

MEMORANDUM OF UNDERSTANDING BETWEEN THE VICTORIAN REGISTRATION AND QUALIFICATIONS AUTHORITY AND ENERGY SAFE VICTORIA

PARTIES

This memorandum of understanding is made between the following parties:

The Victorian Registration and Qualifications Authority (VRQA)

Level 4, 2 Lonsdale Street, Melbourne, VIC, 3000.

AND

Energy Safe Victoria (ESV)

Level 5, 4 Riverside Quay, Southbank, VIC, 3006.

1. PURPOSE

- 1.1. The purpose of this memorandum of understanding (MOU) is to set out the common understanding between the parties as a voluntary statement of intent and contains the serious commitment of both parties for the duration of the MOU.
- 1.2. The MOU provides the framework to promote effective communication and coordination to enable joint quality assurance arrangements for the vocational education and training sector under the purview of the VRQA and efficient, effective communication to apprentices about safety and legislation.
- 1.3. To achieve the purposes above the MOU seeks to:
 - Ensure that the parties are aware of each other's role and responsibilities
 - Clarify the specific working arrangements in relation to meetings, audit processes, issues and complaints and information sharing
 - Foster ongoing collaboration and cooperation

2. EXPECTED OUTCOMES

- 2.1. Effective cooperation between ESV and VRQA in the administration of their respective roles will assist Victorian workplaces to achieve best practice levels of electrical safety and provide the Victorian community with confidence in the safety of electricity, employer engagement and supervision of apprentices.
- 2.2. Improved quality of training and assessment delivered by registered training organisations (RTOs) in the qualifications contained in Schedule 1 to this MOU.

3. RESPONSIBILITIES and ROLES

Role of VRQA

- 3.1. VRQA is the statutory authority responsible for the regulation and accreditation of government and non-government schools, training and higher education providers (except Universities), apprenticeships and traineeships and administering legislation including but not limited to the *Education and Training Reform Act 2006* and the *Education and Training Reform Regulations 2017*.
- 3.2. VRQA maintains its authority as the sole determinant of matters arising under the *Education and Training Reform Act 2006* relating to the registration and regulation of training organisations and the regulation of apprenticeships and traineeships. Nothing in this MOU is intended to fetter the VRQA's exercise of its powers under the *Education and Training Reform Act 2006*.
- 3.3. VRQA will assist ESV in communicating regulatory and safety information to apprentices registered with the VRQA.

Role of ESV

- 3.4. ESV is the statutory authority responsible for administering a range of safety and technical legislation related to electricity, gas and pipelines. Of relevance is ESV's administration of the *Electricity Safety Act 1998*, the *Electricity Safety (Registration and Licensing) Regulations 2010* and the *Electricity Safety (Installations) Regulations 2009*.
- 3.5. ESV maintains its authority as the sole agency for electricity safety and licensing matters to issue, suspend or cancel electrical licences, and retains the right to not issue a licence where there are concerns about the performance of an RTO.
- 3.6. ESV reserves the right to reject any decision on assessment for licences where there are concerns about the RTO's training and assessment practices, trainer/assessor competency or other practices that contravene legislated requirements for licensing purposes until such time as concerns are resolved.
- 3.7. Upon request, ESV will provide support and assistance to the VRQA in relation to licencing requirements, and during audits of RTOs delivering or wishing to add to scope to the qualifications contained in Schedule 1 of this MOU.

4. OPERATIONAL ARRANGEMENTS

Nominated Representatives

- 4.1. The parties will liaise in the first instance through their nominated representatives as set out in the table below.

VRQA	
Name	Mr Simon Thorn
Position	Executive Manager Skills and Training
Telephone	(03) 9032 1518
Email	thorn.simon.c@edumail.vic.gov.au
ESV	
Name	Mr Neil Fraser
Position	Deputy Director
Telephone	(03) 9203 9771
Email	Neil.Fraser@energysafe.vic.gov.au

Regular Meetings

- 4.2. The parties shall meet at six monthly intervals, or more frequently if required, to identify opportunities for joint activities, to discuss regulatory, communications or registering matters, the operation of this MOU and to discuss the ongoing relationship between the parties.
- 4.3. The parties will inform each other of any changes required to Schedule 1 due to changes in training package qualifications, courses or licensing arrangements.

Audit Processes

- 4.4. The VRQA And ESV may conduct joint audits, and ESV may provide technical expertise in certain audits, such as:
- Audit of organisations applying for initial registration to deliver the qualifications contained in Schedule 1 of this MOU.
 - Authorised officer visits to employers of electrical apprentices.
 - Strategic audits conducted in relation to a specific area of risk, such as audit response to a complaint, incident, or concerns about RTO performance or planned audit program.

Issues and Complaints

- 4.5. Where the VRQA or ESV receives a complaint about:
- a) The quality of an RTO's delivery of the qualifications contained in Schedule 1 of this MOU
 - b) licencing issues relating to a VRQA approved employer
 - c) a VRQA approved employer licenced by ESV

they will inform the other party in a timely manner, provided they have the consent of the complainant.

- 4.6. Where there are serious concerns about the performance of an RTO or an employer of apprentices both parties agree to discuss whether it may be appropriate to take a coordinated approach.

Information Sharing

- 4.7. The parties recognise the value of sharing information. Where appropriate and subject to legislated restrictions on disclosure of information and in accordance with section 5.5.26 of the *Education and Training Reform Act 2006*, the parties will share information that is relevant to the regulatory functions of the parties.
- 4.8. VRQA and ESV respectively agree:
- that any personal information as defined in the *Privacy and Data Protection Act 2014* (Vic) disclosed by one to the other in accordance with clauses 4.5 to 4.7 above has been collected in accordance with applicable *Privacy and Data Protection Act 2014* (Vic), and
 - to use, disclose, store, transfer or handle personal information collected or shared only in accordance with the applicable *Privacy and Data Protection Act 2014* (Vic).
- 4.9. With respect to sharing of any confidential information VRQA and ESV respectively agree to:
- protect and use the confidential information in accordance with applicable professional standards
 - 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 purposes set out in this MOU unless required to do so by law (for example in connection with legal proceedings or in response to a request made under the *Freedom of Information Act 1982*).

5. NO LEGAL EFFECT

- 5.1. The parties agree to apply their best endeavours to implement the MOU in good faith.
- 5.2. This MOU is not intended to create legal relations between the parties, and is of no binding legal effect.

6. DURATION, VARIATION AND TERMINATION OF THIS MOU

- 6.1. This MOU will commence once it has been signed by both parties.
- 6.2. The parties will formally review this MOU three years after the date of execution and subsequent to that, at regular intervals, not exceeding three years or as agreed between

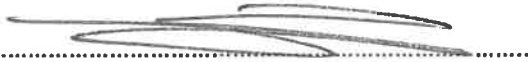
the parties.

- 6.3. Either party may reasonably request a review of this MOU at any time. This MOU may be varied or modified by a further MOU in writing duly signed by the parties.
- 6.4. Either party may at any time terminate this MOU by giving 30 days' written notice to the other party.

7. SIGNATORIES



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Signed by the **Chief Executive Officer (Director)** of **Victorian Registration and Qualifications Authority**



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Witness

Date: 5/11/2018.



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Signed by the **Director of Energy Safety Victoria**



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Witness AMBER COE

Date: 29/10/18