It is also far too high for an entry level trainer/assessor. I am an experienced instructional designer, writing learning and assessment resources at Cert IV and Diploma level. It takes me a minimum of 2 weeks to write an assessment tool for a single unit of competency.

All that will happen is “tick and flick”.

- 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?

NO. See above. Refer to the responses to the IBSA consultation process on this subject. The three current TAEASS units can be improved and made clearer. This was the majority decision of the VET practitioners who responded. I am advised that IBSA has documented a case for endorsement and that it conflicts with the wishes of ASQA. Even though IBSA is, we assume, no longer responsible for TAE training package, I hope the case for endorsement will be considered.

- 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?

Of course it is. So unless you want the TAE Cert IV to be other than an entry level qualification, it is ridiculous to include this unit.

- 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?

I don't like this question. Who are the majority? Who are the stakeholders? This question smacks of a political agenda that leaves a very bad taste in my mouth?

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:

Is there a need to establish a national professional association for Australia’s VET system?

There are already plenty of professional associations for VET. What would be the purpose in setting this up? This does not address the underlying problems of the VET system, which is the quality of training and assessment.

It will simply create another lobby group and more politics.

- 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 for? To spend more taxpayer money?

- What are the barriers to establishing a national professional association? How could these be overcome?

No need to answer this question. I disapprove of the whole idea.

- What would be the most useful guiding purpose of a national professional association?

I think this question makes it clear how pointless the idea is. Why set up a national professional association if you don’t know the purpose?

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:

Just don't do it.

The experience of establishing a national regulator should demonstrate the disadvantages.

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:

- What value would a VET professional association, or associations, add to the VET sector?

Nil

- 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?

Please just don't do it. There are plenty of VET professional associations already.

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:

- 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?

This is all just a waste of time. It just adds more complexity and change to a system that is sinking under the weight of complexity and constant change.

There is only one thing that needs to be done – police the system. Get rid of the tick and flick cowboys and leave those of us who really have a commitment to quality training and assessment to do our job.

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:

- 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?

You would need to be careful here. Current funding arrangements, particularly for apprentices, are disadvantaging some apprentices. Employers see them as cheap labour. This is their only interest. Self-interest gives them no motivation to further the apprentice's learning pathway or to assess them as competent. Once they become tradespeople, they are often dismissed because they are now too expensive.

Don't assume that industry has an agenda of promoting quality training and assessment.

- 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?

Industry confidence in assessment is actually much higher than it should be. In any case, all that needs to happen is, as mentioned previously, police the system. Remove the RTOs who don't provide quality assessment.

- 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?

Tests are the typical approach in schools and universities. VET doesn't work like that. We require demonstration of performance – not just knowledge. We are not interested in what a person can memorise. We need to know what they can do. So there's no point in setting any kind of test, and quite frankly there would be a huge amount of work (and cost) involved in establishing this – to no purpose.

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, 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?

How can an industry person validate an assessment? Unless they also hold TAE40110 (and preferably also a TAE Diploma) they just don't have the skills.

A good point about the varied interpretation of “industry”. I'd like to know the answer to that question myself.

All this independent validation is just more compliance and complexity. We have reached the stage where RTOs actually spend so much time on compliance they have much less time to concentrate on the needs of their clients and providing quality training and assessment.

Quality RTOs have always validated their assessment tools and samples of assessment judgements. Quality RTO trainer/assessors always seek moderation for borderline judgements of competency. The requirement for independent validation in the new Standards is unworkable. Independent validation by industry is also unworkable.

- 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?

Exactly – And to make things worse, Training Packages are now in the hands of industry. All that depth of knowledge of ISCs is lost. If it really is necessary to have independent validation of assessment, why not get ASQA to do it? Do we really think that employers will take time out of their work-in-progress to conduct independent validation unless they are paid for it?

- Is there a need to build industry capacity and capability regarding involvement with training and assessment? If so, how might this be done?

I don't think there is a need. I think this is secondary to dealing with quality of training and assessment. Whatever happened to the KISS principle? Just deal with one thing at a time. Deal with the core problem and – guess what – all the other problems will start to disappear.

- 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?

Exactly – I would ask the same question. I would also ask why do it? What will it achieve? Industry has their role. Our role in VET is to supply industry and enterprise with the people they need to be profitable and competitive in a global and technologically changing environment. Government initiatives, constant change, more and more compliance issues are hindering the VET system. Adding more will hinder it further.

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:

Well there are a number of options.

Regarding validation of assessment tools:

Firstly, if we stick to the current approach, Training Packages do not include assessment tools. They are simply statements of what constitutes competency. It is then the role of the RTO to either source or design the assessments. The idea is to enable flexibility and contextualisation for the target group.

If we stick to this approach (which is fine by me because I make a living writing assessment tools) then the obvious way to independently validate them is to set up a validation arm of ASQA. All

assessment tools must be submitted to ASQA for independent validation. There's quite a cost involved in this, but we would end up with a consistent approach (hopefully). The practicalities of this approach would be:

- ensure that ASQA has staff qualified to validate – bearing in mind that they really don't need the vocational expertise – they need expertise in validation.
- ensure that any validation where the tool is considered non-compliant includes a justification and suggestions for making the tool compliant

I also suspect that the cost would be less than a scattered approach where industry incentives would be required.

The second approach is to include the assessment tool as part of the training package. One tool per unit of competency. This has the advantage that all RTOs would use the same tool. The disadvantage is that it reduces flexibility and the option for holistic assessment.

Regarding validation of assessment decisions

I would like to see industry involvement here, but not in the way described. My suggestion (again the KISS principle) is to make it easy and transparent for any employer to report to ASQA a situation where they have employed an individual on the basis of their certificate and then discover they are not competent. ASQA can then validate the assessment judgement. The same applies to individuals who feel their training was insufficient.

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:

I don't understand the purpose of this question.

Training Packages are resources that outline VET graduate expectations. They state what constitutes competency. What more is needed?

What is a “higher order issue”?

VET practitioners use the term “competent” to mean “job ready”. Any employer knows that an employee will also need a few months to become familiar with the organisation and its operations. Any employer also should know that a certificate doesn't indicate experience. It indicates the knowledge and skills to do the job, i.e. “job ready”.

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:

- 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?

If the Standards are strengthened any further, there will be no room for RTOs to function at all. You don't solve underpinning issues by adding more rules. You solve them by enforcing the existing rules.

- 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?

Most RTOs keep all evidence. They scan it and retain it without a "delete date". This is the most straightforward approach. RTOs must keep records for 30 years. Most of them are out of business before 30 years is reached. Training and assessment is not a highly profitable venture – not if you want to provide quality and also allocate all the resources necessary to maintain compliance. Many of the best can't compete with the "commercially minded" RTOs who offer cheap, quick courses.

- 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?

Yes, as I said in a previous answer – it is ASQA's current role as part of the audit process to do this. The fact is, they are not doing it.

- 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?

I don't approve of the idea of a "training only" RTO. Many RTOs are in fact leaving the VET system and just providing non-accredited training. There is no incentive for them to register as an RTO. They know the pitfalls of all that compliance administration work. This is why they have left the system in the first place.

Many of the RTOs who have taken this approach are, in fact, some of the best quality – but are small and need to operate in a lean and cost effective fashion. Their clients are employers who have faith in the quality of the training they provide. The employers don't care whether their staff have the "piece of paper". They want their staff trained in what they need to know.

So adding this to the regulatory framework is just more cost, more complexity and no benefit.

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:

- How could the focus of regulation move to evaluating assessment outputs?

Just tell ASQA to do it. It's already what they should be doing. What is an audit if not checking the quality of assessment tools and decisions?

- 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?

I honestly don't think ASQA needs further powers. I have read the discussion paper on this and it is clear that ASQA has the power to de-register. Yes, an RTO can appeal and this is only right. However, provided the ASQA auditor has correctly and precisely documented their reasons – in other words, their evidence (which they don't do at present) then the appeal should fail.

There was a statement in the discussion paper that, in the time between the audit decision and the appeal, an RTO could rectify and the tribunal would consider the current situation rather than the situation at the date of audit. This should be changed. If there are sufficient grounds for de-registration (which involves major non-compliances) then the decision should not be overturned.

The purpose of appeal is to address a miscarriage of justice AT THE TIME.

- 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?

Absolutely not. The only yardstick is quality.

- 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?

See my comment above. If the tribunal judgement is made on the basis of evidence at the time of de-registration then there will be no repeat offenders.

- 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?

No, currently the regulatory practice is not:

- timely
- transparent
- consistent
- fair

I would suggest that ASQA seek advice from TAC in Western Australia to improve their practices and processes. All reports of my RTO clients indicate TAC auditors are fair, open and transparent, helpful in recommending ways to improve, consistent and knowledgeable. I receive reports from my other RTO clients that it's the opposite with ASQA.

In order to improve ASQA's performance at audit, the first thing the auditors need are much clearer and more precise guidelines. The guidelines at the moment are open to interpretation and far too vague.

The guidelines must also include directions on recording evidence of the auditor's judgement. What did they see? Why didn't it comply (or why did it comply)? What should be done to rectify? I have seen many audit reports and, even where there is a minor non-compliance, the RTO officer sends the report to me asking if I can translate what it means and what they are supposed to do.

Time frames also need to be adhered to. An RTO is given a specified time to rectify a non-compliance. Having done so within the time, they can often wait for 3 to 6 months before receiving a response.

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:

- 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?

I think this problem will go away when the quality of assessment is improved through correct policing. So I would leave the status quo.

- 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? **Not offered if 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? **Most high risk employers now re-assess automatically anyway**

- 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? **Assuming this has occurred, surely the RTO should be de-registered. It's unlikely to be an isolated case. If it is, then the RTO should defray the cost.**
- Who should deliver the reassessment? Are there any circumstances in which it would be appropriate for the original RTO to undertake the reassessment? **NEVER**
- 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? **Re-assessment by another RTO with scope – the standards identify the qualifications required.**

General comments

The history of VET over the last few years has been one of continuous Band-Aid solutions, none of which have resolved the problem.

The discussion paper indicates that this approach continues. All of the suggestions are ancillary – Band-Aids – proposing changes that will do nothing to improve the quality of VET training and assessment.

These kinds of communications give us the impression that the government's intention is to be seen to be doing something – and that this is more important than actually doing anything. I would clarify that this is not a criticism of the current government but of the “system” and all governments.

While this approach prevails – and while the core of the problem is ignored or side-stepped, taxpayer money will continue to be wasted and the VET system will continue to degenerate.

Ask any quality VET practitioner and they will tell you the root cause is the failure of the regulatory body to implement quality control.

The first step in resolving the problem must be to audit RTOs offering TAE40110 in less than 4 weeks and for less than \$1,000. These are the “tick and flick” merchants. They are interested in making money first and foremost. Quality is either secondary or unimportant. These RTOs undercut those providing quality training and assessment. The quality RTOs simply cannot compete.

Sandy Welton

Instructional Designer

Trainer/Assessor

0407 131 075

sandytrainer@dodo.com.au

www.trainingresourcesrto.com.au