

Senate Committee: Education and Employment

ASQA response to QUESTION ON NOTICE

Enquiry into vocational education and training in South Australia

Public hearing 2 February 2018

Senator REYNOLDS: This comes from what we talked about earlier and some notes I took at estimates. So by my reckoning, SA TAFE are responsible for 25 per cent. I'm a bit surprised—

CHAIR: The question's been asked, and I think the witnesses are struggling with the answer.

Mr Garner: I think what you're referring to is 16 breaches at TAFE SA.

Senator REYNOLDS: That's what I said, 16 breaches, yes.

Mr Garner: It is 16 courses. Is that what you're describing is a breach?

Senator REYNOLDS: Yes.

Mr Garner: I'm not quite clear where the other numbers are coming from in terms of the number of breaches.

Senator REYNOLDS: So 16 at TAFE SA and you had another 52 breaches, so in total there were 68 breaches. Is that correct?

Mr Garner: I'm not sure where that 52 number is coming from.

Senator REYNOLDS: If you could take that on notice if you're not quite sure on your numbers, but my recollection is 37 TAFEs, 68 breaches—up until July 2017—and 16 breaches at TAFE South Australia. So TAFE SA accountable for a quarter of all of those course breaches.

Mr Paterson: I think you may be reflecting on some of the stats that are published. I would note that many of the decisions that we've taken in relation to TAFEs are either notices of intention—

Senator REYNOLDS: Mr Paterson, I think you're now speculating. That's my reading of what I understand and if you're not in a position to actually comment on your own figures if you could come back on notice with facts that would be great.

CHAIR: If you could respond. It always worries me when senators try to do mathematics.

Answer

In September 2017 ASQA issued a notice of intention to amend TAFE SA's registration by removing 15 courses and suspending one course. ASQA does not consider this as 16 regulatory decisions in relation to TAFE SA. We regard this as two regulatory decisions (i.e. one decision of ASQA's intention to amend scope by removing courses and one decision of ASQA's intention to suspend a course).

Between 1 July 2011 and 31 December 2017 ASQA made 67 regulatory decisions relating to TAFEs. Of these, 31 were decisions of ASQA's intention to remove (12) or suspend (19) training products from the TAFE's registration (involving a total of 124 training products).

Details of all 67 regulatory decisions relating to TAFEs are provided in the table below.

Decisions Type	No.
Intention to Suspend Registration (full/part)	19
Give a written direction	18
Intention to Amend VET Scope of Registration	12
Suspend Registration (full/part)	8

Intention to give a written direction	5
Intention to Cancel (partial) CRICOS Registration	2
Intention to Cancel Registration	1
Impose a condition	1
Reject Change of Scope Application	1
Total	67

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Senator REYNOLDS: Mr Paterson, I come from Western Australia. I heard about the situation at last estimates. Sixteen qualifications identified in your audit seems like a rather large number. They are very serious issues. How does South Australian TAFE compare with the rest, in terms of quantum? Is this a normal number by state or is it unique? Comparatively, how bad are the South Australian numbers compared to others?

Mr Paterson: We looked at 16 and, from memory, TAFE SA has about 560 qualifications on scope and a whole range of—

Senator REYNOLDS: But that was not my question. Do other states have as many TAFEs as 16 or is this a peculiar South Australian TAFE issue?

Mr Paterson: I think it's a point-in-time issue. As I indicated, we undertook this audit in South Australia not based on a risk assessment in relation to—

Senator REYNOLDS: I'm sorry, Mr Paterson, but that is not my question. My question is not about the process because you have already articulated that and it is very clear from your submission. My question is: where does South Australian TAFE sit in relation to other states in terms of these notices?

Mr Garner: The level of noncompliance?

Senator REYNOLDS: Yes.

Mr Garner: That comes back to—

Mr Paterson: Seventy-nine versus 66.

CHAIR: We are going to ask you to do a detailed response to that question for the committee.

Senator REYNOLDS: I'm happy to put this on notice, as the chair suggested, but how does this compare with public training providers? What's the comparison? I was looking in the briefing—

Senator HANSON-YOUNG: Is it trending below?

Mr Paterson: As I indicated earlier, 66.66 per cent for TAFE SA; 68.19 per cent for private providers; and for other TAFE it's 79.38 per cent.

Senator REYNOLDS: Is it correct to say that of the 16 noncompliance breaches, only one has been rectified?

Mr Garner: Only one of those has been fully rectified to the extent where the course is now compliant.

Senator REYNOLDS: Is that unusual? It seems like an excessively long time, particularly when you are talking about critical trade qualifications.

Mr Garner: We would have expected the response—

Senator REYNOLDS: Would it be safe from me to say that South Australian TAFE is probably the worst performing TAFE in the nation? Is there another one?

Mr Paterson: We couldn't answer that question ourselves.

Senator REYNOLDS: When you provide them, perhaps the numbers will demonstrate that.

Answer

- As at 31 December 2017, ASQA had made 67 regulatory decisions involving Australian TAFE Institutes.
- Of these 67 decisions, 31 were intentions to remove or suspend training products from TAFE Institutes' scope of registration, two of which relate to ASQA's 8 September 2017 decisions in relation to TAFE SA, as shown in the table below.

	11/12	12/13			13/14		14/15				15/16	16/17			17/18		Total
	N/A	NSW	NT	Vic	Qld	Vic	NSW	Qld	Tas	Vic	Vic	NSW	Qld	Vic	NT	SA	
Intention to Suspend Registration (full/part)	-	2	1	-	1	2	2	1	-	-	6	-	-	2	1	1	19
Intention to Amend VET Scope of Registration	-	-	-	1	-	-	1	-	1	1	-	4	1	2	-	1	12
Total	0	4			3		6				6	9			3		31

- Below are details of ASQA's two notice of intention decisions in relation to TAFE SA (as highlighted in the table above):
 1. Decision to issue a notice of intention to amend under the *National Vocational Education and Training Regulator Act 2011* s 36(2)(d), the RTO's scope of registration to remove:
 1. AUR32412 Certificate III in Automotive Refinishing Technology;
 2. AUR32416 Certificate III in Automotive Refinishing Technology;
 3. AUR30812 Certificate III in Motorcycle Mechanical Technology;
 4. AUR30816 Certificate III in Motorcycle Mechanical Technology;
 5. AMP20316 Certificate II in Meat Processing (Abattoirs);
 6. SIT30813 Certificate III in Commercial Cookery;
 7. SIT30816 Certificate III in Commercial Cookery;
 8. CHC33015 Certificate III in Individualised Support;
 9. CHC43415 Certificate IV in Leisure and Health;
 10. SIH30111 Certificate III in Hairdressing;
 11. SIB30416 Certificate III in Hairdressing;
 12. SIR50212 Diploma of Visual Merchandising;
 13. CPC50210 Diploma of Building and Construction (Building);
 14. UEE30811 Certificate III in Electrotechnology (Electrician); and
 15. CPC32413 Certificate III in Plumbing
(or impose a sanction of lesser severity)
 2. Decision to issue a notice of intention to suspend, under the *National Vocational Education and Training Regulator Act 2011* s 36(2)(e) and s 38, the following part of the RTO's scope of registration:
 16. UEE42711 Certificate IV in Air-conditioning and Refrigeration Servicing;
- On average, regulatory decisions of intention to remove or suspend training products from TAFE Institutes' scope of registration involve 4.6 training products per decision.
- ASQA's 31 regulatory decisions of intention to remove or suspend training products have involved 21 TAFE Institutes; the most courses included in one notice of intention to suspend training products dates back to November 2012 and included 22 training products. In contrast, several regulatory decisions are limited to one or two qualifications (TAE40110 in particular as a result of ASQA's recent regulatory work reviewing providers seeking to deliver the new TAE40116 Certificate IV in Training and Assessment).
- ASQA's 31 regulatory decisions of intention to remove or suspend training products relate to one or more TAFE Institutes based in: Victoria (14 decisions), New South Wales (9 decisions), Queensland (3 decisions), Northern Territory (2 decisions), South Australia (2 decisions) and Tasmania (1 decision). No decisions of this type have been made in relation to TAFE Institutes based in the Australian Capital Territory or Western Australia. The majority of TAFE Institutes in Western Australia are regulated by the Western Australian Training Accreditation Council.
- ASQA has also made a further 36 regulatory decisions to Give a Written Direction (18); Suspend Registration (full/part) (8); give an Intention to Give a Written Direction (5); give an Intention to Cancel (partial) CRICOS registration (2); give an Intention to Cancel Registration (1); Impose a Condition (1); and Reject a Change of Scope Application (1). These decisions have related to one or more TAFE Institutes based in: Victoria (11 decisions); New South Wales (9 decisions); Queensland (6 decisions); South Australia (6 decisions); Tasmania (2 decisions); and, the Northern Territory (2 decisions).