

INDUSTRY REFERENCE COMMITTEES

This document outlines best practice governance principles and processes to assist in the day-to-day operation of Industry Reference Committees

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*Operating
Framework for
the Development
of Training
Packages*

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1 Statement of Intention

The intention of this Operating Framework is to provide guidance to Industry Reference Committees (IRCs) in the conduct of their business. Without wishing to constrain the flexibility of operation that may be required by individual committees, it seeks to establish the minimum operational requirements to meet the high standards of integrity, probity and transparency expected by the Australian community.

Industry Reference Committees are supported by Skills Service Organisations (SSOs). SSOs have entered into a legally binding Funding Agreement with the department which sets out the role and obligations of the SSO and the terms under which funding will be provided. This Operating Framework is subordinate to the terms of the Funding Agreement.

The Funding Agreement requires the SSO to provide support to its allocated IRCs. The way in which that support is to be provided is to be articulated in a Memorandum of Understanding (MoU). While under the funding agreement an SSO is contractually required to enter into an MoU with its allocated IRCs, the MoU itself has no legal status. The purpose of the MoU is to record the agreement between the IRC and the SSO about how they will work together from a practical day-to-day operational perspective. The MoU will be subordinate to this Operating Framework and hence to the Funding Agreement. In the event there is any inconsistency between these documents, conditions and activities stipulated in the funding agreements will take priority, followed by the terms of this Operating Framework.

In short, therefore, this document provides the following:

- (a) an overview of the Australian Vocational Education and Training (VET) system, including an outline of the new arrangements for the development and review of training packages
- (b) an explanation of the roles and relationships of key stakeholders involved in training package development, in particular, the role of the IRCs under the new arrangements
- (c) guidance and best practice governance principles and processes to assist in the day-to-day operation of IRCs.

2 The National Training System

The Australian VET system primarily aims to provide individuals with work-ready skills for the labour market – skills that businesses and industries need to be productive and internationally competitive. A highly capable workforce will help place Australia's economy in a position of strength in the global market and secure Australia's economic prosperity and increase job opportunities for individuals.

With the current VET reforms to establish Industry Clusters and an independent assurance body from 1 January 2023, the existing TPD arrangements are winding down.

The VET system is based on occupational skills standards set out in units of competency and packaged into nationally consistent qualifications that reflect the skills and knowledge required to successfully operate in a particular occupation. Together with the national regulation of training providers and the national governance models that are in place, the objectives of the system are to provide:

- (a) assurance that an individual's qualification or statement of attainment means they have the core competencies required by industry, regardless of the training provider, and that these skills can be enhanced by organisation-specific professional development as needed by the employer
- (b) efficiency gains for employers in recruitment and selection processes, through national qualifications that provide a reliable signal about an individual's skills and knowledge
- (c) a competitive edge for individuals in the job market with qualifications or statements of attainment that are recognised nationally
- (d) a skilled, adaptive and competitive workplace for Australia.

Nationally recognised qualifications and statements of attainment are issued in accordance with industry-defined, nationally agreed and consistent competency standards (set out in training packages). Registered Training Organisations (RTOs) are authorised to issue a nationally recognised qualification or statement of attainment only where the requirements of the training package have been met. The operation of RTOs is overseen by the VET system regulators. These arrangements aim to provide businesses with assurance that VET graduates have the skills they need, and graduates with assurance that their qualifications will have national recognition and portability.

2.1 Training Products

Training products are developed to reflect the occupational skills needs of an industry, or a group of industries, to facilitate employment and vocational outcomes for individuals. For the purposes of this document, training products include training packages and materials that support the implementation of training packages.

2.2 Training Packages

Training packages specify the skills and knowledge required to perform effectively in the workplace; detailed in units of competency. They also describe how these units can be encompassed into nationally recognised qualifications that are aligned to the Australian Qualifications Framework (AQF) and industry recognised skill sets (or part qualifications, which also have currency in the workplace).

Training packages consist of:

- (a) Nationally endorsed components
 - Units of competency which specify the standard of performance required in the workplace
 - Assessment requirements (associated with each unit of competency)
 - Packaging rules for qualifications that are consistent with the AQF (Certificate I to Graduate Diploma)
 - Credit arrangements specifying existing arrangements between training package qualifications and higher education in accordance with the AQF
- (b) One or more quality assured companion volumes.

Training packages do not prescribe how an individual should be trained. RTOs use training packages to help design curriculum and/or learning and assessment methodologies that assist individuals to gain and/or demonstrate they have the skills and knowledge specified in training packages. Training is tailored to individual learner needs and can be contextualised to the specific circumstances of an employer and/or industry sector. Qualifications and statements of attainment can, however, be issued without the graduate undertaking a training program, including through the recognition of prior learning.

RTOs are responsible for assessing whether an individual meets the competency standards specified by industry and for issuing a nationally recognised qualification or statement of attainment where appropriate.

3 Development and review of training packages

The development of training packages is premised on principles that were agreed by the then COAG Industry and Skills Council (CISC) in May 2015. These principles are that training packages must:

- (a) reflect identified workforce outcomes
- (b) support national (and international) portability of skills and competencies, including reflecting licensing and regulatory requirements
- (c) reflect national agreement about the core transferrable skills and core job-specific skills required for job roles as identified by industry
- (d) be flexible enough to meet the diversity of individual and employer needs, including the capacity to adapt to changing job roles and workplaces
- (e) facilitate recognition of an individual's skills and competencies and support movement between the school, vocational education and higher education sectors
- (f) support interpretation by training providers and others through the use of simple, concise language and clear articulation of assessment requirements.

3.1 Roles and Responsibilities

The training package development framework consists of three key entities:

- (a) the Australian Industry and Skills Committee (AISC)
- (b) Industry Reference Committees (IRCs)
- (c) Skills Service Organisations (SSOs)

See Attachment One for a summary of the roles and responsibilities.

3.1.1 The Australian Industry and Skills Committee

The AISC's role is to provide advice to Skills Ministers to ensure that the directions taken by Ministers are informed by an industry-based perspective focused on the quality and relevance of training in VET. As part of this role the AISC will oversee the review and development of training packages, with the objective of ensuring Australian workers are provided with industry-relevant skills that meet the future needs of employers.

The functions of the AISC – as set out in the Terms of Reference agreed by the then CISC, are to:

- (a) advise on the implementation of national training policies
- (b) quality assure and sign off training packages for implementation
- (c) oversee the process for development and approval of accredited training
- (d) provide direction on the VET sector research priorities, including the work of the National Centre for Vocational Education Research
- (e) provide advice to Skills Ministers on training provider and regulator standards
- (f) coordinate industry engagement through Skills Ministers' meetings
- (g) undertake work as directed by Skills Ministers.

As part of its role in overseeing the process for reviewing and developing training packages, the AISC has established a network of IRCs.

3.1.2 Industry Reference Committees

IRCs provide the industry engagement mechanism at the centre of training package development. They provide a conduit for industry feedback to government on industry trends and for promotion of VET to employers.

IRCs are the formal point through which industry requirements for skills are considered and defined in training packages.

There will not be a 'one-size-fits-all' formula for the composition of IRC membership. IRCs are comprised of industry representatives with expertise from a cross-section of the particular industry or sector and will be tailored to the particular circumstances of that industry or sector. The primary purpose of the IRC is to provide advice to the AISC about the skills needs of their industry or sector, based on their experience and expertise.

Participation on IRCs is voluntary and represents a part of industry's 'in-kind contribution' to the operation of a robust VET system that underpins skilled and productive workforces.

IRCs are formed and activated as required, supported by their SSO in the review, development and implementation of training package content relevant to the industry sectors they cover.

At the commencement of these industry engagement arrangements and from time to time, the AISC and the department will work with industry stakeholders, IRCs, SSOs and state and territory governments to review the scope and membership of IRCs. The purpose of the review is to ensure that the composition of each IRC is fully representative of the industry or sector across Australia and/or that each IRC is operating effectively and efficiently. Reviews will include broad consultation with industry stakeholders, including existing IRC members. The proposed structure and membership will be subject to a decision of the AISC. The AISC may also, at its discretion, replace a member or members of an IRC.

Proposed changes to membership outside of a formal review or AISC decision will need to be notified to the department, and where substantive¹, subject to AISC approval. The AISC would be notified by the department of all changes to membership on a regular basis.

IRCs are expected to operate in accordance with this framework and will perform the following functions (supported by their SSO as required):

- (a) Gather general intelligence for their industry sectors to inform advice on training package development and review
- (b) Oversee the development and review of training packages in accordance with the requirements of the AISC
- (c) Oversee the development of the Industry Skills Forecast and Proposed Schedule of Work by the SSO, advising who should be included in the consultation and the type of information to include
- (d) Provide sign off on the Industry Skills Forecast, cases for change, cases for endorsement and other submissions for consideration by the AISC
- (e) Report to the AISC on progress of its work
- (f) Promote the use of VET in the sectors they represent.

In the course of the development and maintenance of training packages, an IRC may, through its SSO, establish and work through one or more Technical Advisory Committees (TACs). A TAC may, for example, include technical industry experts, industry associations, regulators and training providers, and can assist the IRC by providing technical input to the review and development of training packages. Expectations in relation to the use of TACs are:

- (a) The establishment of a TAC is not subject to approval by the AISC and may be done on an ad-hoc basis as the need arises
- (b) Support for the operation of a TAC is subject to the SSO funding agreement with the department and the MoU between the IRC and the SSO.

¹ This would need to be determined on a case by case basis by the department. However, for example, where a position is allocated to an organisation and the respective member leaves his/her position with that organisation and is replaced by another representative from the same organisation – and both the IRC Chair and the department is satisfied that the change will not disrupt the effective operation of the Committee, this would not need to be subject to a separate decision by the AISC. However, where there was a need to call for nominations to fill a vacant position – this would be subject to AISC approval.

3.1.3 Skills Service Organisations

The role of SSOs is to provide services to a range of IRCs, to ensure training packages reflect the skills needs of industry. SSOs provide technical, operational and secretariat services to enable IRCs to undertake their industry engagement and training package development and review activities.

SSOs support industry engagement while remaining independent from both industry and the training sector itself. SSOs are governed by boards whose members can demonstrate independence as well as strategic capability and professional expertise.

The Australian Government recognises that each industry sector has different characteristics and that the new arrangements need to be flexible enough to ensure that SSOs are able to provide high quality and tailored support to their clients, which will include a number of different IRCs. This requires a strong ability to nurture stakeholder relationships and facilitate cooperation and partnerships. One common expectation across all sectors is that industry validation is undertaken to validate proposals to amend, and amendments to training package. The AISC has an expectation that this validation include industry employers as well as peak bodies, employer representatives, employee representatives, state training authorities and RTOs.

SSOs are not prohibited from undertaking commercial activities separate and additional to undertaking their role in supporting IRCs, provided these do not breach conflict of interest requirements set out in the funding agreement. These activities do not, however, carry government endorsement.

Where there is evidence of SSO non-performance, the IRC Chair may submit a case to the AISC to move to a different SSO. Such a submission must be the result of a fully constituted vote that is carried by a two thirds majority of the IRC. The submission must include:

- (a) particulars of the reasons for the proposed change of SSO
- (b) details of the performance issues with the SSO experienced by the IRC, including the steps taken to resolve the performance issue, in accordance with the MoU
- (c) the benefits of moving to the proposed SSO e.g. opportunities to achieve better synergies between and across industry sectors; or the skill set of the proposed SSO is better suited to deliver the services required by the IRC
- (d) a description of how the proposed change would facilitate better outcomes for industry and provide a better overall fit for the national training system.

The AISC will make a decision on whether or not a change should occur and may consult other parties including affected SSOs, or other IRCs in the process of making a decision. The decision of the AISC will be based on evidence about performance as set out in the MoU between the SSO and IRC.

4 Scheduling and Commissioning of Training Package Development Work

4.1 Industry Summary

Industry Skills Forecasts and Proposed Schedule of Work are no longer required. To support the transition to the new industry engagement arrangements from 2022, this requirement has been replaced by an Industry Summary, due by no later than 30 September 2022.

Each SSO will support their allocated IRCs to develop Industry Summaries for their sector. The Industry Summary is an opportunity for IRCs to highlight and reflect on:

- (a) the work it has done since the AISC was established
- (b) critical challenges and opportunities (based on intelligence at hand) for the industry sector.

The information contained in the Industry Summary will be provided to the relevant Industry Cluster once it is established. Industry Clusters will be able to use this information to supplement their knowledge on industry complexity, identify early engagement opportunities and key issues to be addressed.

4.3 Cases for Change

In light of the current reform environment, no new TPD projects will be commissioned during 2022-23, with limited exceptions such as urgent training product updates that need to be rapidly implemented and which are in response to unforeseen events.

Where a training product is considered urgent and/or in response to unforeseen events, cases for change will detail:

- (a) why the training package development project is needed and clear evidence of demonstrated need, including expected enrolments. Reasons must also detail why the training product needs to be implemented in 2022-23 and provide evidence that the project can be delivered by September 2022.
- (b) what has changed in the job role, workplace, or industry to cause the need for change
- (c) when products were last changed or reviewed
- (d) employment data for related occupation outcomes, enrolment data and state and territory funding information
- (e) the extent to which cross industry competencies can be used to support skills outcomes for the industries covered
- (f) evidence of industry validation and support of the amended training products
- (g) how the training products are used by industry
- (h) how the Ministers' priorities will be addressed.

The development of the case for change, including scoping the research and analysis, industry engagement and writing, will be carried out by the SSO, under direction of the IRC.

At the completion of the review work, the SSO will prepare a case for change for IRC approval. The case for change, once approved by the IRC, will be submitted to the AISC through the department.

4.4 Training package development work

The AISC will consider cases for change to determine whether to approve the project and the scope of training package development work to be undertaken. The AISC determination will be reflected in one or more activity orders issued by the department. The activity order may include additional requirements, or a smaller scope of work than was proposed.

In considering training package development work, the AISC requires IRCs to ensure the basis for training package development work is on job roles and occupational changes. The AISC also

requires evidence that any proposed changes to training packages have been validated by industry to ensure they are sufficiently linked to job outcomes and will be valued and used.

The AISC may commission work to change existing, or develop new, training package content without the need for a case for change. Depending on the trigger and the evidence available, work commissioned may not require a case for change to substantiate the need for change.

4.5 Cases for Endorsement

The case for endorsement will be developed in accordance with the *Training Package Products Policy*² and the *Training Package Development and Endorsement Process Policy*³ and will include evidence of consultation with states and territories and evidence that the views of all key stakeholders have been considered.

The case for endorsement, once approved by the IRC, will be submitted to the AISC through the department. The case will be assessed by the department against the activity order as well as the Standards for Training Packages and the abovementioned policy documents, as amended from time to time. Advice will be provided to the AISC for their consideration.

4.6 Industry Proposals

The AISC will also consider proposals for changes to training products arising from external review (for example ASQA Strategic Review) and through industry representation, including industry proposals, submitted by interested stakeholders.

Industry proposals can be submitted to the department by any party. Industry proposals should include:

- (a) details of the proposed work and the reason(s) the proponent would like to see a change to the training package
- (b) why the AISC should see the work as a priority including an explanation of how the work or proposed change(s) meets industry needs and/or government priorities
- (c) information about the breadth of industry and other stakeholder support for the proposed change, including the views of the relevant IRC.

The department will discuss industry proposals with the relevant IRC(s) and forward them to the AISC for consideration, where appropriate. The department will keep a record of all industry proposals received and the action taken.

If supported by the AISC, training package development will occur through the usual process.

5 IRC Governance Arrangements

The governance requirements outlined in this section are the minimum standard arrangements that IRCs are to adhere to. Where an IRC is of the view that alternative arrangements would better suit the needs of their industry or sector, those alternative arrangements will be subject to the agreement of the AISC.

² Note that the policy is currently under review.

³ Note that the policy is currently under review.

5.1 IRC Membership and Chair/Deputy Chair

The structure and membership of each IRC is subject to the approval of the AISC.

Members of each IRC are to be drawn from the industries covered by the IRC based on experience in the industry and other skills and knowledge relevant to the consideration of training packages that the member may possess.

It is expected that each IRC should have no more than 12 members.

Individual members are to be appointed for an initial term of three years but may be re-appointed for a further one year. It is not expected that any individual member would serve more than four consecutive years. As noted in sub-section 3.1.2, the AISC may remove a member or members from an IRC at its discretion.

In November 2021 the AISC approved the extension of all IRC memberships (including all Chair and Deputy Chair appointments) until 31 December 2022. Filling any IRC vacancies throughout 2022 will be considered on a case-by-case basis and take into account the volume of outstanding TPD work that is yet to be completed.

Each IRC will have a Chair and Deputy Chair drawn from the IRC membership. Both will be elected by the IRC, and endorsed by the AISC. The tenure of the Chair/Deputy would normally be for two years but an individual may be re-elected for a further two year term. It is not expected that the Chair/Deputy would serve for more than two consecutive terms in their role.

In the election of the Chair/Deputy, IRC members should make efforts in good faith to select nominees by consensus. Where consensus cannot be achieved, the Chair/Deputy must be elected by a fully constituted vote where a two thirds majority should be regarded as the minimum requirement unless extenuating circumstances apply. The role of the Deputy will be to perform the role of the Chair on occasions when the Chair is not available.

Chairs have an important role providing leadership to the IRC, including:

- facilitating constructive, respectful and productive working relationships among IRC members including, with the support of the SSO, resolving disagreements should they occur
- being the primary contact for the AISC
- working with the SSO
- identifying opportunities for communication and consultation directly with their industry or sector.

At the initial meeting of the IRC, the Chair will lead a discussion to consider the Operating Framework, including the Code of Conduct for IRC members, as a means of framing members' expectations of each other, of how they will work with their SSO(s), including the development of the MoU and Industry Skills Forecast, and of how they will measure their success as an IRC.

5.2 Quorum

An IRC is a decision making forum in terms of what it agrees to submit to the AISC for approval. As such, a quorum of members must be present for the business of the meeting to commence:

5.2.1 Quorum requirements

- (a) A quorum will be half the IRC members plus one of filled positions.

- (b) Attendance via teleconference or videoconference qualifies as attendance for the purposes of a quorum.
- (c) If proxy attendance is permitted, the nominated proxy must be advised to the Chair at least 24 hours prior to the meeting.
- (d) Where a decision pertains *exclusively* to training products relevant to one or a set of individual members, alternate quorum arrangements may be applied.

5.3 Meetings, Agendas, Motions and Minutes

The IRC and the SSO will determine the scope and requirements for facilitating IRC meetings through the development of the MoU between the parties.

5.3.1 Meeting operation requirements

- (a) It is expected that an IRC will meet at least once per year, subject to the initial review of industry priorities and the approved Industry Skills Forecast for that committee.⁴
- (b) Meetings may be held face-to-face. However, in order to minimise operational costs, it is expected that IRCs utilise options including teleconference, videoconference or other electronic format where appropriate.
- (c) Additional meetings may be called by a quorum of members and held as required, subject to available budget.
- (d) If a member fails to attend three consecutive meetings, without the approval of the Chair, the IRC may apply to the AISC to terminate that individual's membership and to have a new member appointed.
- (e) All agenda and meeting papers are to be distributed at least five working days before the meeting. The relevant SSO will seek updates to conflicts of interest from all IRC members ahead of each IRC meeting so these can be included on the agenda and discussed at the meeting.
- (f) Observers/visitors may be invited and admitted to the meeting by agreement of a quorum.
- (g) The relevant SSO will provide secretariat services for the meeting in accordance with the MoU.
- (h) IRCs must agree on a decision-making process that suits the circumstances and scope of the IRC. Decisions made according to the established process must be recorded in the minutes. Decisions should be taken by an orderly and formal process:
 - (i) A motion should be clearly put to the meeting and have a seconder.
 - (ii) All members should be given the opportunity to speak for or against the motion.
 - (iii) Where possible, members should in good faith aim to achieve consensus. Where consensus cannot be achieved and a vote is taken, a two-thirds majority of those in

⁴ The actual number of meetings for an IRC in any given year will depend on the level of activity scheduled for that year. To ensure the capability of each IRC to provide advice on the training needs of their industry, it is recommended that each IRC should meet face-to-face once per year.

attendance should be regarded as the minimum requirement unless extenuating circumstances apply.

5.3.2 Meeting minutes

In its capacity as secretariat, unless at the explicit instruction of the IRC Chair, at least one SSO engaged facilitator or employee will be present at IRC meetings for the purpose of taking minutes and answering any questions from members about agenda papers and/or the status of work being undertaken on behalf of the IRC.

Minutes must be made available to all IRC members, present or absent, as soon as possible after the meeting (and generally no later than 10 business days). The SSO will provide a copy of the minutes from each meeting to the AISC Secretariat.

Minutes will normally include:

- (a) names of those present
- (b) apologies received
- (c) an outline of substantive discussions
- (d) details of actions agreed and decisions made, including numbers for and against
- (e) any decisions, and the reasons, surrounding member conflict of interests, including the views of members that hold a material conflict of interest and cannot be present for discussions or vote on the matter.

5.3.3 Costs associated with meetings

Costs associated with facilitating IRC meetings will be borne by the SSO. This may include the provision of reasonable travel and accommodation costs to support IRC member attendance at the meetings.

5.4 Code of conduct of IRC members

Members of IRCs:

- (a) are required to discharge their duties as a committee member in good faith. That is, in accordance with the public good, the best interests of the constituents of the industry sector allocated to the committee, and not the particular organisation or enterprise that the member may be representing and in accordance with training package principles agreed by the then CISC ([page 6](#))
- (b) must not improperly use their position, or improperly use information obtained, to gain an advantage for themselves or others
- (c) must adhere to the provision of this framework in respect of conduct, confidentiality, conflict of interest, privacy and intellectual property outlined below.

5.4.1 Conduct

As a condition of participation, IRC members agree to:

- (a) endeavour to work considerately and respectfully with all those they come into contact with in the course of IRC business; respect diversity and different roles and boundaries; and avoid giving offence
- (b) actively engage in discussion, debate and voting at meetings

- (c) contribute in a considered and constructive way by making points succinctly and not reiterating at lengths points already made, listening carefully, challenging sensitively and avoiding conflict
- (d) participate in collective decision making, accept a majority decision of the committee and not act individually, unless specifically authorised to do so by the committee.

5.4.2 Confidentiality

IRC meetings will by their nature include broad and in depth discussions on industry practice. This may include information about the use of specific technologies or operations in the workplace.

To ensure that there is no perceived or actual misuse of confidential information, each committee will decide what content is confidential. Members can ask that specific information be treated as confidential. This agreement should be documented in the relevant meeting minutes, and may also be included in the policies and standard operating procedures as agreed in the MoU between the IRC and the SSO.

Where the IRC deals with training package material that is classified as 'Controlled Access' or 'Not for Public Access', appropriate processes to ensure the proper use of information must be set out in the MoU.

5.4.3 Managing conflicts of interest

A conflict of interest occurs when there is an actual, potential, or perceived conflict between any matter, circumstance, activity or interest of an IRC Member and their ability to provide advice diligently, independently and without bias. Matters, circumstances or interests may be financial or non-financial; and may relate to the individual themselves and/or organisations the IRC Member has close ties to.

A conflict of interest will be deemed 'material' if it:

- (a) is considered of significant, substantial or real value to the deliberations or arrangements proposed by the IRC; and
- (b) has a considerable possibility of influencing the decision of the IRC Member.

5.4.3.1 Conflict Identification and Declaration

A register must be kept for all conflicts of interest, as defined in Section 5.4.3. A template for the register is provided by the AISC Secretariat and must be used.

On joining an IRC, Members must commit all conflicts of interest to the register and include information on how they will separate these interests from their role on the IRC.

Members must update the register when the nature or scale of a previously declared conflict changes. This must be done as soon as practicable.

SSOs will maintain the register and should seek updates from Members ahead of each IRC meeting so it can be presented and discussed on the agenda at every IRC meeting. The register may be requested by the AISC or the AISC Secretariat at any time.

The IRC Chair will be responsible for making sure IRC Members are keeping the register up to date. This will require the Chair to proactively check with Members whether conflicts have arisen, or existing conflicts have changed during discussion of matters before the Committee.

5.4.3.2 Conflict Management

If any interest is identified as potentially material (as defined at 5.4.3) to the matters being discussed, this issue should be determined by a majority of non-conflicted Members and the reasons for the decision should be recorded in the minutes.

If the interest is deemed to be material, the conflicted Member must not:

- (a) be present while any matter which relates to their conflict of interest is being considered at the meeting; nor
- (b) vote on the matter.

Where a Member has a material interest and therefore cannot be present while a matter is being considered, they will be allowed to provide their views in writing, which must be recorded in the minutes.

5.4.3.3 Roles and Responsibilities

The AISC will have ultimate responsibility for ensuring that all IRCs are operating in accordance with this IRC Operating Framework.

IRC Chairs will provide leadership to their IRC in line with Section 5.1 of this Operating Framework. IRC Chairs will be responsible for ensuring all conflicts of interest are being identified, declared and managed appropriately at each meeting.

SSOs are responsible for correctly recording all conflicts in the register and recording IRC decisions regarding materiality (per this section).

All IRC Members must be aware of and adhere to their individual requirements for conflict identification, declaration and management – in line with the Code of Conduct at Section 5.4 of this Operating Framework and this section on Conflicts of Interest.

5.4.3.4 Remedial Action

Where concerns are raised that an IRC or IRC Member/s is not compliant with these conflict of interest requirements, the process below must be taken.



- (a) **Step One:** In the first instance, the IRC should attempt to manage any concerns about appropriate management of conflicts of interest, drawing on the conflict of interest clauses here,.
- (b) **Step Two:** If the matter cannot be resolved, the SSO should be consulted as soon as possible on possible options to manage the conflict. Where the SSO is unable to resolve the issue, they should advise the AISC Secretariat as soon as possible.
- (c) **Step Three:** The AISC Secretariat will escalate the matter with the AISC. The AISC may take any remedial action it deems necessary to ensure conflicts of interest are managed appropriately. This may include, without limiting any other actions, issuing guidance or written directions to the IRC or the removal of a member (or members) from an IRC.
- (d) If the AISC issues a written direction to an IRC under section 3.4.6, the IRC must comply with it.

Where the AISC determines to remove a Member (or Members), the process outlined in section 5.5 of the Operating Framework will apply.

5.4.3.5 Supporting Guidance Material

The AISC website contains the following supporting guidance material to assist IRCs and SSOs in identifying, declaring and managing conflicts of interest:

- (a) Register of Interests template
- (b) Conflict of Interest Decision Tree
- (c) Conflict of Interest Checklist for IRCs
- (d) Conflict of Interest Checklist for SSOs
- (e) Case Studies

5.4.4 Privacy

IRC members are expected to familiarise themselves with the Commonwealth *Privacy Act 1988* and ensure that they comply with it at all times.

If necessary, an IRC may collect, use and disclose members' personal information to properly and efficiently carry out its functions, complying with legal obligations, or otherwise in compliance with Commonwealth privacy provisions.

5.4.5 Intellectual Property

IRC members will clearly identify:

- (a) advice the member receives from a third party, as being advice of the third party
- (b) material in which intellectual property rights may vest in a third party.

5.5 Managing suspected non-compliance with the Operating Framework

Where concerns arise that an IRC member(s) is not acting in compliance with the Operating Framework, for example the code of conduct, the following action may be taken:

- (a) In the first instance, attempts should be made by the Chair and IRC members to resolve any issue that has arisen informally, drawing on the expectations set out in this Operating Framework and the common understanding developed through the industry training.
- (b) If the matter cannot be resolved, the SSO should be consulted for advice about possible options for resolution. Reasonable options should be exhausted before referring the matter to the AISC (through the AISC Secretariat).
- (c) In referring the matter to the AISC the IRC/SSO should provide:
 - (i) detailed information about the issue(s) of concern, including specific examples
 - (ii) an assessment of the impact of the issue(s) on the effective and efficient operations of the IRC
 - (iii) the steps taken to address the issue(s)
 - (iv) a recommendation from the IRC as to what action should be taken in response to the issues.

Diagram 1: Escalation process for the resolution of suspected non-compliance with the Operating Framework



5.5.1 AISC consideration

Where a matter is referred to the AISC, the AISC will consider the matter in accordance with the *AISC Feedback and Complaints Policy* (Complaints Policy).

Matters that have the potential to undermine the effective and efficient operations of an IRC may result in the AISC determining that a member (or members) be removed from an IRC. Consistent with the Complaints Policy, prior to any determination the AISC Chair will provide an opportunity for the member (or members) to respond to the matters raised.

Where the AISC determines that a member(s) should no longer participate on an IRC, the member will be asked to resign and will do so at the earliest opportunity.

In circumstances where a resignation is not received within a reasonable timeframe (normally 10 business days unless there are extenuating circumstances), the AISC will write to the member, terminating their membership of the IRC.

The AISC's decision regarding the membership of an IRC is final.

5.6 Reporting

Each IRC will, through the SSO, report on the progress of its work to the AISC from time to time, as requested by the AISC.

It is expected that IRC Chairs will also communicate with the department from time to time to discuss the progress of work, current priorities, the working relationship with the SSO and other industry policy and related matters.

5.7 Authority

IRCs advise the AISC and have no delegated authority to make independent decisions on behalf of the Commonwealth, the AISC or Skills Ministers.

SSOs cannot independently make recommendations to the AISC on the content or form of nationally recognised training packages without sign off from the relevant IRC(s).

5.8 Review

The role, structure and performance of IRCs against the provisions of this Operating Framework may be reviewed from time to time by the AISC, and variations to membership and structure may be instigated in consultation with IRC members, industry and other stakeholders.

5.9 Memorandum of Understanding

The way support is to be provided to the IRC will be articulated in a MoU between the IRC and its allocated SSO. The MoU:

- (a) has no legal status
- (b) can take any form the SSO and IRC consider appropriate to meet the needs of both parties, provided it is consistent with the SSO's obligations under the funding agreement and meets the requirements of the AISC and the department
- (c) will set out how the parties will work together from a practical day-to-day perspective, outline what each party can reasonably expect from the other, how they will manage disputes, etc.
- (d) will recognise that SSOs support multiple IRCs in accordance with funding agreements with the department, and that SSOs must allocate support and resources equitably to the group of supported IRCs as directed by the department.

To ensure the MoU meets the requirements of the funding agreement, the MoU will be subject to the approval of the department and the endorsement of the AISC.

6 Further Information and Contacts

AISC Website: aisc.net.au

Contacts:

AISC Secretariat: AISCsecretariat@dese.gov.au

Mailing address: AISC Secretariat, GPO Box 9880, Canberra ACT 2601

IRCs

A current list of IRCs can be found on the [Industry Reference Committees page on the AISC website](#).

SSOs

SSO contact details can be found on the [Skills Service Organisations page on the AISC website](#).

| | | |
|---------|------------------------|---|
| Version | 3.0 (March 2022) | Amended conflict of interest clauses, welcome message, updated TPD processes for transition year. |
| | 2.0 (December 2019) | Addition of code of conduct clauses, significant amendments throughout |
| | 1.0 (2016) | |
| Owner | Industry Advice Branch | |

Attachment One: Summary of Key Roles and Responsibilities

A summary of the key roles and responsibilities of the key entities is provided below:

Australian Industry and Skills Committee (AISC)

- Governed by its [AISC Terms of Reference](#)
- Advise on the implementation of national training policies
- Quality assure and sign off training packages for implementation
- Oversee the process for development and approval of accredited training
- Provide direction on the VET sector research priorities, including the work of the National Centre for Vocational Education Research
- Provide advice to Skills Ministers on training provider and regulator standards
- Coordinate industry engagement through Skills Ministers' meetings
- Undertake work as directed by Skills Ministers
- Meet with IRC Chairs at least once per year.

Industry Reference Committees

- Guided by the IRC Operating Framework and the MoU
- Gather intelligence for their industry sectors to inform advice on training package development and review
- Oversee the development and review of training packages in line with the requirements of the AISC
- Oversee the development of the Industry Skills Forecast and Proposed Schedule of Work, advising who to consult and the type of information to include
- Provide sign off for Industry Skills Forecasts, cases for change, cases for endorsement and other submissions for consideration by the AISC
- Report, through SSO, to the AISC on progress of its work
- Promote the use of VET in the sectors they represent.

Skills Service Organisations

- Funded by the Commonwealth Government through contestable funding arrangements
- Governed by a Funding Agreement that is managed by the Department of Education, Skills and Employment
- Guided by the Training Product Development Programme Guidelines
- Support the activities of IRCs, including by providing secretariat services and as otherwise outlined in the MoU
- Prepare and submit required documentation to the department, including an MoU with IRCs, Industry Skills Forecast, cases for change, training packages and cases for endorsement.
- Liaise with the AISC via the AISC Secretariat
- Establish and maintain relevant policies and standard operating procedures

- Manage industry communication, engagement and analysis as directed by the IRC
- Provide recommendations to IRCs
- Maintain relevant websites, databases and records as required.

Department of Education, Skills, and Employment

The Australian Government Department of Education, Skills, and Employment (the department) will:

- oversight the operation of IRCs, including adherence to governance documentation and professional development
- facilitate annual meetings between IRC Chairs and the AISC
- monitor and synthesise information and data provided through the AISC public interface, and forward it to the appropriate channels
- manage funding agreements with SSOs
- provide secretariat services for the AISC
- manage the AISC website and other relevant communication