



Australian Government

Australian Skills Quality Authority

24 April 2013

Mr David Ford
Office of Fair Trading
GPO Box 3111
Brisbane QLD 4011

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BY: *DO's office*

Simon B.

Dear Mr Ford

RE: Memorandum of Understanding with ASQA

Thank you for your collaboration in developing this Memorandum of Understanding (MoU).

A copy of the MoU with both parties' signatures is enclosed for your records.

Should you have any further questions regarding this MoU please contact Allan Pitter, Industry Engagement Officer on (07) 3223- 1048 or IndustryEngagement@asqa.gov.au.

Yours Sincerely,

Christopher Robinson
Chief Commissioner and
Chief Executive Officer



Memorandum of Understanding (MOU)

PARTIES TO THE MOU

Australian Skills Quality Authority
ABN 72 581 678 650
Level 6 595 Collins Street Melbourne VICTORIA 3000

AND

Office of Fair Trading
ABN 13 846 673 994
102 George Street, Brisbane 4000

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1.1 Preamble

Australian Skills Quality Authority (ASQA)

Under the National Vocational Education Training Regulator Act 2011, the Australian Skills Quality Authority (ASQA) is the national regulator for Australia's vocational education and training (VET) sector.

Under the Education Services for Overseas Students (ESOS) Act 2000, ASQA is also the designated authority for all vocational education training (VET) courses and English Language Intensive Courses for Overseas Students (ELICOS) (except where they are delivered by schools or a registered higher education provider).

It is ASQA's vision that students, employers and governments have full confidence in the quality of outcomes delivered to domestic and international students by Australian registered training organisations. ASQA will work to encourage and promote a vocational education and training system that is appropriate to meet Australia's social and economic needs for a highly skilled and educated population. ASQA will do this by encouraging national consistency and promoting quality, flexibility and innovation in the delivery of VET to domestic and international students. ASQA will work to protect students and employers through the provision of quality VET and accurate information about the VET system.

Under Section 157(1)(k) of the National Vocational Education and Training Regulator Act 2011 (NVR Act), the Australian Skills Quality Authority (ASQA) enters into this MOU with the Office of Fair Trading.

Office of Fair Trading

Fair Trading Operations actively works towards creating a fairer and safer Queensland. We undertake and coordinate state-wide compliance and enforcement activities to promote a competitive, fair and informed marketplace. We increase business and consumer confidence by protecting consumers and businesses against unethical behaviour.

We achieve these goals by:

- having an effective regulatory program, balancing business and consumer needs
- continuing our proactive compliance program, targeting areas where consumers are more at risk
- conciliating consumer complaints
- developing safety standards and monitoring product safety
- licensing industry
- investigating possible breaches of fair trading legislation.
- licensing and registration of introduction agents, real estate agents, motor dealers, auctioneers, pawnbrokers, debt collectors, second-hand dealers, security providers, travel agents and inbound tour operators
- The specific legislation that links directly with the delivery of vocational training in Australia includes;
 - o Property Agents and Motor Dealers Act 2000
 - o Security Providers Act 1993
 - o Travel Agents Act 1988

All of the legislation listed above, require licence and registration holders be eligible for a licence or registration. Eligibility is determined by completion of various units of competencies by a nationally registered training organisation

Recognising the synergies in their roles and responsibilities, this MOU aims to foster mutually beneficial communication and co-operation between ASQA and Office of Fair Trading to improve the quality of outcomes in the VET sector.

1.2 Objectives

The primary objectives of this MOU are to:

1. Provide a mechanism for the sharing of relevant information to inform ASQA's risk management and regulation of the VET sector.
2. Work collaboratively to enforce legislative regulatory requirements of each party.

1.3 Participation Strategy

The participation strategies applying to this MOU are detailed in Schedule One.

1.4 Product

Schedule Three lists the critical competencies and qualifications encompassed by this MOU.

1.5 Roles and responsibilities

ASQA will:

1. Manage the relationship with Office of Fair Trading to achieve greater collaboration in identifying and targeting potential risks in the system through regular contact, the sharing of information and the maintenance of this MOU.
2. Maintain its sole authority as the regulator in matters arising under the NVR Act relating to the registration and regulation of training organisations.
3. Maintain its authority as regulator (under delegation from the Secretary, Department of Industry, Innovation, Science, Research and Tertiary Education) in matters relating to registration and enforcement of providers for whom it is designated authority under the ESOS Act.
4. Act upon information appropriately given under this MOU, according to powers available to ASQA under the NVR Act and/or ESOS Acts.
5. Establish, implement and monitor processes to ensure regulatory requirements are met according to relevant legislation.
6. Respond to requests from Office of Fair Trading in a reasonable timeframe.
7. Provide outcomes of complaints once known

Office of Fair Trading will:

1. Work collaboratively with ASQA by communicating potential training quality issues and risks, including allegations of NVR Act and ESOS Act breaches.
2. Communicate information and advice to ASQA which is deemed relevant to ASQA's roles and responsibilities.
3. Communicate any changes to regulatory requirements as soon as practicable.
4. Respond to requests from ASQA in a reasonable timeframe.

1.6 Privacy

Under section 207 of the NVR Act, ASQA may disclose VET industry information to Office of Fair Trading where it considers it appropriate to do so. If ASQA discloses personal information under section 207, ASQA must, by notice in writing, advise the person about whom the information is disclosed of the disclosure and the details of the personal information disclosed. Under section 210 of the NVR Act, Office of Fair Trading may disclose information to ASQA where it considers it appropriate to do so.

The parties to this MOU shall commit to:

1. Complying with the Information Privacy Principles when undertaking any activity in relation to collection and/or use of personal information for the purposes of this MOU.
2. The relevant and timely exchange of information on a best endeavours basis.
3. Observing the strictly confidential nature of both the source and exchange of information.

1.7 Media and publication

1. Office of Fair Trading and ASQA agree to consider each other when responding to media enquiries and statements on matters that relate to this MOU.
2. Neither party will publicise the existence of this MOU for commercial or other advantage.

1.8 Conflict of interest

Any potential conflict of interest arising from a party's activities (including an individual representing a party) under this MOU should be declared by that party to the other party as soon as it is known by the party.

1.9 Costs

Each party agrees to bear its own costs in performing activities associated with implementation of this MoU.

1.10 Variation to this MOU

This MOU may be varied at any time by mutual agreement of the parties in writing.

1.11 Term of the MOU

1. This MOU will come into effect on date of signature by both parties and will be reviewed at a time agreed by the parties.
2. Each party may bring this MOU to an end by giving notice to the other, via written notice to this effect.
3. All amendments and variations to this MOU may be documented by email until such time as the MOU is reviewed.
4. If any part of this MOU is found to be null and void, the rest of the MOU shall remain in force and in effect.

1.12 No legal effect

This MOU is not intended to create legal relations between the parties and has no binding legal effect. However, the parties agree to apply their best endeavours to implement this MOU in good faith.

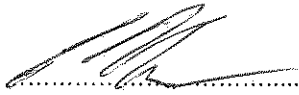
1.13 Contacts

Manager Industry Engagement
Australian Skills Quality Authority
IndustryEngagement@asqa.gov.au
Phone: 07 3223 1091
Mobile: 0478 876 248

Ms Tamika Millmore
Office of Fair Trading

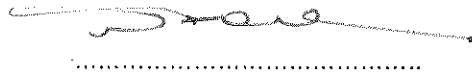
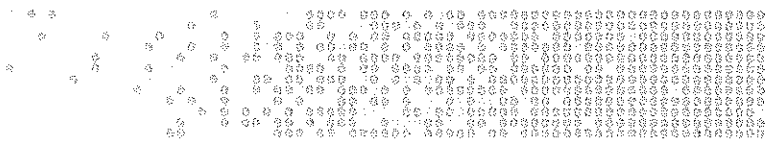
Phone: 07 3008 5800
Mobile: N/A

1.14 Signatories



Chris Robinson
Chief Commissioner
Australian Skills Quality Authority

Date: 24/4/2013



David Ford
Commissioner for Fair Trading
Office of Fair Trading

Date: 28.03.13

MEMORANDUM OF UNDERSTANDING
Between the Australian Skills Quality Authority and Office of Fair Trading

Schedule One – Participation Strategy

Information sharing:

Parties agree to share information they are legally authorised to share.

ASQA and the Office of Fair Trading will notify each other as soon as practicable where:

- a. sanctions applied to an RTO that could impact on the issuing of qualifications as set out in Schedule 3 of this MoU
- b. complaints relevant to the issuance of licences
- c. complaints that might involve an imminent risk to public safety
- d. RTO closures or changes to the scope of registration that could impact on the issuing of qualifications as set out in Schedule 3 of this MoU

Where practicable, ASQA and Office of Fair Trading will co-ordinate their activities to ensure efficiency for the RTO's involved.

Regulatory collaboration:

The following strategies refer to critical competencies and qualifications as set out in Schedule Three. Any action listed must be within the lawful authority of ASQA or Office of Fair Trading:

1. Initial registration
ASQA officers may contact the Office of Fair Trading regarding licensing issues for the purposes of initial registration. Applicant details may be shared in order to ascertain the applicant's suitability and previous history with regard to training in the Security industry.
2. Change to scope registration and Monitoring
In certain circumstances ASQA may request information from the Office of Fair Trading about RTOs applying for a change of scope registration or monitoring purposes. Requests may be made by ASQA staff to the Office of Fair Trading for information and advice in relation to changes to scope applications and their effects on licensing.

MEMORANDUM OF UNDERSTANDING

Between the Australian Skills Quality Authority and Office of Fair Trading

Schedule Two – Advisory Services

In undertaking its regulatory functions, ASQA may seek advice from suitable industry experts on a range of issues. Office of Fair Trading has nominated the following positions to provide advice where the need arises, and subject to suitable resources being available:

Type of advice	Contact Area	Contact Position	Telephone	Email
Technical advice ¹				
Audit advice ²				
Provider advice	Security Licensing	Tamika Millmore	(07)3008 5800	tamika.millmore@deedi.qld.gov.au
Other advice ³ (eg licensing)	Security Provider Licensing	Tamika Millmore	(07)3008 5800	tamika.millmore@deedi.qld.gov.au
	Property Agents	Tamika Millmore	(07)3008 5800	tamika.millmore@deedi.qld.gov.au
	Motor Dealers	Tamika Millmore	(07)3008 5800	tamika.millmore@deedi.qld.gov.au
	Travel Agents	Tamika Millmore	(07)3008 5800	tamika.millmore@deedi.qld.gov.au

¹ **Technical advice** – Where it is agreed that an ASQA officer may contact the position nominated to seek specific information regarding the technical aspects of a particular qualification or competency

² **Audit advice** – where it is agreed that an ASQA officer may contact the position nominated to seek specific information regarding aspects of a particular competency or qualification

³ **Other advice** – where it is agreed that an ASQA officer may contact the position nominated to seek other information relevant to the regulatory functions of ASQA.

MEMORANDUM OF UNDERSTANDING
Between the Australian Skills Quality Authority and Office of Fair Trading

Schedule Three – Critical Competencies and Qualifications

The list of qualifications/units of competency in this Schedule relate to the participation strategy outlined in Schedule 1.

Qualifications/units will be updated as necessary and by agreement of the parties to accurately reflect requirements of Office of Fair Trading and to ensure that codes and titles are consistent with the relevant Training Package.

Changes to qualifications/units will not require the renegotiation of this MOU. Changes to this schedule will be as outlined in 1.10 Variation of this MOU.

Relevant Training Package, Qualifications, Competencies and Legislation/Regulation

Training Package Code	Training Package Name	Qual code	Qual Name	Comp Code	Comp Name	Legislation/Regulation
CPP07	Property Services Training Package	CPP20211	Certificate II in Security Operations			Security Providers Act 1993 and Security Providers Regulation 2008
CPP07	Property Services Training Package	CPP30411	Certificate III in Security Operations			Security Providers Act 1993 and Security Providers Regulation 2008
	Property Services Training Package	CPP30607	Certificate III in Investigative Services			Security Providers Act

