

Licensing standards and training packages

A Guide to assist Training package Developers in integrating licensing standards within Training Packages



A guide to assist training package developers in integrating licensing standards within training packages
Licensing Issues National Project
Version 3

© Joint copyright between Australian National Training Authority
and Queensland Government, Department of Employment and Training

First Printed May 2004

Licensing standards and training packages

A guide to assist in integration of licensing issues within training packages

The vocational education and training system has achieved much in establishing national training standards. However, the Australian National Training Authority has identified that there are areas where the training system can improve. This is especially the case in terms of achieving national consistency. One of the areas identified for improvement is how the training system addresses licensing standards.

In order to address licensing standards it is first important to understand the different regulatory requirements that a training package developer is juggling in the development process. It is important to distinguish specific registration issues differ from licensing standards.

The different types can be illustrated as follows:

- general occupational health and safety
- specific regulation
- licensing standard.

Essentially licensing standards and licensing authorities could be defined as:

- Licensing Standards—The standards identifying the requirements to obtain an occupational licence.
- Licensing Authority—The regulatory authority which determines the licensing standards or issues the occupational licence.

Stenning and Associates and Peter Noonan Consulting (2002) have provided further clarification in the report *A licence to skill* by describing occupational licensing as follows:

In its general form, industry licensing can refer to a range of regulatory instruments or requirements where people or organisations require ‘statutory permission’ in order to undertake an activity, act in a certain capacity, sell certain goods and so on. The focus of this study confined to a subset of this general form, as it is concerned with the regulation of the entry to or practice of occupations in industry areas.

Occupational licensing has been defined by the Commonwealth Office of Regulation Review (1995) as:

‘a form of regulation that restricts entry to an occupation or a profession to those who meet requirements stipulated by a licensing authority’.

However, this definition is somewhat narrow as it implies regulatory authorities hand out a physical ‘licence’. It excludes those areas where mandated entry requirements impose an implied licence, but for which no physical ‘licence’ is handed out by regulatory authorities.

Accordingly, a slightly broader definition of an occupational licence has been adopted for this study, which is:

An occupational licence includes any form of regulation that restricts entry to an occupation or a profession to those who meet competency related requirements stipulated by a regulatory authority.

This definition includes any physical or implied licence, registration, certification, approval or permit that is required by a person in order to gain employment (including self employment) and for which an eligibility requirement relates to the competency of that person to undertake certain activities.

This definition is designed to capture those instances where a regulatory requirement relating to competency to undertake employment activities compromises the ability of labour to move seamlessly from training to a fully qualified work environment. It is not designed to cover industry licences that are not related or amendable to competency-based assessment for individuals.

Stenning and Associates and Peter Noonan Consulting (2002) provide further clarity to potential models by stating that:

'In considering licensing standards the question could be asked, Is there a one simple one size fits all solution? As training package developers, you would know that there is not one simple solution. However it is important to crystallise the reasons for this so that a specific action plan can be formulated.'

The reports *A licence to skill* and *Stairway to a licence and beyond* provide useful background information on the issues in relation to addressing licensing standards. In addition, the table below illustrates the diversity of licensing authority perspectives in relation to training issues.

Table 1: Training Perspective of Regulators

Dimensions/ Focus	Occupation Based Licensing (OBL)	Portional Occupation Based Licensing (POL)	Activity Based Licensing (ABL)
Regulator level of licensing	Generally interested in a full qualification or trade certificate as one condition for issuance of a licence. For example electrical worker, plumbing and draining.	Generally consider a portion of an occupation or scope of work as one condition for issuance of a licence. For example pest control, fitness instruction.	Can in some cases be interested in a full qualification, but often licence a specific part of an occupation that revolves around an area of risk or operation of a piece of equipment for example forklift.
General Occupational Health and Safety Focus	This table has been created to explain the focus of various types of licensing authorities in terms of training issues, on two dimensions. The dimensions include how much training is required to achieve a licence together with the focus of the licensing authority. It should be noted that the licensing authority may have a number of focuses. The value of this table is to assist in clarifying the perspective of licensing authorities, so that a training response can be tailored to licensing standards.		
Consumer focus			
Technical focus			
Environmental focus			
Public safety focus			
Public health focus			

This means that the issues of most concern to training authorities are not uniform across different occupational licensing systems. Accordingly, the development of training packages will need to vary depending on the nature and structure of the relevant occupational licensing system.

Therefore the issue to be considered is whether there are any principles that can assist a training package developer in addressing licensing standards.

The *Stairway to a licence and beyond* report has recommended a hierarchy of mission statements to assist in providing direction to the activities of the vocational education and training system. These mission statements are shown as follows.

Mission statement level one

In developing and reviewing training packages, it is expected that full qualifications or units of competency from a qualification are capable of being endorsed by regulators as meeting the occupational licensing requirements established by regulators.

Mission statement level two

To facilitate the acceptance by one or more state or territory regulators that full qualifications or units of competency from a qualification are one pathway to meet the occupational licensing requirements established by regulators.

Mission statement level three

To facilitate the endorsements of all national state or territory regulators that full qualifications or units of competency from a qualification are one pathway to meet the occupational licensing requirements established by regulators.

Ten-step plan

The *Stairway to a licence and beyond* report outlines a ten-step framework that may assist in addressing licensing and/or regulatory issues within the development, review and implementation of training packages.

Training product and training system issues

In consulting with regulatory and/or licensing authorities a range of training product and training system issues may need to be addressed. It is important that any licensing issues that cannot be addressed in the training package development and review process are brought to the attention of the Australian National Training Authority and state or territory training authorities. This will enable training authorities to consider whether any significant issue is able to be implemented to meet the needs of all parties. If a solution is delayed at the implementation phase, this may lead to a loss of goodwill between training and licensing system stakeholders.

It is important that these issues are identified at an early stage to provide enough time for training authorities to assist in resolving any outstanding issues.

Resource implications

The resourcing of training and assessment which addresses licensing requirements by the Australian National Training Authority and state or territory training authorities raises a number of cross-government funding issues, which can sometimes be considered as cost-shifting exercises. This is a particularly sensitive issue, though it is not necessarily clear what is considered a licensing issue and what is not. Refer to the Appendix for a draft vocational education and training/licensing resourcing issues statement.

This document is not approved by training authorities, though it has been developed to assist in clarifying what is considered a licensing issue for resourcing purposes.

Generic standards versus industry specific

It is important to recognise that where cross-industry licensing requirements exist, there may be a tension between a generic cross-industry standard versus an industry specific standard. Ultimately any tension in this area can only be resolved through wide consultation and negotiation with licensing authorities and potentially key stakeholders. It should however be noted that if this issue is unable to be resolved then industry will still be subjected to a generic cross-industry standard though it will remain outside the vocational education and training system. The requirement to hold a license covers significantly more industry people compared to training packages and therefore an opportunity would be missed to expand the coverage of training packages across industry.

Raising the regulatory bar

As a further issue from the generic versus industry specific issues, it is important to note that society (including stakeholders) through parliament has only allowed the regulator to intervene by setting compulsory standards at a certain level. Whilst the sensitivities to raising the regulatory bar vary between training standards, training package developers need to be conscious of any sensitivities as any raising of the regulatory bar by Stealth would not provide the basis for a successful outcome.

Regulator reviews

Regulator reviews are often occasions where key issues can be raised to improve the profile and relevance of training packages. This is an approach to assist in developing the opportunity for dialogue. The appendix provides a basic response that could be used to assist in responding to regulatory reviews. A more detailed response will necessarily need to be tailored to the specific situation.

The nature of the regulator-industry partnership

It should be clear that Regulators/ Licensing Authorities are ordinarily not considered to be an industry group though they may have established a variety of Industry Advisory mechanisms. As a Regulatory Authority with legislative powers this should be highlighted that the developer will often need to utilise a negotiation of partnership approach as opposed to treating the Regulatory Body as just another stakeholder to consult. As an industry training advisory body may not be afforded the same status by the regulatory authorities as in the vocational education and training system, the industry training advisory body may need to engage with some industry forums as established by regulatory authorities or other groups such as Training Authorities and seek fee assistance.

Licensing Line News

As part of the Licensing Issues national project the Department of Employment and Training has established an electronic newsletter, *Licensing Line News* with a reader distribution of licensing and/or regulatory stakeholders. Accordingly this is one avenue to advertise for licensing and/or authority involvement in the development, review and implementation of training packages.

Outcomes from Strategic Industry Audits and other Audits

Licensing authorities are often concerned with the consistency of assessment outcomes and strategies that are established to address these issues. Accordingly the findings of Strategic Industry and other audits may assist in determining the extent to which a training package can set the standards for these issues. As an example, access to the appropriate type of equipment might be a key issue. If so, the developer could consider if the resource requirements give appropriate guidance.

Tools to assist in addressing licensing issues

A number of tools have been developed to assist training package developers to adequately address licensing issues in terms of the stated mission statements. The tools recognise that as occupational licensing systems vary, your solution will vary.

The attached tools are:

- Planning tools which have been designed to assist training package developers and case managers to develop a tailored approach to addressing licensing issues. There is one version for training package developers and one version for case managers.
- Licence guidance note formats can assist registered training organisations to meet the requirements of licensing authorities. Appendix K illustrates a guidance note that has been developed to identify an approach for the licensing for the transport of dangerous goods in bulk. A further example is a guide developed for pest management technicians by licensing authorities. This guide can be located at <http://enhealth.nphp.gov.au/council/pubs/pdf/pesttech.pdf>

Options for addressing specific licensing issues

The best way to evaluate the effectiveness of your developed solution is to assess the outcome against each of the three levels of mission statements for addressing licensing issues. Developers unable to identify sufficient evidence to verify that they have achieved at least mission statement level one, should at least be in a position to identify what are the obstacles to achieving the minimum requirements for addressing licensing issues.

The best approach would be for the licensing requirements to be integrated into the training package. However, this may not always be practical initially due to the various licensing approaches in states and territories. Where it is difficult to integrate licensing issues there are a number of approaches that could be used to demonstrate to licensing authorities that the training system is prepared to address licensing requirements. These initial approaches could include:

1. No national licensing system, with a variety of state or territory licensing standards

- Where the licensing authority in each state or territory is managing a separate licensing assessment system and there is no national licensing agreement, then one option could be to include the following element/performance criteria with the relevant unit of competency.

Element	Performance Criteria
Meet the requirements of the relevant national or state/territory licensing standards.	Relevant licence/s issued by national or state/territory licensing authority

This could be accompanied by a statement in the licence guidance note that credit or advanced standing for this element is to be given where a student has a licence that is recognised amongst regulators for the purpose of the Mutual Recognition Act. In addition, a statement in relation to any resourcing constraints should accompany this. However, it is important to ensure that the other statements in the unit of competency do not to contradict any licensing standards.

- Another option is to identify the achievement of the relevant licence/s as a prerequisite in the unit descriptor.

2. Non-competency based training issues

- There is an option to use a licence guidance note to reference non-competency based training issues within the range of variables for a unit of competency. Statements that could be included in the following aspects of the unit of competency

Unit descriptor: This unit addresses the licensing requirements of the XXXXXX licensing area. Additional requirements outlined in Licence Guidance Note 01/2002 in relation to training material need to be addressee before approved by the relevant regulatory authority.

Resource requirement: Licence Guidance Note 01/2002.

Evidence guide: Meets the requirements of the relevant regulator in accordance with the Licence Guidance Note 01/2002.

- An alternative option would be for these issues to be identified in the descriptor of the unit of competency. In addition a Licence Guidance Note could be referenced in the unit descriptor to provide some flexibility should the licensing requirements change.

3. Where there is a national licensing standard, but no agreement can be obtained

- In this situation a unit of competency may be able to address the issue by providing for a credit arrangement for a relevant licence.

4 Credit arrangements

- If a student has a valid national occupational health and safety certificate of competency (ie licence) with an endorsement for class code LB Front-end loader/backhoe, then credit will be given for this unit of competency.

It is important to ensure that the type of licence referenced is the correct one, as there may still be state or territory specific licences that were issued prior to the establishment of a national licensing standard. However it is important to consider that a licence outcome may only partially address all industry standards and currency concerns. An alternative approach is provided in the following Sugar Milling Training Package example.

5. Assessor requirements

- In addition, consider whether assessors for the unit of competency should be approved by the relevant licensing authority in addition to meeting the requirements of the Australian Quality Training Framework. This will support the integration by the registered training organisation of the training package and licensing requirements.

Current Examples

There are a number of other examples where training package developers have attempted to bridge the divide between licensing assessment systems and the vocational education and training system. Two of the examples relate to the sugar and the transport training packages as outlined below.

1. Sugar Milling Training Package

In the development of the Sugar Milling Training Package the developer sought to recognise the role of occupational health and safety authorities in the assessment process and acknowledge the status of national licences.

Accordingly, the developer included the following statement in occupational health and safety licensed areas.

An example of the unit of competency SUGPOBB2A Operate a boiler – basic, which has the following provisions:

- Unit Description – this unit is based on the boiler competency standards from the Worksafe Australia Standards for *Users and Operators of Industrial Equipment [NOHSC:1006 (2001)]*. It should be selected where boiler operation is a certified occupation.
- Assessment Requirements – Boiler operators holding a ticket in basic boiler operation from the relevant state or territory regulatory authority will be granted equivalence in the unit SUGPOBB32A Operate a boiler – basic for the purpose of issuing a qualification.

2. Transport and Distribution Training Package

The developer of the Transport and Distribution Training Package recognised the role of licensing authorities in the description of units of competency.

An example is TDTD1097B Operate a forklift, where it has been stated in the descriptor that:

- Assessment of this unit will usually be undertaken within a licensing examination conducted by, or under the authority of, the relevant state or territory occupational health and safety authority.

- Persons achieving competence in this unit will need to fulfil all of the relevant state or territory occupational health and safety regulatory requirements concerning the safe operation of forklifts.

3. Entertainment Training Package - Rigging

The developer of the Entertainment Training Package (CUE03) identified that in terms of rigging licensing requirements an alignment to the Building and Construction Training Package was the most appropriate option. Accordingly the following statements have been provided in the links to licensing section.

The previous version of the Entertainment Training Package (CUE98) included units which focuses on rigging activities (for example Undertake rigging; Lower and dismantle rigging equipment), but these had no link to the appropriate licence. Problems occurred where students had achieved competency against the relevant entertainment unit, and had the false expectation that this would allow them to work as a rigger in industry.

Given the important safety issues involved, and the importance of forging links between competencies and licensing requirements, a decision was taken to:

- Remove rigging activity units from the Entertainment Training Package.
- Create a new unit which focussed on an applied knowledge of rigging in an entertainment context, including licensing requirements and the limitations of work which can be undertaken by non-licensed personnel.
- Import new rigging units developed as part of the reviewed Building and Construction Training Package, so that closer links with licensing could be achieved.

Unfortunately the new Building and Construction Training Package will not be completed until mid to late 2003, so these units are not available for inclusion in this version of the Entertainment Training Package. Users are encouraged to access the new rigging units when they become available. Recognition by licensing authorities of rigging units in the Construction Training Package itself has not been obtained at the time of publication of this document and we advise that trainees may be required to meet additional licensing authority requirements.

It is acknowledged that the Building and Constructions units, which have a broad construction focus, will not be a perfect match for the skills and knowledge required in an entertainment work context. However, given the need for entertainment riggers to obtain a construction-related licence, and the enormity of the challenge to change this approach on a national basis, the new approach was considered the most appropriate.

4. Seafood Training Package

In order to identify occupational licensing issues the developer of the Seafood Training Package (SFI00) included the following statement in the Licensing requirement section 9 of the Assessment Guidelines.

- Assessors must also ensure that they are aware of Commonwealth and/or state and territory regulations required to hold a 'licence' or 'ticket' to undertake certain activities related to the competency standards they are assessing.

The registered training organisation is not able to issue the relevant Certificate of Competency (licence or ticket) unless they meet the specific requirements of the Commonwealth and/or state/territory authority that has authority for the issuance of the relevant licences or tickets. Within the Seafood Industry this is particularly relevant in the following areas:

- Coxswain and skipper tickets
- Marine Engine Driver (MED) licences.

5. Examples of Good Practice Guide

Other Examples

As part of the Licensing Issues national project the Department of Employment and Training has published a good practice example guide. This resource is published at www.trainandemploy.qld.gov.au/partners/course/training_packages/licensing/index.htm and may assist you in developing a relevant strategy for your sector.

Amendments recommended for the Training Package Development Handbook

The following recommendations can be used to assist in clarifying various licensing issues implied within the handbook

Amendments recommended for the training package development handbook

SECTION	SUGGESTED AMENDMENT																										
<p>Part 1</p>	<p>Page 11 after dot point 'credit and articulation', add: <i>alignment to licensing standards</i></p> <p>Page 26 validation section, first paragraph, add: <i>The validation process should also include licensing authorities to facilitate the recognition of training packages for the purpose of issuing a licence.</i></p> <p>Page 28 under content, include: <i>incorporated licensing standards</i></p> <p>Page 28 under process, include under validation process a dot point: <i>licensing authorities</i></p>																										
<p>Part 2 – Section 2</p>	<p>Page 6 first sentence, first paragraph after in other units first, add: <i>or where licensing standards stipulate a prerequisite unit of competency</i></p> <p>Part 2 end of 2.3.2.8 Licensing/registration requirements, add: <i>Where units of competency or qualifications are approved as the basis for issuing a licence, a mapping table should be included as shown below:</i></p> <p><u>Mapping units of competency to national licence class codes</u></p> <table border="1" data-bbox="496 987 1382 1115"> <thead> <tr> <th>Unit of Competency Code</th> <th>Unit of Competency Title</th> <th>National Licence Title</th> <th>National Licence Class Title</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p><u>Mapping qualifications to national licence class codes</u></p> <table border="1" data-bbox="496 1207 1382 1364"> <thead> <tr> <th>Qualification Code</th> <th>Qualification Title</th> <th>Required Units of Competency</th> <th>National Licence Code</th> <th>National Licence Class Title</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p><u>Licence guidance note list</u></p> <table border="1" data-bbox="496 1456 1382 1583"> <thead> <tr> <th>Licence Guidance Note Number</th> <th>Licence Guidance Note Title</th> <th>Relevant Licence Class Codes</th> <th>Web Address of Licence Guidance Note</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Unit of Competency Code	Unit of Competency Title	National Licence Title	National Licence Class Title					Qualification Code	Qualification Title	Required Units of Competency	National Licence Code	National Licence Class Title						Licence Guidance Note Number	Licence Guidance Note Title	Relevant Licence Class Codes	Web Address of Licence Guidance Note				
Unit of Competency Code	Unit of Competency Title	National Licence Title	National Licence Class Title																								
Qualification Code	Qualification Title	Required Units of Competency	National Licence Code	National Licence Class Title																							
Licence Guidance Note Number	Licence Guidance Note Title	Relevant Licence Class Codes	Web Address of Licence Guidance Note																								

SECTION	SUGGESTED AMENDMENT
Part 2 – Section 4	at the end of qualifications checklist, add: <i>Do the units of competency provide flexibility for all licensing authorities to use a qualification as a basis for issuing an occupational licence?</i>
Part 3 – Section 1 •	Page 13 add in the following a dot point for practical examples of good practice: <i>Ensuring that relevant occupational health and safety and licensing standards are incorporated into the teaching/learning process.</i>
Part 4 – Section 1	Page 49 under options, add a dot point: <i>Demonstrate current knowledge of relevant occupational health and safety and licensing standards.</i>
Part 4 – Section 3	Page 4 after dot point timeframe, add: <i>Licensing standards—consider any restrictions inherent in relevant licensing standards.</i>
Part 4 – Section 4	Page 6 4.4.9 after the word regulatory, add: <i>licensing</i>
Part 4 – Section 6	Page 8 after ANTA (Observer) add: <i>Relevant licensing authority representative</i> Page 9 After 2.6.11 add: <i>Role of licensing authority representative</i> Page 11 4.16.14 after Peak industry body dot point add: <i>Licensing/regulatory authority representative</i>
Part 5 – Section 3	Page 2 NOHSC:1006 (1995), should now be: <i>NOHSC:1006 (2001)</i> Page 2 NOHSC:7091(1992), should now be: <i>NOHSC:7019 (1992)</i> Page 10 After third paragraph of 5.3.5 add: <i>In the case of NOHSC:1006 (2001) and NOHSC:7019 (1992) it will be advisable to seek validation by the National Certification Working Group as well as the Certification Projects Reference Group of the National Occupational Health and Safety Commission.</i>

Basic Response to Regulator Reviews

1. Letter of response to licensing authority review

I refer to the XXXXXXXXXXXXXXXXXXXXXXXXXXXX discussion paper issued by the XXXXXXXXXXXXXXXXXXXXXXXXXXXX.

The Australian National Training Authority is responsible for facilitating the implementation of the Australian Quality Training Framework. Accordingly these comments in relation to the review relate to the training section of the paper.

The Australian National Training Authority Ministerial Council has undertaken a number of actions to strengthen the Australian Quality Training Framework and improve the level of national consistency within the vocational education and training system. One area that has been identified for further work is ensuring that the regulation/licensing requirements are appropriately addressed within national training packages.

In order to address licensing issues within the training package development and review process, the Australian National Training Authority has initiated the National Licensing Project and the Licensing Issues project.

Accordingly, your review provides an opportunity for the XXXXXXXXXXXXXXXXXXXX to discuss with training authorities how occupational training requirements you identify can be either aligned to, or form part of a national training package. The advantage of this approach is that national training packages are recognised throughout Australia as part of the Australian Qualifications Framework. I have attached an information booklet which explains the key components of the vocational education and training system.

Please contact XXXXXXXXXXXXXXXXXXXX should you wish to explore in depth any issue/concern relating to the training issues raised by your report.

Yours sincerely
Australian National Training Authority

2. Letter to training stakeholders advising of licensing review

The Australian National Training Authority Ministerial Council has undertaken a number of actions to strengthen the Australian Quality Training Framework and improve the level of national consistency within the vocational education and training system. One area that has been identified for further work is ensuring that the regulation/licensing requirements are appropriately addressed within national training packages.

A key area to assist in addressing licensing issues is creating the opportunity for dialogue with licensing authorities. It has been recognised that an opportunity for dialogue is created whenever a licensing authority is conducting a review of their regulatory approach.

The XXXXXXXXXXXXXXXXXXXX has recently released a discussion paper to stimulate discussion on XXXXXXXXXXXXXXXXXXXX. Section/s XXXXX of this report directly relate to training and licensing standards.

I have attached a copy of this report for your information and a copy of my response for your information. I would encourage your organisation to consider a further submission to XXXXXXXXXXXX in relation to the training issues.

If you have any queries please contact XXXXXXXXXXXX.

Yours sincerely
Australian National Training Authority

Advisory

Vocational Education and Training

Licensing Resourcing Issues

Statement

Vocational education and training licensing resourcing issues statement

Purpose

The purpose of this statement is to provide a starting point for training authorities in considering the resourcing impacts of integrating licensing standards within the vocational education and training system.

Definitions

Occupational Licence—An occupational licence includes any form of regulation that restricts entry to an occupation or a profession to those who meet competency related requirements stipulated by a regulatory authority, either through a physical licence or implied licence.

Licensing Standards—The standards identifying the requirements to obtain an occupational licence.

Licensing Authority—The regulatory authority that determines the licensing standards or issues the occupational licence.

Scope

There are a range of issues identified for consideration in terms of the cost implications of addressing licensing requirements within the vocational education and training system. However the purpose of this statement is to provide some guidance on the main areas of:

- identifiable regulator quality control test
- licensing fees and
- licensing authority audit requirements for registered training organisations additional to the requirements of the Australian Quality Training Framework.

Statement of principles

1. The fee for the actual issue of a licence (licensing fee) is an individual responsibility and accordingly will not be funded by the vocational education and training system.
2. Where the licensing standards are indistinguishably integrated into the national training package, then the requirements will be subject to the strategic funding policy of the relevant state or territory training authority.
3. However, where a licensing standard requirement is distinguishable within the training package (identifiable regulator quality control test) then the funding of the requirement will be the responsibility of the licensing authority. This is subject to the proviso that the Australian National Training Authority Ministerial Council may approve an alternative approach for a specific industry.
4. Where licensing authorities establish audit requirements for registered training organisations which are additional to the requirements of the Australian Quality Training Framework, then licensing authorities will be responsible for funding the additional audit costs. This is subject to the proviso that the Australian National Training Authority Ministerial Council may approve an alternative approach for a specific industry.
5. Whilst this document is a starting guide, training authorities are ultimately responsible for determining the resourcing strategy that will apply in their jurisdiction.

Training Package Developer

Regulatory Issues

Proforma

This proforma is intended to assist in identifying the key regulatory issues and may exist in providing the basis for a specific action plan

Regulator issues to be addressed by training package developer

The following form has been designed to assist in planning consultation with regulatory and licensing authorities currently being undertaken as part of the Licensing Issues national project. This form is designed for use by training package developers and can be used to form the basis of an analysis or to provide some points to assist in planning consultations with licensing authorities. Other tools/methods of consultation should also be undertaken to ensure all stakeholders are adequately consulted.

Training package(s):

.....
.....

National Industry Training Advisory Body (ITAB):

.....

ITAB contact officer:

Regulators identified:

Key national bodies/forums (including specific contact officers):

.....

State/territory regulator/s (including specific contact officers):

- | | | | |
|------------------------------|------------------------------|------------------------------|------------------------------|
| <input type="checkbox"/> NSW | <input type="checkbox"/> VIC | <input type="checkbox"/> ACT | <input type="checkbox"/> WA |
| <input type="checkbox"/> QLD | <input type="checkbox"/> NT | <input type="checkbox"/> SA | <input type="checkbox"/> TAS |

Key national licensing standards:

.....

Key national regulation/codes:

Consultation plan:

A) Industry:

B) Regulators:

Key issues identified by regulators:

A) General occupational health and safety:

.....

B) Regulation issues:

.....

C) Licensing requirements:

.....

Explanation of how to address key issues:

.....

.....

Training package issues:

.....

.....

Training system issues:

.....

.....



Create the momentum and opportunity for dialogue

It has been identified in a number of reports that to address licensing issues effectively, it is important to create the momentum and opportunity for dialogue with licensing authorities in order to assist the training package development and review process. The following actions are suggestions for creating the momentum which can be used to develop a tailored response for your industry areas.

Possible actions:

- Have you asked the Australian National Training Authority to advise the national forums/regulators that the review process for this training package has commenced/will commence requesting their cooperation and advice? (ANTA to respond and provide copies)
 Yes No
- Have you forwarded information to the national forum people following up the ANTA letter explaining the process in more detail and requesting input?
 Yes No
- Have you asked each state training authority to advise the state or territory regulator that the review process for this training package has commenced and request their cooperation and advice? (State training authority to respond and provide copies)
 Yes No
- Have you requested the relevant state ITABs to forward out information to the state/territory regulators explaining the process and requesting input? (State ITABs to respond and provide a copy)
 Yes No
- Have you requested an article in the *Licensing Line News* publication and other appropriate publications to highlight that the process has started? (Space will be provided in *Licensing Line News* subject to meeting publication timelines)
 Yes No
- Have you invited National/State Regulators to meet with the training package review committee before commencement of the review or development process.
 Yes No
- Have you undertaken alternative actions designed to create the momentum and opportunity for change?
 Yes No

If yes, please detail in the space below

.....
.....
.....
.....

Feedback to regulators:

Formal endorsement by regulators:

Advice to ANTA and training authorities on training system implications:

Report to regulator advisory forum:

Resource List



This is a list of known resources, which can assist you in considering regulator/licensing issues. However it should not be considered to be complete. Should you have any resources that can be added, please advise.

Occupational health and safety licensing

<http://www.nohsc.gov.au/ohsinformation/nohscpublications/fulltext/docs/h3/4.htm#Copy>

<http://www.nohsc.gov.au/ohsinformation/nohscpublications/#6>

<http://www.safetyline.wa.gov.au/PageBin/edcnlaws0014.htm>

A 'Statement of Relationship' between the Australian National Training Authority and the National Occupational Health and Safety Commission can be obtained from Internet at www.nohsc.gov.au/OHSInformation/EducationAndTraining/RelationshipsANTA-NOHSC.pdf

Electrical

Electrical Regulatory Advisory Council (ERAC): <http://www.erac.gov.au/>

Pest control

The standard can be accessed from the intranet at

<http://enhealth.nphp.gov.au/council/pubs/ecpub.htm>

Legislation sites

Constitution: <http://scaleplus.law.gov.au/html/pasteact/1/641/top.html>

Commonwealth: <http://www.law.gov.au/wotl.html>

NSW: <http://www.lawlink.nsw.gov.au/lawlink.nsf/pages/laws>

VIC: <http://www.dms.dpc.vic.gov.au>

QLD: <http://www.legislation.qld.gov.au>

NT: <http://www.nt.gov.au/lant/hansard/hansard.shtml>

ACT: <http://www.dpa.act.gov.au/ag/agg.html>

SA: http://www.parliament.sa.gov.au/legislation/5_legislation.shtml

WA: <http://www.slp.wa.gov.au/statues/swans.nsf>

Licensing advisory sites

The following site will provide links to all state/territory licensing advisory internet sites:

<http://bli.net.au/dir0121/blihome.nsf/All+Documents/Home>

Licensing line forum

<http://forum.edna.edu.au/event.asp?id=8627>

Careers guides

Whilst these guides are useful pointers to licensing requirements, they are not always complete in relation to licensing issues. Often various career guides can alert vocational education and training stakeholders to the existence of licensing arrangements not identified in other sources. The following site provides a link to a number of career guide sites:

<http://www.careers.gov.au>

The following site contains some information specific to each state/territory

<http://jobguide.detya.gov.au>

Codes of practice database

The Australian Codes of Practice Database can be accessed at

www.codes.bli.net.au/codes.asp

Training Package Case Manager Regulatory Issues Proforma

The proforma is intended to assist case managers to ensure that regulatory issues have been addressed to standards required.

Regulator issues to be addressed by case managers

The following form has been designed to assist in planning consultation with regulatory and licensing authorities currently being undertaken as part of the National Licensing Issues project. This form is designed for use by training authority case managers and can be used to form the basis of an analysis or to provide some points to assist in planning consultations with licensing authorities. Other tools/methods of consultation should also be undertaken to ensure all stakeholders are adequately consulted.

Training packages:

State ITAB:

ITAB contact officer:

Regulator national forums:

Queensland regulator/s: (including specific contact officers):

Key regulator issues:

- A) General occupational health and safety:
- B) Regulation issues:
- C) Licensing requirements:

Relevant legislation:

Extent of involvement of regulators with the state ITAB:

Nature of regulator and level of interest in training package development and review:

.....

	Occupational Based Licensing (OBL)	Portional Occupation Based Licensing (POL)	Activity Based Learning (ABL)
General Occupational Health and Safety Focus	This table has been created to explain the focus of various types of licensing authorities in terms of training issues, on two dimensions. The dimensions include how much training is required to achieve a licence together with the focus of the licensing authority. It should be noted that the licensing authority may have a number of focuses. The value of this table is to assist in clarifying the perspective of licensing authorities, so that a training response can be tailored to licensing standards.		
Consumer Focus			
Technical Focus			
Environmental Focus			
Public Safety Focus			
Public Health Focus			

Comment on licensing authority perspective:

Other Information:

Advice to be provided to national training package developer:

Contacts to be provided for licensing line news database:

Resource List

This is a list of known resources, which can assist you in considering regulator issues. However it should not be considered to be complete. Should you have any resources that can be added, please advise.

Occupational Health and Safety

<http://www.nohsc.gov.au/ohsinformation/nohscpublications/fulltext/docs/h3/4.htm#Copy>
<http://www.nohsc.gov.au/ohsinformation/nohscpublications/#6>
<http://www.safetyline.wa.gov.au/PageBin/edcnlaws0014.htm>

A 'Statement of Relationship' between the Australian National Training Authority and the National Occupational Health and Safety Commission can be obtained from Internet at

Electrical

Electrical Regulatory Advisory Council (ERAC): <http://www.erac.gov.au/>

Pest Control

The standard can be accessed from the intranet at
<http://enhealth.nphp.gov.au/council/pubs/ecpub.htm>

Legislation Sites

Constitution:	http://scaleplus.law.gov.au/html/pasteact/1/641/top.html
Commonwealth:	http://www.law.gov.au/wotl.html
NSW:	http://www.lawlink.nsw.gov.au/lawlink.nsf/pages/laws
VIC:	http://www.dms.dpc.vic.gov.au/
QLD:	http://www.legislation.qld.gov.au/
NT:	http://www.nt.gov.au/lant/hansard/hansard.shtml
ACT:	http://www.dpa.act.gov.au/ag/agg.html
SA:	http://www.parliament.sa.gov.au/legislation/5_legislation.shtml
WA:	http://www.slp.wa.gov.au/statues/swans.nsf

Licensing Advisory Sites

The following site will provide links to all State/Territory licensing advisory internet sites:
<http://bli.net.au/dir0121/blihome.nsf/All+Documents/Home>

Licensing Line forum

<http://forum.edna.edu.au/event.asp?Id=8627>

Careers Guides

Whilst these guides are useful pointers to licensing requirements, they are not always complete in relation to licensing issues. Often various career guides can alert vocational education and training stakeholders to the existence of licensing arrangements not identified in other sources. The following site provides a link to a number of career guide sites:
<http://www.careers.gov.au/>

The following site contains some information specific to each state/territory:
<http://jobguide.detya.gov.au/>

Codes of practice database

The Australian Codes of Practice Database can be accessed at
www.codes.bli.net.au/codes.asp

Example alternative submission to Regulatory Authorities

As some Regulatory Authorities are focused on the non-endorsed components of Training Packages the following format provides an example of clarifying regulatory requirements.

EXAMPLE ONLY

Example submission to the Competent Authority Panel for the Transport of Dangerous Goods

CAP Meeting 2004

Agenda Item:

Cap Reference: CA01/....

Applicant to complete

Subject: Approval of a Licence Guidance Note for Registered Training Organisations	
1. Executive Summary	To provide for a Licence Guidance Note (01/2004) to ensure that where registered training organisations submit training support materials to a competent authority for approval that there is guidance on the appropriate units of competency to use to develop a suitable training support materials.
2. Applicant's Name	Australian National Training Authority
3. Applicant's Address	5/321 Exhibition Street, Melbourne VIC 3000
4. Name of person to whom, or the name, or a description, of the class of people to which, the application relates	The application for approval of a Licence Guidance Note relates to any registered training organisation who submits training support materials to a competent authority for approval.
5. The provisions of these Regulations, and/ or of the ADG Code, to which the submission relates:	
6. CAP Action Required	Approval
7. Dangerous goods to which the submission relates	All classes that are addressed by the Competent Authorities Panel.
8. Issue (Detail here why deviation from the Regulations and ADG Code are required)	There is no deviation proposed here from the regulations and Australian Dangerous Goods Code. However the submission is designed to provide direction for registered training organisations submitting training support materials to Competent Authorities for approval, and to ensure that training packages meet the requirements of Competent Authorities.
9. (a) Why compliance with the regulations or rules is not reasonably practicable (for exemptions) or (b) Why the determination or approval is required (for determinations and approvals)	(a) This application will comply with the regulations and rules, and is designed to provide nationally consistent advice to registered training organisations submitting training support materials to Competent Authorities. (b) To provide guidance for registered training organisations developing training support materials from national training packages.
10. Why the proposed action is not likely to involve a greater risk than the risk involved in complying with the provisions (for exemptions only):	This does not alter any risk, as competent authorities will still approve training support materials in line with current arrangements. However, this will provide a basis for registered training organisations for developing training support materials to meet the requirements of competent authorities.

EXAMPLE ONLY

<p>11. If the submission relates to a vehicle, equipment packaging or other thing</p> <ul style="list-style-type: none"> • describe the thing 	<p>Not Applicable</p>
<p>12. The period for which the proposed action is sought</p>	<p>To align with Ministerial approval of the training package, it is requested that approval be granted until 31 May 2005, at which stage the training package will have been reviewed and this Licence Guidance Note can be reviewed with the Competent Authority Panel at that stage.</p>
<p>13. Geographical area within which the determination, exemption or approval is sought</p>	<p>National – all states and territories</p>
<p>14. Further information to support submission</p>	<p>Licence Guidance Note 02/2002 which is designed to provide guidance to registered training organisations seeking approval of training support materials from Competent Authorities.</p> <p>Copies of the units of competency identified within the Licence Guidance Note.</p> <p>An information booklet of the key components of the vocational education and training system.</p>
<p>15. Other comments or support information</p>	<p>The approval of the Licence Guidance Note will enable the national training package to support the requirements of Competent Authorities</p>
<p>16. Priority</p>	<p>High</p>
<p>17. Applicants signature</p>	<p>1. 2.</p>
<p>18. Date of submission</p>	<p>..... / /</p>
<p>19. Competent authority recommendation</p>	
<p>20. Competent authority contact</p>	

EXAMPLE ONLY

1. LICENCE GUIDANCE NOTE

LGN 01/2004

Licensing Area:

Transport of Dangerous Goods in Bulk by road

This Licence Guidance Note relates to the following unit of competency from the following training package

TDTD02 Transport and Distribution

Version:

Review Date:

EXAMPLE ONLY**Purpose of this Licence Guidance Note**

The purpose of this Licence Guidance note is to clarify the units of competency that are suitable for registered training organisations to use to meet the training requirements of a state or territory Competent Authority for the issue of a licence to transport dangerous goods in bulk by road.

Background of licensing arrangements

It is important that people transporting dangerous goods are trained to transport these goods correctly. However, there are specific national licensing requirements that have been established where there is a requirement to transport dangerous goods in bulk. A driver must possess a Dangerous Goods Bulk Driver Licence. Bulk in relation to the transport of dangerous goods requirements refers to:

- Gases (Class 2) – in a container having a capacity exceeding 500 litres
- All other classes - in a container having a capacity exceeding 450 litres or in a container having a mass exceeding 400 kilograms.

The training requirements are only one aspect of the licence requirements. The training support materials are approved by each state or territory Competent Authority.

Limits of licensing arrangements

This guidance note only addresses the training requirements for drivers who want to transport dangerous goods in bulk for the following classes of licence:

Dangerous Goods Classes

Class	Description	Example
2.1	Flammable gas	LPG, acetylene
2.2	Non-flammable Non-toxic gas	Carbon dioxide, refrigerant gas
2.3	Toxic gas	Chlorine (gas), ammonia
3	Flammable liquids	Paint thinners, kerosene, petrol
4.1	Flammable solids	Matches, sulphur
4.2	Spontaneously combustible	White phosphorus, activated carbon
4.3	Dangerous when wet	Calcium carbide, sodium metal
5.1	Oxidizing substances	Sodium peroxide, calcium hypochlorite (pool chlorine), ammonium nitrate.
5.2	Organic peroxides	Methyl ethyl ketone peroxide (MEKP)
6.1	Toxic substances	Sodium cyanide
6.2	Infectious substances	Clinical or medical waste
8	Corrosives	Sodium hydroxide (caustic soda), hydrochloric acid
9	Miscellaneous dangerous goods	Asbestos, dry ice

It should be noted that Class 1 and Class 7 are not addressed by this licence guidance note.

EXAMPLE ONLY

Units of competency which relate to licensing standards and classes

It is recommended that units of competency from the TDT02 Transport and Distribution Training Package be used as the basis for developing training support materials for the consideration of the state or territory Competent Authority.

Registered training organisations should contact the relevant state or territory Competent Authority to determine appropriate units of competency for the specific jurisdiction.

Non-training requirements in order to train and be eligible for a licence

The registered training organisation should be aware that a course participant will be required to meet additional requirements after the completion of training in order to be eligible to be issued the appropriate licence. These requirements include but are not limited to:

- being 21 years of age or older
- producing a medical certificate in the approved form (F3267 or F1863) issued within the six months previous to the date of application and
- possessing a satisfactory driving record.

A registered training organisation will need to verify the licence eligibility requirements with each relevant state or territory. The student should be informed of the additional requirements that they will need to be met as part of the pre-course briefing.

It should also be noted that Competent Authorities will require the registered training organisation to verify the identity of students at the time the assessment is undertaken.

Additional licensing authority approval required by a registered training organisation before training commences

A registered training organisation will need to obtain approval of their training support materials from the Competent Authority for each state or territory in which delivery will occur. The relevant departments have guidelines on the type of content that will be required to be addressed. Therefore, in developing suitable training support materials, reference should be made to the training package and any content guidelines provided by the relevant state or territory Competent Authority.

When seeking approval, registered training organisations should indicate what units of competency the training is linked to and provide confirmation of registration details. This will assist in providing an additional level of surety.

It should also be noted that in some states and/or territories that the competent authority will also require information on your specific trainers and/or assessors who will also need to be approved.

EXAMPLE ONLY

Important references

The following are important references that can assist registered training organisations:

- The Australian Code for the Transport of Dangerous Goods by Road and Rail Sixth Edition
- The *Road Transport Reform (Dangerous Goods) Act 1995* (Commonwealth)
- The *Road Transport Reform (Dangerous Goods) Regulations*. (Commonwealth)

A registered training organisation should also refer to the specific legislation for each state or territory where training will be delivered.

Relevant peak licensing/regulatory body contacts/websites

National Road Transport Commission – www.nrtc.gov.au
<http://www.nrtc.gov.au/progress/reformsall.asp?reform=A01&lo=progress>
<http://www.nrtc.gov.au/place/fin-legis3.asp?lo=legis>

Department of Transport and Regional Services –
www.dotars.gov.au/transreg/str_dgoodsum.htm

Competent Authority Panel (National) - www.dotars.gov.au/transreg/str_dgoodsum..htm

State/territory licensing authority contacts/websites

Australian Capital Territory- www.workcover.act.gov.au/dangerousgoods/index.html
New South Wales - www.epa.nsw.gov.au
Northern Territory-www.deet.nt.gov.au/wha
Queensland - www.transport.qld.gov.au/qt/driver.nsf/index/dangerousgoods
Tasmania –www.workcover.tas.gov.au
Victoria – www.workcover.vic.gov.au
Western Australia - www.mpr.wa.gov.au/safety/edg/dgtpage.html
South Australia – www.eric.sa.gov.au

Disclaimer

This information has been provided to assist registered training organisations to meet the requirements of competent authorities. However registered training organisations will need to confirm the currency of this information with the relevant state/territory competent authority before acting on any information.