



**Hon Peter Collier MLC**  
**Minister for Energy; Training and Workforce Development; Indigenous Affairs**

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34-12026

Dr Ian Holland  
Inquiry Secretary  
Education, Employment and Workplace Relations Legislation Committee  
Parliament House  
CANBERRA ACT 2600

Dear Dr Holland

As the Western Australian Minister responsible for Training and Workforce Development, I wish to provide comment to the Inquiry into proposed national vocational education and training legislation, in particular, the National Vocational Education and Training (VET) Regulator Bill (the Commonwealth Bill).

While Western Australia supports national consistency and the move toward a national, more unified and efficient VET system, we have not agreed to refer powers for the regulation of the VET Sector to the Commonwealth. Western Australia does not support the Commonwealth Bill in its current form as it makes provision for the Commonwealth to draw on its Constitutional powers to regulate all multijurisdictional and international education providers including State owned public providers.

The Commonwealth Bill does not reflect the assurance given to our Premier from the then Prime Minister at the COAG meeting in December 2009 that these reforms would not result in the regulatory take-over of State owned public providers, including Western Australian TAFE Colleges.

While mechanisms have been included in the Commonwealth Bill that may allow for regulation of these providers by the Western Australian Regulator under delegation from the National Regulator, this arrangement does not provide adequate certainty that the State will retain regulatory responsibility for TAFE colleges. Western Australia considers that the Commonwealth Bill must be amended to expressly exclude its State owned public providers from the Commonwealth legislation or provide that the regulation of these providers must be delegated back to the Western Australian Regulator.

Commonwealth officers have advised that the option to exclude Western Australian State owned providers from the legislation is not acceptable because the Commonwealth does not wish to differentiate regulatory arrangements for service providers based on ownership. This view appears to lack any recognition or consideration of the distinct role and responsibilities of State owned public providers or the level of surety provided by virtue of their State ownership.

By any criteria, State owned public providers are low risk providers and I do not see any argument for legislation that provides for their regulation to be taken over by a national regulator. These training organisations provide a necessary and important role in State training service delivery, especially in regional areas, and require a significant and majority funding commitment by the State. For these reasons it is Western Australia's position that their regulation must remain a State responsibility.

The Committee's consideration of these issues would be appreciated.

Kind regards

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Hon Peter Collier MLC  
**MINISTER FOR ENERGY; TRAINING AND WORKFORCE DEVELOPMENT;  
INDIGENOUS AFFAIRS**