

Memorandum of Understanding

between

Victorian Registration and Qualifications Authority

and

Victorian Energy Safety Commission

April 2023

Parties

This memorandum of understanding is made between the following parties:

Victorian Registration and Qualifications Authority

Level 4, 2 Lonsdale Street, Melbourne, VIC 3000

AND

Victorian Energy Safety Commission also known as **Energy Safe Victoria**

Level 5, 4 Riverside Quay, Southbank, VIC 3006

Definitions

In this MoU, unless the contrary intention appears, the following definitions will apply:

- a) **Apprentice** means a person whom an employer has undertaken to train under a training contract.
- b) **Apprenticeship** means the training contract between the apprentice and the employer that is lodged with and approved by VRQA under part 5.5 of the ETR Act.
- c) **ES Act** means the *Electricity Safety Act 1998 (Vic)*.
- d) **ES Regulations** means the *Electricity Safety (Registration and Licensing) Regulations 2020 (Vic)*.
- e) **ESV** means the Victorian Energy Safety Commission also known as Energy Safe Victoria, a body corporate established under the *Energy Safe Victoria Act 2005*.
- f) **ESV Act** means the *Energy Safe Victoria Act 2005 (Vic)*.
- g) **ETR Regulations** mean the *Education and Training Reform Regulations 2017 (Vic)*.

- h) **ETR Act** means the *Education and Training Reform Act 2006* (Vic).
- i) **MOU** means this Memorandum of Understanding.
- j) **Nominated Representatives** means the persons specified in clause 4.1 of this MOU.
- k) **Parties** means VRQA and ESV.
- l) **Personal Information** has the meaning given to that term in the *Privacy and Data Protection Act 2014* (Vic).
- m) **Privacy Legislation** means laws in respect of privacy and the protection of personal and health information including, without limitation, the *Privacy and Data Protection Act 2014* (Vic) and the *Health Records Act 2001* (Vic).
- n) **RTO** or **RTOs** means registered training organisations that are registered by VRQA.
- o) **Schedule 1** means the schedule to this MOU containing the list of relevant courses and qualifications.
- p) **VRQA** means the Victorian Registration and Qualifications Authority.

1. Purpose

- 1.1. This MOU sets out arrangements to promote effective communication, cooperation and coordination between the Parties in performing their respective roles and responsibilities in the Victorian electricity sector.
- 1.2. These arrangements aim to foster a collaborative approach towards ensuring the quality of vocational education and training provided by RTOs to apprentices in the Victorian electricity sector.
- 1.3. These arrangements also seek to facilitate efficient and effective communication to apprentices and employers of apprentices about electricity safety and legislation and a coordinated approach to addressing concerns about the performance or conduct of RTOs or employers of apprentices.

2. Expected outcomes

- 2.1. Effective collaboration between VRQA and ESV will assist Victorian apprentices and employers of apprentices 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. The list of relevant courses delivered by RTOs and associated qualifications that are current as at the commencement of this MOU are outlined in Schedule 1 and will be updated as required for new qualifications or units of competence to ensure appropriate monitoring of RTOs.

3. Roles and responsibilities

VRQA

- 3.1. VRQA is Victoria's education and training regulator established under the ETR Act and is responsible to the Minister for Education and the Minister for Training and Skills.
- 3.2. VRQA works to assure the quality of education and training delivered by government and non-government schools and training and higher education providers (except universities). It also regulates apprenticeships and traineeships, investigates disputes between employers and apprentices and complaints made against RTOs.
- 3.3. VRQA maintains its authority as the sole agency responsible for determining matters arising under the ETR Act and the ETR Regulations relating to the registration and regulation of RTOs and the regulation of apprenticeships and traineeships.

- 3.4. Nothing in this MOU is intended to fetter the VRQA's exercise of its powers under the ETR Act and the ETR Regulations.
- 3.5. VRQA will assist ESV in communicating regulatory and safety information to apprentices registered with the VRQA and undertaking audits and investigations into employers of apprentices, including by conducting joint visits where appropriate. It will also work with ESV to ensure the quality of education and training delivered by RTOs about electricity safety and legislation, including conducting joint audits of RTOs where appropriate.

ESV

- 3.6. ESV is Victoria's independent safety regulator for electricity, gas and pipelines. It is established under the ESV Act and is responsible to the Minister for Energy, Environment and Climate Change.
- 3.7. ESV's role includes licensing Victoria's electrical workers and registering electrical contractors under the ES Act and the ES Regulations, and monitoring and enforcing compliance with Victorian electricity safety legislation and regulations.
- 3.8. ESV maintains its authority as the sole agency responsible for electricity safety and licensing matters, including whether to issue, suspend or cancel electrical licences.
- 3.9. Nothing in this MOU is intended to fetter ESV's exercise of its powers under the ES Act and the ES Regulations.
- 3.10. ESV may take action in relation to an electrical worker's licence if there are concerns about the licence holder's competence to carry out electrical work arising from an RTO's training and assessment practices, trainer/assessor competency or other practices that may contravene legislated requirements.
- 3.11. Upon request, ESV will provide support and assistance to VRQA in relation to licencing requirements. ESV will work with and support VRQA to conduct audits of RTOs delivering or wishing to add to the scope of the qualifications contained in Schedule 1 where appropriate. ESV will also assist VRQA in undertaking audits and investigations into employers of apprentices, including by conducting joint visits where appropriate.

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	
Position	Deputy CEO, Training and Skills
ESV	
Position	Head of Electrical Licensing and Training

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, as soon as practicable, of any changes required to Schedule 1 due to changes in training package qualifications, courses or licensing arrangements.

Audits

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

Issues and complaints

- 4.5. If VRQA or ESV receives a complaint about:
- the quality of an RTO's delivery of the qualifications contained in Schedule 1;
 - licensing issues relating to a VRQA-approved employer; or
 - a VRQA-approved employer licensed or registered by ESV,
- they will inform the other party in a timely manner unless there are any legal restrictions or privacy constraints relating to the disclosure of that information.
- 4.6. If there are serious concerns about the performance of an RTO or an employer of electrical apprentices, the 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 legal restrictions on disclosure of information, and in accordance with section 5.5.26 of the ETR Act, the Parties will share information that is relevant to the regulatory functions of the Parties.
- 4.8. The Parties agree that the sharing of information will occur as soon as practicable and in a form agreed to by the Parties.
- 4.9. VRQA and ESV respectively agree:
- that any Personal Information disclosed by one to the other has been collected in accordance with Privacy Legislation; and
 - to use, disclose, store, transfer or handle personal information collected or shared only in accordance with Privacy Legislation.
- 4.10. Subject to any legal restrictions, each party will provide information to the other on any enforcement action, including disciplinary action, taken or being taken by a party against an employer for failing to supervise electrical apprentices or related to an employer's capacity to provide appropriate supervision, appropriate on-the-job training and/or a safe workplace for electrical apprentices.
- 4.11. With respect to the sharing of any confidential information, VRQA and ESV respectively agree to:
- protect and use the confidential information in accordance with applicable professional standards; and
 - 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* (Vic)). If a party is required by law to disclose the confidential information of the other party, the party shall notify and consult with the other party prior to disclosure occurring.

No legal effect

- 4.12. The parties agree to apply their best endeavours to implement the MOU in good faith.
- 4.13. This MOU is not intended to create a legal relationship between the parties and is of no binding legal effect.

Duration, variation and termination of this MOU

- 4.14. This MOU will commence once it has been signed by both parties and continues in force until it is terminated in accordance with clause 4.17 or replaced.
- 4.15. The parties will formally review this MOU three years after the date of commencement or at such other time as agreed between the parties.
- 4.16. Either party may reasonably request a review or amendment of this MOU at any time. This MOU may be varied or modified by a further MOU or by instrument in writing duly signed by the parties (including exchange of correspondence).
- 4.17. Either party may terminate this MOU at any time by giving 30 days' written notice to the other party.

Executed for Victorian Registration and Qualifications Authority



Jonathan Kaplan, Chief Executive Officer
(Director)

Date: 21 / 04 / 2023

Signed for and on behalf of the Victorian Energy Safety Commission by the authority of the Commission:



Leanne Hughson, Chief Executive Officer

Date: 14 / 04 / 2023

Schedule 1: Relevant qualifications

The list of courses/qualifications in this Schedule will be updated as necessary by the Nominated Representatives to accurately reflect requirements of ESV for licensing or registration purposes. All information in terms of codes and titles is consistent with training.gov.au.

If any of the qualifications or competencies listed in this Schedule are superseded, the parties agree that the participation strategies in this MOU will automatically be applied to all of the replacement qualifications and/or competencies, in line with the Australian Skills and Qualifications Authority (ASQA) transition and teach out policies and procedures.

Endorsed qualification/unit/accredited qualification
22324VIC Certificate IV in Electrical Inspection
UEE40320 Certificate IV in Installation Inspection and Audits
UEE33020 Certificate III in Electrical Fitting
UEE30720 Certificate III in Switchgear and Controlgear
UEE30820 Certificate III in Electrotechnology Electrician
VU22723 Prepare to set up and operate an electrical contracting business
UEEEL0040 Develop compliance policies and plans to conduct an electrical contracting business
UEERL0004 Disconnect - reconnect electrical equipment connected to low voltage (LV) installation wiring
UEERL0005 Locate and rectify faults in low voltage (LV) electrical equipment using set procedures
UEERL0008 Disconnect-reconnect explosion-protected appliances and control devices connected to LV installation
MEM18049 Disconnect/reconnect fixed wired equipment up to 1000 volts a.c. / 1500 volts d.c.
MEM18046 Fault find and repair electrical equipment/components up to 1000 volts a.c. / 1500 volts d.c.
UET20321 Certificate II in ESI - Powerline Vegetation Control
UET20422 Certificate II in Transmission Line Construction
UET20621 Certificate II in ESI - Asset Inspection and Testing
UET30521 Certificate III in ESI - Transmission Overhead
UET30621 Certificate III in ESI - Distribution Overhead
UET30721 Certificate III in ESI - Rail Traction
UET30821 Certificate III in ESI – Distribution Underground
UET30921 Certificate III in ESI - Very Remote Community Utilities
22597VIC – Course in Workplace Spotting for Service Assets