



The MA has established a TRA liaison Taskforce A substantial number of visa applicants are required to obtain a positive assessment from TRA prior to lodgement of their visa applications changes in TRA policy have a significant impact.

The Taskforce, a team of MA members coordinated by Education Consultant, Brian Kelleher, will endeavour to meet TRA executives regularly and be responsible for organising workshop (s) for members at least once a year or more if there is a major policy change.

MA Members are urged to support the taskforce. Suggestion and participation welcome.

The Migration Alliance position, in respect of the TRA “Job Ready” program, is as expressed in this communication to TRA by the TRA Liaison Taskforce member Glenn Pereira

Sent by email:

“On 1/02/2010 12:21 PM, Glenn Pereira - Aussieworld wrote:

Ms. Jan Febey

Branch manager

Copy to Leonie Barber Migration Alliance

Dear Ms. Febey,

-Holders of a 485 visa

a) nearing their 18 months

b) Have less than 12 months on their 485

a number of them have genuine paid work experience.

They are legally unable to take part in TRA 12 months job ready program as they do not have 12 months on their sub-class 485 visa.

Will they receive a waiver for the job ready program ? and if so, Will their paid experience for the 12 months experience (how many hours per week) in lieu of job ready program be counted ?

-Students who have applied for a 485 and are waiting for more than 12 months for their 485

A number of students have genuine 12 months work experience in the nominated occupation.

Will they receive a waiver for the job ready program ? and if so, Will their paid experience for the 12 months experience (how many hours per week) in lieu of job ready program be counted ?

-TRA JOB READY PROGRAM

Some questions below

The full details of the four stages of the Job Ready Program are still being finalised by TRA.

Some details of Stage 1, the Provisional Skills Assessment, are:

- Amount of work experience: two days per week for six months. TRA will be flexible about this and look at it on a case-by-case basis.

MUST RECEIVE CLARITY, Number of hours per day Total hours over 6 months.

Discretionary power to a TRA assessor will create a number of legal issues.

- It could be work on a regular basis or in holiday periods.

What is the total hours acceptable on a regular basis (2 days a week) or in holiday period ?

- Work as part of a course (for example, industry placement) can be counted towards the requirement, providing it is in a commercial environment.

Is hours for the Holistic units which is conducted in a commercial environment acceptable ?

- Overseas work experience does not count - must be in an Australian workplace

Noted.

- Unpaid work can be counted, providing this was legally conducted.

Voluntary work in Victoria is legal . Clear guidelines must be articulated otherwise we will have another "template scam" like the 900 hours.

- Level of work experience expected is at about the 1st/2nd year apprentice level. For example, work as a kitchen hand may be counted for a skills assessment as a cook. A range and variety of tasks is the important thing.

An excellent change

- IELTS results up to 2 years old can be submitted.

For old system TRA assessments, you would provide the old assessment and IELTS results. In this case, you would lodge electronically and the fee would be waived

Noted

-CERT III OR CERT III + CERT IV (MIN. QUALIFICATIONS)

I am still of the opinion that TRA must change as a minimum qualifications requirement from CERTIFICATE III to a Cert III + Cert IV. Both are Trade course an practical courses.

The Cert III is carried over 12 months and on completion of the Cert III students are moved into a Diploma course (classroom). Students will be placed in a period during the Diploma which will have no practical training making them hard to hold on to the practical training they received during the Cert III.

-MOTOR MECHANIC COURSE (EXAMPLE)

It is a fact that the motor mechanic course is RUN AS FOLLOWS. Hence my suggestion is to change the minimum qualification from Cert III to Cert III + Cert IV.

Based on anecdotal evidence most of the students who have completed Cert III have purchased their “900 hrs certificate

Students following the second pathway will not have skills as a 3 to 4 years apprentice and will have problems finding a job for THE job ready program. This was clearly articulated in the NSW Tribunal case (EXTRACT BELOW)

-Institutional pathway/simulated v Apprenticeship pathway

This case clearly indicates that a Certificate III under an Institutional pathway is not equivalent to a Cert III under an apprenticeship pathway.

EXTRACT : (Some parts have been highlighted)

25 Ms Tsiolas' evidence was that students would be in a real workplace for 4 hours a week in groups of 15. The workplace nominated by Ms Tsiolas is the Australian Transmission Centre, a commercial workshop in North Parramatta. The Centre specialises in automatic transmissions but, according to Ms Tsiolas, 'they do everything'. The Board has not conducted a site visit to assess its suitability as an environment for students to undergo practical training because the premises AISI initially nominated were at another location. Ms Tsiolas provided a print out from the Centre's internet site and a copy of an agreement between AISI and the Centre dated 14 June 2008. The agreement contemplated a start date of 1 June 2008 and allowed AISI to use the workshop for up to 40 hours per week, Monday to Friday. According to Ms Tsiolas, the students would have access not only to the AISI trainer but also to qualified mechanics who would have input on the tasks that the students undertake but not their assessment. There is nothing in the agreement relating to participation by any employees of the Australian Transmission Centre.

26 Ms Tsiolas says that although up to 15 students would be in the workshop at any one time, the students would be broken into smaller groups of 3 or 5 with a trainer 'floating' between the groups. Ms Tsiolas characterised this experience as an extension of the classroom rather than as a work placement or work experience. **AISI emphasised that the work experience component undertaken by an apprentice in a real work environment does not form part of the nationally consistent training package and that a related company in Melbourne offers the**

same course in a wholly simulated environment.

27 Ms Joyce anticipated that because the students would be with a trainer rather than being supervised in a 'real' workplace environment, they would not be able to gain the necessary competencies. In the letter dated 13 August 2008 she expressed the view that:

Within the workplace, an individual has repeated exposure to specific situations and a number of variables, which ultimately allows them to demonstrate their competence.

A simulated environment may be used under the automotive industry training package RS & R AUR05 but does not replicate a typical workplace, which allows for a far greater variety of experiences and problems that may arise on a daily basis.

28 Ms Joyce acknowledged that the training package permits a simulated environment to be used.

29 Ms Tsiolas listed several other registered training organisations that offer automotive courses in a period of 52 weeks or less. These courses are offered in Queensland and Victoria. Ms Tsiolas gave evidence that a company related to **AISI has successfully applied to the Victorian Registration and Qualifications Authority (the Victorian equivalent of the Board) for registration. That company provides automotive courses which are essentially the same as those which are the subject of this application.** Under the AQTF national recognition scheme, that company is permitted to offer those qualifications in New South Wales without any further application to the Board. Ms Tsiolas said that that company has not applied for registration in New South Wales because there is a difference in the shareholders of AISI and the Melbourne company and the approval of the Board would still be required before those courses could be provided to overseas students.

Courses are developed in consultation with industry stakeholders

30 The Board considered that AISI had not complied with this part of the standard because its proposed strategies for training and assessment were not supported or endorsed by Ms Joyce and other industry representatives. Correspondence between Ms Tsiolas, Ms Joyce and various industry stakeholders were in evidence. In particular, Ms Tsiolas says that following feedback from Ms Joyce, she decided to offer students practical activities in a so-called 'real work' environment at a commercial workshop. Ms Tsiolas also gave evidence that she consulted with the Higher Education industry including several universities about their willingness to recognise the qualification. There was no documentary evidence of any agreement with any university.

Conclusion

31 There is no formal onus of proof on either party. We must assess the relevant evidence and determine whether we are satisfied that AISI complies with Standard 1.2: VET Act, s 12(3)(c). There is no express requirement in the standard or the relevant training package that the automotive courses be of a particular duration or that they take place in a particular environment. However, both the duration and the environment must meet the requirements of the automotive

industry training package in the sense that it is realistic for students to achieve the relevant competencies in the designated time frame and environment.

32 There is also an express requirement that courses be developed in consultation with industry. While Standard 1.2 does not require that industry endorse the strategies for training and assessment, the Users' Guide states that 'industry engagement and support is evident in the development of all training and assessment strategies.' In order to determine whether the automotive courses proposed by AISI met the relevant standards, the Board requested that Ms Tsiolas consult with industry representatives. Those representatives expressed a firm and unanimous view that the courses did not meet the relevant standards. Ms Tsiolas modified the nature of the environment in which students would be taught practical skills. Nevertheless, various individuals and organisations within the automotive industry do not support the courses being provided in the way AISI proposes. AISI's response to those views was firstly that any comparison with the duration of the course and the environment experienced under the apprenticeship scheme was not valid. Secondly, other RTOs had been registered to provide the same courses under similar conditions in Victoria.

33 We agree that the apprenticeship scheme is not directly comparable to the automotive courses that AISI proposes to deliver. Nor is the 4 year apprenticeship model the only means by which a person is able to gain the competencies identified in the automotive training package. However, given that both pathways can result in the conferral of a Certificate III in automotive electrical technology, some comparison is justified. Even taking into account the obvious differences between the two pathways, the significant disparity in the length of time taken to complete the qualification and the environment in which practical skills are learnt has given industry representatives cause for concern. We are not persuaded by AISI's responses to these concerns. **The fact that similar courses are being offered in Victoria merely means that another government agency has taken a different view to that taken by the Board.** We have not had the benefit of any expert evidence from either the Board or AISI on this issue. It may well be that those competencies can be gained in an alternative way in less time. **However, in this case, there is simply not enough evidence to satisfy us that the strategies for training and assessment for the automotive courses meet the requirements of the relevant training package.** We are also of the view that despite engagement with industry, the continuing lack of support from industry means that AISI is not compliant with Standard 1.2. This conclusion makes it unnecessary to examine in detail the other ways in which the Board submitted that the automotive courses did not comply with the RTO standards. UNQUOTE

Regards

Glenn Pereira"

Leonie Barber MMA
Migration Alliance Mgt Com