

**EDUCATION AND TRAINING LEGISLATION AMENDMENT AND REPEAL BILL 2008**

*Introduction and First Reading*

Bill introduced, on motion by **Mr M. McGowan (Minister for Education and Training)**, and read a first time.  
Explanatory memorandum presented by the minister.

*Second Reading*

**MR M. MCGOWAN (Rockingham — Minister for Education and Training)** [11.58 am]: I move —

That the bill be now read a second time.

The Education and Training Legislation Amendment and Repeal Bill 2008 will repeal the Industrial Training Act 1975 and modernise the Vocational Education and Training Act 1996 to align it with the new world created by our surging economy. That demands that business and training providers be flexible and responsive to whatever situations and opportunities arise. In particular, without the amendments to the apprenticeship system proposed for part 7 of the VET act, we will be trying to respond to the challenges of a twenty-first century economy while being shackled to a 1975 training regime.

The drive for reform comes from a number of different sources, including the Council of Australian Governments. However, it is the skills shortages we are currently experiencing and the responses of over 1 000 individual Western Australians who participated in the forums of the Skills Formation Taskforce around the state that have helped shape the proposed reforms.

The modernised apprenticeship system in this amendment bill will be different in three key ways: it will be more streamlined, 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 a one umbrella term of “apprentice” for the purposes of the act; one training contract instead of three—currently there is an apprenticeship probation agreement, an apprenticeship agreement and a traineeship contract; 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 apprenticeships will be gazetted when established rather than be in regulations.

The apprenticeship system will also be responsive to the needs of the economy for today and 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, a prescribed consultation process will give industry and unions a say in what type of employment-based training best suits their industry area. When the relevant industry area of an apprenticeship is established, employers and unions will be involved in deciding the qualification that will be most appropriate; whether the training will be available only by being in employment under a training contract—referred to in the bill as class A qualifications—or whether it will also be available through an institutional training pathway that does not require an employment arrangement—referred to in the bill as class B qualifications; 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 any other special conditions that they feel should be attached to the apprenticeship. Also, for the first time, if industry or unions agree that an existing apprenticeship or traineeship would work better if any of the matters I have 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 with 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 who have the experience to be recognised as a tradesperson 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 are 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 career 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 of a small few that 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 be of service also to the vast majority of employers and training providers who are doing the right thing.

Beyond apprenticeships, further amendments will enable the State Training Board, 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 a growing economy. The Training Accreditation Council will now operate on the basis of the national model clauses, the introduction of which will bring Western Australia 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 colleges, 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 Departments of Treasury and Finance, Consumer and Employment Protection and Education Services have been involved in regular consultation and made significant contributions to the drafting process.

In conclusion, the Western Australian workplace has experienced 32 years of growth and change since the Industrial Training Act was introduced in 1975. Similarly, the vocational education 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, on motion by **Mr R.F. Johnson**.