



Australian Education Union

Submission

Inquiry into the operation, regulation and funding of private vocational education and training (VET) providers in Australia

27 February 2015

Correna Haythorpe
Federal President

Susan Hopgood
Federal Secretary

Australian Education Union
Ground Floor, 120 Clarendon Street
Southbank Vic 3006
PO Box 1158
South Melbourne Vic 3205

Telephone: +61 (0)3 9693 1800
Facsimile: +61 (0)3 9693 1805
Web: www.aeufederal.org.au
E-mail: aeu@aeufederal.org.au

The Australian Education Union (AEU) welcomes the opportunity to provide a submission to the Senate Education and Employment References Committee Inquiry into the operation, regulation and funding of private training providers in Australia.

The AEU is an organisation of employees registered under the provisions of the Fair Work (Registered Organisations) Act 2009. It has approximately 190,000 members employed in government schools and public early childhood work locations, in TAFE and other public institutions of vocational education, in Adult Multicultural or Migrant Education Service centres and in Disability Services centres as teachers, school leaders, and education assistance and support workers.

Our submission updates and draws on the evidence presented to the 2013 House of Representatives Standing Committee on Education and Employment Inquiry into the role of the TAFE system and its operation and to the 2014 Senate Education and Employment References Committee Inquiry into technical and further education (TAFE) in Australia. In addition, the AEU endorses the submission made to this inquiry by the ACTU. The AEU also endorses the findings and recommendations of a recent commissioned research report from the Workplace Research Centre and the University of Sydney, a copy of which is attached to this submission.

Key recommendations

To address the immediate crisis in the VET sector, the AEU calls for:

Banning of unregistered provider and brokers

We need to act quickly to restore public confidence in the VET sector. Current regulation is failing because it is caught between the irreconcilable tensions of a so-called “light-touch” approach, and the overwhelming complexity of a fast-growing sector which includes operators for whom profit is the only consideration.

Governments and regulators have responded to this in an ad hoc way and have consistently failed to keep pace with developments in the sector. Despite record profits being made by private providers, and the rapid growth in new entrants, regulators remains under-funded for the complex task they now face, and regulations themselves are failing to address key problems.

As a first step, Governments must ensure that:

- 1. Unregistered providers are banned from receiving government funding, directly or indirectly, and the practice of sub-contracting delivery should be forbidden.**

- 2. Brokers are banned from the system. There is no justification for the practice of eliciting enrolments, for profit, from vulnerable students and communities.**

Minimum standards for courses

We also need to bring an end to the rorting of the system by private for-profit providers. Providers are funded on the basis of hours of training, but are under no obligation to deliver those hours. It is too easy for for-profit providers to cut hours of delivery, or delivering no vocational education, in order to make a profit. This leaves students with sub-standard qualifications.

- 3. Standards must be developed urgently to ensure that students receive, as a bare minimum, the hours of training for which they pay, or for which RTOs are subsidised.**

Caps on contestable funding

Making public funding available to private providers is an experiment which is being conducted without proper monitoring or evaluation. There is no evidence it has raised quality or transparency in the sector and plenty of evidence that it has introduced problems of its own which regulators are struggling to address.

In the two advanced “reform” states private providers have access to close to 80 per cent of government funding. All states and territories are on track to open all their government recurrent VET funding to the market. Pending a thorough review of funding and resourcing in the vocational education sector and its impact on quality, governments must:

- 4. Implement an immediate cap on contestable funding of no more than 30 per cent of total recurrent VET funding.**
- 5. Guarantee 70 per cent of funding for TAFE colleges. Where jurisdictions currently have in excess of 30 per cent of funding open to the private sector, they must put in place a program of restoration of the funding as a matter of urgency.**

Reforms to VET FEE-HELP

VET FEE-HELP was introduced with no public scrutiny or debate, and with little consideration of its impact on individuals, and on society. Governments must act urgently to:

- 6. Regulate fees for qualifications and courses which attract VET FEE-HELP to ensure students are not accruing excessive amounts of debt.**
- 7. Cap the amount of funding attached to VET FEE-HELP.**

Moving beyond the immediate crisis in VET, and re-building an innovative, sustainable and responsive national system

Our vocational education system is crucial for the future health of our economy. We need to ensure that young Australians, or older people wanting to upgrade skills or re-train, are able to access the training they need. The current system is not working and in many cases is benefiting no one except for-profit providers. We need to set a course for vocational training in the long-term which must involve:

- 8. A thorough review of funding and resourcing in the vocational education sector, including the real cost of providing education and training in an increasingly complex range of industries, and an evolving society.**
- 9. A public inquiry into VET FEE-HELP, including the impact of such a scheme on low income earners, its appropriateness in industries where wages are low, and an independent assessment of whether the view that increased qualification levels contribute to increased earnings across a lifetime is supported by the evidence.**
- 10. An investigation and public discussion about the underlying assumptions and effectiveness of the current policy settings in the VET sector, including competition for scarce public funding, and the appropriateness of ongoing access to the sector by for-profit providers.**

Introduction

This inquiry comes at a crucial moment for the TAFE and VET sector in Australia. A high quality and well-resourced public vocational education sector is critical to the future prosperity of an equitable and cohesive Australian society. Yet public vocational education institutions – TAFE colleges – are under increasing pressure, and in several states and territories their future existence is even in doubt.

Australia's internationally renowned TAFE system is the dominant provider of high quality vocational education, yet it has been systematically undermined in recent decades; so much so that its crucial role in creating positive social and economic futures for citizens of all ages and in all regions of the nation is under threat. While most policy makers acknowledge the need for TAFE to maintain its pivotal role in society and the economy, as well as in the emerging tertiary education sector, its institutional capacity is being eroded. This has come about as a direct consequence of

the pre-occupation by Australian governments with competition as the major policy driver in the sector, alongside unprecedented budget cuts by state and territory governments.

Since the early 1990's governments have sought to create a contestable training market in the sector, by enacting policies which encourage the participation of private for-profit training providers in this market. Conditions imposed on the states and territories in the *2012 National Agreement for Skills and Workforce Development (NASWD)* and the *National Partnership Agreement for Skills Reform (NPASR)* have resulted in the progressive opening up of government VET funding to the private sector. At the same time, the Commonwealth Government has expanded access to VET FEE-HELP, a student loan scheme which has been dominated by the private sector, and which has expanded exponentially over the past two years. This has provided the private for-profit sector in VET with billions of dollars of government funding, as our submission will show.

This Inquiry must be cognisant of critical differences between how the private sector operates in the VET sector, and how it operates in the schools and higher education sector. Private providers in the VET sector are allowed to operate as for-profit institutions, unlike their counterparts in the schools sector. In the VET sector, close to 5,000 private, for-profit VET providers are now operating in a regulatory environment that is, at best, immature. Notwithstanding that, they have increasing access to government VET funding, with more than \$1.4 billion of government funding going to private VET providers in 2013.¹

The remarkable expansion of the VET "market" has taken place very quickly. Between 2008 and 2013, expenditure on payments to non-TAFE (private) providers increased by \$839.4 million, or 160 per cent.² Our submission will show this rapid expansion of the private for-profit sector has depended entirely on government recurrent VET funding, in a sector which is by any measure the worst funded of all education sectors. This transfer of government funding into the private sector has occurred at the expense of the public provider, against a backdrop of growing uncertainty around the capacity of the relatively immature regulatory system to control the activities of rogue providers in the sector.

We will argue that one of the key problems underpinning the current uncertainty in the sector is the principle of allowing providers, in an already underfunded sector, to operate on a for-profit basis. As the research from the Workplace Research Centre shows, this has resulted in alarmingly high amounts of public funding being taken from the sector in the form of profits to owners or shareholders of private providers, at a time when many public providers are struggling to survive. Once governments make profit the focus of the sector, rather than the delivery of vocational education to students, more regulation,

¹ SCRGSP (Steering Committee for the Review of Government Service Provisions) 2015, Report on Government Services 2015, Productivity Commission, Canberra

² Ibid.

not less, is required. Increased regulation, stricter and more enforceable standards, and a well-resourced monitoring and enforcement of the standards, are the bare minimum required to protect vulnerable students from exploitation and roting – and none of these things currently exist.

In addition, because the sector has been chronically underfunded for such a long time, there is really only one way that providers can make profit from the sector – and that is by cutting quality and delivery time, and short changing students. This is what is occurring currently, and the response of governments at all levels to this gathering crisis is ad hoc and unconvincing. With evidence of the poor practices of the for-profit sector emerging on a daily basis, governments appear to be responding in a panicked piecemeal way, reinforcing the public perceptions of a sector in crisis; in a manner reminiscent of a similar crisis which hit the international education sector only a few years ago.

The vocational education sector is a sector whose currency is trust, and whose core purpose is the education of students, not the creation of profits for shareholders. Unless the government acts rapidly to address the very serious problems currently undermining the sector, the damage will be irreparable. Knee-jerk responses to the activities of rogue private providers are not sufficient. Our submission will argue that the sector is in urgent need of a thorough review of the architecture which underpins it, and the core principles around which it is organised, including the bipartisan preoccupation with markets as the predominant organising principle. It must also address the serious question for Australian society of whether incentivising providers with the promise of huge profits is the way to ensure the futures of generations of young Australians.

Our submission will focus on three terms of reference: 1. The access private VET providers have to Commonwealth and state public funding, 3. The regulatory regime private VET providers operate within, 4. The operation of VET FEE-HELP.

From the outset, we wish to draw the attention of the inquiry to the attached report from the Workplace Research Centre. This report analyses the “reforms” required in the two national agreements, set against the backdrop of a severely underfunded sector, and it shows that they have achieved none of the aims that were espoused in the agreements:

- Improving training accessibility, affordability and depth of skills, including through the introduction of a national training entitlement and increased availability of income contingent loans;
- Encouraging responsiveness in training arrangements by facilitating the operation of a more open and competitive training market;
- Assuring the quality of training delivery and outcomes, with emphasis on measures that give industry more confidence in the standards of training delivery and assessment;

- Providing greater transparency through better information to ensure consumers can make informed choices, governments can exercise accountability.

In short, the report rejects the notion that the vocational training sector, under demand-driven entitlement funding, has made progress in the transparency and quality of training delivery. The complete marketisation of VET has come at great cost to taxpayers without achieving the objectives of the reforms. By their own measure, these “reforms” have failed. But much more seriously, our submission shows that it is the settings in the agreements which have encouraged the type of behaviour which we are now seeing clear evidence of in the sector.

Specifically, the Workplace Research Centre Report finds that:

- The behaviour of for-profit providers has served to undermine confidence in vocational qualifications and taken advantage of students unable to make informed decisions
- Disadvantaged students are under-represented in for-profit VET provision, and TAFE and other public providers continue to enrol most early school leavers, regional students, and students with a disability
- VET for-profit providers are also avoiding offering courses in skill shortage areas like the trades (which are often expensive to provide and may be subject to more rigorous quality assurance), instead focusing on high volume, high profit areas like business studies.
- Students not eligible for an entitlement place are vulnerable to increasingly high fees, which in many cases are not capped. The availability of VET FEE-HELP loans has encouraged some for-profit VET providers to sign up students to loans they have little realistic prospect of repaying.

It is the last two findings, however, which throw considerable doubt on the capacity of the current regulatory system, even were it to be strengthened and improved, to stop the behavior of those providers seeking to profit from the sector at the moment:

- The current regulatory arrangements have failed to address serious quality issues in the for-profit VET sector, which has engaged in practices including subcontracting delivery, one hundred per cent online delivery, and allowing students to complete qualifications in less than a quarter of the nominal duration.
- The complexity of the operations of for-profit providers casts considerable doubt on whether regulators can possibly stay abreast of the operations of for-profit providers, particularly given limited disclosure requirements and audits which occur on average once every five years.

Urgent action is needed to stem the flow of money to unscrupulous providers, but the problems are much more entrenched, and they can be located in the design of the market

which currently exists in Australia's vocational education system. As our submission shows, \$2.5 billion or 43 per cent of recurrent VET funding was allocated contestably across the country in 2013, with more than \$1.4 billion in recurrent government funding flowing to the private VET sector in the same year. In addition, the amount of government funding now being accessed through VET FEE-HELP has grown from \$25 million in 2009 to more than \$1.6 billion in 2014, with more than three quarters of VET FEE-HELP funding going to the private VET sector.

This is very serious for a number of reasons, including:

- students having to take out loans for qualifications and courses in industry areas where their income levels may well never reach the repayment threshold; and
- the complete deregulation of fees in the sector, with the only discipline on the amount of money a provider can charge being the lifetime limit on borrowings which is currently \$97,728. It is noteworthy, and in the AEU's view completely unacceptable, that the government is currently proposing to lift this limit.

Term of Reference (1): the access private VET providers have to Commonwealth and state public funding

The VET sector is the worst funded of all education sectors in Australia. Almost all stakeholders acknowledge this. This is the result of almost 25 years of reductions in recurrent funding, which the most recent *Productivity Commission Report of Government Services* shows has declined between 2004 and 2013 by more than 26 per cent. The settings of the 2012 NASWD and NPASR, which encourage states and territories to open their entire recurrent VET funding to the market, are largely responsible for the perilous situation in which the sector now finds itself.

The rapid expansion of the private VET market via the shift to so-called demand-led funding, and encouraging for-profit VET providers into this market, under promise of profit margins well in excess of market standards, is encouraging the type of unscrupulous behaviour which we are now seeing. Even Skills Australia, a supporter of "demand-led" funding, signalled caution as early as 2012, saying:

Skills Australia has supported the introduction of demand-led funding but considers that it should have been delayed until effective quality assurance and external validation of assessment is in place. It is also recommended that governments will need to guard against over- or under-supply through caps on student enrolments and incentives based on occupations in need, such as specialised occupations. The impact of demand-led funding on the supply of skills needs to be monitored to ensure that individuals are gaining useful

*education and skills and that industry is able to recruit the skilled workers it needs.*³

In 2011, the *Centre for the Economics of Education and Training (CEET)* produced *TAFE Funding and the Education Targets* (an update)⁴. This report provided information up to 2009, which showed that government recurrent expenditure per hour of training declined by 15.4 per cent between 2004 and 2009 – part of a longer term trend that saw funding per student contact hour in VET decline by about 25.7 per cent from 1997. The *CEET* Report update made the point that government funding for TAFE had declined both because of the decline in recurrent public VET expenditure and because of the shift of government recurrent expenditure away from the TAFE sector. It went on to say that:

*If both expenditure per hour and TAFE's share of that expenditure had been maintained, even at 2004 levels TAFE funding would have been about \$974 million (or 19.9 per cent) greater in 2009 than it actually was.*⁵

The evidence clearly shows that the shift in government funding away from TAFE has accelerated since 2009, and both the *Australian Workforce and Productivity Agency's (AWPA)* recent *Future Focus 2013 National Workforce Development Strategy*, and the *2014 Report on Government Services*, show that the decline in recurrent public VET expenditure has continued.

The *AWPA* report shows that expenditure per annual hour decreased by 14 per cent between 2006 and 2010. Further, that this downward trend in funding per student contact hour in VET needs to be investigated “*in relation to quality*”.⁶ *AWPA* notes that all jurisdictions except South Australia and the Northern Territory have reduced VET budgets for 2012–13, and then makes the strong point that:

*The danger in coming years, if the Commonwealth, states and territories continue to tighten their budgets, is that there may be ongoing use of the somewhat blunt instrument of reducing funding per student contact hour to meet growth targets, rather than the more positive and creative approaches to sustainability and growth. For while increased efficiency is to be applauded and encouraged, the extent of the reduction in expenditure per student annual hour on VET raises questions about the ongoing quality of VET teaching and delivery, especially when compared to the per student hour rate trends in the school and higher education sectors.*⁷

³ *AWPA, Future focus- Australia's skills and workforce development needs: Discussion Paper*, 2012, p72

⁴ Michael Long, ‘TAFE Funding at the education targets (an update)’, *Centre for the Economics of Education and Training*, < <http://www.aeufederal.org.au/Publications/2011/CEETreport2011.pdf>> (accessed 12 March 2014)

⁵ *Ibid*

⁶ *AWPA Future Focus 2013 National Workforce Development Strategy*, Canberra, p130

⁷ *AWPA Op. Cit.*, p130

Table 1, from *Future Focus*, shows that despite its importance as a critical tier of the Australian education system, the rate of Commonwealth and State government recurrent funding per full time student for vocational education and training has dramatically fallen since 1999 compared to the primary, secondary and higher education sectors. Indeed the VET sector is the only education sector to have experienced an overall decline in funding during this period as the table below indicates.

Table 1: Commonwealth and state government recurrent expenditure, funding per full-time equivalent student (schools and higher education) and per annual hour (VET) indexed to 1999 (1999=100)⁸

	Primary government schools ⁹	Secondary government schools ¹⁰	Vocational Education and Training ¹¹	Higher Education ¹²
1999	100	100	100	100
2000	108	103	94	99
2001	113	105	89	92
2002	113	108	92	89
2003	117	113	94	89
2004	124	117	94	93
2005	124	118	91	101
2006	127	116	89	102
2007	128	116	86	102
2008	129	115	82	103
2009	128	115	80	99
2010	130	122	75	108
2011	131	120	75	103

In this table, indexed figures are based on schools, higher education and VET data which has been estimated using the ABS Chain Price Deflator for GDP at 2010-11 prices. More weight can be given to differences in the growth rates than to comparisons at a point in time.

The extent of the continuing decline in funding per annual hour has is shown by the

⁸ AWP A Op. Cit., p131

⁹ Source: Schools Average Government School Recurrent Costs data. Note that in DEEWR publications for schools the final data for a given year is the financial year data for the previous year. Includes state and territory expenses.

¹⁰ Ibid

¹¹ Source: VET Government Recurrent Expenditure per annual hour sourced from Productivity Commission, *Report on government services*, Table 5A.19. Includes state, territory and Commonwealth government expenditure.

¹² Source: Based on published and unpublished higher education data from the Department of Industry, Innovation, Science, research and Tertiary Education. Operating Grant and Commonwealth Grant Scheme funding only. Excludes student contributions, HELP expenses, research funding, other Commonwealth higher education and state and territory government funding. From 2008 to 2011 universities were funded for target places plus over-enrolment above the target funding of up to 5 per cent in 2008-2009 and 10 per cent in 2010-2011. A number of universities enrolled above the over-enrolment limit, particularly in 2009, 2010 and 2011, and received only the student contribution for those places. For 2008 and 2009, funding for over-enrolments was paid in the following year. From 2010, over enrolments were paid in the actual year. CGS funding for 2010 includes funding for 2009 and 2010 over-enrolments.

Productivity Commission's 2015 Report of Government Services (Vocational Education and Training).

Graph 1: Government real recurrent expenditure per annual hour (2013 dollars)¹³

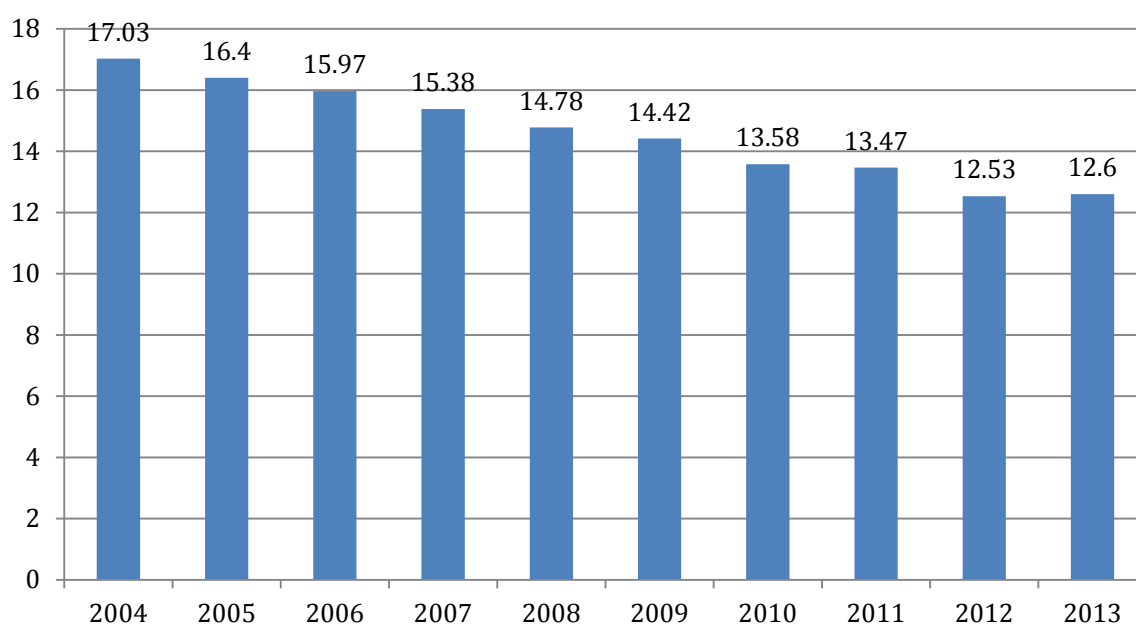


Table 2: Government real recurrent expenditure per annual hour (2012 dollars)¹⁴

	NSW	VIC	QLD	WA	SA	TAS	ACT	NT	Aust
2004	16.93	14.27	19.42	17.86	19.29	17.75	18.41	30.82	17.03
2005	14.95	14.96	18.61	18.33	18.09	18.28	20.16	30.90	16.40
2006	15.06	14.69	16.85	17.12	18.71	17.83	18.74	29.13	15.97
2007	14.39	13.52	18.19	15.82	17.41	17.36	18.83	28.37	15.38
2008	13.67	13.36	18.01	14.27	15.60	16.43	19.39	30.30	14.78
2009	13.21	12.58	18.10	14.62	15.53	16.90	17.47	27.64	14.42
2010	12.83	11.68	15.94	14.10	14.63	17.72	17.98	27.15	13.58
2011	12.77	11.36	15.08	16.93	14.11	16.85	16.77	28.93	13.47
2012	12.65	10.88	15.19	14.63	10.57	14.17	18.29	21.19	12.53
2013	14.07	9.36	17.40	14.87	11.09	16.71	17.28	23.85	12.60
Change 2012-2013 %	11.23	-13.97	14.55	1.64	4.92	17.93	-5.52	12.55	0.56
Change 2007-2013%	6.51	-25.60	-3.87	1.71	-28.59	-1.12	-1.09	-13.71	-12.62
Change 2004-2013 %	-16.89	-34.41	-10.40	-16.74	-42.51	-5.86	-6.14	-22.62	-26.01

¹³ SCRGSP (Steering Committee for the Review of Government Service Provisions) 2015, Report on Government Services 2015, Productivity Commission, Canberra

¹⁴ SCRGSP (Steering Committee for the Review of Government Service Provisions) 2015, Report on Government Services 2015, Productivity Commission, Canberra

While the *2015 Report of Government Services* confirms the downward trend in VET and TAFE funding, there are some standout issues in this year's report that bear emphasis. The national investment in vocational education has continued to plummet by more than 13 per cent since 2007. In the eleven years since 2004, national investment in TAFE has dropped by 26 per cent, in stark contrast with trends in schools and university funding (see Table 1).¹⁵ Investment in education in the schools and university sector is crucially important, but it needs to be asked why governments have not invested in the same way in the TAFE system, as it is clearly just as much in the national interest as schooling and higher education. The *Productivity Commission* says that 'Government recurrent expenditure per annual hour needs to be interpreted carefully because low or decreasing unit costs **do not** necessarily reflect a lessening of quality.'¹⁶ However, in all other sectors of education, it is generally understood that declining funding rates per student have a negative impact on quality. Yet, in VET, decreased funding is seen as a virtue to be rewarded, a great achievement and a sign of ever-increasing efficiency. In higher education and in other education sectors, competition is about quality, and funding is linked to quality. Competition in VET is primarily about price, and it is imperative that this changes.

There has been a huge increase in low-cost, high volume courses. This is because the market settings that governments have put in place are designed to encourage the growth of private providers in the sector in order to stimulate competition, based on the logic that this will simultaneously drive down costs and drive up quality. Low-cost, high volume courses are the ones that make most profit – but they also lead rapidly and inevitably to cost blow-outs, as the experience of Victoria and South Australia has shown. Governments respond by cutting funding, as the Victorian government notoriously did in 2012, cutting \$1.2 billion from TAFE budgets – even though it was in private provision where the sharpest growth in low-cost, high volume courses had occurred. While this is not rational, it does 'improve' so-called VET indicators of participation rates and qualification completions. It needs to be said, however, that these measures are too blunt to give real insight into the VET system's outcomes.

At the very least, the *Productivity Commission* reports should be accompanied by an examination of the **type** of outcomes that are achieved and the **quality** of qualifications. Table 3, below, shows that while the Federal Government has increased its funding from 2009 to 2013 by \$125 million, its share of funding has declined. More seriously though, the funds allocated competitively have increased from \$1159 million in 2009 to \$2491 million in 2013. This is an increase of \$1541.1 million or 115 per cent. The percentage allocated competitively increased from 23 per cent in 2009 to 43 per cent in 2013, an increase of 20 percentage points. Most of this increase was from 2009 to 2012, an increase of \$1409.5 million or 121.34 per cent and the share allocated competitively increased by 19 percentage points.

¹⁵ Report on Government Services 2014, Table 5A.19

¹⁶ Ibid.

Table 3: Growth in the proportion of Recurrent Funding Allocated Contestably 2009 -2013¹⁷

		Recurrent				Competitive				
		Federal Recurrent	State & Territory recurrent	C'wealth Admin	Total gov't recurrent	Open comp tender	L'td Comp tender	User Choice	Other	Total Comp
2013	\$m	1355.1	3989.5	462.7	5807.3	139	25.8	666.4	1659.7	2491
	% of recurrent	23.33%	68.70%	7.97%	100%	2.39%	0.44%	11.48%	28.58%	42.89%
	% of competitive					5.58%	1.04%	26.75%	66.63%	100.00%
2012	\$m	1333.5	4333.9	338.9	6006.3	1386	23.1	1001.8	157.4	2568.4
	% of recurrent	22.20%	72.16%	5.64%	100.00%	23.08%	0.38%	16.68%	2.62%	42.76%
	% of competitive					53.96%	0.90%	39.00%	6.13%	100.00%
2011	\$m	1294.4	4036.6	532.5	5863.5	1260.2	24.9	1021.7	na	2306.8
	% of recurrent	22.08%	68.84%	9.08%	100.00%	21.49%	0.42%	17.42%	na	39.34%
	% of competitive					54.63%	1.08%	44.29%	na	100.00%
2010	\$m	1262.8	3605.4	409.1	5277.3	675.3	20.9	995.3	na	1691.5
	% of recurrent	23.93%	68.32%	7.75%	100.00%	12.80%	0.40%	18.86%	na	32.05%
	% of competitive					39.92%	1.24%	58.84%	na	100.00%
2009	\$m	1230.1	3493.2	358	5081.2	171.8	20.6	966.5	na	1158.9
	% of recurrent	24.21%	68.75%	7.05%	100.00%	3.38%	0.41%	19.02%	na	22.81%
	% of competitive					14.82%	1.78%	83.40%	na	100.00%

Table 4: Growth in the proportion of recurrent government funding allocated contestably 2009-2013¹⁸

	2009		2010		2011		2012		2013	
	\$m	%	\$m	%	\$m	%	\$m	%	\$m	%
Australia	1158.9	22.81	1691.5	32.05	2306.8	39.34	2568.4	42.76	2491	42.89
NSW	310	19.57	447.5	27.18	417.4	24.77	356	20.83	294.5	17.39
VIC	283.2	23.32	575.9	44.02	1172.4	71.90	1387.9	69.59	1310.2	77.44
SA	72.8	20.12	80.3	22.92	94.6	26.10	246.4	74.44	361	79.87
QLD	260.7	26.07	307.6	30.91	335.2	31.86	287.2	29.03	265.7	26.93
WA	158.3	27.08	189.2	30.96	195.7	25.89	199.3	30.40	181.4	27.47
TAS	72.1	34.23	41.9	29.82	41.1	27.85	43	33.81	38.2	29.77
ACT	17.1	17.29	26.9	25.05	27.8	26.91	26.9	26.22	21.5	22.51
NT	14.6	12.74	22.2	18.78	22.7	17.89	21.7	22.44	18.5	18.71

¹⁷ SCRGSP (Steering Committee for the Review of Government Service Provision) 2015, Report on Government Services 2015, Productivity Commission, Canberra

¹⁸ SCRGSP (Steering Committee for the Review of Government Service Provision) 2015, Report on Government Services 2015, Productivity Commission, Canberra

Table 5: Proportion of government funded students by provider type¹⁹

		2009		2010		2011		2012		2013	
		'000	%	'000	%	'000	%	'000	%	'000	%
Aus	TAFE	876.3	69.2	891.3	66.1	875.3	59.7	883.2	57.7	826.0	56.1
	PP	267.3	21.1	347.6	25.8	482.8	32.9	550.7	36.0	537.6	36.5
NSW	TAFE	304.4	68.1	313.0	67.0	308.1	66.2	316.5	67.8	291.0	68.8
	PP	86.8	19.4	103.4	22.1	111.7	24.0	107.8	23.1	92.8	21.9
VIC	TAFE	201.1	65.6	206.4	60.1	195.7	44.8	199.8	40.4	186.5	37.7
	PP	52.9	17.3	90.8	26.4	192.3	44.1	252.6	51.0	251.7	50.9
QLD	TAFE	150.5	73.2	148.1	67.7	147.6	61.7	140.5	62.9	118.0	62.6
	PP	53.5	26.0	66.9	30.6	88.2	36.9	79.9	35.7	69.0	36.6
SA	TAFE	63.9	64.8	64.0	64.4	61.8	60.8	68.9	55.9	78.5	52.3
	PP	25.1	25.5	29.0	29.2	31.0	30.6	48.3	39.2	66.1	44.0
WA	TAFE	105.7	78.4	108.4	75.9	109.4	74.9	106.4	73.7	102.3	72.9
	PP	26.1	19.4	32.1	22.5	34.6	23.7	35.8	24.8	35.7	25.4
TAS	TAFE	20.2	67.3	20.2	65.6	22.1	69.9	21.7	28.5	19.6	65.6
	PP	9.8	32.7	10.6	34.4	9.5	30.1	10.0	31.5	10.3	34.4
ACT	TAFE	16.9	75.1	18.2	72.8	16.8	70.3	15.9	66.5	16.2	74.0
	PP	5.6	24.9	6.8	27.2	7.1	29.7	8.0	33.5	5.7	26.0
NT	TAFE	13.7	64.9	13.1	61.8	13.8	63.0	13.5	61.9	13.9	68.8
	PP	7.4	35.1	8.1	38.2	8.1	37.0	8.3	38.1	6.3	31.2

The *Productivity Commission's 2015 Report on Government Services* shows that payments to non-TAFE providers in Victoria increased from \$148 million in 2009 to \$799 million in 2013.

Table 6: Government payments to non-TAFE providers for VET delivery (2013 dollars, \$m)²⁰

	NSW	VIC	QLD	WA	SA	TAS	ACT	NT	Aust
2004	101.1	147.9	105.8	60.4	27.8	8.8	15.2	5.9	472.9
2005	102.6	150.7	89	58.7	27	8.2	12.5	8.8	457.6
2006	116	165.3	65	67	23.9	8.6	10.6	9.6	466
2007	127.9	158.6	100.2	58.2	21.6	8.3	11.3	10.2	496.4
2008	122.3	150.9	130.5	65.7	22.7	9.2	9.6	12.5	523.4
2009	116.3	148	146.5	92.7	34.4	9.4	10.1	12.6	570
2010	197.3	296.1	196.6	120.9	38.3	8.6	8.7	15.9	882.4
2011	189.7	506.9	251.1	138.7	50.9	7.7	8.9	8.4	1162.2
2012	148.6	804.2	200.4	132.5	81	11.3	8.8	13.5	1400.3
2013	95.7	799.2	185	122.5	128.8	11.9	8.8	11	1362.8

¹⁹ NCVER 2014, Australian vocational education and training statistics: students and courses 2013, NCVER, Adelaide

²⁰ SCRGSP (Steering Committee for the Review of Government Service Provision) 2015, Report on Government Services 2015, Productivity Commission, Canberra

Table 7: Payments to non-TAFE providers as a proportion of government recurrent funding (%)

	NSW	VIC	QLD	WA	SA	TAS	ACT	NT	Aust
2009	7.3%	12.2%	14.6%	15.9%	9.5%	7.6%	10.2%	11.0%	11.2%
2010	12.0%	22.6%	19.8%	19.8%	10.9%	6.1%	8.1%	13.5%	16.7%
2011	11.3%	31.1%	23.9%	18.3%	14.0%	5.2%	8.6%	6.6%	19.8%
2012	8.7%	40.3%	20.3%	20.2%	24.5%	8.9%	8.6%	14.0%	23.3%
2013	5.6%	47.2%	18.7%	18.5%	28.5%	9.3%	9.2%	11.1%	23.5%
Real change in payments to non-TAFE providers (%)									
2012-2013	-35.6	-0.6	-7.7	-7.5	59.0	5.3	0.0	-18.5	-2.7
2008-2013	-21.7	429.6	41.8	86.5	467.4	29.3	-8.3	-12.0	160.4
2004-2013	-5.3	440.4	74.9	102.8	363.3	35.2	-42.1	86.4	188.2

Despite the massive increase in funding to private providers, TAFE institutes are bearing the brunt of an estimated \$400 million cut annually. Governments have more than tripled their funding of private training since 2008, catapulting TAFE institutes in Victoria towards minority provider status. Government funding of non-TAFE training providers in Victoria grew from about \$523.4 million in 2008 to \$1.4 billion in 2013.²¹ In South Australia, payments to private providers also increased sharply, from \$51million in 2011 to \$129 million in 2013.

Most states have now implemented a competitive entitlement system in vocational education, in line with the requirements in the *2012 NASWD* and *NPASR*. The NSW government was the last to do so, implementing *Smart and Skilled* at the beginning of 2015.

Table 8: Progress of reforms

Jurisdiction	Title	Stage of Reform	2013 Recurrent funds allocated contestably ²²	2013 Proportion of funding to non-TAFE providers ²³
ACT		Commenced	23%/ \$22m	9.2%/ \$19m
NSW	Smart and Skilled	Implemented 2015	17%/ \$295m	6%/ \$96m
NT		Commenced 2013	19%/ \$19m	11%/ \$11m
Qld	Qld Training Guarantee	July 2014 Fully implemented	27%/ \$266m	19%/ \$185m
SA	Skills for All	Implemented 2012	80%/ \$361m	29%/ \$129m
Tas	Training Services	Entitlement and ICLS 2014	30%/ \$38m	9%/ \$10m
Vic	Victorian Training Guarantee	Fully implemented 2010	77%/ \$1.3b	47%/ \$799m
WA	Future Skills WA	January 2014	28%/ \$181m	19%/ \$123m

²¹ NCVER 2013, *Australian vocational education and training statistics: financial information 2012*, NCVER, Adelaide

²² Report on Government Services 2014, Table 5A.8

²³ NCVER 2013, *Australian vocational education and training statistics: financial information 2012*, NCVER, Adelaide, p10

The shift of recurrent VET funding to the private sector has been accompanied by direct funding cuts to TAFE in the states and territories. At the end of 2013, the South Australian and Victorian governments made further significant funding cuts to their TAFE sectors. This was despite the South Australian government claiming that its policy settings were different than Victoria, and that it intended to support the public system. In a mirror of what had happened in Victoria in 2012, South Australia reached its target of 100,000 additional enrolments three years ahead of schedule, while cutting an estimated \$83 million from TAFE - or about 45 per cent of its budget. Students in hundreds of courses faced fee increases that now see them paying between 50 per cent and 80 per cent of the full cost. Government recurrent expenditure per hour plummeted in South Australia, decreasing by nearly 25 per cent between 2011 and 2012. In Victoria, funding recurrent expenditure per hour has been on a consistent downward decline for almost two decades, declining by 6.4 per cent between 2011 and 2012, and by 26.21 per cent between 2003 and 2012.²⁴ In November 2013, the Victorian government announced another round of cuts to a range of courses, including adult literacy and numeracy, and a range of ESL and youth re-engagement programs. The impact of these cuts on TAFE colleges was estimated to be in the order of \$27 million.

In 2013, AWPA recommend that the Australian Government commission a review of funding in the VET sector to determine an appropriate price for the delivery of high quality VET. In making this recommendation, AWPA said:

*... TAFE institutes remain the bedrock of the national VET system, offering vital programs in industry areas and geographical locations that many other providers find challenging... AWPA supports those authorities that have recognised TAFE's distinctive role and position in the national VET system and have funded it appropriately. There are great risks if the balance tips beyond efficiency to cuts in quality and services for the diverse student cohort and geographical localities often provided by TAFE.*²⁵

All governments, both federal and state/territory, must heed the warnings coming from employers, community groups, students and teachers and undertake such a review as a matter of urgency. Governments are responsible to the communities who elect them for the ongoing viability of the TAFE system. They must commit to ensuring a viable future for the highly regarded, world class Australian TAFE system. Unless immediate action is taken, TAFE as we know it will simply not survive.

Term of Reference (3): The regulatory regime private VET providers operate within

Greater regulation and stricter enforcement of much higher standards is now required to discipline the ballooning private sector. All the evidence from the national VET

²⁴ Report on Government Services 2014, Table 5A.19

²⁵ AWPA *Future Focus 2013 National Workforce Development Strategy*, Canberra, p.131

regulator, the *Australian Skills Quality Authority (ASQA)*, is that this regulation is essential to protect students, the public and employers from the activities of unscrupulous private providers. In response to the growing crisis in the VET private market, the Federal Government has argued that the new standards for registered training organisations (RTOs), which came into force on 1 January 2015 for new RTOs and commence on 1 April 2015 for existing RTOs, and which include strengthened requirements around marketing and arrangements with brokers, would address these concerns. But these changes are set in the context of a pre-occupation, in this highly volatile environment, towards lifting the so-called “burden” of regulation and encouraging the market to operate freely.

The current regulatory regime governing the VET sector reflects a series of government “reforms” to the sector, some in response to developments in the sector, and others which reflect deliberate steps to develop a competitive training market. Public and private providers operate in an undifferentiated way in the regulatory context. There is an *Intergovernmental Agreement (IGA)* on Regulatory Reform in VET (2011) to establish national regulation of the VET sector as well as a *National Agreement (NASWD)* and *National Partnership Agreement (NPASR)* through which Commonwealth money is provided to the states and territories who agree to implement a series of reforms. Victoria and WA are not signatories to the *IGA* but all states and territories are signatories to the *NASWD* and *NPASR* and have their separate bi-lateral Implementation Plans.

As part of the implementation of the *IGA*, the Commonwealth passed the *National Vocational Education and Training Regulator Act* in 2011 with all states except WA and Victoria passing ‘referral legislation’ effectively adopting that Act’s provisions for the regulation of VET providers, both public and private, in their states.

National Regulatory Standards

There are national regulatory standards (the *VET Quality Framework*) and a national VET regulator (NVR) - the *Australian Skills Quality Authority (ASQA)* - for registering and monitoring training providers who deliver nationally accredited training packages and VET accredited courses and who operate across state borders or enrol international students. As well, in Victoria and WA, the continuing state-based regulators administer standards of the *Australian Quality Training Framework (the AQTF)*, itself a set of nationally endorsed regulatory standards) for training providers delivering accredited training only within the respective state.

VET Provider Access to State and Territory Government funding

Separately there are additional arrangements and accountabilities which the states and territories administer in implementing, and obtaining funding for, the agreed VET reform agenda under the various national agreements.

The states and territories in turn impose a series of administrative processes and performance related measures for training providers seeking government funding to deliver programs within the state or territory. This is for both quality assurance purposes and to demonstrate the particular state or territory's implementation of, or compliance with, the various elements of the agreed national VET reform agenda; for example, the national training entitlement, open and competitive training market/s, contestability of government funding and income contingent loans.

The Regulatory Framework

In addition to being a Registered Training Organisation (RTO), in order for that RTO to deliver training that is state or territory government subsidised, it is generally required to enter a contractual or funding agreement with the relevant government. Governments typically maintain and publish lists of programs they will fund as well as lists of the subsidies they provide per qualification. The programs and the subsidies (changeable and modified over time) target the priorities typically set out in the relevant major government policy; for example, a VET or "Skills reform" policy, allocated funding in a state/territory budget and then detailed in a strategic or investment plan and administered through a relevant department/s.

Sometimes this 'purchasing' or 'procurement' by government of the training services it requires may be by an open and periodic tender process, or it may be an ad hoc application process as between public and private RTOs or other training providers, albeit perhaps with any resultant contract/s containing differences (as in Victoria). Alternatively, the tendering process may be restricted to private RTOs with the government negotiating directly with the public RTO over funding (as in WA).

Governments may restrict applications for funding for certain programs, for example Foundations Skills, to public RTOs (as in NSW). Governments may also restrict the number of RTOs that deliver publicly funded training through measures such as not releasing further tender requests or closing any application process.

Applications to deliver government subsidised training are assessed and approved by the relevant government department which takes account of matters including accuracy of the information supplied, advice supplied by industry bodies and employers, *VET Quality Framework* or *AQTF* audits and assessment of the financial viability of the applicant to meet the obligations under the contract, records of contractual and regulatory compliance and capacity to deliver training under the contract.

RTOs generally cannot commence delivery of funded programs until they receive government approval and approval is generally limited to programs specified in the contractual agreement.

Actual funding by government may not commence (or commence only in stages) upon approval of the application but is dependent on the relevant government department being satisfied the training and assessment is being/has been provided to the student eligible for the funding and that the RTO is meeting the requirements of the contract/agreement and relevant government policies and programs.

In addition to general ‘performance standards’ set out in policy documents, particular funded programs may have additional requirements (usually specified pre-requisites and key performance indicators) which an approved provider must also meet; for example for a VET in Schools program, a User Choice program, a “Training Guarantee”, “Higher Skills”, Indigenous Training or Industry Partnership program.

RTOs therefore will have both a regulatory and a contractual compliance requirement in order to access and maintain government funding.

The need for such measures is highlighted by reports such as the December 2013 reports²⁶ released by the *Australian Skills Quality Authority (ASQA)*. These reports revealed shortcomings in safety and welfare training across the country, and concerns about the advertising practices of a number of private RTOs. *ASQA* found problems with three-quarters of the colleges audited over training for the construction white card, an occupational safety ticket required by workers on all building sites. *ASQA* also found problems with 87 per cent of colleges examined over aged-care training, with about one-third teaching a nominally one-year certificate in 16 weeks or less. Dozens of colleges face further regulatory action and could lose their registration after failing to resolve *ASQA*'s concerns, despite being given a month to do so. The reviews also uncovered widespread marketing issues, with one in eight colleges offering outdated courses and one in 12 involved in misleading advertising.

Key messages from *ASQA* in the review of the advertising and marketing practices of RTOs included:

- Marketing practices of up to half registered training organisations are potentially misleading to consumers;
- Some marketing is also a breach of the national standards governing registered training organisations; and
- Organisations that are not registered training organisations are acting as brokers, with such arrangements potentially misleading consumers;

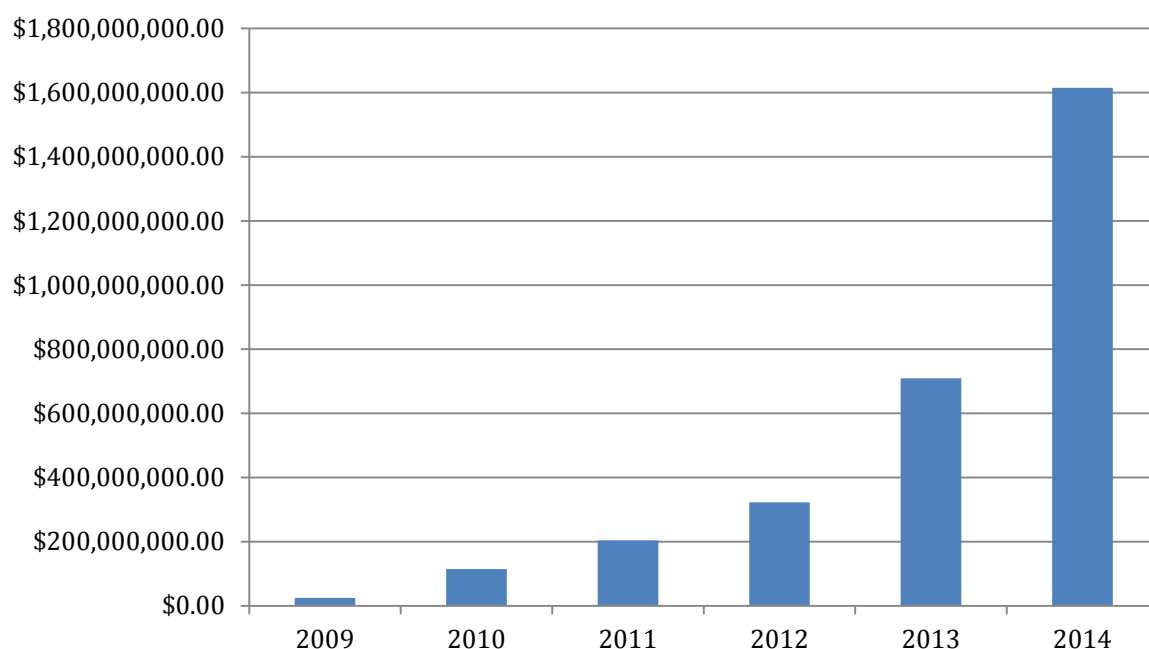
²⁶ *ASQA ‘Training for aged and community care in Australia’, 2013 and ‘Marketing and Advertising practices of Australia’s registered training organisations’, 2013*

Term of Reference (4): The operation of VET FEE-HELP

VET FEE-HELP is an income contingent loan scheme, introduced into the VET sector in 2008 as part of the Commonwealth's *Higher Education Loan Program (HELP)*. An income contingent loan scheme – the *Higher Education Contribution Scheme (HECS)* – was first introduced into Australia's Higher Education sector under Education Minister John Dawkins in 1989. *HECS* has become *HECS HELP* in the Higher Education sector, and *HECS-HELP*, *FEE-HELP* and *VET FEE-HELP* are all administered under the *Higher Education Loan Program (HELP)*.

Since its introduction in 2008, Commonwealth Government funding for *VET FEE-HELP* has grown at an extraordinary rate – from \$25 million in 2009 to about \$1.6 billion in 2014 (see Graph 2) As a result, student indebtedness has also increased.

Graph 2: VET FEE-HELP payments 2009- 2014²⁷



HECS HELP is available for students in Higher Education who are eligible for a government subsidised place, also known as a *Commonwealth Supported Place (CSP)*. *FEE-HELP* and *VET FEE-HELP* are loan schemes available for students in Higher Education (*FEE-HELP*) and VET (*VET FEE-HELP*) who are paying the full cost of their courses. *VET FEE-HELP* was extended, in 2010 to courses in VET which were government subsidised, and the mandatory loan fee paid by all *FEE-HELP* students (now 25 per cent of the cost of the loan) was removed for those in subsidised places. Undergraduate students who are eligible for a *CSP* generally pay much less through their *HECS HELP* loans, than either category of *FEE-HELP* student, although elements of the Abbott Government's proposed radical changes to higher education could change this.

²⁷ Minister for Industry (2014); Department of Education and Training (2015, unpublished)

While there are some similarities between *HECS HELP*, *FEE-HELP* and *VET FEE-HELP*, there are also some crucial differences. Because all *HELP* loans are income contingent loans, repayments are made through the Tax Office when an individual's income reaches a certain threshold, currently \$53,345. The philosophy behind the schemes is the same. The argument put by governments is that individuals receive some benefit, in the form of increased earnings throughout their lives as a result of completing a qualification. Therefore, individuals should share the cost of their education with the state. In essence however, governments are looking for ways to shift the funding of education from themselves and onto students. This has significant implications for the community, in particular those sections of the community who are least able to afford the costs of education, and who are often debt averse.

There are also some crucial differences between the sectors in their approaches to their income contingent loans. In higher education, students eligible for a *CSP* take out a *HECS HELP* loan from the Commonwealth Government to pay for part of the cost of their qualification. Costs of fees for degrees are currently regulated, and the government pays for part of the cost of the qualification, with the student paying the remainder, through *HECS HELP* if they choose. Currently, university students pay on average 40 per cent of the cost of their degree, and they start to repay that loan through their tax when their income reaches the threshold. In VET, fees for non-government subsidised courses are completely deregulated; that is, a provider can charge whatever they want for a VET qualification, and a student must therefore borrow the full cost as a *VET FEE-HELP* loan. In addition, students who take out a *VET FEE-HELP* loan for a qualification which receives no government subsidy must pay a 25 per cent administration fee on top of the loan. This administration fee is waived where the qualification receives some government subsidy.

Many of the radical changes that the Abbott Government is trying to make to the higher education sector would draw it into line with the current arrangements in the VET sector, and the proposal to uncap the limit on the amount of debt that students can take out throughout their lives (currently \$97,728 for most students and \$122,162 for medicine, dentistry and veterinary science students) would remove the only constraint on the amount that private providers are charging students.

When *VET FEE-HELP* was first introduced into the sector in 2008, there were restrictions on the courses that could be eligible and which organisations could offer the loan scheme. The 2008 Guidelines for *VET FEE-HELP* required eligible qualifications to be VET Diploma and Advanced Diploma courses which attracted no government subsidy; ie. were full fee for service. In addition, the VET Provider had to have specified credit transfer arrangements with a Higher Education provider. Providers had to be body corporates, unless they were organisations established under government vocational education and training legislation (ie. TAFEs). They were also required to have

education as their principal purpose, and provide tuition assurance for all their eligible courses.

These guidelines, as Graph 2 above shows, meant that initial take-up of *VET FEE-HELP* was low. In response, in July 2009 amendments to the guidelines extended *VET FEE-HELP* to courses which were partially government subsidised so long as the VET provider was in a “reform” state or territory. A designated reform state was one which had agreed to open its VET funding to the private sector. At this time, the only eligible “reform” state was Victoria, which had introduced market reforms of its VET system in 2008 – the Victorian Training Guarantee. Following their sign-up to the *2012 National Agreement on Skills and Workforce Development (NASWD)* all states effectively met the conditions which allowed their providers to be *VET FEE-HELP* eligible.

In other words, the introduction of *VET FEE-HELP* was the opening of a significant new source of Commonwealth funding for higher level VET qualifications, with the final “burden” of this debt being transferred fully to individual students into the future. It started the process of the states and territories shifting their responsibility for the funding and provision of higher level VET qualifications from themselves, temporarily onto the Commonwealth, but finally onto individuals. In a number of states, this is exactly what has occurred, and it has served as a powerful and lucrative incentive for the states and territories to introduce market reforms of their VET systems.

As part of the 2009 extension of access to *VET FEE-HELP* in Victoria, the Commonwealth commissioned a review of the scheme. This was largely because there was a concern about the low take-up rate of *VET FEE-HELP*. The review found that RTOs were experiencing “significant issues” with the scheme, including issues associated with the application process and meeting financial viability, principal purpose, credit transfer and tuition assurance requirements. These issues, according to the reviewers²⁸ were impeding the take-up of the scheme by students. Some stakeholders, the reviewers argued, were concerned that many of the requirements which RTOs had to meet in order to become eligible were too harsh, or inappropriate for the VET sector. In truth, some of these requirements had been put in place specifically to protect students and public money, and acted as additional quality assurance measures for this purpose.

A good example of this was the requirement for an approved *VET FEE-HELP* provider to have a credit transfer arrangement in place with a higher education provider for their *VET FEE-HELP* courses. Some RTOs argued that this was inequitable, that it reduced opportunities for VET students, and that it effectively set the bar too high. In reality, it meant that the course had to be of sufficient substance and merit that other providers, including universities, recognised it for purposes of pathways into higher level

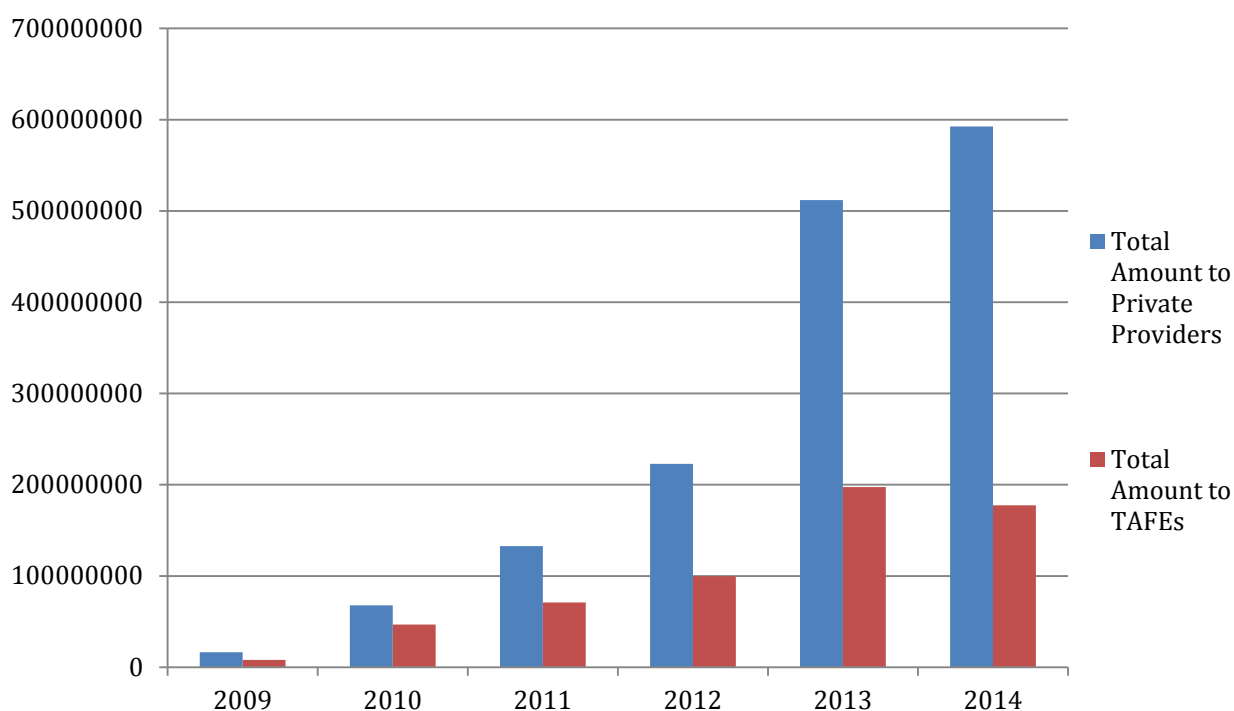
²⁸ Post Implementation Review of the VET FEE-HELP Assistance Scheme – Final Report 30 September, 2011 p10

qualifications, and it meant that such a pathway actually existed - even if students chose not to use it. A number of revisions in 2012 were necessitated by the introduction of the *National VET Regulator Act* and the requirements of the *National Partnership Agreement on Skills Reform (NPASR)*. All obligations concerning credit transfer arrangements in order to obtain *VET FEE-HELP* were removed. The concept of a “reform” state or territory was replaced by that of an “eligible” state or territory.

The revisions of 2012 made explicit the connection between the introduction of market reforms through the *2012 NASWD* and the *NPASR*, and the introduction of *VET FEE-HELP*. In fact, the weakening of the conditions attached to becoming a *VET FEE-HELP* provider, made it much easier for many more largely private for-profit providers to become eligible, and as the data shows, resulted in a rapid expansion of the scheme after 2012.

VET FEE-HELP has become a lucrative source of income for private for-profit providers in the VET sector. More than 75 per cent of *VET FEE-HELP* funding goes to private for-profit providers, as depicted in Graph 3. The scheme has grown exponentially, as more and more private providers market their courses as “no up-front fees”, offer inducements to students such as free iPads and computers, or even overseas trips.

Graph 3 – VET FEE-HELP Payments 2009-2014 Private TAFE split²⁹

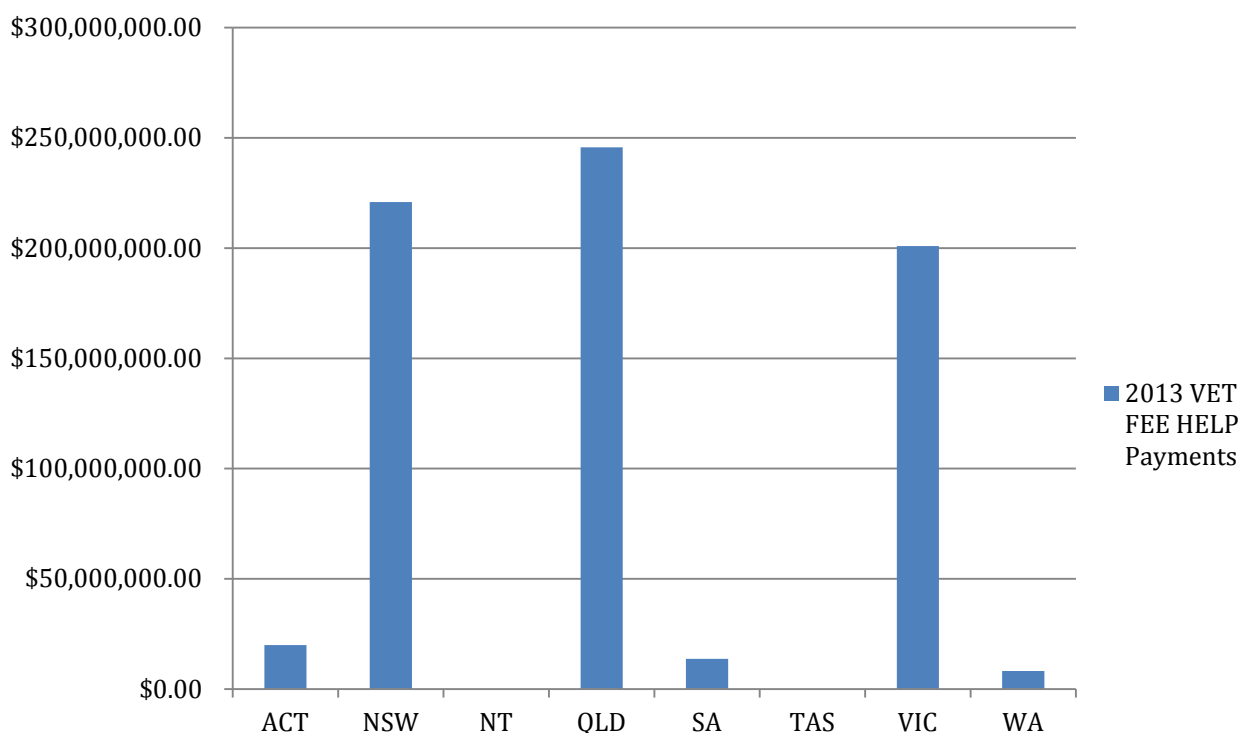


The 2013 figures in this graph may be revised as a result of the ongoing reconciliation processes for 2013

The 2014 figures are all payments as at 28/7/2014. Providers are still to receive another 5 schedule payments in 2014

²⁹ Minister for Industry (2014)

Graph 4 shows the 2013 VET FEE-HELP payments on a state by state basis³⁰



*The 2013 figures in this graph may be revised as a result of the ongoing reconciliation processes for 2013
The 2014 figures are all payments as at 28/7/2014. Providers are still to receive another 5 schedule payments in 2014*

It is the significant amounts of funding being allocated through *VET FEE-HELP*, when combined with the public VET funding being allocated contestably (around 42 per cent of recurrent VET funds), which contributes to the profit margins which private for-profit providers are making out of the VET sector and fuels their expansion. *VET FEE-HELP* was a powerful inducement for states and territories to sign up to the 2012 *NASWD*, and *NPASR*. It has effectively encouraged a number of states and territories to remove public funding of higher level VET qualifications. Unless the Commonwealth Government acts urgently, we are consigning a generation of young people in Australia to substantial debts for qualifications which could be completely worthless.

Finally, there is another crucial difference between *HECS* and *VET FEE-HELP* that should be highlighted here. *HECS* was introduced in 1989 on the recommendation of a major national public inquiry into higher education financing, which was chaired by Neville Wran. People were given several months to respond to the recommendations, and there was vigorous debate. In contrast, there has been no national public inquiry into vocational education financing since the *Kangan report* in 1974 and *VET FEE-HELP* was introduced and then radically extended, without any public inquiry.

VET FEE-HELP is a rapidly growing source of income for the private for-profit VET sector in Australia. More than 75 per cent of the \$1.6 billion expended on the scheme

³⁰ Minister for Industry (2014)

last year went to the private sector. This represents a significant potential waste of public funds – but more importantly, it represents a growing source of student debt in a climate where there is significant uncertainty about the quality of qualifications students are receiving.

The AEU's 2013 submission to the *House of Representatives Inquiry into TAFE* provided evidence of how successive Commonwealth Government policies aimed at increased competition for government funding in vocational education, combined with an associated policy shift to increase the proportion of funds derived directly from students in vocational education, have contributed to increased levels of student debt, and hardship for both students and their families. In addition, in an environment where a number of key manufacturing sectors are being shut down, it is unclear how governments' policies of forcing people to pay full fees for qualifications at the same level or below the ones they currently hold is going to impact on the capacity of individuals to retrain and transition into new industries. This has traditionally been the role of a supportive and cohesive TAFE sector, which has assisted many hundreds of thousands of workers for decades to both cope and adapt when they become retrenched, and then retrain into new industry areas and new jobs.

Conclusion: The growth and re-organisation of the private VET sector

The strategy of increasing contestable VET funding in Victoria through the *Victorian Training Guarantee* achieved its desired (albeit dubious) aim, of unprecedented growth in private VET provision. Subsequent cuts to VET funding were directed at the public sector, damaging and undermining TAFE colleges, just as powerful private providers were consolidating their infrastructure through the profits made with public funds. These private for-profit providers have now turned their sights to interstate VET markets.

Vocation began trading in the Australian Stock Exchange on December 9, 2013. *Vocation* is an amalgamation of three private VET providers, AVANA, BAWM and CSIA and in 2013, 89 per cent of *Vocation's* enrolments were in Victoria. *Vocation* sees its primary sources of revenue into the future to be 'Commonwealth, state and territory government funding schemes, fee-for-service training fees, and fees earned from outsourced managed services to training organisations, technology solutions, consulting and related activities.'³¹ According to its prospectus, *Vocation* generated approximately 80 per cent of its 2013 financial year consolidated revenue from Commonwealth, state and territory government funding schemes.³² In stark contrast, over the last ten years, most TAFE colleges in Australia have been forced through government underfunding to become increasingly reliant on fee-for-service and other non-government revenue. The AEU finds this profiteering from public funding highly inappropriate. Even ACCI has questioned the funding model:

³¹ *Vocation, Prospectus*, 2013, p. 6

³² *Ibid.*

*In ACCI, we're all about saying the market can dictate, but at the end of the day the public funding element of it (VET reform) changes the market dynamics. In economic terms, it (public funding) distorts the market and can incentivise providers to head down and follow the money trail, rather than what the customer wants. Free enterprise is one thing, but free enterprise with public money is quite different again.*³³

The Victorian Government's strategy of opening up their VET funding to competition from private providers, whilst at the same time, initially at least, increasing that funding unduly advantaged private providers. Private providers cherry-picked low cost, high volume industry areas, like personal fitness, 'gaming' the system of available funding. Government funding has underwritten a massive growth of large private providers who have in turn used their Victorian experience to position themselves to move into interstate markets as every state and territory in Australia implements the market reforms in the 2012 NASWD.

Meanwhile, punitive and damaging cuts have undermined the capacity of TAFE colleges to successfully compete for funding and resources in this increasingly deregulated market. In many states, funding cuts to TAFE have preceded the implementation of 2012 NASWD reforms, weakening and diminishing the capacity of the public system. State government budget cuts to TAFE in Victoria were quickly followed by budget cuts to TAFE in NSW, South Australia and Queensland, as these states moved to position their own TAFE institutes to meet the conditions of the then newly signed 2012 NASWD. Following the lead of Victoria, these jurisdictions have sought to "grow" the private VET sector at the expense of the public TAFE system.

In our earlier submissions, we demonstrated how the imposition of so-called market reforms have had far-reaching consequences for the capability and sustainability of the public TAFE system. The AEU submission demonstrated that the Australian TAFE system – the pre-eminent public provider of vocational education in Australia – has suffered significantly with declining government funding for VET. This has resulted in a 25.7 per cent decrease in per student contact hour funding between 1997 and 2009.³⁴ For over twenty years, the AEU has argued that unless State, Territory and Commonwealth governments seriously address this persistent underfunding and the arbitrary consequences of government policy to impose crude "per-hour" efficiency measures on TAFE, the long-term viability of TAFE colleges is at risk.

The traditional users of the TAFE system are impacted most by the shift in funding away from TAFE. These include working class students, retrenched and displaced workers, unemployed people, those from disadvantaged backgrounds, students with

³³ Mitchell, J "From Unease to alarm: escalating concerns about the model of 'VET reform' and cutbacks to TAFE", *John Mitchell and Associates*, October 2012

disabilities, and Aboriginal and Torres Strait Islander communities. The onus will increasingly be on these potential students who will be expected to make choices, and pay increasingly higher fees for courses in a “buyer beware” market context. The decisions made by this generation of young people will have an impact on them for the rest of their lives; they will be indebted for qualifications which may be of uncertain quality, and/or limited labour market usefulness. Significant questions also exist about the quality of information available to these prospective students who now are now required, as “consumers” to make informed choices in this rapidly expanding, and poorly regulated private market.

As the reforms required in the 2012 NASWD are implemented across the country, many of these students will be enticed into using their once-only entitlement to a government subsidised VET qualification from private providers of uncertain quality. If they waste this so-called “entitlement”, they will subsequently be required to pay full-fees for any further qualifications. Course fees have already increased dramatically, becoming prohibitive for many. This acts as a disincentive to enrol in courses of study which are often crucial for individuals, and the economy.

In its prospectus issued upon its listing on the stock exchange in December 2013, a large, newly-established private VET provider, *Vocation*, acknowledged the advantages that the demand driven system being implemented across the country presented to the private VET sector:

Victoria and South Australia have transitioned to a demand-driven funding model, and a number of other states and territories have signalled an intention to make a similar transition during 2014 and 2015. A demand driven funding model will allow private VET providers to compete more effectively with Technical and Further Education Institutes (“TAFE institutes”).³⁵

This rapid and significant increase in the availability of government funding for a range of private VET colleges has increased the complexity and contradictions in the Australian VET sector:

There are currently about 5300 VET institutions. This includes 62 technical and further education institutes (TAFEs) which are the public providers of VET, and about 4300 private providers. The remainder are a combination of schools, universities and community education providers and they are mostly very small. About 66% of students in VET in 2011 studied in TAFE and other government providers. However, this includes fee for service students who study in TAFE, and if only publicly funded students are counted, then 59.6% studied in TAFE in 2011, 33% in private providers and 7.4% in adult and community education providers (NCVER 2012a: Table 11) . The biggest 100

³⁵ Vocation, *Prospectus*, 2013, (www.vocation.com.au) <accessed 6 December 2013>, p7

*providers (or 1.9% of all providers) in VET delivered 81% of teaching in 2011. Australia has had to construct a VET system and associated regulatory and quality assurance frameworks to police 98% of providers that deliver less than 20% of all teaching because it believes in the primacy of the market.*³⁶

Almost three years later, the activities of unscrupulous private for-profit providers are damaging the reputation of the whole sector. They damage not only the private sector but the trust that society has in the quality and usefulness of vocational qualifications overall. Trust is absolutely critical in education systems. Individuals must trust the institutions which offer them courses and qualifications, because in this new market, they are extraordinarily vulnerable. Many are in danger of wasting their once-only “entitlement” to a government-subsidised qualification, others are encountering the prospect of incurring a lifetime of debt, with little protection and limited recourse if they do not get what they have paid for. Employers rightly use qualifications as a proxy for the skills they require in the workplace, and base their decisions to employ on the qualifications that individuals hold. If employers do not trust the qualifications – if they cannot be certain that the qualifications signify a set of skills and capabilities, then in more than one sense, the qualification is worthless, and trust in the national system has broken down.

This Senate Inquiry into private for-profit VET providers represents an important opportunity to re-evaluate the 2012 NASWD, the so-called demand driven system which has been implemented in several states and territories, and the impact that these policies are having on TAFE and the private sector. We urge the Inquiry to heed the evidence we have provided and the recommendations we have made based on this evidence.

Key recommendations:

To address the immediate crisis in the VET sector, the AEU calls for:

Banning of unregistered provider and brokers

We need to act quickly to restore public confidence in the VET sector. Current regulation is failing because it is caught between the irreconcilable tensions of a so-called “light-touch” approach, and the overwhelming complexity of a fast-growing sector which includes operators for whom profit is the only consideration.

Governments and regulators have responded to this in an ad hoc way and have consistently failed to keep pace with developments in the sector. Despite record profits being made by private providers, and the rapid growth in new entrants, regulators

³⁶ Leesa Wheelahan, *The differing dynamics underpinning markets in tertiary education in Australia and the impact on equity and social inclusion*, World Education Research Association Forum, Sydney, 6 December 2012

remains under-funded for the complex task they now face, and regulations themselves are failing to address key problems.

As a first step, Governments must ensure that:

- 1. Unregistered providers are banned from receiving government funding, directly or indirectly, and the practice of sub-contracting delivery should be forbidden.**
- 2. Brokers are banned from the system. There is no justification for the practice of eliciting enrolments, for profit, from vulnerable students and communities.**

Minimum standards for courses

We also need to bring an end to the roting of the system by private for-profit providers. Providers are funded on the basis of hours of training, but are under no obligation to deliver those hours. It is too easy for for-profit providers to cut hours of delivery, or delivering no vocational education, in order to make a profit. This leaves students with sub-standard qualifications.

- 3. Standards must be developed urgently to ensure that students receive, as a bare minimum, the hours of training for which they pay, or for which RTOs are subsidised.**

Caps on contestable funding

Making public funding available to private providers is an experiment which is being conducted without proper monitoring or evaluation. There is no evidence it has raised quality or transparency in the sector and plenty of evidence that it has introduced problems of its own which regulators are struggling to address.

In the two advanced “reform” states private providers have access to close to 80 per cent of government funding All states and territories are on track to open all their government recurrent VET funding to the market. Pending a thorough review of funding and resourcing in the vocational education sector and its impact on quality, governments must:

- 4. Implement an immediate cap on contestable funding of no more than 30 per cent of total recurrent VET funding.**
- 5. Guarantee 70 per cent of funding for TAFE colleges. Where jurisdictions currently have in excess of 30 per cent of funding open to the private sector, they must put in place a program of restoration of the funding as a matter of urgency.**

Reforms to VET FEE-HELP

VET FEE-HELP was introduced with no public scrutiny or debate, and with little consideration of its impact on individuals, and on society. Governments must act urgently to:

- 6. Regulate fees for qualifications and courses which attract VET FEE-HELP to ensure students are not accruing excessive amounts of debt.**
- 7. Cap the amount of funding attached to VET FEE-HELP.**

Moving beyond the immediate crisis in VET, and re-building an innovative, sustainable and responsive national system

Our vocational education system is crucial for the future health of our economy. We need to ensure that young Australians, or older people wanting to upgrade skills or re-train, are able to access the training they need. The current system is not working and in many cases is benefiting no one except for-profit providers. We need to set a course for vocational training in the long-term which must involve:

- 8. A thorough review of funding and resourcing in the vocational education sector, including the real cost of providing education and training in an increasingly complex range of industries, and an evolving society.**
- 9. A public inquiry into VET FEE-HELP, including the impact of such a scheme on low income earners, its appropriateness in industries where wages are low, and an independent assessment of whether the view that increased qualification levels contribute to increased earnings across a lifetime is supported by the evidence.**
- 10. An investigation and public discussion about the underlying assumptions and effectiveness of the current policy settings in the VET sector, including competition for scarce public funding, and the appropriateness of ongoing access to the sector by for-profit providers.**

WORKPLACE RESEARCH CENTRE

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SYDNEY

THE CAPTURE OF PUBLIC WEALTH BY THE FOR-PROFIT VET SECTOR

A REPORT PREPARED FOR THE AUSTRALIAN
EDUCATION UNION

Serena Yu
Damian Oliver

Workplace Research Centre
January 2015

ACKNOWLEDGEMENTS

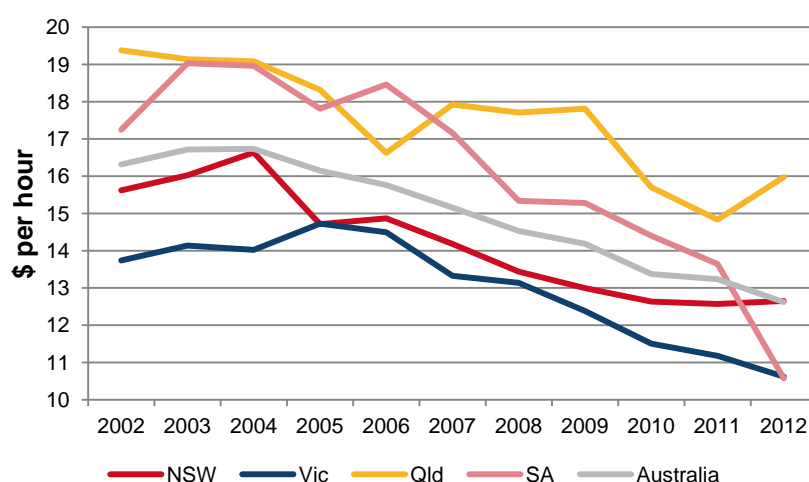
The authors wish to thank Kurt Walpole and Rosie Scroggie for their valuable research assistance, and Gavin Moodie for constructive feedback on an earlier draft.

EXECUTIVE SUMMARY

In 2012, the Commonwealth and all states and territories agreed upon a new market-driven funding model for vocational education, intended to promote opportunities for for-profit registered training organisations (RTOs) at the expense of public TAFE institutes. The centrepiece of this reform was a national training entitlement, or a minimum guarantee that all working age individuals could access subsidised training up to Certificate III level at a vocational education provider of their choice, provided they satisfied various eligibility criteria that vary among the states and territories. This demand-driven funding model has been the primary means of opening up contestable funding to for-profit training providers, and forcing TAFEs to compete in a competitive market. It followed the earlier implementation of the model in Victoria (2009), with the rollout across other states currently in motion.

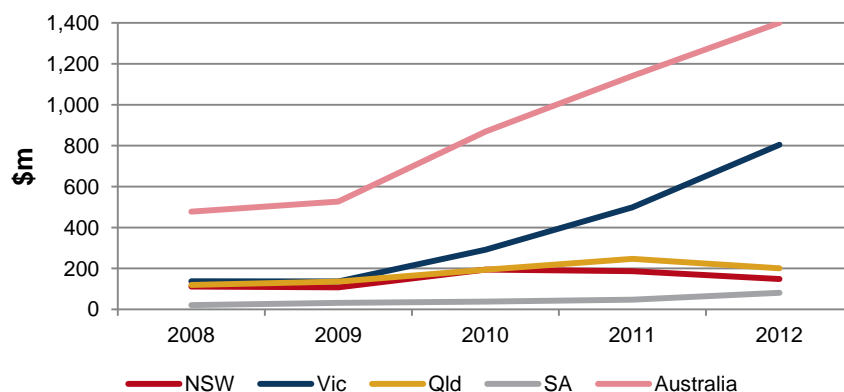
This report shows that the reforms have led to a sharp reduction in government spending per hour of VET delivery (see Figure E1) and a massive transfer of wealth from taxpayers to the owners of for-profit training providers. For example, government funding of the for-profit VET sector in Victoria grew at an *annual* pace of 42 percent between 2008 and 2013, rising from \$137.6 million to \$799.2 million (see Figure E2).

Figure E1. Government spending per hour VET delivery, Australia and selected states, 2002 – 2012



Source: Productivity Commission (2013)

Figure E2. Government funding to non-TAFE providers, Australia and selected states, 2008 – 2012



Source: Productivity Commission (2013)

Based on the results of the publicly-listed for profit providers, the for-profit VET sector appears to sustain profit margins of around 30 percent (see Table E1). This indicates that every dollar of public subsidy paid results in 30 cents of profit for distribution to the company's shareholders¹. It is estimated that in Victoria in 2013, about \$277 million in profits was generated across the for-profit VET sector, based on over \$799 million worth of training subsidies. Just three companies are estimated to have extracted at least \$18.3 million in profits from Victorian taxpayers in 2013. This rate of return well exceeds benchmark norms set by comparable industries, such as child care and transport.

Table E1. Profit Margins for selected publicly funded, for-profit training providers¹

PROVIDER	2011	2012	2013
Vocation	6%	18%	21%
Ashley Institute of Training	35%	35%	35%
Australian Careers Network	45% ²	40%	51%
Intueri	29%	30%	32%
BENCHMARK EBIT MARGIN	29%	31%	35%

Source: Australia Careers Network (2014); Vocation (2013); Ashley Services Group (2014); Frost (2014)

The analysis in this report rejects the notion that the vocational training sector, under demand-driven entitlement funding, has made progress in the transparency and quality of training delivery.

The complete marketisation of VET has come at great cost to taxpayers without achieving the objectives of the reforms, which were to:

- Improve training accessibility, affordability and depth of skills, including through the introduction of a national training entitlement and increased availability of income contingent loans;
- Encourage responsiveness in training arrangements by facilitating the operation of a more open and competitive training market;
- Assure the quality of training delivery and outcomes, with emphasis on measures that give industry more confidence in the standards of training delivery and assessment;
- Provide greater transparency through better information to ensure consumers can make informed choices, governments can exercise accountability,

This report finds:

- The behaviour of for-profit providers has served to undermine confidence in vocational qualifications and taken advantage of students unable to make informed decisions
- Disadvantaged students are under-represented in for-profit VET providers and TAFE and other public providers continue to enrol most early school leavers, regional students, and students with a disability

¹ Based on Earnings Before Interest and Tax (EBIT) margins. EBIT margins portray operational performance without the distortion of financing and tax decisions. Distribution to shareholders follows the deduction of interest and tax expenses.

² 2011 EBIT margins for Australia Careers Network were not available from the company's prospectus, and has been estimated as the average EBIT margin between 2012-2014.

- VET for-profit providers are also avoiding offering courses in skill shortage areas like the trades (which are often expensive to provide and may be subject to more rigorous quality assurance), instead focusing on high volume, high profit areas like business studies.
- Students not eligible for an entitlement place are vulnerable to increasingly high fees, which in many cases are not capped. The availability of VET FEE HELP loans has encouraged some for-profit VET providers to sign up students to loans they have little realistic prospect of repaying.
- The current regulatory arrangements have failed to address serious quality issues in the for-profit VET sector, which has engaged in practices including subcontracting delivery, one hundred per cent online delivery, and allowing students to complete qualifications in less than a quarter of the nominal duration.
- The complexity of the operations of for-profit providers casts considerable doubt on whether regulators can possibly stay abreast of the operations of for-profit providers, particularly given limited disclosure requirements and audits which occur on average once every five years.

The research strongly endorses the case for publicly funding vocational education and calls for an evaluation not only of the current architecture in the vocational education system, but also of the principles underpinning its growth. The key design features of the current system – one hundred percent contestable funding and risk-based regulation – will fail to deliver the assumed price and quality benefits of a competitive market because of two factors:

- 1) Education is an 'experience good' – no amount of information (for regulators or students) can overcome the fact that its quality can only be evaluated after its consumption, and
- 2) The sector is characterised by imperfect competition between profit-seeking (and increasingly larger) providers whose business models have scant regard for educational standards.

These two factors combined point to sustained profitability and poor quality educational outcomes in the for-profit sector (even with regulatory changes), and few of the public benefits that theoretically accrue from a (perfectly) competitive market. All other educational sectors – from early childhood education and care to higher education – receive vastly more public funding (on a per student basis) and far greater regulatory scrutiny to deliver quality outcomes.

The failure of the entitlement model to deliver quality outcomes for learners and value for scarce public money requires drastic and urgent changes. Ideally, policymakers should consider whether the public benefit would be better served by prohibiting for-profit businesses from providing publicly subsidised vocational education and training (as they are in primary and secondary education). At a minimum, it must also be recognised that it is impossible for students to have the information required to make the same judgements about the quality of education and training as they would about a physical product or less complex service. This reinforces the need for quality arrangements that directly regulate the educational inputs (beginning with mandating hours of delivery).

There is also a strong justification for acting immediately to restore funding to TAFE. If a more sustainable funding model for TAFE is not found, then there is a very high likelihood that public confidence in the entire system of vocational qualifications will be fatally eroded.

On this basis, the report makes the following recommendations:

1. Minimum hours of delivery for courses

The quality framework should mandate a minimum number of hours of delivery wherever this involves public subsidy (including indirect subsidy through VET FEE HELP). The quality framework should also directly audit the other inputs to quality learning, including curriculum, teaching and assessment practices at the point of delivery. This is necessary to overcome the lack of transparency about who is actually providing these inputs, and whether providers are delivering the contact hours that students enrol for, and public subsidies pay for. The current process-driven approach cannot address these issues.

2. Capping funding to private RTOs to ensure TAFEs remain able to provide quality education

The role of TAFEs remains paramount in the delivery of training in areas of skills shortages and to student equity groups, but also as the custodian of quality vocational education. In meeting these and other obligations (including delivery in thin markets, delivery of student services, meeting public sector reporting requirements, and asset maintenance), it is important to recognise this competitive disadvantage.

As the cornerstone vocational educational provider, TAFE has an obligation to serve all fields of education, all student backgrounds and all areas of Australia. TAFE does not have the option of targeting only profitable areas of delivery. The reputation of the sector overall depends on a sustainable and quality TAFE network.

If contestable models remain, the proportion of government vocational education funding allocated contestably should be capped at 30%, with the remainder reserved for TAFE. This will stabilise the sector and provide certainty for students while still permitting sufficient competition to drive innovation in course design and delivery, where this is required. State Governments should also continue to provide or re-establish block funding for TAFE to maintain infrastructure, support services for at-risk students, and to support the many other roles it plays in the community.

3. Ban on subcontracting delivery of courses to unregistered providers

Based on the practices that have already come to light, there is a strong case for prohibiting cross-selling between business decisions, and subcontracting delivery to other providers, particularly those who are not registered RTOs. Moreover, rather than solely audit individual RTO brands, an enhanced quality framework would consider enterprises as a whole, to seek better visibility of where responsibility for each component of training delivery lies.

4. Better regulation of RTOs' recruiting practices and business models

If it is not possible to regulate for profit providers effectively because of the way they structure their operations then at the very least, quality assurance should also scrutinise the business models of for-profit providers. This would include how they market to and recruit students.

5. An end to governments manipulating subsidies for private RTOs

Jurisdictions should abandon the practice of regularly manipulating subsidy levels for particular courses or units of competency in response to distortions in the market and rent seeking behaviour by providers. This only rewards gaming and punishes providers that invest the subsidies in quality educational delivery. A preferable approach is to limit access to subsidies in the first place by requiring RTOs to meet quality requirements that are stricter than the AQTF.

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THE CONTEXT OF CHANGE IN VET

The mission of vocational education and training (VET) is to provide Australians with vocationally-oriented, post-school qualifications. These qualifications serve three broad purposes: to provide entry or progression in the labour market, to move to higher level studies, and to contribute to social inclusion and social mobility (Gallacher, Ingram, & Reeve, 2012).

In Australia, VET is provided by technical and further education (TAFE) institutes, adult and community education providers and agricultural colleges, as well as community organisations, industry skill centres, for-profit providers and commercial and enterprise training providers. In addition, some universities and schools provide VET. To deliver nationally recognised training, a provider must be a registered training organisation (RTO) and comply with the relevant quality assurance arrangements. Constitutionally, VET remains a responsibility of the states and territories, although the Commonwealth Government has contributed substantial funding over many decades.

Historically, the states and territories have provided VET through the Technical and Further Education (TAFE) system, a network of publicly-funded institutes found throughout metropolitan and regional areas. The first market-based initiatives in VET (such as the first user-choice arrangements) coincided with the introduction of the National Training System in the early 1990s. However the current changes to VET funding are the most far-reaching in the system's history.

The recent policy context in the vocational education and training sector has been dominated by the state-by-state introduction of contestable funding systems, which was the basis of the National Partnership Agreement on Skills Reform signed by the Commonwealth and all States and Territories in April 2012. Key among the objectives guiding the structural reforms were:

- Improving training accessibility, affordability and depth of skills, including through the introduction of a national training entitlement and increased availability of income contingent loans;
- Encouraging responsiveness in training arrangements by facilitating the operation of a more open and competitive training market;
- Assuring the quality of training delivery and outcomes, with emphasis on measures that give industry more confidence in the standards of training delivery and assessment;
- Providing greater transparency through better information to ensure: consumers can make informed choices, governments can exercise accountability,

Council of Australian Governments (2012)

One centrepiece of the agreement was the 'national training entitlement', a minimum responsibility of the states to provide all working age Australians a guaranteed subsidised place for at least Certificate III training at a provider of their choosing (Council of Australian Governments, 2012). This was the primary mechanism for opening access to government funding for private providers. The Commonwealth agreed to contribute funding (up to \$1.14 billion) to States and Territories undertaking these structural reforms. In addition, the Commonwealth also agreed to relax the restrictions on VET providers accessing the income-contingent loan scheme VET FEE HELP, which had first been introduced in 2008. The timetable for the rollout of demand-driven entitlement models is set out in Table 1.

Table 1. Implementation timetable of entitlement funding by state

State	Commencement date
Victoria	January 2009
South Australia	July 2012
Queensland	July 2014
New South Wales	January 2015
Western Australia	January 2014
Tasmania	December 2014

Although additional dollars have been provided by the Commonwealth, most of the funding to support entitlement places has come from funding that was previously earmarked for TAFE institutes and other not-for-profit providers of publicly-funded VET programs. In transparent, public funding agreements, TAFE institutes would commit to providing student places across a range of qualification levels and fields of education, based on criteria including labour market need, student demand, and increasing access, equity and participation of disadvantaged learners in post-school education.

These funding changes take place at a time when the question has been raised of what the appropriate price for high quality vocational education should be, given large scale reduction of per-student funding in the sector. As Figure 1 shows, funding in VET declined 25 percent between 1999 and 2011 on a per full-time equivalent student, compared with increases in funding for higher education and schools (Australian Workforce and Productivity Agency, 2013).

Figure 1. Government spending per full time equivalent student, 1999 to 2011

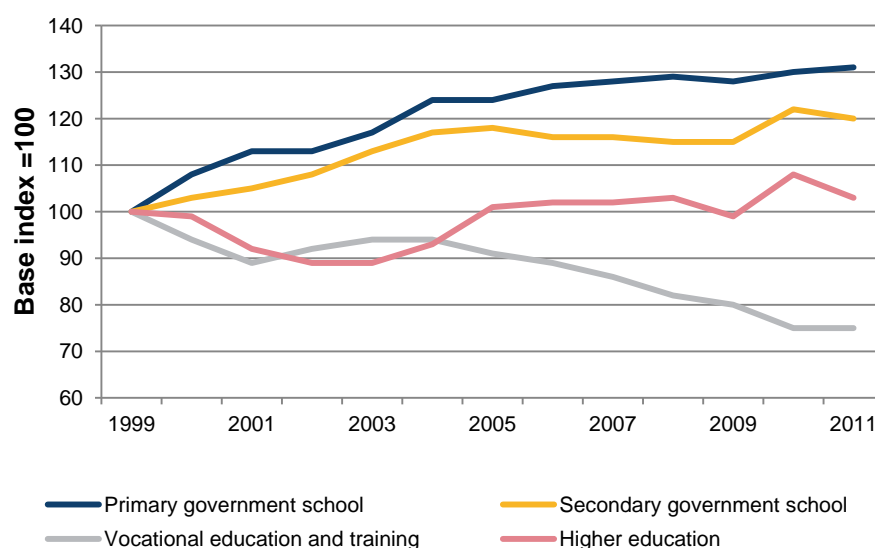
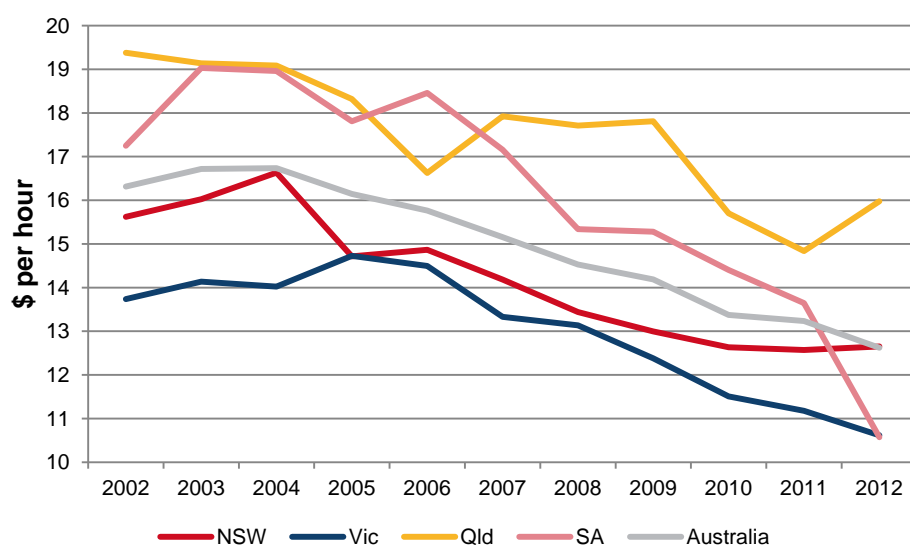


Figure 2 shows the widespread fall in government VET expenditure on a state by state basis per hour of VET delivery. In Victoria, where the contestable funding system is most advanced, the fall has been greater (-20.3%), while in South Australia, government funding per hour of VET delivery has dropped a massive 38.4 percent.

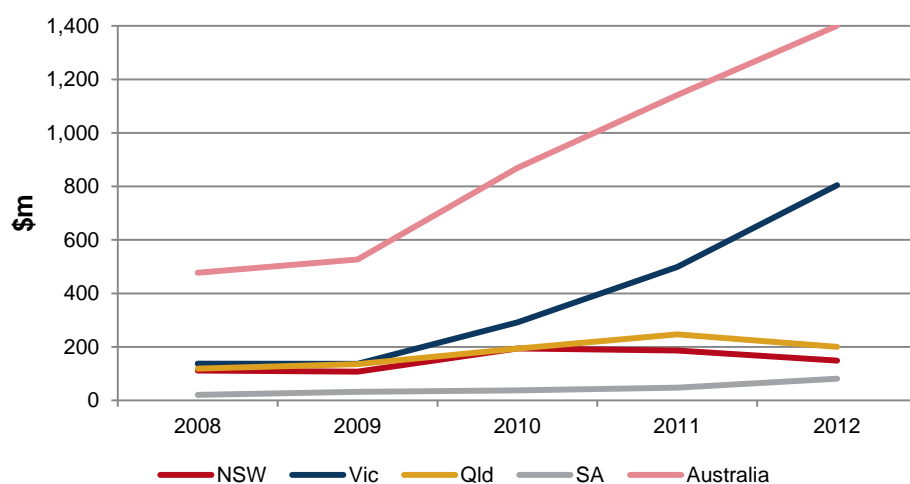
Figure 2. Government spending per hour VET delivery, Australia and selected states, 2002 – 2012



Source: Productivity Commission (2013)

At the same time, overall funding to for-profit providers and other non-TAFE providers has grown significantly (see Figure 3). Driven mostly by Victorian expenditure, total government funding to non-TAFE providers has risen from \$477 million in 2008, to \$1400 million in 2012. This represents about a quarter (23.2%) of total recurrent government expenditure on VET (Productivity Commission, 2013).

Figure 3. Government funding to non-TAFE providers, Australia and selected states, 2008 – 2012



Source: Productivity Commission (2013)

These changes have had significant impacts on the profile of VET provision in Australia. Student enrolments, funding and new providers have shifted towards the private sector, while the public TAFE provider continues to dominate training provision to disadvantaged learners, and in areas of high-cost training, and specialised and in-shortage skills (Hamdhan, 2013).

Implementation of the reforms has led to sizeable funding cuts for TAFE institutes and a proliferation of for-profit VET providers. Political leaders did not canvas or acknowledge at the time the National

Partnership Agreement was signed that the changes were premised on opening up for private profit funds that had previously been earmarked to support public education and training.

STATE-BASED VET ENTITLEMENT MODELS

This section provides an overview of current and imminent funding arrangements in the states of Victoria, South Australia, Queensland, Western Australia and New South Wales. A detailed understanding of these arrangements forms the basis for modelling the operations of private providers in the following section.

Victoria

In Victoria, contestable funding commenced in July 2009 with Diploma and higher-level programs, and was expanded to all VET programs from January 2011. Under the *Victorian Training Guarantee*, the system moved from a supply-driven one with capped places, to a demand driven system where the government subsidised the training and fees were deregulated. To access subsidies and become a government contracted training provider, VET providers must comply with the Statement of Expectations (Development, 2012, 2013). This statement includes demonstrating a satisfactory history of performance in quality training and assessment services (evidenced through student, industry and employer satisfaction or endorsement). Compliance with the Statement of Expectations is in addition to the requirements of registration with ASQA or the Victorian Registrations and Qualifications Authority.

The changes led to considerable growth the number of providers and enrolments, and government expenditure substantially exceeded initial forecasts, totalling \$1.3 billion versus an anticipated \$855 million in 2012 (Hetherington & Rust, 2013). In May 2012, the Victorian government announced an almost \$300 million funding cut to 18 TAFE institutes in Victoria (Maslen, 2012). Further, a \$170 million annual budget, received in recognition of TAFE's community service obligations, was stripped from the budget (Hetherington & Rust, 2013).

The Victorian subsidies apply to studies including Foundational, Certificates I to IV, Diploma through to Vocational Graduate Diploma. The subsidy is provided as an hourly rate, and its level depends on the level of qualification (a benchmark hourly rate) and a weighting reflecting an assessment of the course's 'public value'. From 2012, this was based on the course's value to the economy in terms of jobs or productivity, and the extent to which government investment is needed to stimulate training activity (Department of Education and Early Childhood Development, 2012). There are five subsidy bands reflecting these priorities, with Band A reflecting high priority skills (such as apprenticeships), and Band E lower priority studies (such as fitness training). Over half of all courses fall in Bands A and B, attracting at least \$7.50 subsidy per hour (see Department of Education and Early Childhood Development, 2012, for a full list).

The average subsidy rates presented in Table 2 are calculated using the maximum hours allowed to complete each qualification, multiplied by the hourly subsidy rate.³

³ Note that there is no actual requirement for RTOs to provide that many hours of instruction per course. Quality assurance arrangements leave it up to the RTO to determine how many hours of student contact are necessary to achieve competence.

Table 2. Subsidy levels in Victoria, by AQF qualification level, July 2014

Qualification Level	Subsidy level ^(a)	
	Median subsidy per qualifications (\$)	Subsidy range (\$)
Certificate I	1,300.00	160.50 – 16,800.00
Certificate II	3,230.00	420.00 – 12,000.00
Certificate III	7,822.50	525.00 – 27,096.00
Certificate IV	6,661.25	700.00 – 22,560.00
Diploma	4,690.00	699.00 – 20,454.00
Advanced Diploma	5,784.00	840.00 – 17,200.00

Source: Department of Education and Early Childhood Development (2014a)

(a) The subsidy levels are presented for a 'standard' student. It does not include additional contributions received for applying fee waivers or concession fees.

In addition, students may access the income-contingent VET FEE-HELP scheme for studies at Diploma and higher levels, as well as Certificate IV studies in the priority areas of disability care, agriculture, building and construction, competitive systems, and training/assessment.

South Australia

In South Australia, the demand-driven entitlement model commenced with the introduction of *Skills for all* in July 2012. The objectives of *Skills for All* included increasing workforce skills, increasing the number of South Australians with post-school qualifications, and increasing employment participation rates. The initiative provided \$194 million in extra funding over six years. To be a *Skills for All* training provider, RTOs must demonstrate high quality training, links to industry and support for students and provide evidence of student and employer surveys (Government of South Australia, 2014)

The architects of the South Australian model placed greater weight on the role of TAFE SA than was the case in Victoria. This included \$240 million in additional infrastructure funding, higher subsidies for public providers, and some courses being subsidised only through public providers. In addition, measures were put in place to prevent course oversubscriptions, including enrolment freezes, and reduced subsidies. Even so, TAFE SA has had its funding reduced by at least \$83 million (Ross, 2014b).

Unlike the Victorian model, South Australian students receive subsidies for multiple qualifications, and Foundational, Certificate I and II studies are provided fee-free. Qualification fees are also capped. The South Australian government provides around 70 percent of revenue per student for RTOs (for Diploma and Advanced Diploma studies), 80 percent at the Certificate III/IV levels, and 100 percent for pre-vocational studies (Certificate I/II). Student contributions make up the rest. As occurred in Victoria, the South Australian Government decided in December 2013 to cap enrolments in some courses and withdraw subsidies from others after enrolments grew four times more quickly than anticipated (Ross, 2014b).

Students may access the income-contingent VET FEE-HELP scheme for studies at Diploma and higher levels, as well as Certificate IV studies in the priority areas of aged and disability care, youth work, accounting, and engineering.

Subsidy levels from South Australia were not readily available, primarily because subsidy rates are calculated for each unit of competency, rather than for a complete qualification. Under the loose rules that govern qualifications, it may be possible for students to complete many different combinations of units of competency.

Queensland

Queensland has been rolling out their entitlement model since July 2014, which is detailed in the VET Investment Plan 2014-2015. Like Victoria, course fees are to be fully deregulated, and in addition, the Queensland Skills and Training taskforce suggests that 82 TAFE campuses could be consolidated into 44 (Hetherington & Rust, 2013).

The fully contestable training market is underpinned by the 'User Choice' program, which provides a public subsidy to any approved RTO for delivery of accredited training; by the 'Certificate III Guarantee' which aims to provide Queenslanders with an entry-level post-schooling qualification, and by the 'Higher Level Skills' program, which provides subsidised priority training at the Certificate IV, Diploma and Advanced Diploma levels. To be an approved RTO, or "pre-qualified supplier", RTOS must meet criteria that include providing evidence that they support the learning needs of students (such as developing training and support plans for foundation skills and disadvantaged learners) and that they achieve a minimum outcome for students, in terms of completion, employment and further study (Department of Education, 2014). The Plan provides for \$225 million funding for 'User Choice', \$155 million for the 'Certificate III Guarantee', and a further \$55 million for 'Higher Level Skills'.

The 'User Choice' model has been designed such that for accredited studies subsidies will be set at 100%, 50% and 0% to target training in critical, high priority, and medium priority areas. According to the User Choice Price List, Priority 1 training includes apprenticeships, child care and aged care, while Priority 2 studies include traineeships in engineering, construction, mining, and agriculture. Hospitality and business studies are part of Priority 3 training. These priority areas, and the attached subsidies, are reviewed annually.

The figures in Table 3 compile available data on subsidy rates across the User Choice, Certificate III Guarantee, and Higher Level Skills programs. The differentiated subsidy rates for priority areas 1, 2 and 3 relate to the User Choice program only. In August 2014, the Queensland Government removed subsidies from 170 courses at the Certificate IV, Diploma and Advanced Diploma level. The Government justified this decision on the basis that it was focusing on courses at the Certificate I-III level because higher level qualifications were eligible for VET FEE HELP, meaning a full cost shift on to students (Ross, 2014a).

Table 3. Subsidy levels in Queensland, by qualification level, July 2014

Qualification Level	Overall average subsidy	Average Priority 1 subsidy	Average Priority 2 subsidy	Average Priority 3 subsidy
Advanced Diploma	3,000	-	-	-
Diploma	3,256	-	-	-
Certificate IV	3,406	9,160	4,706	3,310
Certificate III	3,413	8,443	4,358	1,998
Certificate II	2,578	3,783	3,882	1,788
Certificate I	1,461	-	-	-
Foundation Skills	3,210	-	-	-

Source: Department of Education Training and Employment (2014a, 2014b)

Students in Queensland may access the income-contingent VET FEE-HELP scheme for studies at Diploma and higher levels, as well as Certificate IV studies in the priority areas of aged and disability care, building and construction, engineering, and small business management.

Western Australia

Western Australia commenced its VET entitlement model, *Future Skills WA*, from January 2014. Under this plan, training at TAFEs or preferred providers in state priority courses is subsidised, and students are guaranteed a place. These state priority courses include all apprenticeships, and Certificate III and higher studies in agriculture, community services, construction and engineering, transport and logistics, management and hospitality (Department of Training and Workforce Development, 2014a). It also includes two courses in foundation skills. Students undertaking training outside these priority areas are not guaranteed a training place, and are subject to different subsidy levels. To be a preferred provider (or “contracted private training provider”, RTOs are required to demonstrate capacity to deliver excelling in training and maximising outcomes for students, as well as meet a range of compliance and governance arrangements (Department of Training and Workforce Development, 2014b).

Students may access the income-contingent VET FEE-HELP scheme for studies at Diploma and higher levels, as well as Certificate IV studies in the priority areas of community services (including aged and disability care, youth work and educational support).

Substantial increases in TAFE fees (up to 390%) were introduced at the beginning of 2014, resulting in some courses costing more than a university degrees (Macdonald, 2014; McGowan, 2013). Subsidy levels from Western Australia were also not readily available for analysis.

New South Wales

The *Smart and Skilled* reforms to the NSW vocational education and training sector are currently being implemented. From January 2015, *Smart and Skilled* provides an entitlement for entry level training up to Certificate III level, and targeted support (in priority skill areas) for higher level qualifications. Unlike Victoria, course fees and enrolment numbers (by provider and region) are capped. As with other jurisdictions, NSW sets conditions on training providers (beyond the AQTF) to qualify for subsidies. Only training providers that meet the additional standards of the *NSW Quality Framework* (including promoting excellence in teaching and leadership, seeking feedback from learners and employers, and providing additional consumer protections) will be eligible for *Smart and Skilled* funding (Department of Education and Communities, 2014a).

The structure of prices and fees was informed by an Independent Pricing and Regulatory Tribunal (IPART) review, with ‘base prices’ designed to reflect the efficient cost of delivering training to a ‘standard student’. Table 4 shows that average provider funding for a standard student undertaking a Certificate III is around \$6919, which includes an approximate \$1883 student fee. The range of provider funding (which includes the cost of training staff, administration, utilities and capital costs) for Certificate III studies is wide, from \$4270 to \$12,200 per student. The average and range of provider funding is detailed by qualification level in Table 4. Table 4 includes only non-Apprenticeship studies, as student apprenticeship fees have been capped at \$2000. Average subsidies for apprenticeships are expected to be \$11,519 (Certificate III), \$12,671 (Certificate IV) and \$15,297 (Diploma level).

Table 4. NSW Smart and Skilled proposed pricing arrangements (non apprenticeships), 2015

Qualification Level	Total provider funding		Student Fee (first qualification)		Average subsidy (Total less student fee)
	Average funding	Range of funding	Average student fee	Range of student fees	
Advanced Diploma	9,642	5810 - 20510	3,865	2560 - 7550	5,777
Diploma	9,689	5560 - 23830	3,881	2360 - 7280	5,808
Certificate IV	7,439	4160 - 15440	2,193	1540 - 4220	5,246
Certificate III	6,919	4270 - 12200	1,883	1310 - 3270	5,036
Certificate II	3,963	2490 - 7430	970	320 - 1340	2,992
Certificate I	2,706	1520 - 6300	220	220 - 220	2,486

Source: NSW Department of Education and Communities (2014)

In addition to the *Smart and Skilled* subsidy, providers also receive funding through the VET FEE-HELP loan scheme for training undertaken at Diploma and higher levels, as well as Certificate IV studies in disability and aged care, agriculture, tourism, and information technology (Department of Education and Communities, 2014b).

Within these new policy settings, TAFE NSW is expected to compete in a contestable market (that is, a market where government resources are allocated to both public and private providers through competitive tendering and demand driven mechanisms). TAFE NSW is expected “to deliver specialist training in industry and labour market priority areas, particularly in thin markets or high-cost areas including regional and rural communities under community service obligations” (NSW Government, 2013, p. 2). Specific funding is to be allocated to NSW TAFE to address their competitive disadvantage (arising from public sector reporting requirements, asset maintenance obligations, and public sector salary costs).

VET FEE-HELP

VET FEE-HELP is another source of rent-seeking available to for-profit VET providers as a result of changes to the sector. The Commonwealth Government since 2007 has extended the income-contingent loan scheme previously available for university study, to some VET students. VET FEE-HELP is offered for studies at approved providers at the Diploma and higher level, and for state-based pilot/priority studies at the Certificate IV level (most commonly for studies in community services). For 2014, the lifetime FEE-HELP borrowing limit is \$96,000 (regardless of how state-based course fees are regulated or not). Note that students undertaking non-subsidised training (or fee-for-service), a 20 percent loan fee also applies. For the period 2014-15, compulsory repayment of the loan commences when the individual reaches the taxable income threshold of \$53,345.

When Australia’s Higher Education Contribution Scheme (HECS) was introduced in 1989, it followed detailed economic modelling of the benefits received by degree graduates, and the level and costs of student debts incurred to generate those benefits (Chapman & Chia, 1989).

There has been no commensurate scrutiny of the costs and benefits attached to diploma and advanced diplomas, yet course fees are wholly deregulated and, as later analysis will demonstrate, a substantial proportion of the value of the loan is transferred to the owners of VET providers as profit.

As an illustrative exercise, occupations aligned with diploma qualifications and their current minimum award wages (as set out in industry awards) are presented in Table 5. Workers in these industries are often award-reliant (ABS, 2013) and the figures show that compared to the current \$53,345 threshold,

there is an argument to be made that there is a low probability of these students will be in a position to repay their VET FEE-HELP debts.

Table 5. Diploma level occupational wages

Occupation	Minimum annual wage
Level 6 Aged Care employee	\$42,276
Level 3.4 Childcare employee	\$43,690
Level 8 Retail worker (store manager)	\$44,788

Source: General Retail Industry Award 2010, Aged Care Award 2010, Children's Services Award 2010

The data in Table 6 shows the number of students with VET FEE HELP loans has jumped from just over 5200 in 2009, to almost 189,000 in 2014. Over the same period, the average VET FEE HELP loan size has grown to \$8548, with annual growth of over 20 percent in the last 2 years. This average loan figure likely hides significant dispersion, with some students likely to have debts in the tens of thousands.

The great expansion in private providers and student numbers has driven significant growth in the number of approved VET FEE-HELP providers and the value of these loans, as illustrated in Table 6. The total value of VET FEE-HELP loans has, on average, doubled each year since 2009. In 2012, the requirement that RTOs have a credit transfer arrangement with a higher education provider was removed, opening the scheme up to for-profit providers with low-quality training. The requirement was removed as provider take-up of VET FEE-HELP had been below expectations, and securing credit transfer arrangements was cited as a high-cost barrier (Department of Industry, 2012). Opening up VET FEE-HELP provides states with an opportunity to withdraw from higher level qualifications, as Queensland has done. Without the implicit quality control of credit transfer arrangements however, students have been lured by the 'zero upfront fees' and additional incentives such as free iPads, and misuse of the scheme has been conceded by the Australian Council for Private Education and Training (Dodd, 2014).

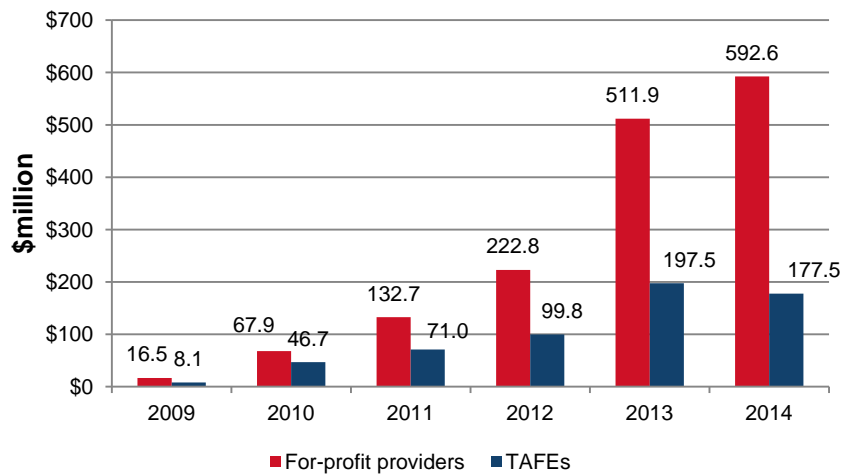
Table 6. Growth in VET FEE-HELP providers and loans, 2009-2013

Year	No. VET FEE-HELP providers	Total VET FEE-HELP payments (\$000s)	Annual growth in payments (%)	Number of students	Average loan size	Annual growth in average loan size (%)
2009	37	24.6	-	5,262	\$4,674	
2010	55	114.6	366.1	26,112	\$4,390	-6.1
2011	84	203.7	77.7	39,124	\$5,208	18.6
2012	104	322.6	58.3	55,115	\$5,854	12.4
2013	158	709.4	119.9	100,035	\$7,091	21.1
2014	254	1,615.2	127.7	188,957	\$8,548	20.5

Source: Minister for Industry (2014)

Unsurprisingly then, this volume of VET FEE-HELP funding is dominated by for-profit providers, as shown in Figure 4. Growth in 2014 comprises payments to July 2014 only, and will be substantially higher by year's end. Funding growth to for-profit providers has more than doubled each year between 2009 and 2013. VET FEE-HELP funding to for-profit providers is highest in Queensland (\$211.9m in 2013), followed by NSW (\$129.2m) and Victoria (\$120.3m) (Minister for Industry, 2014).

Figure 4. Growth in VET FEE-HELP funding by sector, 2009 to 2014



Source: Minister for Industry (2014)

In 2014, the largest recipient of VET FEE-HELP funding was for-profit provider, the Australian College of Training and Employment. The provider, operating under trading name Evocca College, received \$131.4 million in VET FEE-HELP funding in 2013 alone. An inspection of their website showed that they solely cater for diploma and advanced diploma studies in business, information technology and media, community services, and tourism, with a 'Study now, pay later' slogan. A screen-shot of their website, taken on November 21, 2014, below shows the company's sales pitch to students. The website does not provide any information on actual course fees.

Figure 5. Website advertisement for Evocca College, Largest VET FEE-HELP recipient

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REGULATING QUALITY

There has been significant recent attention given to the quality of VET providers and training provision. The integrity of VET qualifications is regulated primarily through a system of nationally recognised training standards, and standards for the regulation of training providers. Since 2011, providers have been regulated by the Australian Skills Quality Authority (ASQA), which is responsible for the registration and auditing of RTOs, and the accreditation of courses.

The quality of VET provision is regulated via standards which address the relevance of training (through the involvement of industry in the development of training packages); the competence of trainers and assessors, and the governance of RTOs. In addition, the provision of information is regulated through standards requiring RTOs report on quality indicators and provide a range of student policies. The framework has been found to be overly complex and outdated, and its performance poor, as drawn out in recent government consultations. In particular, the following concerns were highlighted:

- *The capability of the VET workforce:* there is a lack of clarity about the minimum standards for the competence of trainers and assessors. The Productivity Commission found that while the majority of trainers and assessors have vocational (industry relevant) qualifications, it is likely that more than 40 percent of those in non-TAFE providers do not possess formal pedagogic qualifications. Consultations on the adequacy of the Certificate IV in Training and Assessment indicate that there is a lack of consistency in the delivery of this qualification, itself only a minimum, entry-level, standard. Audits of RTOs delivering this qualification have found many non-compliant organisations (Productivity Commission, 2011).
- *Subcontracting of VET delivery:* there is no regulation of the subcontracting of VET training by RTOs to unregistered providers, obscuring the transparency and accountability of an RTO's operations, and making it impossible for ASQA to implement a risk-based regulatory model.

- *Provision of information:* the Department of Industry, in revising the standards for RTOs and regulators, found that there is currently “insufficient information about individual RTOs and their performance for governments to effectively target funding, for learners to select RTOs and keep track of training, and for businesses to select training options that best meets their needs”. Students in particular are left vulnerable to targeted RTO marketing.
- *Poor enforcement arrangements:* the language in the RTO standards is vague and open to interpretation, providing a ‘statement of intent’ rather than readily enforceable requirements. A PriceWaterhouseCoopers report found that around 79 percent of RTOs were found non-compliant at their initial audit, but attributed this to a failure to understand compliance requirements, despite 82 percent of providers regarding themselves to be fully informed of their obligations (PriceWaterhouseCoopers, 2013).
- *Lack of responsiveness to industry need:* Employers’ use of the VET system has fallen to an eight year low, while satisfaction amongst those who do has fallen since 2011. The consultations indicated that employers lacked confidence in the design of courses, the competence of graduates, and the quality of trainers.

Department of Industry (2014)

Unscrupulous practices have also been widely flagged in the media, including:

- “*Auspicing*” – where providers subcontract their training provision to unregistered training organisations. Large provider Vocation estimated that 36 percent of group earnings was driven by auspicing (West, 2014).
- “*Channelling*” – where providers enrol students in courses other than what they originally intended, for the purpose of attracting a higher subsidy. Channelling has been cited as a reason for funding withheld from BAWM, a major subsidiary of Vocation (Aston, 2014).

The Chief Executive of ACPET admitted there had been misuse of the Commonwealth government’s FEE-HELP loan scheme, misleading advertising, soliciting students for unsuitable courses, and inappropriate use of brokers to recruit students (Dodd, 2014). Since 2011, the Victorian DEECD has deregistered 120 out of 609 RTOs (Loussikian, 2014).

In October 2014, the Australian Government released new standards for RTOs, to be effective from January 2015 (and April 2015 for existing providers). The new standards aim to better focus on quality training and assessment outcomes, improve the responsiveness of RTOs to industry need, and streamline the regulatory framework, enabling regulators to adopt a risk-based approach to regulating providers. The key changes from the current framework include:

- Mandating a minimum Certificate IV in Training and Assessment for all trainers. RTOs delivering the Certificate in Training and Assessment will also have their assessment systems and processes independently validated.
- Full accountability for RTOs for the delivery of training by subcontracted third parties. These arrangements must also now be formally registered with the regulator.
- All RTOs must implement plans to systematically validate assessment practices for each training product, at least once every five years.
- Stronger requirements to provide to learners information regarding the training, complaints and consumer protection.
- RTOs must provide an annual declaration of compliance with standards.

Department of Industry (2014)

It should be observed that each state jurisdiction has established a separate system for approving providers for access to demand driven funding, over and above the weak national regulatory

standards that form the Australian Quality Training Framework (AQTF) that governs the issuing of AQF qualifications.

THE FOR-PROFIT VET SECTOR

RESPONSE TO DEMAND-DRIVEN FUNDING

The shifts toward demand driven funding have significantly changed the landscape of VET provision, in the number of providers, student enrolments, and the flow of funding.

There are currently around 4650 registered training organisations, with over 3000 of these privately operated (Department of Industry, 2014). Of this 4650 total, 2094 accessed public funding in 2013 (National Centre for Vocational Education Research, 2014b). Data from Victoria, where the demand-driven model is most advanced, indicates that the expansion in private providers has been stark. Between 2008 and 2013, the number of for-profit providers more than doubled, growing from 201 to 428 providers (Department of Education and Early Childhood Development, 2014b).

The number of providers accessing contestable funding is shown in Table 7. The figures show that for profit providers comprised around 80 percent of those receiving contestable funding between 2011 and 2013. The number of for-profit providers appears to have peaked in 2012, which may reflect current trends towards sector consolidation. It is probable however as other states roll out their demand driven funding models, that provider growth will surge again.

Table 7. Training providers accessing public funding, Australia, 2011 to 2013

Provider type	2011	2012	2013
TAFE ⁽¹⁾	39	34	31
Government/ Community College/ NGO ⁽²⁾	287	291	247
Schools	39	39	30
For-profit providers	1,506	1,522	1,425
TOTAL	1,871	1,886	1,733

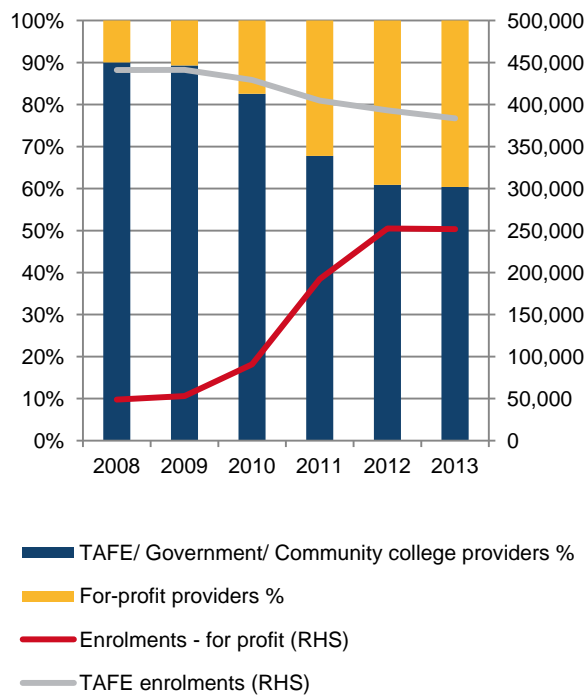
Source: National Centre for Vocational Education Research (2013)

Note: (1) The number of TAFE institutes varies mainly because of mergers and changes to the way that TAFE data are reported.

(2) Includes adult and community education (ACE) providers, professional and industry associations

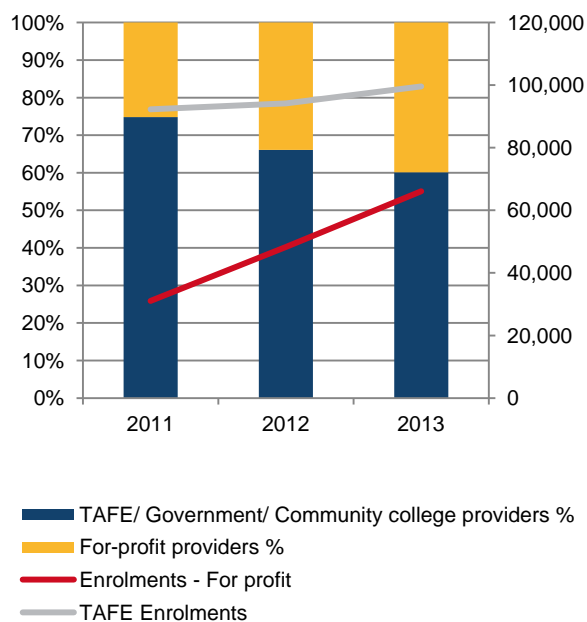
The strong provider growth is reflected in changes in student numbers. Figures 3 and 4 show the number of student enrolments before and after the introduction of demand driven models in Victoria (2008 to 2013) and South Australia (2011 to 2013). The data shows that significant growth in student enrolments took place in Victoria and South Australia. In Victoria, student enrolments at for-profit providers have grown 39 percent annually since 2008; in South Australia, enrolments grew 46 percent annually from 2011 (National Centre for Vocational Education Research, 2013). As a result of these changes, for-profit providers increased their share of enrolments from 10 to 40 percent in Victoria, and from 25 to 40 percent in South Australia.

Figure 6. Student enrolments after the introduction of user-choice entitlement models, Victoria



Source: National Centre for Vocational Education Research (2013)

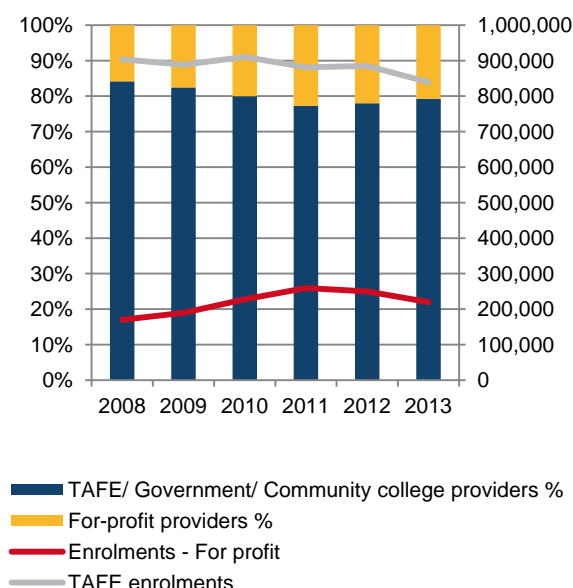
Figure 7. Student enrolments after the introduction of user-choice entitlement models, South Australia



Source: National Centre for Vocational Education Research (2013)

These figures compare to virtually zero or negative growth in all other states over the same period. In Figure 5, we depict a 'counterfactual' scenario, which shows changes in enrolments in all other states, in the absence of the rollouts of VET entitlement model.

Figure 8. Student enrolments, All other states



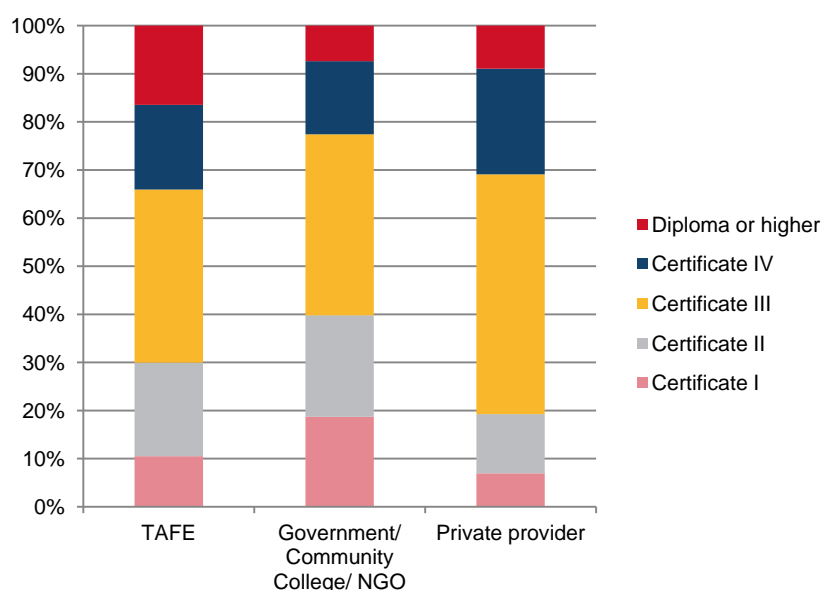
Source: National Centre for Vocational Education Research (2013)

The figures show that the funding changes had significant effects on the number and distribution of enrolments, which have been analysed in detail for Victoria (Leung, McVicar, Polidano, & Zhang, 2013, 2014). In particular, by comparing Victorian outcomes to the counterfactual outcomes in NSW (i.e. a control for what would have happened had the reforms not taken place), Leung et al. (2014) find that reform led to a 35 percent overall increase in enrolments, driven by a 300 percent rise in enrolments at for-profit providers. This compares to enrolment growth at Victorian TAFEs which was 7 percent below what they otherwise would have been.

The introduction of demand driven entitlements involves state governments paying training providers a subsidy for the provision of accredited training. As discussed earlier, this subsidy varies by level of qualification, as well as the skills priority level of the training content. Figure 9 shows the proportion of course enrolments at each qualification level by provider type. Across for-profit providers, almost half (49.8%) of publicly funded VET delivery occurs at the Certificate III level, while a further 30.9 percent comprises training at Certificate IV and higher levels.

This compares to training delivered at TAFE, where over a third (34.1%) of training occurs at the Certificate IV level and higher. TAFEs also deliver a higher proportion of foundational studies at the Certificate I and II levels (29.9%), compared to for-profit providers (19.3%).

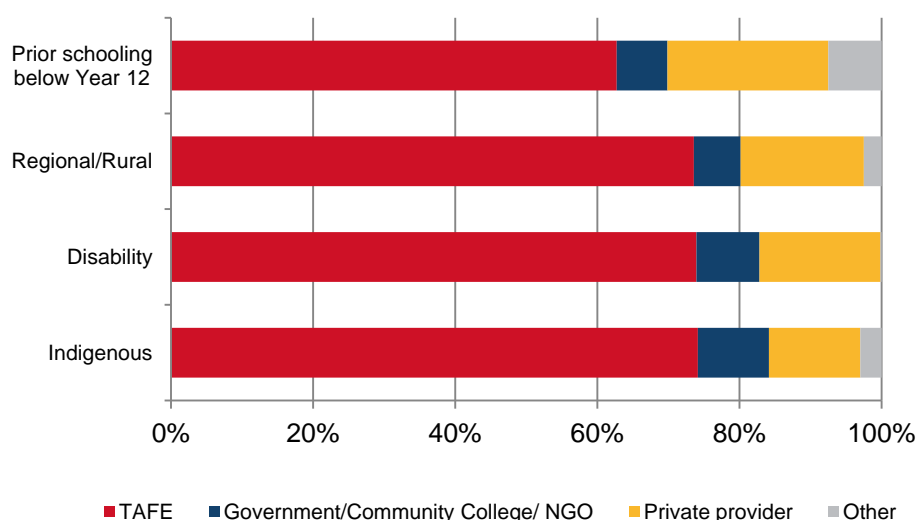
Figure 9. Course enrolments by qualification level and provider type, Australia, 2013



Source: National Centre for Vocational Education Research (2013)

TAFE and other public VET providers have historically had a strong role in providing learning opportunities for different equity groups, and as entitlement models have been rolled out across states, a commitment to this role has been notionally affirmed. As Figure 10 shows, course enrolments by students from an Indigenous background, with a disability, living in regional or remote areas, or without at least a Year 12 schooling, are dominated by TAFE institutions. For students from these disadvantaged groups, strong mechanisms are needed to support training delivery in what may otherwise be thin or unprofitable markets for private operators to engage in. By comparing changes in Victoria to the counterfactual outcomes in NSW following the introduction of the Victorian Training Guarantee, research has shown that improvement in access for equity groups including those from a diverse language background, or with a disability, lagged that of students from relative advantage (Leung, et al., 2013, 2014).

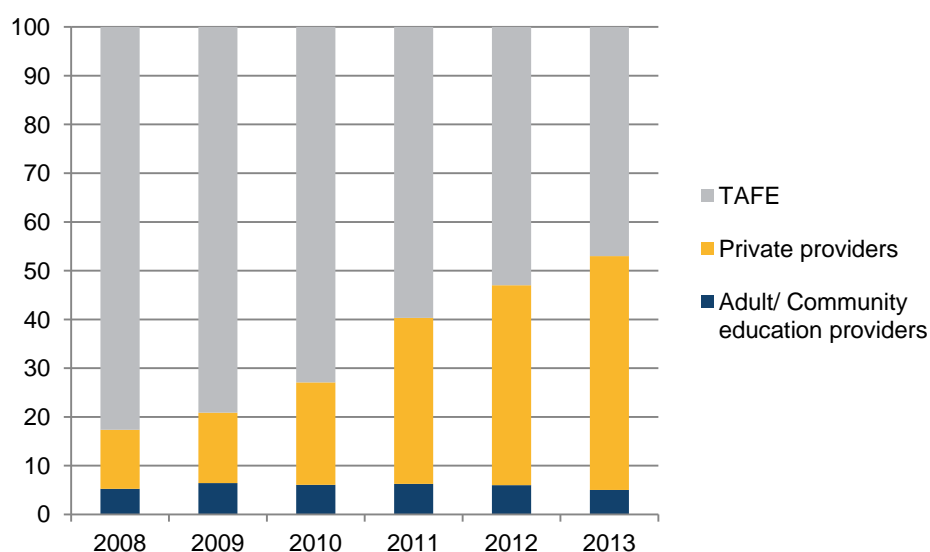
Figure 10. Enrolments by student equity groups by provider type (%), Australia, 2013.



Source: National Centre for Vocational Education Research (2013)

With respect to the responsiveness of the training system to skills needs, the Victorian government reports that enrolments in skill shortage or specialist skills training have grown by an average of 15 percent annually since 2008, to 184,400 in 2013. Figure 11 shows that the proportion of these delivered for-profit providers has increased over time. However, when the changes are compared to a counterfactual case (NSW), research has found that following the introduction of the VTG, there was a 7 percent *increase* in the chance of being enrolled at TAFE in skills-shortage areas, compared to a 23 percent *decrease* in chance of being enrolled at a for-profit provider advantage (Leung, et al., 2013, 2014). This reflects the wide offerings of for-profit providers outside skills shortage areas.

Figure 11. Enrolments in specialist/ skills shortage areas, Victoria, 2008-2013



Source: Department of Education and Early Childhood Development (2014b)

BUSINESS MODELS OF FOR-PROFIT PROVIDERS

This section seeks to understand how for-profit providers are driving the expansion in the sector, both in terms of providers and student numbers. An analysis is conducted of the operations of three of the largest for-profit VET providers – Vocation, Australian Careers Network and Ashley Services Group. Between them, these providers operate at least 20 different training ‘brands’ – both registered and unregistered training providers operating under what can best be described as a holding company. Together, the three for-profit providers reported over 45,000 publicly-funded enrolments in 2013 – larger than many TAFE institutes and comparable to a middle-sized university. The research includes analysis of NCVER data collections, initial public offering (IPO) prospectuses, announcements via the Australian Stock Exchange (ASX), ASQA audit reports, and research conducted by a range of professional investment houses, including Macquarie Equities, Credit Suisse, and Merrill Lynch.

As a business model, for-profit training provision is currently supported by strong demand-side factors, driven by the continued rollout of VET entitlement funding and extension of VET FEE-HELP, and underpinned by educational policy targeting higher levels of skills and qualifications, and increasing credentialism across the labour market. This has been evident in the growing number of student enrolments in VET. From a supply side perspective, VET provision suffers from few risks to the for-profit providers’ cost base, with fewer capital expenditure requirements, and a smaller cost base than their TAFE counterparts. Registration as an RTO imposes few obligations of maintaining or providing equipment, libraries or student services such as counselling or career guidance. TAFE providers continue to bear the greater cost and obligation of larger (and ageing) campuses, delivering high-cost training, and operating in thinner markets.

The profit maximisation principles of these providers (and the primacy of shareholder and owner interests) provide strong incentives to offer training which attracts the highest subsidy, at lowest cost.

These low cost strategies may include delivering training online, within abbreviated time periods (as there is no minimum duration requirement for a given course of study), as well as by minimising the cost of teaching staff, the rent attached to physical campuses, and the investment in equipment needed for certain courses. On the flip side, revenues are grown using a number of common strategies, including:

- By marketing to student and job networks. The following two extracts for example, are excerpts from the Vocation and Australian Careers Network prospectus documents (available ahead of their Initial Public Offerings):

New students will be sourced by the Direct Business channel via four primary methods:

- *Direct marketing through traditional ...and online advertising*
- *Brokers (e.g. Acquire Learning and Career Direct)*
- *Agencies (e.g. Job Service Australia, Centrelink, disability peak bodies and local employment networks)*
- *Corporate client partnerships*

Vocation (2013, p. 38)

Australian Careers Network Group acquires students both directly through its call centre and student trainers and indirectly through corporate relationships developed by its business development team, strategic partnerships, and community-related investments. Ongoing marketing investment is required to both replace graduating students and to grow the total student intake each year.

- By acquiring smaller training providers. Of the largest providers, acquisition growth was a key direction, with providers seeking smaller RTOs with offerings in courses or states outside their historical base, or seeking training providers with an existing large student base or strong reputational branding. This automatically extends the number of qualifications the provider has 'on scope'.
- By subcontracting third-parties to undertake various components of the 'supply chain', including student recruitment, course content and teaching. Equivalently, the providers were also often the subcontracted party, working for other RTOs (including TAFEs) to deliver training outside the oversight of ASQA or state authorities.
- By scaling up profitable training products, for example across states or by using online platforms.
- By cross-selling across business divisions. Large providers may have a labour hire or recruitment arm, which may cross-sell individual students/jobseekers/corporate clients.
- By offering additional 'management services'. The largest providers, aware of the complexity of funding, compliance and reporting arrangements, may offer smaller RTOs services including data management, compliance management, and course content development.

Profitability in the sector has been very high over the last three years. The Earnings Before Interest and Tax (EBIT) margins reported in Table 148 are a measure of operating profitability, calculated as the ratio of operating profits (before financing and tax policies take effect) to revenue. The EBIT margins in Table 8 are well above any notional cost of capital return, and high relative to comparable benchmarks. By way of example, transport companies earn EBIT margins of around 10%. G8 Education, the largest for-profit provider of child care and early childhood education in Australia, reported EBIT margins of 16.3% in 2012 and 17.9% in 2013.

Table 8. EBIT Margins for selected publicly funded, for-profit training providers

PROVIDER	2011	2012	2013
Vocation ⁴	6%	18%	21%
Ashley Institute of Training	35%	35%	35%
Australian Careers Network	45% ⁵	40%	51%
Intueri	29%	30%	32%
BENCHMARK EBIT MARGIN	29%	31%	35%

Source: Australia Careers Network (2014); Vocation (2013); Ashley Services Group (2014); Frost (2014)

In Victoria, where the demand driven model is most mature, government payments to for-profit providers have risen from \$137.2 million in 2008 (before the reforms) to \$799.2 million in 2013. Based on the benchmark profit margins set out in Table 8, it is estimated that the training subsidies have generated over \$600 million in private profits between 2011 and 2013, profits which largely accrue to the owners and shareholders of these providers. These details are set out in Table 9.

⁴ Profit margins for Vocation reflect Earnings before interest, tax and amortisation (EBITA) to remove the effect of significant amortisation expense

⁵ 2011 EBIT margins for Australia Careers Network were not available from the company's prospectus, and has been estimated as the average EBIT margin between 2012-2014.

Table 9. Estimated profits generated from Victorian training subsidies

Year	Victorian training subsidies \$m	Profits accruing to owners/ shareholders
2011	498.8	143.8
2012	804.2	247.3
2013	799.2	277.1
TOTAL	2,102.2	668.2

At this early stage of the national rollout of the entitlement model of training delivery, it is expected that new entrants will continue to enter (given the incentives created by the availability of public subsidies), and that existing competitors will consolidate in order to reap the benefits of economies of scale, reducing unit overheads such as marketing costs. This has already been the case with some of the largest providers, which continue to consolidate training brands under a single umbrella. This strategy allows larger providers to increase their campus footprint, diversify their geographic risk profile, grow profitability, and put pressure on smaller providers.

Indeed, the ownership structures of the larger providers were found to be opaque. Often, there are a number of registered and unregistered providers owned by a single corporation, operating a large suite of training 'brands'.

The direct and indirect ownership structures, and the executives responsible for the performance of each brand, were generally unclear. It was difficult to ascertain how earnings flowed to owners, shareholders, employees or reinvested in students and service improvement.

This opacity was further clouded by the prevalence of subcontracting arrangements, which to date have fallen outside the authority of ASQA. There are instances of many different functions being outsourced, including curriculum development, teaching, compliance and reporting, and data management.

There are very limited requirements to disclose these business structures, and limited information accessible to students, regulators and other stakeholders. Perhaps ironically however, it is the largest providers, seeking expansion via capital raisings on the stock market, who have been called to account via the stock market's greater disclosure rules. For smaller for-profit providers, information on their business practices and how they spend their public funding is very scarce.

The key risk to the private training sector (from the provider's perspective) is one of regulatory risk. The entitlement model of VET provision provides significant incentives for private training providers to develop courses and recruit students in areas which maximise profits and growth. The public subsidies paid to these providers are subject to periodic review, as well as significant policy and procurement changes across the VET sector more generally. For example, recent changes to Victorian subsidy levels were announced without prior notice on 16 June, 2014, effective from 1 July, 2014.

From the perspective of the public taxpayer, there is a great reliance on market forces to regulate the activities of these for-profit providers and ensure efficient and productive use of public funds. As discussed above, profitability is high and growing in the sector, and in the longer term, some semblance of market forces may drive down profitability in the sector. There are a number of critical factors which may prevent such competitive forces from prevailing.

First, there is limited information for students to access regarding the quality of their training and training provider, and the likely links to labour market or further study outcomes. Given the proliferation of the number of VET qualifications, the extensive choices available to students, and aggressive marketing behaviour from providers, it cannot be assumed that students will simply

choose the best option, and that poor quality providers will be competed out of the market. Perhaps more importantly, the problem in tertiary education is not so much about information asymmetry as the assumption that more and better information can correct the market failure. In fact, no student or regulator can have the information that would enable them to judge the quality of an education or training service as they would a physical product, because it is an 'experience good'. That is, the outcomes arising from purchasing the good cannot be discerned until after its consumption, and may be difficult to trace to any one educational experience (Brown & Carasso, 2013).

Second, subsidy rates and indirectly, course fees, are subject to review and change, deliberately distorting the price signal observed by both providers and students. This is the intention of state governments, to encourage training in priority areas, but it will also encourage providers to pursue provision of high margin services without due attention given to educational standards. In theory, such high returns to training provision will encourage new competitors, driving down prices and profits, and driving up quality and product differentiation. The fixed nature of subsidy rates removes this price mechanism and reduces incentive for providers to compete.

Finally, current trends in the highly fragmented market structure (almost 5000 training providers) suggest the sector will eventually comprise a smaller number of large providers, who will preserve profitability levels and deter new competitors (e.g. by being better equipped to manage compliance and reporting requirements, or by dominating certain industry areas). Indeed, the view of one of the largest operators flags acquisitions as the next evolution of the sector:

Consolidation and corporatisation of the VET sector is a logical step towards a more sustainable VET market in Australia, and those companies with access to funding, a focus on high quality training outcomes and an ability to source students are best placed to lead the consolidation

Australian Careers Network (2014, p14)

This evolution will see the growth of large providers beholden to shareholder and owner interests. There are minimal compliance requirements (typically an audit once every five years) and opaque business and ownership structures which are not readily accessible to regulators (who regulate individual RTOs and not 'full service' entities) or students.

Perhaps most importantly, there is little reference to educational standards and student outcomes in the documents released by the providers. While ASQA appears to be moving to more risk-based compliance and the reporting of quality indicators, there does not appear to be any effort to better align the business model with the public benefits for which the training subsidies are offered.

MAPPING THE TRANSFER OF WEALTH

The main rationale for the government providing subsidised vocational education and training is the existence of positive externalities. The Productivity Commission argues that these externalities, or public benefits which do not accrue to the individual or organisation deciding to train, include civic benefits such as higher employment and a more skilled workforce, social cohesion and reduced crime; as well as broad benefits arising from investment in innovation and the diffusion of new ideas (Productivity Commission, 2011, p. 59). Publicly funded VET also overcomes the collective action problem of employers being reluctant to invest in the skills of their workers because of concerns of poaching.

Left to its own devices, a free market results in under-provision of vocational education and training because those investing in training are unable to fully capture its benefits, which are instead shared among students, employers and the general community.

In other words, market failure in the provision of vocational education justifies government intervention to ensure adequate investment.

This rationale underpins the provision of training subsidies. Yet the rollout of contestable funding has assumed that a competitive market will deliver better quality and better value outcomes by fostering more provider competition, lower fees and more innovative course design and delivery. For a variety of reasons, there is not a perfect market in vocational education and training. Some are these are because of shortcomings in the current funding and regulatory arrangements but others are intrinsic to the fact that education and training is not a commodity but an experience good, whose quality can only be judged after it has been purchased.

In the absence of perfect competition, the result of a contestable VET system with public subsidies is inevitably continued high profits for a limited number of providers able to game the system – not lower prices for students and higher quality qualifications.

The purpose of this section is to identify public funding flows to for-profit providers, and to estimate how profits are leveraged from these subsidies. In order to do so, the research focuses on three specific providers, chosen for their dominance in VET provision, and the availability of rich, reliable data. While these three providers comprise only 2.3 percent of total publicly funded course enrolments, they have significantly larger total student bases, and are in the top 50 publicly funded providers (including TAFEs).

Table 10. Publicly funded course enrolments at selected for-profit providers, 2013

Provider name	Funded enrolments
VOCATION	27,122
ASHLEY SERVICES GROUP	12,146
AUSTRALIAN CAREERS NETWORK	4,774*

Source: National Centre for Vocational Education Research (2013); Australia Careers Network (2014, p. 81);

*It is estimated that at least a further 3600 TAFE enrolments were subcontracted to Australian Careers Network

The analysis which follows considers the business models of the three for-profit providers, models the flow of public subsidy revenue, and estimates the likely profitability which accrued to the directors and owners of these providers. In the following section, we first set out the assumptions underlying the modelling.

MODELLING ASSUMPTIONS

The financial analysis which follows focuses on public subsidies paid to for-profit providers on behalf of students in Victoria only. As the entitlement model is more mature in Victoria, and data more readily available, the analysis focuses on Victoria only. It is important to recognise that the analysis presented focuses on a 'standard' student, that is, one based in a metropolitan region, from a non-Indigenous background, and without significant labour market disadvantages. Students from these groups are typically eligible for concessional fees or waivers, and subsidies flowing to RTOs vary by state.

In order to derive public funding estimates at the provider level, a number of transparent and conservative assumptions have been made, and are described as follows.

Course enrolments

Precise course enrolment data at each RTO is publicly available via the NCVER's Student and Courses collection for the period 2011 to 2013. This enrolment data relates to publicly funded enrolments only, and does not include fee-for-service VET.

Study mode and time taken to complete qualification

The NCVER assumes that 720 hours equals one full year training equivalent (FYTE). Based on the maximum allowable hours stipulated by the Victorian Department of Education for non-apprenticeship training, the average number of years taken to complete each qualification level is set out in Table 11.

Consequently, full time study of qualifications up to and including Certificate IV are assumed to be completed within one year, Diplomas 1.5 years, and Advanced Diplomas 2 years. Part time students are assumed to be 0.5 of a full time equivalent. This distinction is important as in most cases, part time students form the majority of enrolments.

Table 11. Years to complete training by qualification level, 2013

Qualification Level	Average FYTE
Advanced Diploma	1.9
Diploma	1.5
Certificate IV	1.2
Certificate III	1.1
Certificate III	0.6
Certificate I	0.4

Source: Department of Education and Early Childhood Development (2014a)

Subsidy rates

The subsidy rates used in the analysis differ from the current rates presented in Table 2, and are instead based on funding levels available in 2012 (Department of Education and Early Childhood Development, 2012). The average subsidy per qualification level has been calculated for every qualification by multiplying the maximum nominal hours for each qualification by the hourly subsidy rate, averaged across all subsidised qualifications.

Table 12. Assumed subsidy rate per student by qualification level, 2012

Qualification level	Average subsidy 2012 (\$)
Advanced Diploma	6,384
Diploma	5,363
Certificate IV	6,805
Certificate III	7,289
Certificate II	3,759
Certificate I	2,628
Foundation	1,172

Completion rates

It is insufficient to take account only of course completions, as funds in Victoria are paid to providers monthly in arrears, based on each student's contact hours. The modelling which follows makes assumptions regarding course completions. The NCVER has calculated estimates of completion rates for each qualification level, based on longitudinal data collected from students between 2009 and 2012. These estimated completion rates are presented in Table 13, together with the average rate of completion. This average is used as an estimate of the 2013 completion rate, and is a conservative assumption, given that completion rates appear to be trending upwards.

Note that these estimates are not specific to Victoria, and that full-time and part-time students are assumed to have the same completion rates.

Table 13. Estimated completion rates by qualification level, 2009-2012

AQF qualification	Estimated qualification completion rate (%)				Assumed 2013 completion rate
	2009	2010	2011	2012	
Diploma and above	38.0	42.8	43.8	44.3	42.2
Certificate IV	39.0	41.4	41.9	44.3	41.7
Certificate III	37.8	39.1	41.1	40.0	39.5
Certificate II	22.1	24.3	26.6	25.7	24.7
Certificate I	21.2	17.7	18.1	20.0	19.3
Total	32.1	33.7	35.6	35.8	34.3

Source: National Centre for Vocational Education Research (2014a)

Total public subsidy revenue

It is assumed that subject loads are uniformly distributed throughout the course of training, such that given publicly available course enrolment figures, the subsidy for a specific for-profit provider (denoted by *i*) is ultimately calculated as follows:

For Certificates I to IV (assumed completed within one year)

$$Subsidy_i = \sum_{Q=1}^4 \sum_{t=1}^3 (FT\ enrolments_i + 0.5 * PT\ enrolments) * Avg\ completion\ rate_Q * Avg\ course\ subsidy_Q$$

For Diploma and above:

$$Subsidy_i = \sum_{Q=5}^6 \sum_{t=1}^3 (FT\ enrolments_i + 0.5 * PT\ enrolments) * Avg\ completion\ rate_Q * 0.5 * Avg\ course\ subsidy_Q$$

In words, this means that for each provider, the total public subsidy over the years 2011 to 2013 (t=1..3) equals the number of course enrolments which will eventually complete their studies, multiplied by the public subsidy rate applicable to their studies. For Certificates I to IV, it is assumed that students complete their studies within one year. For diploma and higher, it is assumed that half of the course load is completed each year. This is then aggregated across six qualification levels (Q=1...6).

The calculation is a conservative one, because those who do not complete their qualification are assumed to attract zero subsidy, whereas as in reality they attract a part payment based on completed contact hours. This is particularly important as there is some evidence that private providers have deliberately enrolled students in full qualifications to attract public subsidies when the intention is only ever for the student to complete a few units of competency from within the qualification.

Profit margins

The profit margins which are used to model profitability leveraged from public subsidies are based on the operating profits— Earnings Before Interest and Tax (EBIT) – of the three companies. EBIT is a measure of profitability before the effects of financing decisions and tax treatment. Intueri, which operates in the mature New Zealand market and owns rapidly growing Australian RTO Conwal and Associates, is included for comparison. The company continues to return profit margins around 30 percent.

Table 14. EBIT Margins for publicly listed, publicly funded providers

PROVIDER	2011	2012	2013
Vocation ⁶	0.06	0.18	0.21
Ashley Institute of Training	0.35	0.35	0.35
Australian Careers Network	0.46 ⁷	0.40	0.51
Intueri	0.29	0.30	0.32
BENCHMARK EBIT MARGIN	0.29	0.31	0.35

Source: Frost (2014); IFM Investors (unpublished); Simpson and Higgins (2014); Australia Careers Network (2014)

The modelling has a number of limitations, however these limitations err strongly on the side of conservatism, and the estimates that follow can be regarded as lower bound figures of actual revenues and profits raised from taxpayer money. These limitations include:

⁶ Profit margins for Vocation reflect Earnings before interest, tax and amortisation (EBITA) to remove the effect of significant amortisation expense

⁷ 2011 EBIT margins for Australia Careers Network were not available from the company's prospectus, and has been estimated as the average EBIT margin between 2012-2014.

1. The modelling does not include revenue earned from subject enrolments, or from students who do not complete their studies. The data focuses only on completed course enrolments.
2. The modelling assumes an average completion rate.
3. The modelling assumes an average 2012 subsidy rate, which does not account for the behaviour of for-profit providers in targeting higher-subsidy course offerings.
4. The modelling does not include estimates of VET FEE-HELP revenue, which are payments made to the RTO funded by the Australian Government.
5. The profitability of smaller providers is likely to be lower than at large providers, who are able to benefit from economies of scale across functions such as marketing, data management, and compliance.

We now turn to the first provider, Vocation Pty Ltd.

VOCATION

Vocation was formed from three founding companies: BAWM, the Customer Service Institute of Australia (CSIA), and AVANA. Vocation's inaugural chairman was John Dawkins, federal treasurer from 1991 to 1993, and minister for employment, education and training from 1987 to 1991. The BAWM group operates several publicly funded training brands, including Buildit Learning and Diverse Learning, while CSIA operates West Australian RTO TTS-100 (registration recently cancelled), and AVANA owns the Green Skills Institute, see Table 15. In addition, in 2014 Vocation has continued to consolidate the sector, acquiring the Australian College of Applied Education, Real Institute, and Endeavour College of Natural Health (Buys & Mann, 2014). BAWM also owns RTO Edge, a business providing managed services which allows other for-profit providers to outsource their compliance and other administrative/reporting requirements.

In addition, Vocation operates a range of unregistered training providers (see Figure 12), and uses an unknown number of subcontracted providers⁸.

Table 15. Vocation publicly funded training brands

Training Brand	Main course offerings
Buildit Learning	Construction, transport/logistics and manufacturing
Diverse Learning	Community Services
Customer Service Institute of Australia (CSIA)	Customer service and business
TTS-100	Security and occupational safety
AVANA Learning	Hospitality, retail, tourism and business
Green Skills Institute	Tourism
Australian College of Applied Education*	Hospitality
Real Institute*	Business and transport/logistics
Endeavour College of Natural Health*	Fitness

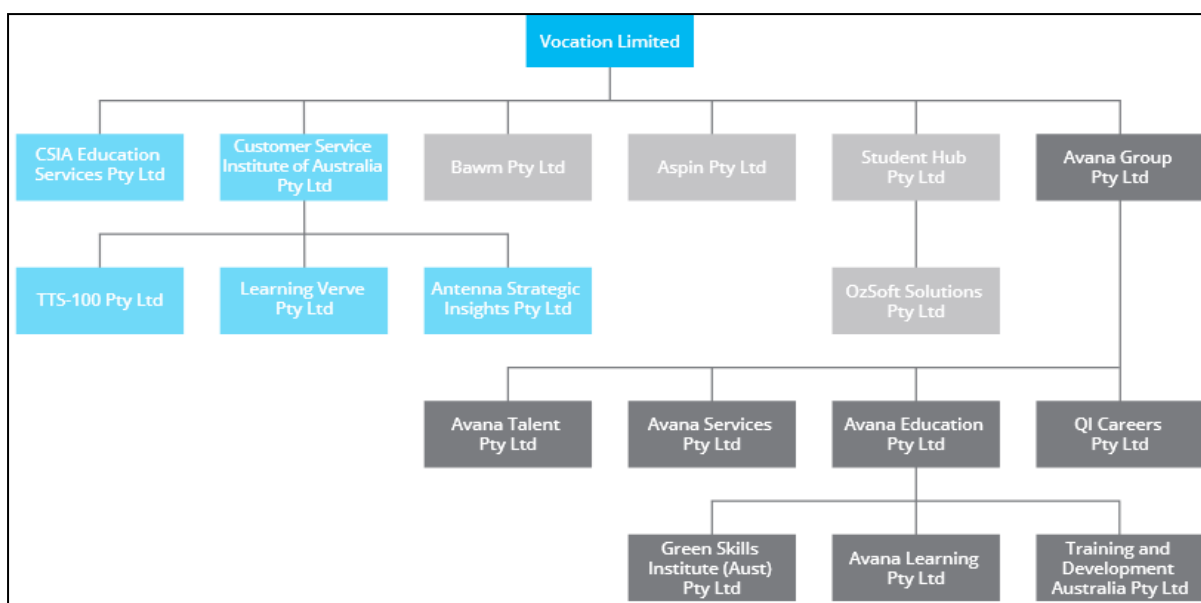
*Acquired in 2014

The complexity of Vocation's ownership and brand structure prior to these latest acquisitions is illustrated in Figure 12 (which also includes fee-for-service and unregistered training providers). The acquisitions diversify Vocation's geographic (and funding) base, increase its scale and course offerings, and add further complexity to Vocation's ownership structure.

Until recently, the business had prospered across its brands, scaling up profitable training products (e.g. those with online delivery), leveraging its corporate clients through its enterprise-delivery channel, and most importantly, responding to the incentives created by the government's demand-driven model.

Figure 12. Vocation ownership and brand structure, 2013

⁸ An inspection of (possibly outdated) audit reports and media reports identify at least 4 subcontracting arrangements, with training providers *Safe T*, *Vative*, *JPR Security* and *National Security Training Academy*, and course content developers *Didasko* and *Small Print* (Aston, 2014; Australian Skills Quality Authority, 2011; Victorian Registration and Qualifications Authority, 2013).



Source: Vocation (2013, p. 111)

The rise of Vocation is clearly seen in its publicly funded course enrolments. Table 16⁹ presents these enrolments from its key Victorian brands Buildit Learning, Diverse Learning, CSIA and AVANA. It shows that Vocation has quadrupled its publicly funded enrolments, with around half of enrolments at the Certificate III level. In 2013, around 55 percent of students were part-time.

Table 16. Publicly funded course enrolments in Victoria, Vocation

Qualification level	2011	2012	2013	Total
Diploma or higher	742	970	868	2,580.0
Certificate IV	536	2,450	3,128	6,114.0
Certificate III	3,490	7,507	12,695	23,692.0
Certificate II	1,733	3,380	2,583	7,696.0
Certificate I	57	4,597	6,638	11,292.0
Total	6,558	18,904	25,912	51,374.0

Source: National Centre for Vocational Education Research (2013)

In a November 2013 initial public offering, Vocation was floated on the Australian Stock Exchange, raising \$253 million (with a further \$74 million in an additional capital raising). After listing at \$1.89 per share, the stock peaked at over \$3.30 in August 2014 before concerns arose about the certainty of its government funded revenue streams. In particular, the Victorian Department of Education and Early Childhood Development (DEECD) withheld funding payments to the BAWM and Aspin¹⁰ subsidiaries, subject to a departmental review. After the stock was placed in a trading halt on September 18, 2014 following its freefalling price, the company was forced to respond, declaring that “neither the review nor its anticipated outcomes are expected to be material to Vocation” (Vocation, 2014a). While the company did not disclose the amount of at-risk funding, their financial statements indicated that BAWM revenues accounted for 62 percent of total revenues in 2013, and forecast to rise to 89 percent in 2014 (Vocation, 2013, p. 56).

⁹ Total new enrolments, across all brands and including fee-for-service enrolments, were around 24,000 in 2013 and projected to increase to over 43,000 in 2014 (Vocation, 2013)

¹⁰ Owned by BAWM, Aspin delivered the Certificate II in General Education for Adults

Table 17 indicates that public subsidy revenue to Vocation is estimated to have more than quadrupled from \$8.7 million in 2011, to \$38.2 million in 2013, a figure which underestimates the true figure¹¹. In fact Vocation, prior to the departmental review, had announced Victorian government funding would grow exponentially, totalling \$1.2 billion over the three years to 2017 (Vocation, 2014c). Ultimately, the review was subsequently completed in late October 2014, at which point \$19.6 million in funding to BAWM was forfeited. The withdrawal of clearly material funding followed recognition of unscrupulous practices including an over-reliance on third-party student referrals, enrolling students in courses inappropriate to their needs, and delivering a low-quality training experience. Vocation thereafter announced that BAWM would be consolidated under Vocation's other RTOs, while the use of third-party training and assessment providers would be eliminated (Vocation, 2014b).

Table 17. Total public subsidy revenue (\$000s), Vocation

Qualification level	2011	2012	2013	Total
Diploma or higher	527.4	692.6	727.5	1,947.5
Certificate IV	945.2	4,766.3	6,400.1	12,111.7
Certificate III	6,053.1	16,671.8	26,952.5	49,677.4
Certificate II	1,112.9	2,629.6	1,798.0	5,540.5
Certificate I	13.6	1,515.9	2,296.0	3,825.4
Total public subsidy revenue	8,652.2	26,276.2	38,174.1	73,102.5
Total reported revenue	8,900.0	44,100.0	59,200.0	112,200.0

Based on reported data on Vocation's operating profit margins, it is estimated that over the three years, the \$38.2 million in public subsidy revenue directly contributed to the generation of around \$7.9 million in profits in 2013 - Table 18. This relates to publicly funded student enrolments in Victoria only. This is a significant proportion of the \$12.9 million in profits reported in the company's financial statements (Vocation, 2013). Following the government review, the company also disclosed a material \$5million earnings loss for the 2015 financial year (about 10-15 percent below analyst estimates). Vocation is currently under investigation by ASIC for possible failure to meet its continuous disclosure obligations, and by legal firm Maurice Blackburn for a potential class action on behalf of investors (Evans, 2014).

Table 18. Publicly funded profitability, Vocation

Performance	2011	2012	2013	Total
Public subsidy revenue (000s)	8,652.2	26,276.2	38,174.1	73,102.5
EBIT Margin	6.0	18.2	20.7	-
Operating profit (000s)	519.1	4,782.3	7,902.0	13,203.4

¹¹ As a reasonableness check on these figures, the Vocation prospectus reports that about 70 percent of their 2013 consolidated revenue (\$59.2 million) is sourced from state governments. This would equate to around \$41.4 million. The \$38.2 million number in Table 17 underestimates this figure due to the exclusion of Vocation's enrolments outside Victoria, and of subsidies for students who do not complete the qualification.

AUSTRALIAN CAREERS NETWORK

Australian Careers Network (ACN) comprises three business units across Victoria, New South Wales and Queensland: Community Training Initiatives (CTI), an unregistered training provider which partners with TAFE institutes under auspicing (subcontracted) arrangements; training delivered by registered training providers; and an employment services division. ACN operates ten RTOs, the largest of which is the Centre of Vocational Education (COVE) - see Table 19 below. In 2014, the company offered 96 qualifications and had 10,700 student enrolments (including publicly funded and fee-for-service students), with 85 percent of these in Victoria (Australia Careers Network, 2014, p. 35). Due to the availability of funding incentives, ACN targets training in skills shortage areas, primarily trades and construction, aged care and child care. In 2014, a third of enrolments were in the trades. It forecasts that training in community services will rise from 5 to 22 percent in 2015 (Australia Careers Network, 2014, p. 42).

Table 19. Australian Careers Network training brands with publicly-funded enrolments

Training Brand	Main course offerings
COVE (including RTOs Emeritus Education and Training and ITC)	Transport/logistics; civil construction
Australian Management Academy	Business/Management; Work, Health and Safety; Training and Assessment; Aged Care and Community Services
Consider this Training	Community Services (including aged care, child care and disability care); Business
SMART	Fitness and Recreation; Business and Management
Haley College	Community Services (Aged and disability care)
Heron Assess	Hospitality
Training Experts Australia*	Business and management; retail and hospitality; transport and logistics.
Training Synergies*	Retail and hospitality; transport and logistics; business

* Acquired in 2014.

Through its CTI business, ACN operates what it refers to as a ‘hub and spoke’ model, whereby partner RTOs (primarily TAFEs Chisholm Institute, Kangan Institute and Goulburn Ovens Institute of TAFE) subcontract training provision and course materials, audit processes and operating systems to ACN (Australia Careers Network, 2014, p. 38). CTI provides TAFEs a lower cost base for training delivery, and in return, CTI indirectly receives public subsidies, and is largely shielded from ASQA oversight, from changes to RTO regulations, and is able to diversify its risk profile. These arrangements have been in place for around 3 years.

ACN further sources all course content from third-party developers, citing barriers to internal development including *“inhibit[ing] a training provider’s speed-to-market, ability to be flexible in course delivery, and scope to address new market opportunities ahead of the competition”* (Australia Careers Network, 2014, p. 36). ACN hires ASQA auditors to ensure the material is ASQA and AQF compliant, however the rationale for this approach is clearly one of generating competitive advantage, and to date there has been little visibility for where responsibility for quality course content and educational standards ultimately lies.

The ACN business model includes significant investment in student recruitment. Approximately 50 percent of enrolments are driven from *“a mix of outbound call centre marketing, on-the-ground business development executives and trainer/student acquisition models”*, with the trainer-to-student

business development model having trainers promote the courses offered by Australian Careers Network Group during face-to-face assessments of student training needs (Australia Careers Network, 2014, p. 35).

Aside from leveraging the expansion of demand-driven and VET FEE-HELP funding, ACN seeks growth by expanding its TAFE partnerships (both number and scale), seeking more acquisitions of training brands (targeting RTOs with strong existing brands or student base, in growth states of NSW and Queensland, and expanding the course offering), growing their international student body, better linking their employment and training services, and growing an online education platform (Australia Careers Network, 2014, p. 45).

The student enrolment figures below refer to publicly funded course enrolments in Victoria in the COVE, Consider This, Australian Management Academy, SMART and Heron Assess RTO brands. An estimated further 3640 TAFE enrolments¹², subcontracted to CTI for training delivery, are also included for 2013, based on ACN reports that 39 percent of enrolments came from their TAFE partnerships (Australia Careers Network, 2014, p. 37). These students receive training from CTI as an unregistered training provider, and they are not captured in NCVER data.

Note that for 2012, the NCVER-reported 2456 publicly funded course enrolments comprise only 32 percent of ACN's 7654 total students enrolled across its brands and offerings. The balance of students comprise fee-for-service and subject enrolments, as well as students outside of Victoria.

Table 20. Publicly funded course enrolments in Victoria, Australian Careers Network

Qualification level	2011	2012	2013	Total
Diploma or higher	289	228	93	610
Certificate IV	618	541	819	1,978
Certificate III	1,203	1,583	2,974	5,760
Certificate II	90	104	86	280
Certificate I	0	0	772	772
Estimated subcontracted TAFE enrolments	-	-	3,734	3,734
Total	2,200	2,456	8,478	13,134

Source: National Centre for Vocational Education Research (2013)

The modelling of subsidies received by ACN is based on higher subsidy rates, as the company reports that 44 percent of course offerings attracted an hourly subsidy of at least \$9.50 (with over 90% attracting over \$5 an hour) (Australia Careers Network, 2014, p. 44). The average ACN subsidy received in 2012 for each qualification level is set out in Table 21.

Table 21. Average subsidy levels by qualification, Australian Careers Network, 2012

Qualification Level	Assumed average subsidy
Advanced Diploma	9,752
Diploma	7,290
Certificate IV	8,047
Certificate III	7,750
Certificate II	4,468
Certificate I	8,430

¹² Includes subject, course and fee-for-service enrolments at Kangan Institute, Chisholm Institute, and Goulburn Ovens Institute of TAFE. No further data breakdown was available.

Table 22 provides estimates of the public subsidy revenue received by ACN between 2011 and 2013, including \$5.626m in reported revenue received for training delivered on behalf of TAFEs (Australia Careers Network, 2014, p. 81). It is estimated that public subsidy revenue grew over 3.5 times from \$4.4m in 2011 to \$15.0m in 2013. Going forward, ACN subsidy receipts will also be much higher due to the contributions of the recently acquired RTOs, Training Synergies and Training Experts Australia, and future acquisitions.

Table 22. Total public subsidy revenue (\$000s), Australian Careers Network

Qualification level	2011	2012	2013	Total
Diploma or higher	243.5	239.8	87.7	571.0
Certificate IV	1,441.5	1,427.8	1,990.9	4,860.1
Certificate III	2,611.8	3,767.9	6,532.5	12,912.3
Certificate II	54.7	117.5	82.2	254.4
Certificate I	0.0	0.0	636.1	636.1
Funding from subcontracted TAFE enrolments	-	-	5,626.0	5,626.0
Total	4,351.4	5,553.0	14,955.5	19,234.0

Based on data on enrolments, revenues, and reported EBIT margins¹³, Table 23 estimates the profits accruing from public subsidies to ACN owners between 2011 and 2013. Over the three years, it is estimated that ACN profitability from public funds has almost quadrupled from \$1.9m to \$7.6m.

Table 23. Publicly funded profitability, Australian Careers Network

Performance	2011	2012	2013	Total
Public subsidy revenue (000s)	4,351.4	5,553.0	14,955.5	24,860.0
EBIT Margin	45.4	40.2	50.8	-
Operating profit (000s)	1,977.0	2,232.3	7,597.4	11,806.7

¹³ (Australia Careers Network, 2014, p. 80). Reported margins for 2012, 2013 and 2014 respectively were 40.2%, 50.8% and 45.3%. The EBIT margin for 2011 has been estimated as the average of these three values.

ASHLEY SERVICES GROUP

Ashley Services Group (ASG) is a training, recruitment and labour hire firm which operates several RTOs including Ashley Institute of Training (AIT), the National Institute of Training, Tracmin, and Integracom Management Group. Together these brands have broad industry coverage, with significant enrolments in telecommunications, community services, business, and transport/logistics. The company is currently applying to become a VET FEE-HELP approved provider.

The business model is based on cross-selling between its training, recruitment and labour hire divisions, and can be summarised by the company's own presentation in Figure 13. The company also delivers training to the corporate market, and expects 62 percent of its 2014 training revenues to be derived from corporate employers (Ashley Services Group, 2014, p. 39). In addition, ASG currently holds 15 stage government contracts in Victoria, Queensland, WA, SA and Tasmania.

Figure 13. Ashley Services Group business model



Source: Ashley Services Group (2014, p. 24)

An ASQA Audit of AIT took place in March 2013, and found the provider to be non-compliant in two important respects (ASQA, 2013): 1) their trainers and assessors were found non-compliant with requirements regarding their training and vocational competencies; and 2) their assessment tools were found to be non-compliant with minimum assessment standards. AIT later provided evidence to demonstrate compliance with these standards, allowing for its continuing registration.

The analysis below includes enrolments at AIT and the National Institute of Training only, which have significant Victorian enrolments. In 2013, Ashley Service Group had 12,146 course enrolments, with over half of these in Victoria (with a further 20% in SA and 11% in NSW). The figures in Table 24 indicate that 87 percent of all enrolments occur between the Certificate II to IV levels. Around three-quarters of students are enrolled part-time.

Table 24. Publicly funded course enrolments in Victoria, Ashley Services Group

Qualification level	2011	2012	2013	Total	% share
Diploma or higher	300	232	166	698	2.6
Certificate IV	354	522	1,241	2,117	19.7
Certificate III	2,111	1,760	2,797	6,668	44.3
Certificate II	541	446	1,464	2,451	23.2
Certificate I	-	-	644	644	10.2
Total	3,306	2,960	6,312	12,578	100.0

Source: National Centre for Vocational Education Research (2013)

Based on these figures, the estimated total public subsidy funding is presented below. Over the three years between 2011 and 2013, it is estimated that ASG received around \$17.6 million in public subsidy revenue¹⁴.

Table 25. Total public subsidy revenue (\$000s) in Victoria, Ashley Services Group

Qualification level	2011	2012	2013	Total
Diploma or higher	192.6	163.9	130.2	486.8
Certificate IV	608.8	1,061.2	2,179.7	3,849.6
Certificate III	4,057.9	2,911.3	4,737.8	11,707.0
Certificate II	298.0	221.7	851.5	1,371.1
Certificate I	-	-	228.2	228.2
Total	5,157.3	4,358.1	8,127.3	17,642.7

How these public funds are leveraged into profits is presented in Table 26. With EBIT margins of around 35 percent in the training division, Ashley Services Group generated significant profits from publicly funded training activities, with profits increasing by 57 percent to between 2011 and 2013. Subsidy revenue over the three years was estimated to total \$17.6 million, generating \$6.2 million in earnings.

Table 26. Publicly funded profitability in Victoria, Ashley Services Group

Performance	2011	2012	2013	Total
Public subsidy revenue (000s)	5,157.3	4,358.1	8,127.3	17,642.7
EBIT Margin	35.2	34.7	35.0	-
Operating profit (000s)	1,815.4	1,512.3	2,844.5	6,172.2

¹⁴ As a reasonableness check, the company reports that in 2013, around 37% of training division revenues (\$24.6m) were derived from individuals undertaking publicly subsidised training. The estimates in Table 25 represent 33% of total training revenues.

FINAL COMMENTS

In light of these findings, it is instructive to return to the original objectives stated in the 2012 National Partnership Agreement on Skills Reform. Recall that these objectives included the following:

- Improving training accessibility, affordability and depth of skills, including through the introduction of a national training entitlement and increased availability of income contingent loans;
- Encouraging responsiveness in training arrangements by facilitating the operation of a more open and competitive training market;
- Assuring the quality of training delivery and outcomes, with emphasis on measures that give industry more confidence in the standards of training delivery and assessment;
- Providing greater transparency through better information to ensure: consumers can make informed choices, governments can exercise accountability,

The analysis in this report rejects the notion that the vocational training sector, under demand driven entitlement funding, has made progress in the transparency and quality of training delivery. Rather, the behaviour of for-profit providers has served to undermine confidence in vocational qualifications and taken advantage of students unable to make informed decisions. More importantly however, the complexity of the operations of for-profit providers casts considerable doubt on whether regulators can possibly stay abreast of the operations of for-profit providers, particularly given limited disclosure requirements and audits which occur on average every five years.

With regard to issues of accessibility to, and responsiveness of, the training system, the research shows that students from disadvantaged backgrounds, or enrolled in regional or skills shortage areas, are still much more likely to be enrolled at TAFE institutes. The role of TAFEs remains paramount in the delivery of training in areas of skills shortages and to student equity groups, but also as the custodian of quality vocational education. In meeting these and other obligations (including delivery in thin markets, delivery of student services, meeting public sector reporting requirements, and asset maintenance), it is important to recognise this competitive disadvantage. As the cornerstone vocational educational provider, TAFE has an obligation to serve all fields of education, all student backgrounds and all areas of Australia. TAFE does not have the option of targeting only profitable areas of delivery or profitable student types. Funding for TAFE has been substantially reduced despite their obligation to contribute to these social and economic objectives, while also acting as custodians for the provision of quality vocational education. If higher levels of funding and a more sustainable funding model for TAFE is not found, then there is a very high likelihood that public confidence in the entire system of vocational qualifications will be fatally eroded.

The research calls for an evaluation not only of the current architecture in the vocational education system, but also of the principles underpinning its growth. In a regular market for a physical good, a competitive market relies on strong competition between many vendors, selling to perfectly-informed buyers a product with known quality and quantities. In the market for education, the product has unknown characteristics until after the experience, while trends in for-profit VET provision are heading towards fewer dominant providers selling to poorly informed students. The sustained profits of the for-profit VET sector, and their still limited contribution to broader social and economic goals, call into question the system of public subsidies and the distribution of public versus private benefits. Most importantly however, the research questions whether any amount of regulation or resources can overcome the fundamental difficulty of evaluating quality that cannot be observed in a timely way, in a product offered by hundreds of providers with opaque business models.

On that basis, the following changes to the VET sector are recommended:

1. Minimum hours of delivery for courses

The quality framework should mandate a minimum number of hours of delivery wherever this involves public subsidy (including indirect subsidy through VET FEE-HELP). The quality framework should also directly audit the other inputs to quality learning, including curriculum, teaching and assessment practices at the point of delivery. This is necessary to overcome the lack of transparency about who is actually providing these inputs, and whether providers are delivering the contact hours that students enrol for, and public subsidies pay for. The current process-driven approach cannot address these issues.

2. Capping funding to private RTOs to ensure TAFEs remain able to provide quality education

The role of TAFEs remains paramount in the delivery of training in areas of skills shortages and to student equity groups, but also as the custodian of quality vocational education. In meeting these and other obligations (including delivery in thin markets, delivery of student services, meeting public sector reporting requirements, and asset maintenance), it is important to recognise this competitive disadvantage.

If contestable models remain, the proportion of government vocational education funding allocated contestably should be capped at 30%, with the remainder reserved for TAFE. This will stabilise the sector and provide certainty for students while still permitting sufficient competition to drive innovation in course design and delivery, where this is required. State Governments should also continue to provide or re-establish block funding for TAFE to maintain infrastructure, support services for at-risk students, and to support the many other roles it plays in the community.

3. Ban on subcontracting delivery of courses to unregistered providers

Based on the practices that have already come to light, there is a strong case for prohibiting cross-selling between business decisions, and subcontracting delivery to other providers, particularly those who are not registered RTOs. Moreover, rather than solely audit individual RTO brands, an enhanced quality framework would consider enterprises as a whole, to seek better visibility of where responsibility for each component of training delivery lies.

4. Better regulation of RTOs' recruiting practices and business models

If it is not possible to regulate for profit providers effectively because of the way they structure their operations then at the very least, quality assurance should also scrutinise the business models of for-profit providers. This would include how they market to and recruit students.

5. An end to governments manipulating subsidies for private RTOs

Jurisdictions should abandon the practice of regularly manipulating subsidy levels for particular courses or units of competency in response to distortions in the market and rent seeking behaviour by providers. This only rewards gaming and punishes providers that invest the subsidies in quality educational delivery. A preferable approach is to limit access to subsidies in the first place by requiring RTOs to meet quality requirements that are stricter than the AQTF.

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Appendix 2

Summary of NVR RTO Standards and State or Territory government funding criteria

The general regulatory standards for NVR RTOs and the 'primary' policy standards for accessing state or territory government subsidised training are set out below. Sometimes, those 'policy standards' are not separate, explicit statements expressed as standards but rather 'criteria' found in funding application guidelines or forms.

NVR RTO Standards (set out in the Standards for NVR RTOs 2015)
http://www.comlaw.gov.au/Details/F2014L01377
<ul style="list-style-type: none"> • <i>Training & Assessment</i>
<p>Standard 1. The RTO's training and assessment strategies and practices are responsive to industry and learner needs and meet the requirements of training packages and VET accredited courses</p> <p>Includes <u>26 further compliance clauses</u>:</p> <p>that RTOs have training & assessment strategies; RTOs have practices and resources (incl human) that are consistent with training package and course requirements sufficient to enable learners to meet course or package outcomes, that are relevant to industry needs, informed by industry engagement, are systematically and regularly monitored and validated, including by independent industry experts.</p>
<p>Standard 2. The operations of the RTO are quality assured.</p> <p>Includes <u>4 further compliance clauses</u>:</p> <p>the RTO ensures both it and any other provider on its behalf complies with the Standards at all times; that it systematically monitors its strategies & practices to ensure compliance with Standard 1, evaluates outcomes of monitoring and uses the information for continuous improvement; that any arrangements with third party providers are subject to written agreement and it has sufficient strategies and resources to monitor third party provision and ensure compliance with standards.</p>
<p>Standard 3. The RTO issues, maintains and accepts AQF certification documentation in accordance with these Standards and provides access to learner records.</p> <p>Includes <u>6 further compliance clauses</u>:</p> <p>that the RTO issues AQF certification documentation that complies with AQF & related requirements (specified in Schedules 4 & 5) and only to learners it has assessed as meeting the training package or VET course requirements, that accurate records are maintained and accessible to current and past learners and reported as required to the NVR; that the RTO provides credit for prior learning where authenticated by authoritative documentation and complies with the <i>Student Identifiers Scheme</i>.</p>
<ul style="list-style-type: none"> • <i>Obligations to Learners & Clients</i>
<p>Standard 4. Accurate and accessible information about the RTO, its services and performance is available to inform prospective and current learners and clients.</p> <p>Further compliance clauses specify the RTO must make clear whether the training and assessment is provided by it or another RTO or a non-RTO on its behalf, distinguish between nationally recognised training and other training it provides, includes detail about VET FEE-HELP, other govt subsidies or support</p>
<p>Standard 5. Each learner is properly informed and protected.</p> <p>Includes <u>4 further compliance clauses</u>:</p>

<p>That the RTO provide accurate and current advice and information in writing or easily accessible electronic form prior to enrolment or commencement of training about the appropriate training product, about what, where and how services the RTO or a third party provider will provide, all fees, charges, govt subsidies, learner rights & obligations re VET FEE-HELP, to refunds, to complain and appeal and where it or a third party changes or ceases delivery</p>
<p>Standard 6. Complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively</p> <p>Includes 6 <u>further compliance clauses</u>:</p> <p>That complaints, or appeals, may concern the conduct and/or decisions of the RTO, or a third party, the trainers, assessors and other staff or a learner of the RTO, the policy and procedure is publically available provides for natural justice & procedural fairness and for independent review at request of complainant/appellant, processed and finalised efficiently with provision of regular updates, secure maintenance of records, identifies potential causes of complaints and appeals and acts to eliminate or mitigate risk of reoccurrence.</p>
<ul style="list-style-type: none"> • <i>RTO governance & administration</i>
<p>Standard 7. The RTO has effective governance & administration arrangements in place.</p> <p>Includes 5 <u>further compliance clauses</u>:</p> <p>that the RTO ensures its CEO and other high managerial agents have sufficient authority to ensure compliance with Standards at all times, meet the <i>Fit & Proper Person Requirements</i> & the <i>Financial Viability Risk Assessment Requirements</i>, hold public liability insurance, protects pre-paid fees if over the threshold of \$1500 (essentially by holding an unconditional bank guarantee, membership of a Tuition Assurance Scheme or other scheme approved by the NVR) and complies with the <i>Data Provision Requirements</i>.</p>
<p>Standard 8. The RTO co-operates with the NVR & is legally compliant at all times</p> <p>Includes 6 <u>further compliance clauses</u>:</p> <p>that the RTO provide accurate & truthful responses to the NVR, co-operates with audits & monitoring, notifies the NVR within 30 days of any written agreement with a third party provider of services on its behalf & ensures such an agreement also requires co-operation with the NVR, notifies the NVR of significant or substantial change to ownership or to operations affecting its ability to be compliant with the Standards, provides an annual declaration to the NVR of compliance with Standards.</p>

Queensland
<i>Pre-qualified Supplier Policy</i>
http://training.qld.gov.au/resources/training-organisations/pdf/pqs-policy.pdf
<ul style="list-style-type: none"> for an RTO to deliver govt subsidised training in Qld, it must become a pre-qualified supplier (PQS) and meet the following standards as well as any obligations detailed in its PQS Agreement or the KPIs associated with any of the Qld funded programs from which it is seeking funding
<p>Performance standard 1. Disclose information upfront to enable informed consumer choice.</p> <p>Includes <u>6 further compliance clauses</u>:</p> <p>Information to be published prominently and be easy to locate, covers all fees, refund policy, latest audit results (VET Quality Framework or AQTF), notifies prospective students of all rules regarding access to subsidised places, including where a student would not be eligible for further subsidy when qualification completed.</p>
<p>Performance standard 2. Demonstrate professional and ethical standards of behaviour.</p> <p>Includes <u>8 further compliance clauses</u>:</p> <p>That the PQS act honestly & fairly, not contrary or damaging to Qld government or its programs, not represent or market itself as a PQS until it holds actual approval and then only for the programs for which it holds approval; comply with all departmental and NVR requirements, submit true & accurate VET activity data to department, have appropriate complaints processes and work with department to transition students where PQS status ceases.</p>
<p>Performance standard 3. Comply with all funding terms and conditions.</p> <p>Includes <u>8 further compliance clauses</u>:</p> <p>The PQS has complete knowledge of all PQS obligations, use of third party providers won't negate liability, third party providers prohibited from promoting the program or the PQS, full co-operation with monitoring of the PQS & compliance with department directives, assess student eligibility prior to enrolment & maintain accurate records, claim only eligible & payable training & assessment services, maintain RTO registration for each qualification for which it seeks state government funding, invite relevant Minister to official functions concerning services under the PQS agreement.</p>
<p>Performance standard 4. Support the learning needs of students.</p> <p>Includes <u>3 further compliance clauses</u>:</p> <p>PQS ensures its training & assessment implement effective 'inclusive' practices consistent with Qld Govt policies and frameworks, audit evidence that 'inclusion' is a core business element, foundation skills training supported by effective assessment of each student's Language, Literacy & Numeracy levels, training and support plans esp for foundation skills and for disadvantaged learners.</p>
<p>Performance standard 5. Achieve a minimum outcome for students.</p> <p>Includes <u>4 further compliance clauses</u>:</p> <p>PQS maintains strong industry and employer networks linking training with local job vacancies & employment outcomes, supporting students to complete qualifications, effective student survey processes (students must complete survey within 3 mths of completing or discontinuing training).</p>

New South Wales
Smart & Skilled: NSW Quality Framework
http://www.training.nsw.gov.au/forms_documents/smartandskilled/quality_framework/quality_framework.pdf
<p>Under its <i>Smart & Skilled</i> policy, the NSW government provides subsidies for training in qualifications listed on its Skills List. The Skills List contains those qualifications for which there is a guaranteed entitlement (generally at certificate levels 1-3) and for certain targeted priorities. To deliver govt-subsidised training, an RTO must become a Smart & Skilled Provider (SSP). Eligibility to become a SSP is outlined below. Govt-subsidised training in Foundation Skills as an entitlement is restricted to TAFE NSW & NSW Approved ACE providers. Non-govt enterprise based RTOs are restricted to applying for subsidies only for apprenticeship and traineeship training.</p>
<p>Eligibility criteria (inclusive rather than exhaustive):</p> <ul style="list-style-type: none"> • an NVR RTO, • Scope of registration includes qualifications on the NSW Skills List, • Record of Contractual Compliance (completion rates, audit results, history of non-compliance), • be NSW based (ie, principal business address in NSW or holds a previous NSW Approved Provider List Contract & a training agreement with at least 1 National Enterprise with at least 50 employees in NSW & 50 employees in another jurisdiction & demonstrated capacity to deliver training in NSW (student & employer satisfaction surveys, number of student commencements, office and staffing structures and personnel in NSW & extent of support arrangements in NSW, details of delivery modes within NSW etc)), • Record of Regulatory Compliance (no refusal, cancellation, sanctions, conditions or suspension imposed on registration or business dealing NOT just in relation to training), • No relationship with another organisation, business or individual with record of poor contractual or regulatory compliance, • has RPL policy and process, • proper insurances, • all NSW VET activity reported under AVETMIS standards, • complies with NSW S&S Teaching & Leadership obligations (continuing professional development in teaching, training, assessment, contract compliance & industry collaboration), • has consumer & fee protection & complaints mechanism, • documented procedures for all govt funded VET contracts.

Victoria
<p>Victorian Training Guarantee Compliance Framework - http://www.education.vic.gov.au/Documents/training/providers/rto/victrainingguaranteecomplianceframework.pdf and Statement of Expectations – see: http://www.education.vic.gov.au/training/providers/rto/Pages/guidelines1.aspx</p>
<p>Initially in 2009 under its <i>Securing Jobs For Your Future-Skills For Victoria</i> policy, the Vic Govt introduced the <i>Victorian Training Guarantee</i> (an entitlement to government subsidised training in recognised qualifications at initial and progressively higher levels) to underpin its implementation of a new demand-driven system for VET delivery. A new government in 2012 amended the policy focus, '<i>Refocussing Vocational Training in Victoria</i>,' introduced a <i>Victoria Training Guarantee Compliance Framework</i> and then in 2013 issued a <i>Statement of Expectations</i>. The Government establishes a Funded Course Report (regularly updated) which details the amount of government subsidy for each qualification. RTOs wishing to deliver training subsidised wholly or partially by the government must enter a Victorian Training Guarantee Funding Contract which together with the Compliance Framework & the Statement of Expectations (and Guidelines on matters such as Student Eligibility, Student Fees, Apprenticeship & Traineeship Training Delivery or Purchasing of Nominal Hours Guides) set out the principles, obligations and standards RTOs have to meet in order to deliver government subsidised training. Successful RTOs become 'government contracted training providers.' Meeting further requirements (evidenced by inclusion on a relevant Approved Provider List) is necessary for government contracted RTOs to deliver subsidised training (or grant RPL) in Foundation Skills or for specific targeted programs such as single and teenage parents or youth transitioning from 'away from home' care.</p> <p>These principles, obligations and standards (from the Compliance Framework & Statement of Expectations) are summarised below. The Funding Contract (the contract varies depending on whether the RTO is a TAFE, non-TAFE, Victorian or non-Victorian based provider) provides greater detail, eg, use of sub-contracting delivery, brokering services, promotional, publication and information disclosure arrangements or requirements (see http://www.education.vic.gov.au/Documents/training/providers/rto/nontafevetfundingcontract.pdf).</p>
<p>Principles:</p> <ol style="list-style-type: none"> 1. <i>Commitment to Serving the Public Interest:</i> acting in & sensitive to student, industry & community interests, acting honestly and ethically, accurate representations & records, commitments to excellence in service delivery & maximising outcomes for students, 2. <i>Responsiveness to Government & to Community Needs:</i> understand & implement government policies, co-operate with govt department/s & comply with all local, state & Australian government laws & regulations 3. <i>Accountability & Transparency:</i> effective governance, effective & efficient use of public resources, exercise of all due diligence, skill & care in use of public resources, official & confidential information, regular monitoring, reviewing & improving organisational performance 4. <i>Integrity & Fairness:</i> highest ethical standards, respectful of rights and dignity of students & clients, avoidance of conflict between private interests & professional responsibilities <p>Entry Standards</p> <ul style="list-style-type: none"> • Be an NVR RTO or registered with the Victorian Registration & Qualifications Authority (VRQA); • satisfy financial viability benchmarks (independent analysis of audited financial accounts & related documents); • satisfactory history of performance in quality training delivery & assessment services and in general legislative & funding contract compliance (student, industry, employer satisfaction/endorsement, student eligibility and fees, enrolments and completions); • high levels of professional behaviour, care and skill in delivering government subsidised training; • reporting compliance with Victorian VET statistical standards; • participation in audits

South Australia

Quality Assurance & Performance Framework - <http://www.skills.sa.gov.au/for-training-providers/skills-for-all-training-providers/delivering-quality-training> and

Skills For All Training Provider Contract (and related handbooks & guidelines) -

<http://www.skills.sa.gov.au/for-training-providers/skills-for-all-training-providers/skills-for-all-training-provider-contract>

SA does not appear at this stage to have an express or explicit separate statement detailing, in terms, performance standards or eligibility criteria to become a provider of government subsidised training. Under its *Skills for All* policy, the SA government subsidises, in whole or in part, training in qualifications listed on its Funded Training List (including priority and fee-free courses). To provide government-subsidised training, an RTO must become a Skills For All training provider. To become a Skills For All training provider, an RTO must successfully apply to enter a contract. The contract and associated guidelines, handbooks, and other procedures and documents as published by the Minister from time to time on the Skills For All website detail the performance standards or obligations to be met by the training provider. Applications to become such a provider are currently (Jan 2015) closed.

There is a *Quality Assurance & Monitoring Framework* which lists & describes but provides no specification on 'elements': Application Assessment & Approval, Contract Management, Risk Identification, Real Time Monitoring, Quality & Compliance Monitoring, Building the capability and professionalism of the VET sector, Engaging with Stakeholders to assure outcomes, Investigation & Intervention.

Performance & Compliance Reviews (scheduled & unscheduled) assess the Skills For All training provider's contract compliance history on data & evidence verifying enrolment processes, student information, support services & training location & facilities, industry engagement, workforce characteristics and development, subcontracting and marketing arrangements, regulatory & contractual history.

The performance standards or obligations are summarised below.

- an NVR RTO,
- warrants its legislative & contractual compliance,
- provides full financial disclosure to Minister,
- provides high quality training, links to industry and support for students,
- has all appropriate systems and controls concerning training delivery,
- student & employer satisfaction surveys,
- full cooperation with Minister,
- staff have and maintain all relevant training, assessment and vocational competencies,
- meets individual student needs,
- regulatory and contractual compliance history and disclosure (to Minister) of any changes,
- sub-contracting of training services only to another Skill For All training provider,
- maintenance of full, complete & accurate student records and records of subsidised training delivery & assessment, complaints, staff professional development and provision of regular reports (including financial statements) to Minister
- delivery of subsidised training only to eligible students in courses for which it is contracted.

Tasmania
<p>Skills Tasmania Endorsed RTO Information Kit & Application Guidelines and Application Form - http://www.skills.tas.gov.au/providers/rto/endorsedrtosystem 2012 – 2014 Department of State Growth (Skills Tasmania) Agreement for all Programs - http://www.skills.tas.gov.au/funding/funding-agreement/20122014skillstasmaniaagreement23july014.pdf</p>
<p>Under its <i>Investing in Skills For Growth</i> policy & in accordance with its <i>Ministerial Priorities for Training & Workforce Development 2014-15</i> and the <i>Tasmanian Skills Strategy 2008-2015</i> (new or revised <i>Priorities</i> and <i>Strategy</i> are under development), an RTO must become a Skills Tasmania Endorsed RTO. Government subsidised training is available under its User Choice, Skills Fund, Skills Equip & Career Start programs. The public provider, TasTAFE, is subsidised to deliver training under all programs. Endorsed RTOs enter a Skills Tasmania Funding Agreement or contract to access subsidised training. Additional subsidised training is available for Adult Literacy and Equity Small Grants programs by non-RTOs-but these are accessed by means of a Deed of Grant rather than a contract. All NVR RTOs can apply to become a Skills Tasmania Endorsed RTO.</p> <p>A summary of the Assessment criteria and obligations is provided below.</p>
<ul style="list-style-type: none"> • an NVR RTO, • history of regulatory compliance (as RTO and as company/business), • history of contractual compliance in delivering publically subsidised & fee-for-service training, including with all requirements in Schedules, appendices and annexures to the contract (eg, student fee arrangements) • history of training outcomes (enrolments, completions, withdrawals) • learner and employer satisfaction (surveys, complaints) • engagement with & endorsement by industry & enterprises, • relevant qualifications of trainers & assessors, • financial viability • sub-contracting arrangements (must be a NVR RTO) • full and accurate records • audit and reporting compliance • ethical marketing, advertising and publicity

Western Australia
<p>VET (WA) Ministerial Corporation Purchase of Training Services General Provisions (Conditions of Contract) http://www.futureskillswa.wa.gov.au/trainingproviders/Documents/General%20provisions.pdf</p> <p>VET (WA) Ministerial Corporation Request for Entitlement (Apprenticeship, Traineeship & Priority Industry Training) Programs 2013-14. http://www.futureskillswa.wa.gov.au/trainingproviders/Documents/Entitlement%20programs%20request.pdf</p> <p>VET (WA) Ministerial Corporation Request for Participation Programs 2013-14 http://www.futureskillswa.wa.gov.au/trainingproviders/Documents/Participation%20program%20request.pdf</p>
<p>Under its <i>Training WA-Planning for the Future 2009-2018</i> policy and further to its <i>Skilling WA-A Workforce Development Plan for WA</i> (initially released in 2010 & substantially revised in 2014), the state government provides funding to contracted training providers for guaranteed training places for eligible students in a number of programs (state priority industry training courses, general industry training courses, foundation skills training & equity courses) in order to meet the state's strategic goals.</p> <p>The mechanisms and funding requirements for contracted private training providers were revised in a new initiative, termed '<i>Future Skills WA</i>', which commenced in January 2014.</p> <p>Funding for State Training Providers [STPs] (formerly TAFE colleges) is provided under a separate but cognate process in which the Department of Training & Workforce Development negotiates funding arrangements in a Delivery & Performance Agreement [DPA] with each STP.</p> <p>Under the <i>Future Skills WA</i> initiative, training course lists per program are published. Training providers must enter a Service Agreement or contract with applications assessed against both common criteria and specific criteria for each funded program. Contracted training providers are placed on a Preferred Provider list. No new training providers can enter the WA market in 2015 at this stage although further Requests to Tender may occur.</p> <p>The general Service Agreement obligations, Quality Standards and Key Performance Indicators are summarised below.</p>
<ul style="list-style-type: none"> • a private NVR RTO or an RTO registered with the WA Training Accreditation Council, • compliance with Government policy, directions and decisions, • capacity to deliver excellence in training, maximising outcomes for students and acting in the best interests of students, • compliance with all legislative, regulatory and contractual requirements, • act ethically, honestly, with due diligence and be fully accountable for its use of public funds and in its marketing and promotional activities, • wherever reasonable & feasible use local labour, materials, goods and services, • fully compliant disclosure or reporting of accurate, up-to-date and comprehensive data or information to government, eg, of financial viability and records, training delivery & outcomes, audit results, • publication to the market of audit results and indicative fees and charges, • ensure all associated entities (eg, brokers and sub-contractors) are qualified, experienced & suitable, hold all necessary licences, permits and authorities and act at all times in a fit and proper manner, • not sub-contract without authorisation and ensure sub-contractors act consistently with NVR RTO or AQTF standards. • Report sub-contracting arrangements, and any changes, to government, • Details of capacity to deliver training to any specified groups for which funding is sought.

ACT
<p>ACT Funding Agreement - http://www.det.act.gov.au/_data/assets/pdf_file/0008/680354/ACTFA_Deed_of_Funding_Version_2.0_120115.pdf</p> <p>ACT Standards for the Delivery of Training - http://www.det.act.gov.au/_data/assets/pdf_file/0007/679867/ACT_Standards_for_Delivery_of_Training_v1.pdf</p> <p>ACT Standards Compliance Guide for Skilled Capital - http://www.det.act.gov.au/_data/assets/pdf_file/0005/656609/ACT-Standards-Compliance-Guide-for-Skilled-Capital.pdf</p>
<p>The ACT government requires training providers seeking funding to deliver training under one of its programs (eg, Apprenticeships-User Choice, Better Linkages between Employment & Training & from January 2015, <i>Skilled Capital</i>, which enables further funding on a competitive tendering basis for training targeted to identified skills needs areas) to enter a Funding Agreement or contract/deed. There are published <i>ACT Standards for the Delivery of Training</i> – and various <i>Standards Compliance Guides</i> (depending on the funded program) which form schedules to the Funding Agreement. The Funding Agreement has been revised as of January 2015 to take account of the new NVR RTO Standards,(eg, now sub-contracting is permitted with non RTOs with the prior written permission of the Territory. The previous Funding Agreement permitted sub-contracting only with an RTO & subject to prior written permission of the Territory).</p> <p>The Standards are summarised below.</p>
<ul style="list-style-type: none"> • <i>Promotions & Publications</i> – are ethical, accurate and consistent, contain RTO’s legal identity, trading name and RTO National Code, indicative fees and acknowledge government funding. • <i>Data Collection & Reporting</i> - compliance with all AVETMISS requirements. • <i>Records Management</i> – establish, maintain & report on student records in accordance with legislative and regulatory requirements. • <i>Compliance</i> – conduct & report annual internal review of contractual compliance, address and report on noncompliance issues (if any). • <i>RTO eligibility</i> – be a NVR RTO & have current ‘scope of registration’ for all contracted funding & documented strategies concerning student & course transition to new qualifications. • <i>Student eligibility</i> – ensure eligibility for each student for each funded initiative. • <i>Fees & Charges</i> – published and disclosed to students and employers. • <i>Initial Skills Assessment</i> – ensure training program etc appropriate to identified student needs, additional supports identified, RPL provided. • <i>Recognition</i> – ensure credit transfer and RPL follow documented procedures. • <i>Training Plan</i> - establish, maintain & update Training Plans for each student. • <i>Training Delivery & Participation</i> - customised for each student, all activity recorded and evidence validated. • <i>Support & Monitoring</i> - student progress supported, recorded & monitored. • <i>Assessment</i> – consistent with each student’s Training Plan, copies of all assessment tools retained and all records maintained and reported. • <i>Completion</i> – reported as required by the funded training initiative. • <i>Issuance of Qualification Certificate & Statements of Attainment</i> - documented procedures ensure compliance with AQF and training package requirements, retention of all evidence.

Northern Territory
<p>NT Endorsed Provider model - http://www.dob.nt.gov.au/training/skills-reforms/flexible-reforms/Pages/endorsed-provider-model.aspx</p> <p>NT Endorsed Provider Model Guidelines - http://www.dob.nt.gov.au/training/skills-reforms/flexible-reforms/Pages/endorsed-provider-model-guidelines.aspx</p> <p>NT EPM Initial Application Form - http://www.dob.nt.gov.au/training/skills-reforms/flexible-reforms/Documents/endorsed_provider_application_form.pdf</p>
<p>The NT funds public training providers (Charles Darwin University & Batchelor Institute of Indigenous Tertiary Education for provision of VET as part of its General Recurrent Program. Additionally further public funds are paid for training provided under a variety of other programs. Payments may be made to RTOs, employers, community organisations and others depending on the program and the training offered. Non-RTOs accessing public funds for training must indicate the RTO they will use. RTOs seeking access to public funds must first become an Endorsed Provider [EP] through an initial application and subsequently an annual self-assessment review. Access to public funds under one of the NT programs is thereafter generally via an Expression of Interest process.</p>
<p>The criteria for assessing to become an Endorse Provider are summarised below.</p> <ul style="list-style-type: none"> • <i>Capacity & Capability</i> – detailed business plans, nature of student supports, level of industry & community engagement, history of regulatory and contractual compliance, complaints history, and continuous improvement activity. • <i>Performance</i> – experience, student & employer surveys, enrolments & completions data. • <i>Operational detail</i> – debt ratios, proportion of government funding to annual income, nature and history of other funding contracts