

The Hon. P. Green

Chairman

General Purpose Standing Committee No. 6

## **REF: Inquiry into Vocational Education and Training in New South Wales**

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TO THE COMMITTEE ,

Thank you for the opportunity to participate in this inquiry process.

I am passionate about improving the quality and delivery of training in the civil construction industry and the associated benefits to the industry in terms of safety and productivity, and greatly improved job opportunities for students. I hope that by participating in this process, I can somehow contribute to improving the training and job outcomes for our students and as a result improve the industry as a whole.

As a result of the questions received on the day, I took a number of questions on notice with a commitment to get more detailed replies back to standing committee.

### **1. What is the reason they (students) have to be 18 to operate a machine? (The Hon. Lou Amato)**

I understand this is a result of a previous Workcover and State Government “licensing” process as per the attached documents. (Appendix 1)

Previously, what is now a “Resources and Infrastructure Industry” (RII) competency to operate a piece of plant or machinery was referred to as a “ticket”, and was done through Workcover Assessors. This had a requirement for a minimum age of 18.

This was replaced by a requirement for a Verification of Competency (VOC) process which was an internal process, conducted by each organisation relying on one of their supervisors to deem someone in their own organisation competent. This is still the predominant means of “licensing” in the industry and is understandably very open to abuse, and offers very little benefit to an individual, whose VOC from one employer, will not be recognised by their next employer. I have looked through information from Workcover, Skills DMC, ASQA and State Training to try and locate the minimum age but cannot find who the authority is that sets this.

***Recommendation:*** *That a minimum age for awarding of plant operation competencies be legislated to make it clear, and it is set at the same age as car licensing.*

There is a lot of misunderstanding in the industry now about the various types of qualification required and it needs to be tightened up significantly. I have personally employed many people on the basis of their Workcover “tickets” listed on resumes, who, once employed show they clearly have no capacity to operate the piece of equipment they have been deemed competent on.

More recently, new Government funded projects often require that a person holds the latest RII competency in order to work on that project, but there are still many RTO’s who base this on an

“assessment” alone without meeting the national standards requirements for demonstrating competence. This should be the standard required across the industry, based on real competency based assessments, but without a requirement for being 18 as this is just an unnecessary barrier to employment for young people and is no reflection on their ability to operate machinery.

**Recommendation:** *That the relevant RII competency be formally adopted as the required minimum standard for plant operators in the absence of any other form of “licensing” or “tickets” to clear up grey areas and remove doubt.*

- 2. The Hon DANIEL MOOKHEY QUESTION ( ON NOTICE ) I would be interested in anything you would like to put down that the smart and skilled criteria should be, any suggestions about what is not currently being encompassed that should be encompassed.**

### Training vs Assessment Only

The reality of the current funding structure means that the process I conduct, requires someone to demonstrate competency in a unit of competence (UoC) operating the equipment under a range of tasks, and the safety, pre start and operational theory components. This takes a minimum of a day (for a very experienced operator) and much longer for inexperienced or new operators and is in direct competition to someone who will issue the competency for a fee and a brief written assessment lasting hours.

The fees I am paid are the same for both examples, one will take a day, the other will take many days or weeks with ongoing supervision and associated costs. This is a major barrier to people trying to enter this industry as trainers do not have the equipment to learn on, but usually visit a workplace or provide equipment for an “assessment” or based on a third party evidence provided by a ‘supervisor’. This is missing the point that the individual needs to demonstrate, and or learn the necessary skills and undergo training, however much experience they have.

*Recommendation – that ASQA requirements be changed to ensure that the RTO has the Trainee complete a competency based assessment with documentation of the skills observation via video or similar.*

### Nominal Hours vs Units

Previously the training time and budget was allocated on the basis of “nominal hours” and for example “conduct manual excavation” – using shovels etc, was given 20 hours, and “conduct civil construction excavator operations” was allowed 100 hours. When I was paid by the TAFE, pre Smart and Skilled, I would receive an hourly rate for these nominal hours. This hourly rate was set by IPART, and although I did not agree with the number of hours nominated, there was at least some recognition that these skills took very different amounts of time to train .

Now I invoice based on the number of Units of Competency (UOC) completed, as a percentage of the total course fees, irrespective of the length of time taken to complete the training.

For example, Cert 3 Plant Operations (previously 850 nominal hours). In order to get student to complete the minimum number of units to achieve both the ‘enrolment’ (\$20%), and the ‘50% completion’ (\$40%) payments (20% + 40% = 60% of total fees) an RTO can do all the “soft skills” with small learning requirements (previously only a total of around 250 nominal hours). This leaves the remaining 600 nominal hours (70% of the course) involving skills such as basic surveying, all plant operation units, pipe laying etc with only 40% of the total fees left to be claimed. This is also the total figure that the RTO will receive if the student does not complete.

**Recommendation** –that fees be claimed on 20% progress payments

### Total Funding - National Average

In terms of total funding, from the Myskills [www.myskills.gov.au](http://www.myskills.gov.au) website, outlines that the average fees charged for the Cert 3 Plant Operations course across Australia, is \$13075. In QLD through the User Choice model this figure is around \$9380 and applies to those doing learning via their workplace and therefore have supervision, plant, fuel, servicing costs etc provided by their employer.

Smart and Skilled fees for the same course are \$8620 with the possibility of loadings for disadvantaged students (15%) and regional/remote (10-15%) depending on their situation. This applies to all students, and many of our students are at the much higher end of time required due to their background and work experience, yet this is not reflected in the funding allocated through Smart and Skilled. This disadvantages the students as it limits the time we can afford to spend with these students who have come through the Job Active network.

**Recommendation:** that funding be allocated to match the student eg higher fees for those who require the “work experience” to be provided.

### Funding Consistency

Another area that would benefit some review is the funding applied against various levels of student. We work with a range of students all of whom have different needs and access to Smart and Skilled funding and I have listed some examples below:

- Those with industry experience eg mining who are reskilling and don’t qualify for Centrelink
  - Fees \$2080 (\$2500 if they have any other Cert 3 qualification even unrelated)
  - \$8640 if they have a Cert IV or above eg Cert IV, diploma/degree
  - Everyone has to supply Personal Protective Equipment (PPE) approx. \$350
- Recent school leavers, those on Centrelink are free – those who aren’t \$2080 + PPE
- Uni graduates who cannot find work – Don’t qualify for S&S - \$8940 + PPE
- Long term unemployed – free if under 30, \$240 if over 30 + PPE, sometimes supplied by Job Actives
- Aboriginal students – free except if they have done a Cert IV or above previously (then \$8640), many have done a cert IV in “business” or “management” etc

It may be worth considering that access is based on financial hardship and not that they are receiving a Centrelink benefit as many people cannot access Centrelink following redundancy or if their carer, spouse is earning above a certain level.

**Recommendation** –that funding be applied more consistently and based on financial need not Centrelink processes and previous qualification rules be dropped.

3. **Getting new curriculum design, given that your industry is a very fast changing industry, the speed of getting the curriculum recognised under the ASQA Standards of Courses but then having that flow down to Smart and Skilled as well. We would be interested to hear if you have any suggestions on how that process can work. (The Hon Daniel Mookhey)**

Getting changes made to the training packages (very much needed) is a very slow process, takes years to do, and is managed by Skills DMC who are not from the industry. Training package changes over the last few years are very minor eg small edits, very slight changes to text, very few have any significant content updates. As an example:

- All plant operators will come into contact with GPS or UTS equipment, both in their machines, or through interaction with site survey. This technology does not appear anywhere in the civil training packages and puts students at a disadvantage.
- All major civil works now extensively use geofabrics, engineering plastics etc in road and bank stabilisation, erosion and sediment control, water ways protection etc., I believe should be part of the 'Core Units ' in the Cert 3 Plant Operations and not an 'elective '
- Technology is now commonplace with WHS systems, timesheets and various employee management systems relying on a level of understanding particularly of mobile technology, this is not in the package.

***Recommendation*** – *that there be much more industry input into the training packages and industry( via feedback from Plant operations supervisors ) and skills councils be reviewed to represent the needs of the civil construction industry, and that new technology and methods be implemented into packages much faster.*

- 4. The Hon SCOTT FARLOW ....Mr Holihan raised previously an issue in terms of the payment cycle in terms of Smart and Skilled: the commencement, mid-point and completion. I am interested to hear from Mr Green as to how that applies to him and his views on that –somebody who is not part of Smart and Skilled but how they would view the operation of that.**

A student can take up to 2 years to complete this training, and may take many months between enrolment and mid-point, and then again to full completion. This can mean that we can have someone training for many months and only receive 20% of the training funds, particularly a high needs student who requires extra resources. This would benefit from a more tailored model where payment claims are made more frequently as units are completed and progress claims are made after each 20%.

Once again thank you for the opportunity to be involved in this process, and I hope my input can contribute to strengthening the training for workers in my industry.

Information and replies from my research is attached

Thanks and Regards

Jeff Green

Hi Jeff,

The Work Health and Safety legislation does not stipulate an age restriction for workers operating load shifting plant. Instead the legislation imposes duties on persons conducting businesses or undertakings (PCBUs) to ensure the health and safety of those engaged in doing work at the business or undertaking.

The 18 year old plant operator reference commonly understood in industry has come about through various means such as high risk work licence criteria\* and references within codes of practice where persons under 18 years of age are referred to as children. \*The Work Health and Safety Regulation 2011 specifies certain types of plant and equipment as requiring a high risk work licence issued by SafeWork NSW (eg. forklifts, elevated work platforms, cranes, pressure equipment) where there is an age restriction prescribed of 18yrs and older.

Under the Work Health and Safety Act 2011, persons conducting a business or undertaking have the following duties:

- providing and maintaining a work environment without risks to health and safety
- providing and maintaining safe plant and structures
- ensuring the safe use, handling and storage of plant, structures and chemicals
- providing adequate facilities for workers and ensuring access to those facilities
- providing information, training, instruction or supervision that is necessary to protect all persons from risks to health and safety arising from the work carried out as part of the business or undertaking
- monitoring the health of workers and the conditions at the workplace for the purpose of preventing illness or injury to workers from the conduct of the business or undertaking.

**A duty imposed on a person to ensure health and safety under the Act requires the person to do what is reasonably practicable. This requires the person to take into account and weigh up all the relevant matters, including amongst other things:**

- the likelihood of the hazard or the risk concerned occurring, and the degree of harm that would potentially result, and
- what the person concerned knows, or ought reasonably to know about the hazard and ways of managing the risk.

Where children and/or young workers are employed, they have the same duties as any other worker under the legislation, however there are some special characteristics of children and young workers that PCBUs would need to consider when managing their work health and safety duties. Young workers may not make mature decisions about how to work safely. They may leap into situations before thinking about their own safety and the safety of others. They may not be capable of taking on the same work as adults in the workplace. Young workers may be keen to work, but may need more experience and training before they can work safely on their own. Children can be playful and adventurous at times when there is a need for great care. Sometimes their natural curiosity will take them into dangerous situations in workplaces, even when they are warned not to be there.

The age of children or young workers is a well-known consideration when particular tasks are being determined and assigned given that they and others may be at increased risk of workplace injury due to their lack of experience, maturity and awareness. It would be reasonably practicable for a PCBU to have this understanding. Children or young workers may also be:

- developing their skills, competencies and physical capabilities
- unaware of their rights and responsibilities
- unaware of the duties of others regarding workplace health and safety
- unfamiliar with appropriate workplace behaviours
- reluctant to make requests, ask questions or speak out about problems
- inexperienced in identifying hazards or understanding the consequences of failing to follow safe operating instructions
- overly keen to please and make a good impression, and
- over-confident in their capabilities.

**In order to meet its obligations, the PCBU needs to ensure the risks associated with operating plant are eliminated or minimised and that the risk assessment includes**

the operator. The risks of allowing a child or a young inexperienced worker to undertake plant operation while ensuring the health or safety of the operator and others at the workplace is not reasonably practicable.

Regards

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