

**INQUIRY INTO VOCATIONAL EDUCATION AND  
TRAINING IN NEW SOUTH WALES**

**Organisation:** Tom Lyons Contracting P/L

**Date received:** 2/07/2015

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NSW PARLIAMENT  
LEGISLATIVE COUNCIL  
GENERAL PURPOSE STANDING COMMITTEE NUMBER 6.  
ACCESS, AFFORDABILITY, OUTCOMES:  
Strengthening VET in NSW

1<sup>ST</sup> July, 2015.

Dear Sir/Madam/Ms,

I make this submission to the Committee as an involved stakeholder being a developer and provider of an approved qualification ACM40110. This qualification is offered under the auspices of a partnering agreement with Benchmark OHS Consulting Pty. Ltd, a Registered Training Organisation (RTO #: 91194)

Background

ACM40110 – Animal Control Management and Regulation is targeted at employees working for local councils including;

- Animal Management Officers;
- Impounding officers operating under the relevant authorities named in the Impounding Act 1993;
- Animal Control and Regulation Impounding Officers;
- Management of Shelter Facilities;
- Pound and Shelter Assistants;
- Parking Police Officers;
- Rangers;
- Ordinance Officers;
- Meter Readers
- Parks and Garden Workers exposed to animals;
- Health and Building Inspectors.

Also

- Field Workers for the Forestry Commission,
- Field Workers for the Minister for Ports,
- Field Workers for the Director of National Parks and Wildlife,
- Field Workers for the Minister administering the [Crown Lands Act 1989](#) ,
- Field Workers for Transport for NSW,
- Field Workers for the Roads and Maritime Service;
- Field Workers for the Sydney Water Catchment Authority;
- Field Workers for the Western Lands Commissioner,
- Field Workers for the Centennial Park and Moore Park Trust,

- Field Workers for the Rural Lands Protection Board;
  - Field Workers for the Sydney Harbour Foreshore Authority;
  - Field Workers for the Sydney Olympic Park Authority;
  - Or, a public or local authority prescribed by the regulations as an [impounding authority](#) for a particular place or class of places.
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My answers to the terms of reference follow;

(a) (iii) barriers to participation.

I have found that the greatest barrier to council participation is the lack due diligence of council management not meeting their 'duty-of-care' in providing training of the Animal Management Officers as mandated by the NSW WHS Act 2011.

The most often used barrier is

- Lack of funding;
- Lack of follow up by OLG in ensuring councils have arranged the training of their ACOs meeting their obligations;
- That the qualification was not available in NSW.

(b) (iii) The development of opportunities for unemployed people to improve themselves and increase their life, education and employment prospects.

Long term unemployed people, especially from low socio-economic background benefit from a chance to make themselves more employable by gaining further education and training, in both Rural, Regional and Metropolitan areas, that training would also attract wages support funding from DEWR for both LTU and AT&SI Youth.

(iii) the delivery of services and programs particular to regional, rural and remote communities.

Our training is set up to be provided by face-to-face learning, by correspondence, on-line, Skype with a practical increment ensuring the safety of the student or a combination of all methods as required.

(c) factors affecting the cost of delivery

- The cost of sending students to other states for training is considered cost – prohibitive.
- On completion of the basic elements of the course, traineeships for students with local councils are to be sourced.

(d) The effects of a competitive training market on student access to education.

Currently there is no other provider of ACM40110 anywhere in NSW. The qualification was offered through TAFE Goulburn (Ovens Institute) but now no longer does. The course is available in both Queensland and Victoria. As the cost imperative sending students to either state, including travel and accommodation can only be prohibitive, the reasoning behind the lack of training by councils, can be understood but, the councils fiduciary 'duty-of-care' is being impacted negatively.

(e) The level of industry participation.

Industry participation can only be described as low. This company wrote to 136 of the 156 councils in NSW. We only received 10 replies back displaying any interest in any training of their ACOs.

Sustainable employment opportunities, including traineeships with suitable training for students, need to be further reinforced by the OLG (Office of Local Government) and the Minister for Local Government to councils and the policing by the OLG of the standard of requirements against the NSW WHS Act 2011.

## **Division 2 Primary duty of care**

### **19 Primary duty of care**

(1) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of:

- (a) workers engaged, or caused to be engaged by the person, and
- (b) workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.

(2) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.

(3) Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable:

- (a) the provision and maintenance of a work environment without risks to health and safety, and

(f) the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking.

### Key issues

Our company has an association with an Animal Control Subject Matter Expert 'in the field' with 30+ years' experience, at the "coal-face" of this Industry. The SME is regularly seconded by the NSW Police Force to provide advice and assistance with animal control matters relating to Police raids on illegal drug manufacturing premises, which are usually guarded by Menacing and Dangerous Dogs.

Furthermore, our experience in the field, highlighted the fact that the majority of Council Rangers or Animal Control Officers have little or no animal handling training whatsoever.

It was with this SME that the concern for the 'lack of suitable training' available to Councils and other Authorities, of their employees/Officers, were leaving those employees subjected to a higher risk of danger, in completing their duties daily.

### Case study

NSW Animal Services P/L, Tom Lyons (Contracting) P/L and Benchmark OHS Consulting P/L (RTO#: 91194) have entered into a Memorandum of Understanding and have developed the course Certificate IV, ACM40110 – Animal Control Management and Regulation that is registered on Benchmark's Scope of Registration through the Industry Skills Council member, AgriFoodSkills and appears on the <training.gov.au> website, as the only provider in NSW.

As the above three companies are registered in NSW we question the sending of students to other states of Australia, where every state has a differing interpretation of the Animal Control Acts. Also, the fact that; the funding dollar is expended in another state and not being circulated within NSW by way of costs, including future employment of qualified trainers and support staff.

We have put these points relating to the NSW WHS obligations and have been met with little or no interest. It appears that the OLG while managing the law of Local Government in NSW, due to supposed 'lack of funding' rationale, fails to enforce the requirements of the WHS Law to local councils and leaves the decision to those councils. The councils have now been informed that ACM40110 is now available and cite the funding crisis prevailing.

Our Recommendation:

A possible solution to this problem could be the inclusion of ACM40110 onto the Smart and Skilled List for training of ACOs and to be published (if approved) in the Department of Premier and Cabinet and Office of Local Government official circular/s to be rolled-out to all stakeholders, that the course now does exist and is available in NSW, for the wellbeing and welfare of the council employees currently being exposed to abject danger on a regular basis.

I make myself available on appointment to the Committee and thank them for this opportunity of providing this submission.

Yours faithfully,

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Tom Lyons.