



Department of Education and Training
Government of Western Australia

Your ref:

Our ref:

Enquires:

004/01063

Ms Janina Gawler
Chief Executive Officer
Australian National Training Authority
GPO Box 3120
BRISBANE QLD 4001

Dear Ms Gawler

I refer to your letter of 13 October 2003 regarding the College of Electrical Training (CET) and the Construction Skills Training Centre (CSTC), acknowledging the Department's progress towards resolving issues associated with the industry contribution made towards establishment of the CET. I regret the delay in responding.

With regards to the CSTC, the Department has now fully considered that matters you have raised.

It is the Department's understanding that there is no question as to the applicant's identity or as to the organisation that received the skill centre grant. The approval given by ANTA in correspondence dated 10 July 1998 indicates clearly that the skill centre grant was to go to the Builders' Labourers, Painters and Plasterers Union (BLPPU) now Construction, Forestry, Mining and Energy Union (CFMEU). Accordingly, the Department has maintained, and continues to maintain that the grant was paid to the appropriate organisation.

With respect to matters associated with alleged misrepresentation of training levies and loans between the CFMEU and CSTC, I understand that Commissioner Cole found evidence to suggest that the BLPPU intended to operate the skill centre through an incorporated association from the outset. Furthermore, Commissioner Cole was of the view that it was not intended to simply give the funds received from training levies directly to the skill centre as a gift and that the BLPPU deceitfully misrepresented that the skill centre would receive the training levies as revenue.

An examination of the skill centre grant agreement between the BLPPU and then Minister for Training does not provide any clear course of action that is now open to the Department. The agreement provides a number of remedies that are open to the Minister on events of default (including misrepresentation by the applicant). Importantly, however, these remedies are predicated on their discovery prior to full payment of skill centre grant funds. In this particular case, since all skill centre funds have been disbursed to the applicant organisation, it is difficult (if not impractical) to seek to exercise remedies based on Commissioner Cole's findings that the BLPPU made misrepresentations with respect to the training levies.

Taking the above into account and the fact that the skill centre grant funds were spent in the way that it was intended and the GSTC continues to deliver training and is a provider of good standing, it is the Department's view that there would appear to be little public interest in seeking to recover skill centre grant funds from the BLPPU.

On the basis of this, it is the Department's intention not to take any further action with respect to the matters that you have raised.

Yours sincerely



PAUL ALBERT
DIRECTOR GENERAL

29 FEB 2008



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Government of Western Australia
Office of the Director General
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FACSIMILE NO: (08) 9264 5051

To

Ms Janina Gawler - Chief Executive Officer

Organisation
Telephone no
Subject

Australian National Training Authority		
07 3248 2300	Fax No	07 3240 0400
Response to 13 October 2003 letter - CET and CSTC		

From

Susan Mulcahy

Section
Telephone no
Date

Executive Assistant		
(08) 9264 4815	Fax No	(08) 9264 5051
24 February 2004	Pages (incl cover)	Three (3)

Dear Ms Gawler

Please find attached a copy of response regarding the College of Electrical Training and the Construction Skills Training Centre.

Original in the mail today.

Many thanks

SUE MULCAHY
EXECUTIVE ASSISTANT, CORRESPONDENCE UNIT

If you do not receive all the pages, please call (08) 9264 5053