

TRAINING LEGISLATION AMENDMENT AND REPEAL BILL 2008

Introduction and First Reading

Bill introduced, on motion by **Hon Peter Collier (Minister for Training)**, and read a first time.

*Non-Referral to Standing Committee on Uniform Legislation and Statutes Review —
Standing Orders Suspension — Motion*

On motion without notice by **Hon Peter Collier (Minister for Training)**, resolved —

That so much of standing order 230A(3) be suspended as to allow debate to be resumed on the Training Legislation Amendment and Repeal Bill 2008.

Second Reading

HON PETER COLLIER (North Metropolitan — Minister for Training) [9.05 pm]: I move —

That the bill be now read a second time.

This amendment bill was first introduced into the Legislative Assembly in June of this year and was passed with the full support of the Liberal Party. The origins of these amendments go back over 10 years to the last coalition government and are the result of extensive consultation and broad consensus. We are pleased to be able to reintroduce it for the consideration of the Council. This amendment bill will repeal the Industrial Training Act 1975 and modernise the Vocational Education and Training Act 1996. It will enable businesses and training providers to be more flexible and responsive to whatever situations and opportunities arise, whatever financial conditions they are operating under. In particular, without the amendments to the apprenticeship system proposed for part 7 of the Vocational Education and Training Act, we will be trying to respond to the challenges of a twenty-first century economy while shackled to a 1975 training regime. The modernised apprenticeship system in this amendment bill will be different in three key ways: it will be more streamlined, more responsive and fairer.

The streamlined apprenticeship system will combine apprenticeships and traineeships within a single legislative framework consistent with other states and territories. The system will be easier and clearer for employers and apprentices to use and will attract more employers to participate in it. There will be one umbrella term—“apprentice”—for the purposes of the act; one termination provision that will protect certificate III and higher trainees as well as apprentices; one dispute resolution process; a single certificate instead of the current two; one establishment process for creating new apprenticeships and traineeships; and gazetting of apprenticeships when established rather than in regulations.

The apprenticeship system will also be responsive to the needs of the economy, today and into the future. The State Training Board, which will now include a member with experience in workers’ interests and another with experience in employers’ interests, will be responsible for making a recommendation to the minister on the creation and variation of apprenticeships. Furthermore, and for the first time, there will be a prescribed consultation process that will give industry and unions a say in what type of employment-based training best suits their industry area. Employers and unions for the relevant industry area of the apprenticeship being established will be involved in deciding the qualification that will be most appropriate; whether the training will only be available through being in employment under a training contract, referred to in the bill as class A qualifications, or whether it will be available through an institutional training pathway that does not require employment, referred to in the bill as a class B qualification; whether the training arrangement will be called an apprenticeship, traineeship, internship or cadetship; the name of the occupation; the mix of on and off-the-job training; the nominal duration of the apprenticeship; whether part-time and/or school-based arrangements should be made available; or other special conditions that they feel should be attached to the apprenticeship. Also, for the first time, if industry and unions agree that an existing apprenticeship or traineeship would work better if any of the matters just outlined were changed, the minister on the advice and recommendation of the board will be able to vary it.

The apprenticeship system will be made fairer by increasing the level of protection and support for all types of apprentices. There will now be protection from termination of employment for trainees for the first time. Currently only traditional apprenticeships have access to protection from termination. This will now be extended to all people in employment-based training at certificate III level or higher. These new arrangements, including a mediation service for employers and trainees in certificate I or II traineeships, will improve completion rates in traineeships that currently average 58 per cent compared to 72 per cent for apprenticeships. The apprenticeship system will be fairer for people who have been working in industry and business for many years and have the experience to be recognised as tradespeople but who have never done the formal training. Registered training providers will now be able to issue an apprenticeship class A qualification through skills recognition for people who are not employed under a training contract but can demonstrate that they are competent and experienced in

the relevant occupation. This will make available a fresh wave of qualified tradespeople at a time when they are greatly needed.

Apprentices and trainees receive a wage that reflects that they are just starting their careers and that they will be attending training on a regular basis. However, some employers believe that attending formal training means no pay. This amendment bill will make it clear that training required under an apprenticeship or traineeship is hours worked and that failure to pay wages for hours worked will be investigated and prosecuted. The amendment bill provides the apprenticeship system with greater clarity so that employers and apprentices know what their obligations are and what is expected of them. Most of the employers and training providers in Western Australia do the right thing. However, there have been cases where a few have not. This amendment bill will protect apprentices, trainees and students from those few by providing the ability to investigate and prosecute employers and training providers who commit offences. This will also be of service to the vast majority of employers and training providers who are doing the right thing.

Beyond apprenticeships, there are further amendments that enable the State Training Board, the Training Accreditation Council and TAFE colleges to operate in the changed and changing contemporary environment. The State Training Board will be responsible for a state training plan that will better suit the training needs of our economy. The Training Accreditation Council will now operate on the basis of the national model clauses, the introduction of which will bring Western Australian legislation into line with legislation in other states. The model clauses deal primarily with the establishment of a nationally consistent framework for the registration and audit of training providers. Under the model clauses, registered training providers can operate in any state or territory through a single registration in the state of its principal place of business.

TAFEWA colleges will now operate on the basis of more comprehensive strategic and annual business plans. This will bring the colleges into line with other agencies, such as the port authorities. It will enable the colleges to operate more flexibly and independently with all the functions of the college, including fee-for-service and commercial activities, to be addressed in the plans for the approval of the minister.

This amendment bill is the result of consultation with employer groups, unions and other key stakeholders, including the Chamber of Commerce and Industry of Western Australia and UnionsWA. The Department of Treasury and Finance, the Department of Consumer and Employment Protection and the Department of Education Services have been involved in regular consultation and have made significant contributions to the drafting process.

The Western Australian workplace has experienced 32 years of growth and change since the Industrial Training Act was introduced in 1975, and similarly, the vocational education and training sector has experienced major change in the 12 years since the Vocational Education and Training Act was introduced, which is reflected in the move to a national training framework. Part 7 of this amendment bill will introduce a modern apprenticeship system as part of an updated vocational education and training system that is better able to deal with the requirements of our contemporary business environment, of which training is an essential part. I commend this bill to the house.

Debate adjourned, pursuant to standing orders.