

Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Industry Portfolio
Supplementary Budget Estimates Hearing 2014-15
23 October 2013

AGENCY/DEPARTMENT: Australian Skills Quality Authority (ASQA)

TOPIC: Registered Training Organisations

REFERENCE: Question on Notice (Hansard, 23 October 2014, page 61)

QUESTION No.: SI-29

Senator KIM CARR: Could I ask Mr Robinson, how many providers do you have registered at the moment?

Mr Robinson: ASQA regulates about just over 3,900, but there are another 700 that are regulated by Victoria and WA regulators in the system. The overall number of RTOs has gone down by about a bit over 300 since ASQA has been working. Here are the exact numbers: 3,922, and the total number in Australia is 4,631.

Senator KIM CARR: So, you are saying that the number of registrations has actually declined in the last year?

Mr Robinson: When ASQA started on 1 July there were 4,947. There are now 4,631. We have taken action to not renew the registration or to cancel or suspend the registration of just under 350 RTOs that did exist.

Senator KIM CARR: What were the grounds for those deregistration's, in effect?

Mr Robinson: They were very poor compliance with most of the standards, if not all, and always involving very poor assessment processes and often very poor quality training as well. So, people that were really struggling to be doing the right thing on just about any consideration, they are the hard end kind of group.

Senator KIM CARR: Could I have a list of those entities that have been deregistered in that way?

Mr Robinson: Yes. Some of those have regained their registration through the appeal process.

Senator KIM CARR: Could you give me a list of the ones that have deregistered and the numbers that have been able to appeal the decision and have not re-established their registration?

Mr Robinson: Okay, we will come back on notice with that list of detail.

ANSWER

Table 1 provides details of the regulatory decisions the Australian Skills Quality Authority (ASQA) has made over its first three years of operation (i.e. 1 July 2011 – 30 June 2014).

Table 1: Regulatory Decisions: 1 July 2011 - 30 June 2014

Regulatory Decision Type	No. of Decisions Made
Decision to Cancel	65
Decision to Suspend	84
Decisions to reject re-registration	124
Written notices of intention to Cancel / Suspend	334
Total	607

ASQA publishes the details of providers subject to these decisions in its Annual Reports and on its website (n.b. written notices of intention to cancel/ suspend are not published). Links to ASQAs Annual Reports are provided at Attachment A. As of the 2013/14 reporting period ASQA does not publish the details of providers subject to decisions that were:

- subsequently varied, set aside or resolved by consent (e.g. via Administrative Appeals Tribunal [AAT], or ASQA process)
- subject to an application for reconsideration or review which had not been finalised at the time of reporting
- still eligible for review process at the time of reporting

As such the number of providers listed not align with the number of decisions made. Further, a single provider can have multiple decisions made against it.

Providers affected by an ASQA decision may, in certain circumstances, seek a review of that decision, or challenge the validity of an ASQA decision.

The review may be either:

- a) a formal ASQA internal reconsideration of a decision, or
- b) an external review by the Administrative Appeals Tribunal or Court.

As at 30 June 2014, ASQA had finalised 110 internal reconsideration applications. Of these:

- 53 (45.8%) original decisions were revoked;
- 44 (40.8%) original decisions were affirmed;
- 10 (10.8%) original decisions were varied;
- 2 (1.7%) did not proceed;
- 1 (0.8%) was partly revoked and partly affirmed

As at 30 June 2014 102 matters ASQA matters had been finalised in the AAT:

- 32 applicants withdrew their application;
- 58 matters were resolved between ASQA and the applicant – typically the applicant addressed the outstanding non-compliances;
- 7 matters were dismissed by the Tribunal on jurisdictional grounds or the application for review of a decision not accepted by the Tribunal;
- 3 matters were affirmed by the Tribunal and ASQA's decision remained in place; and
- 2 matters were overturned by the Tribunal and ASQA's decision set aside.

ASQA Annual Report 2011/12

- [http://www.asqa.gov.au/verve/ resources/ASQA Annual Report 2011-12.pdf](http://www.asqa.gov.au/verve/resources/ASQA%20Annual%20Report%202011-12.pdf)

ASQA Annual Report 2012/13

- [http://www.asqa.gov.au/verve/ resources/ASQA Annual Report 2011-12.pdf](http://www.asqa.gov.au/verve/resources/ASQA%20Annual%20Report%202011-12.pdf)

ASQA Annual Report 2013/14

- [http://www.asqa.gov.au/verve/ resources/ASQA Annual Report 2013-14.pdf](http://www.asqa.gov.au/verve/resources/ASQA%20Annual%20Report%202013-14.pdf)