Memorandum of Understanding
Cooperative arrangements on industry advice and apprenticeship regulation

Between

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<tr>
<th>VRQA</th>
<th>Name</th>
<th>Victorian Registration and Qualifications Authority</th>
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<tr>
<td></td>
<td>Lynn Glover</td>
<td>Casselden Place</td>
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<td>Level 4</td>
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<td></td>
<td></td>
<td>2 Lonsdale Street</td>
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<td>MELBOURNE VIC 3000</td>
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- and -

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<tr>
<th>VSC</th>
<th>Name</th>
<th>The Victorian Skills Commissioner</th>
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<tr>
<td></td>
<td>Neil Coulson</td>
<td>Victorian Skills Commissioner</td>
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<td></td>
<td></td>
<td>Level 1, 21 Degraves St</td>
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RECITALS
A. The Victorian Registration and Qualifications Authority (VRQA) is a body corporate established under Chapter 4 of the Education and Training Reform Act 2006 (Vic) (ETR Act) whose functions include the determination of approved training schemes, registration and regulation of apprenticeships and traineeships and administering legislation including, and non-limited to, the ETR Act and the Education and Training Reform Regulations 2007.

B. Mr Neil Coulson was appointed as the first Victorian Skills Commissioner (VSC) in December 2015.

The VSC will work with employers, unions and government to better align training with the needs of the Victorian industry and the economy as a whole. This will ensure that the training requirements of students and employers are met, and that skills outcomes support the Government's economic objectives for productivity and growth.

The VSC's initial focus will be to establish and oversee a new industry engagement framework to ensure training aligns with Victoria's labour market requirements. In order to do this, the VSC will facilitate information sharing and collaboration between government, employers, trade unions and training providers. Aligning education and training offered...
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<tr>
<th>1</th>
<th>Interpretation</th>
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<tr>
<td>1.1</td>
<td>Definitions</td>
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<td>For ease of description this Memorandum uses the following terms:</td>
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<td></td>
<td><strong>Apprentice</strong> means a person whom an employer has undertaken to train under a training contract.</td>
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<td><strong>Apprenticeship</strong> means the contracted employment and training arrangement between the apprentice and the employer.</td>
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<td><strong>Chief Executive Officer, VRQA</strong> means the person appointed to, holding or acting for the time being in the position of Chief Executive Officer of the VRQA.</td>
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<td><strong>Industry Advisory Groups</strong> mean the ten advisory groups made up of industry, employers and unions that provide industry intelligence to the Victorian Skills Commissioner.</td>
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<td><strong>VSC</strong> means the Victorian Skills Commissioner.</td>
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<td><strong>Memorandum</strong> means this memorandum of understanding.</td>
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<td><strong>Parties</strong> means the VRQA and the VSC.</td>
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<td></td>
<td><strong>Trainee</strong> has the same meaning as an apprentice except that either party may cancel the contract by signing a cancellation form or letter stating the date of cancellation. Mutual agreement is not required.</td>
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<td><strong>Traineeship</strong> means the contracted employment and training arrangement between the trainee and the employer.</td>
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<td><strong>Training Contract</strong> has the meaning given in Section 1.1.3 of the ETR Act.</td>
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<td><strong>VRQA</strong> means the Victorian Registration and Qualification Authority established under the ETR Act and includes any delegate or successor of the VRQA with responsibility for the matters relating to the VRQA in this Memorandum.</td>
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<td></td>
<td><strong>VRQA Executive Manager, Apprenticeships and Traineeships</strong> means the person appointed to, holding, or acting for the time being in the position of Executive Manager, Apprenticeships and Traineeships of the VRQA.</td>
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<th>2</th>
<th>Purposes of Memorandum</th>
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<td>2.1</td>
<td>The purposes of this Memorandum are:</td>
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<td>i. To assist the VSC in supporting the Victorian Government’s commitment to reforming the training system to recognise the importance of industry, employers and students through the establishment of its industry engagement framework.</td>
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ii. To assist the VRQA to fulfil its responsibilities in relation to compliance of employers and their apprentices and/or trainees with their training contract obligations and obligations set out in Part 5.5 of the ETR Act.

iii. To set out a common statement of intent and the commitment of both parties.

2.2 This Memorandum records the parties’ shared understanding and expectations about their respective roles and responsibilities in relation to:

i. The VRQA’s legislative responsibility for the regulation of apprenticeships and traineeships in Victoria under the ETR Act. In particular its role in determining which qualifications should be approved as apprenticeships or traineeships and any conditions associated with those determinations.

ii. The VSC’s role in strengthening its engagement with industry to ensure that students gain the skills they need for real jobs, boosting industry productivity.

2.3 This Memorandum is not intended to restrain the VRQA or the VSC in the way the parties engage with industry.

3 Obligations

3.1 The VRQA and the VSC will give effect to the arrangements and procedures set out in Annexure A.

3.2 Subject to legal restrictions on information disclosure, the VRQA and VSC will exchange information and respond to requests where necessary, to assist each other in their roles.

3.3 The VRQA and the VSC will establish and maintain liaison contacts to ensure the effective operation of this Memorandum.

4 Variation and termination

4.1 Variation

This Memorandum may be varied at any time by agreement of both parties. Any variations must be in writing and signed by both parties.

4.2 Termination

Either party may terminate this Memorandum by providing 28 days’ notice in writing to the other party.

5 Constraints imposed by Laws

5.1 The VRQA and the VSC acknowledge that from time to time the other may be unable to fully comply with all the requirements of this Memorandum due to constraints imposed by laws (including but not limited to Commonwealth and State privacy legislation). Each Party agrees to use its best endeavours to exchange information to the extent permissible by law.

6 No intention to enter legal relations

The parties:

i. Agree that by entering this Memorandum they have no intention to enter legal relations.
ii. Confirm that this Memorandum is not a legally binding document and is not enforceable as such, and neither party shall be entitled to any compensation or make any claim on the other before a court or any other person or body arising out of a breach by a party of this Memorandum.

7 Privacy

VRQA and VSC respectively:

i. Undertake that any disclosure of information, and any use, storage or transfer of such information, shall only be made to the extent permitted by law and, in particular:

a) Assure each other that any personal information as defined in the relevant privacy legislation disclosed by one to the other in connection with this Memorandum has been collected in accordance with applicable privacy legislation.

b) Assure each other that the disclosure of the information to, and its use by, the organisation to which it is disclosed is authorised by the individual or by law.

c) Agree not to use, disclose, store, transfer or handle personal information collected in connection with this Memorandum except in accordance with applicable privacy legislation.

8 Communication

8.1 The VRQA and the VSC agree to meet when requested by the Responsible officers to discuss issues arising in relation to apprentices and trainees in Victoria, including issues arising under this Memorandum.

8.2 The exchange of information outlined in this Memorandum will, unless agreed otherwise, occur at an operational level between the Operational officers.

8.3 The VRQA and the VSC will publish this Memorandum on their respective websites.

9 Confidential Information

9.1 With respect to any information designated as confidential (e.g., relating to a company) and supplied by one party to the other in connection to this Memorandum, each party agrees to:

- protect the confidential information in a reasonable and appropriate manner and in accordance with any applicable professional standards
- use and reproduce confidential information only for purposes set out in this Memorandum
- not disclose or otherwise make available confidential information other than to its personnel who have a need to know the information to give effect to the purpose set out in this Memorandum.

9.2 The above paragraph shall not apply to any information which is publically available or permitted to be disclosed to a third party without restriction.
10 Term
This Memorandum has effect from the date it is signed on behalf of the last party to sign it, and operates until 31 December 2018 inclusive, unless varied or terminated in accordance with paragraph 4 or by any right at law.

11 Contacts
11.1 Responsible officers
The parties acknowledge that the persons appointed to, holding, or acting for the time being in, the following positions will use their best endeavours to facilitate the efficient implementation of this Memorandum.

i. For VRQA: Chief Executive Officer.
ii. For VSC: The Victorian Skills Commissioner.

11.2 Operational officers
The parties acknowledge that the persons appointed to, holding or acting for the time being in the following positions will be responsible for the exchange of information at the operational level to enable the implementation of this Memorandum:

i. For VRQA: Executive Manager, Apprenticeships and Traineeships.
ii. For VSC: Director, Office of the Victorian Skills Commissioner.

11.3 Change in responsible officers and operational officers
The VRQA and VSC may change their responsible officers or operational officers by notifying the other party in writing.
Signing page

SIGNED by

Lynn Glover, Chief Executive Officer

Victorian Registration and Qualifications Authority

in the presence of:

Signature of witness

CHRIS INGHAM

Name of witness (block letters)

DATED: 17 March 2017

SIGNED by

Neil Coulson

Victorian Skills Commissioner

in the presence of:

Signature of witness

Cameron Joel Dacre

Name of witness (block letters)

DATED: 17 March 2017
1. **PRINCIPLES**

The following general principles will apply in relation to the VRQA and VSC with respect to industry intelligence that supports the effective regulation of apprenticeships and traineeships to ensure that students gain the skills they need for real jobs, which in turn boosts industry productivity.

1.1 VRQA and VSC will exchange information, to the extent possible that will assist both organisations in the performance of their respective roles to apprentices and trainees.

1.2 VRQA and VSC will provide mutual assistance and support, to the extent possible, when assessing applications/requests from industry for qualifications to be determined as apprenticeships or traineeships.

1.3 VRQA and VSC will provide mutual assistance and support, to the extent possible, in identifying any conditions associated with a determination that may be appropriate including whether the apprenticeship or traineeship should be undertaken as a school-based apprenticeship and traineeship (SBAT).

2. **JURISDICTION AND RESPONSIBILITIES**

2.1 The VSC has been established to provide advice to the Minister for Training and Skills on the following:

- How the training system can better support the economy and jobs by addressing skills shortages, meeting workforce training needs and boosting productivity for employers.
- How industry input can lead to more strategic and targeted interventions to align the training system with industry needs.
- The training needs of existing and emerging industries.
- Promoting training pathways that lead to jobs and skills development in the workforce.
- Addressing the training and workforce development needs of Victoria’s regions.

2.2 The VRQA administers Part 5.5 of the *Education and Training Reform Act 2006* (ETR Act) in relation to apprentices and trainees.

2.2.1 Under Part 5.5.2 (1) of the ETR Act, the VRQA may determine that a specified training scheme is an approved training scheme.

2.2.2 Under Part 5.5.2 (2) of the ETR Act, a determination under subsection (1) may include certain conditions including:

- the requirements as to age, education, experience or any other matter to be satisfied by a person wishing to undertake the training scheme;
- the standards of skill and knowledge required to adequately perform the activities or tasks of the vocation which are to be obtained by an apprentice undertaking the training scheme, and;
the duration of an approved training scheme by reference to a fixed period or a maximum or minimum period.

3. ARRANGEMENTS

To give effect to the principles outlined above:

3.1 Information Sharing

3.1.1 On a regular and frequent basis, the industry advisory groups will provide information to the VRQA on any significant issues they become aware of that impact on the delivery of qualifications through apprenticeships or traineeships.

3.1.2 As the need arises, industry advisory groups will provide advice to the VRQA on the suitability of qualifications to be determined by the VRQA as apprenticeships or traineeships.

3.1.3 This may include advice about certain conditions that may be applicable to the VRQA’s determinations about apprenticeship and traineeships, including whether the qualification is suitable to be undertaken as an SBAT.

3.1.4 On a regular and frequent basis, VRQA will provide information to industry advisory groups and the VSC about issues that impact on skills development through apprenticeship and traineeship pathways.

3.1.5 On a regular and frequent basis, the VRQA will provide information and data on the apprenticeship and traineeship system in Victoria.

3.1.6 When using information, the parties acknowledge each party’s primary responsibility is to comply with the confidentiality requirements of the legislation and privacy policies under which each party operates.

3.2 Formal Meetings

3.2.1 VRQA and VSC will meet formally at least twice a year to share information concerning the employment of apprentices and trainees, and to ensure the barriers to providing training to meet industry demands can be identified and overcome.