



Training Package Products Development and Endorsement Process Policy

Training Package Organising Framework

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The document must be attributed as the Training Package Products Development and Endorsement Process Policy.

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1. Ministerial Statement

The Australian vocational education and training (VET) system is more important now than ever before. Ensuring the VET system continues to deliver world-class skills, promotes labour mobility, and works well for all users—including learners, employers, and industry—will be critical to supporting economic resilience and growth, now and into the future.

The Australian, state and territory governments have committed to prioritising the delivery of system-wide reforms to quality, industry engagement and qualifications. A key element of these reforms is to deliver a strengthened training system that is well-placed to support Australia's economic recovery from the COVID-19 pandemic by *simplifying, rationalising and streamlining national VET qualifications*.

Skills Ministers have agreed that from 1 January 2023, new industry engagement arrangements will commence. The new arrangements will place industry and learners at the centre of the VET system, and ensure training product development is more timely, less bureaucratic and less complex while delivering on national and local skills needs.

Training Package Organising Framework

The implementation and success of the industry engagement arrangements will be underpinned by training package products development rules, owned by Skills Ministers, that are reviewed regularly to ensure they remain fit for-purpose. These rules, referred to as the Training Package Organising Framework (TPOF), comprise the:

- **Standards for Training Packages ('the Standards')** – setting the overarching design and development requirements of training products for endorsement by Skills Ministers.
- **Training Package Products Policy (TPPP)** – outlining the design rules that must be adhered to when developing or modifying a training product.
- **Training Package Products Development and Endorsement Process Policy (TPPDEPP)** – outlining the process for developing and seeking the endorsement of training products.

Skills Ministers will use these rules to ensure Jobs and Skills Councils produce high quality training products that:

- **Are user-centric**, ensuring the needs of learners, industry, trainers and assessors, training providers and regulators are met through genuine and balanced engagement with stakeholders, supporting relevant, transferable skills and labour market mobility across industries, sectors and occupations.
- **Are anchored in good design**, focussing on simplicity, consistency, longevity, flexibility, and accessibility. System-wide reforms will see the reduction of over-prescription, duplication, and narrow specificity in training products. Development and provision of industry-specific, cross-sector and foundational skills will enable learners to realise their individual learning potential, promote lifelong learning, and facilitate better VET, higher education, employment and career pathways.

- **Support quality delivery and assessment** through implementation planning so that content is teachable and flexible, and trainers and assessors can innovate and deliver effectively, supporting excellence in trainer and assessor practice. To reap the benefits of these new arrangements, training package products will be flexible to reduce churn and enable Registered Training Organisations (RTOs) to deliver innovative, high-quality training that is responsive to local needs.
- **Align with related policy**—especially with the Australian Qualifications Framework (AQF) and Standards for RTOs—to deliver timely, industry-relevant and future-orientated skills, knowledge and capabilities that empower each graduate’s application of their training, and boost employability outcomes. System-wide reforms will promote quality and a focus on continuous improvement, rather than on narrow compliance.

2. Training Package Products Development and Endorsement

Process Policy

The *Training Package Products Development and Endorsement Process Policy* (TPPDEPP) is one of three documents that form the Training Package Organising Framework (TPOF). These documents should be read together with any other guidance material. This document is referred to in Standard 3 of the Standards for Training Packages (the Standards), which requires Jobs and Skills Councils to comply with the policy.

This document sets out the pathways and processes for training package development and identifies specific roles and accountabilities for relevant stakeholders. It also sets out where the full development and endorsement process applies, and when and how minor changes can be made to existing training packages.

Also of relevance to the design, development and delivery of training packages are the:

- National Vocational Education and Training Regulator Act 2011
- Standards for Registered Training Organisations 2015
- Standards for Vocational Education and Training Regulators 2015
- National Register of Vocational Education and Training
- Australian Qualifications Framework
- Standards for VET Accredited Courses 2021

3. About Training Packages and Training Products

Training packages specify the knowledge and skills required by individuals to perform effectively in the workplace, known as ‘competencies’ and expressed in units of competency. Training packages also detail how units of competency can be packaged into nationally recognised skill sets and qualifications that align with the AQF.

Training packages prescribe assessment requirements, but they do not prescribe how an individual should be trained.

Training packages are used for a number of purposes, but they are predominantly used:

- by RTOs, to design training curriculum tailored to support individual learner needs, and the needs of employers and industry
- by employers, to assist with workforce design, development and structure.

Training packages consist of the following nationally endorsed *training products*, which are:

- units of competency, which specify the standard of performance required in the workplace
- assessment requirements (associated with each unit of competency)
- qualifications aligned to the AQF (Certificate I to Advanced Diploma, and Graduate Certificate and Graduate Diploma)
- credit arrangements specifying existing arrangements between training package qualifications and higher education qualifications in accordance with the AQF.

Training packages also consist of the following non-endorsed training product components:

- skill sets
- companion volume implementation guides

4. Key entities in the training package product development and endorsement process

4.1 Commonwealth, State and Territory Skills Ministers

Skills Ministers comprise Commonwealth, state and territory ministers with portfolio responsibility for skills and training.

Skills Ministers can hold a Skills Ministers' Meeting, which also acts as the Ministerial Council for the purposes of section 3 of the *National Vocational Education and Training Regulator Act 2011*, to set the training product rules through the TPOF, and to endorse training products.

Skills Ministers are supported by the Skills Senior Officials' Network (SSON), comprising senior Commonwealth, state and territory officials from government departments responsible for skills and training policy.

4.2 Jobs and Skills Councils

Jobs and Skills Councils are industry owned and led entities that are funded by the Commonwealth to:

- Undertake workforce planning to identify, forecast and respond to current and emerging skills needs and workforce challenges of their industries
- Develop training products that improve the quality, speed to market and responsiveness of training products, including piloting emerging products and testing new approaches to meet industry needs
- Support RTOs to ensure training delivery meets employer needs, career pathways are mapped and promoted, and the impact of delivery is monitored
- Provide strategic advice on skills and workforce needs and the effectiveness of VET system policies and standards

Jobs and Skills Council performance will be managed by the Commonwealth Government department responsible for skills and training.

4.3 The Assurance Body

The Assurance Body has responsibility for:

- Assessing draft training products against the TPOF
- Making recommendations to Skills Ministers about the endorsement of proposed training products
- Educating, engaging and consulting with Jobs and Skills Councils about training products

5. Training Package Quality Principles

The Training Package Quality Principles ('the principles') set out the purpose of training products and their role in meeting the needs of industry, learners and the economy. The principles have been mapped to key processes to provide guidance to Jobs and Skills Councils in developing high quality training products. The guidance provided to help Jobs and Skills Councils demonstrate that they have met the requirements of each principle are indicative, and not intended to be exhaustive.

Principle 1: Reflect identified workforce outcomes

Key Features	Guidance on evidence that meets this principle
1. Driven by industry need	Jobs and Skills Councils provide either: <ul style="list-style-type: none"> • Their Annual Training Product Development Plan showing the proposed training product update, or • If not in the Annual Training Product Development Plan, a justification of unforeseen or urgent need.
2. Compliant and responsive to government policy	Jobs and Skills Councils provide evidence that training products: <ul style="list-style-type: none"> • Comply with the TPOF. • Respond to the priorities of Skills Ministers to rationalise and streamline training packages.

Principle 2: Support portability of skills and competencies including reflecting licensing and regulatory requirements

Key Features	Guidance on evidence that meets this principle
3. Support movement of skills within and across organisations and sectors	Jobs and Skills Councils provide evidence including: <ul style="list-style-type: none"> • Consultation logs demonstrating engagement with other Jobs and Skills Councils on cross-sector issues. • Companion Volume Implementation Guide which includes Pathways information.

Key Features	Guidance on evidence that meets this principle
4. Reflect relevant regulatory requirements and licensing	Jobs and Skills Councils provide evidence including: <ul style="list-style-type: none"> • Consultation logs demonstrating engagement with, and support from, relevant licensing and industry regulatory bodies. • Regulatory and licencing requirements in the Application field of the Unit of Competency template and the Qualification Description of the Qualification Template.

Principle 3: Reflect national agreement about the core transferable skills and core job-specific skills required for job roles as identified by industry

Key Features	Guidance on evidence that meets this principle
5. Reflect broad stakeholder consensus	Jobs and Skills Councils provide: <ul style="list-style-type: none"> • A log of stakeholder feedback and responses or changes made in response to this feedback. • Evidence of broad stakeholder consensus in the consultation logs. • Justification where broad stakeholder consensus is not reached on particular issues.
6. Recognise convergence and connectivity of skills	Jobs and Skills Councils provide evidence that: <ul style="list-style-type: none"> • A process has been undertaken to assess existing units and, where possible, those units have been used.

Principle 4: Be flexible to meet the diversity of learner and employer needs, including the capacity to adapt to changing job roles and workplaces

Key Features	Guidance on evidence that meets this principle
7. Meet the diversity of individual and employer needs	Jobs and Skills Councils provide evidence that: <ul style="list-style-type: none"> • In the design of the training products, multiple exit and entry points for learners have been considered, and that pre-requisites have been minimised. • Feedback from stakeholder consultations has been considered and responded to. • Foundation Skills information is included in the 'Foundation Skills' field of the unit of competency template and in the 'Implementation Information' section of the Companion Volume Implementation Guide.

Key Features	Guidance on evidence that meets this principle
8. Support equitable access and progression of learners	<p>Jobs and Skills Councils provide evidence that:</p> <ul style="list-style-type: none"> • An assessment has been undertaken that demonstrates that a training product meets anti-discrimination legislation and associated standards and regulations including the <i>Disability Standards for Education 2005</i>. • Feedback from stakeholder consultations has been considered and responded to. • Access and equity information is included in the 'Implementation information' section of the Companion Volume Implementation Guide and includes guidance and recommendations to enable reasonable adjustments in implementation.

Principle 5: Facilitate recognition of an individual's skills and knowledge and support movement between the school, vocational education and higher education sectors

Key Features	Guidance on evidence that meets this principle
9. Support learner transition between education sectors	<p>Jobs and Skills Councils:</p> <ul style="list-style-type: none"> • Provide evidence that pathways from entry and preparatory level facilitate movement between schools and VET, from entry level into work, and between VET and higher education qualifications. • Accurately populate the Credit Arrangements Template (where applicable) and provide pathways advice in the 'Implementation information' section of the Companion Volume Implementation Guide.

Principle 6: Support interpretation and implementation by RTOs and others through the use of simple, concise language and clear articulation of assessment requirements

Key Features	Guidance on evidence that meets this principle
<p>10. Support implementation across a range of settings</p>	<p>Jobs and Skills Councils provide evidence that:</p> <ul style="list-style-type: none"> • RTOs, Commonwealth and state and territory representatives and educational experts have been consulted in the development of training products, including through membership on the technical committee and through stakeholder consultation. • Implementation issues, including the transition period where a training product is updated or deleted, have been considered. • Feedback from stakeholder consultations on implementation has been considered and responded to.
<p>11. Support sound assessment requirements</p>	<p>Jobs and Skills Councils provide evidence that:</p> <ul style="list-style-type: none"> • RTOs and educational experts have been meaningfully engaged in the design and development of training products, including through membership on the technical committee and through stakeholder consultation, and their expertise has informed the draft training product. • Training products do not include overly prescriptive content but provide mandatory training and assessment requirements necessary to consistently assess learner competence in the skills and knowledge specified. • Feedback from stakeholder consultations on assessment requirements has been considered and responded to.
<p>12. Support implementation</p>	<p>Jobs and Skills Councils provide evidence that:</p> <ul style="list-style-type: none"> • The training products are compliant with National Register of VET (training.gov.au) requirements. • Implementation advice is provided in a Companion Volume Implementation Guide that is ready for publication at the same time as the training products. • Units of competency and their associated assessment requirements are clearly written and in plain English; are written using inclusive and representative language; are free of spelling, grammatical and typing mistakes; are of a consistent language and formatting; have a logical structure and presentation; and are compliant with the required templates. • Codes and titles are accurately cross-referenced throughout.

6. Workforce Planning

Jobs and Skills Councils are required under their Grant Agreements to periodically develop Workforce Plans which include workforce analysis and strategies to respond to skills needs. The Workforce Plans will draw on the work of Jobs and Skills Australia, including its data analysis, and include job profile mapping and educational and career pathways information, which will inform what training products are needed.

In addition, each year Jobs and Skills Councils will be required under their Grant Agreements to summarise their planned training product development activities in an Annual Training Product Development Plan published on their website. Annual Training Product Development Plans should:

- Outline the training products that will be developed;
- Determine the schedule for training product development that complies with the Training Package Prioritisation Framework (see **Appendix B**); and
- Indicate the reasoning for the prioritisation of training product development work.

Skills Ministers may also issue strategic directives that require Jobs and Skills Councils to initiate training product development work. These directives will be used to inform the prioritisation of existing training product development work undertaken by a Jobs and Skills Council. These directions may be issued at any time in the process, including to ensure emerging needs are being considered.

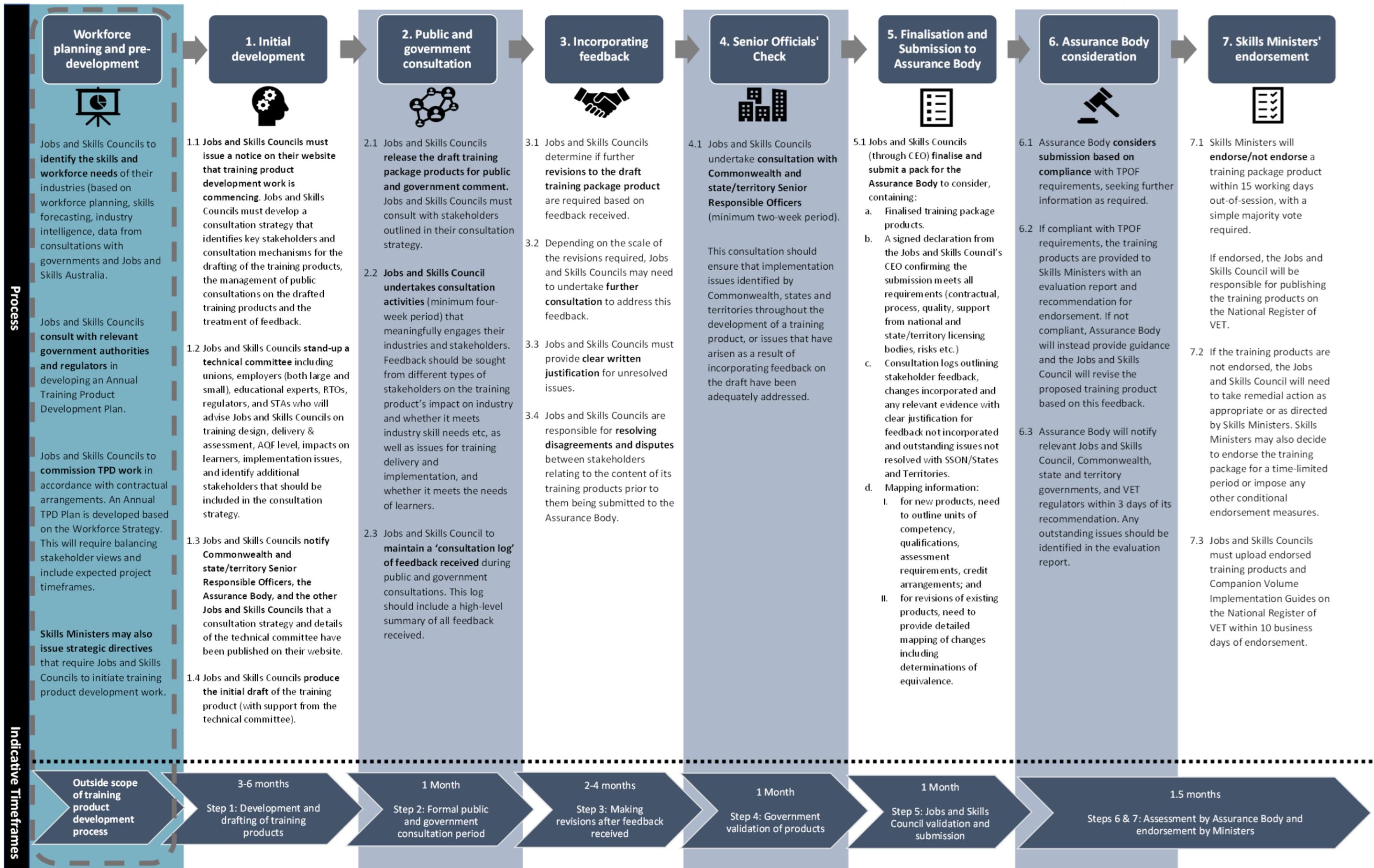
Jobs and Skills Councils must consult with relevant government authorities and regulators in developing an Annual Training Product Development Plan to ensure a shared understanding of the scope of work, industry imperatives and proposed project timelines.

It is expected that relevant government authorities and regulators will provide early advice to Jobs and Skills Councils about:

- the nature and extent of their engagement in the process
- key stakeholders to be consulted (note: this will be especially important for fast-track projects)
- implementation issues to be considered, including those for RTOs and
- scheduled regulatory changes which might impact the scope and timing of work.

These processes are reflected in 'Figure 1: Training Product Development Process Map' on page 12 of this policy document.

Figure 1: Training Product Development Process Map



7. Training Package Product Development Process

'Figure 1: Training Product Development Process Map' outlines the steps required to successfully develop a training product. The purpose of training product development work is to amend existing or develop new training products. Jobs and Skills Councils are funded to undertake the technical drafting of training products, as well as conduct stakeholder consultation and any other necessary processes. Figure 1 includes workforce planning and other pre-development activities in order to show their connection to training product development.

Each step and sub-step of the training product development process is set out below and aligns to Figure 1.

The steps should be read with an understanding that Jobs and Skills Councils can decide, where appropriate, to return to a previous step in the process to help address any development issues.

Preliminary Step: Workforce Planning and Pre-Development

Before training product development begins, Jobs and Skills Councils must identify the skills and workforce needs of their industries (based on workforce planning, skills forecasting, industry intelligence, data from consultations with governments and Jobs and Skills Australia).

Jobs and Skills Councils must consult with relevant government authorities and regulators in developing an Annual Training Product Development Plan, and commission training product development work in accordance with their Grant Agreement and program guidelines. An Annual Training Product Development Plan is developed based on a Jobs and Skills Councils' Workforce Strategy. This will require balancing stakeholder views and include expected project timeframes.

Skills Ministers may also issue strategic directives at this time, requiring Jobs and Skills Councils to initiate certain training product development work. These directives will be used to inform the prioritisation of a Jobs and Skills Council's existing training product development work.

Step 1: Initial development

1.1: Commencing development

Jobs and Skills Councils must first issue a notice on their website that training product development work (based on their Annual Training Product Development Plan) is commencing.

Jobs and Skills Councils may also consider proposals for training product development submitted by interested stakeholders. If supported by the Jobs and Skills Council, approved industry proposals should be reflected in an Annual Training Product Development Plan and would follow the usual development process.

Jobs and Skills Councils must develop a consultation strategy that identifies key stakeholders and consultation mechanisms for the drafting of the training products, the management of public consultations on the drafted products and the treatment of feedback.

Jobs and Skills Councils must engage the following stakeholders throughout the training product development process:

- employers and their representatives/peak bodies
- employees and their representatives/unions
- the Commonwealth, state and territory governments (including licensing and regulatory bodies)
- RTOs
- educational experts
- learners and other interested stakeholders as appropriate (including those with disability-specific knowledge)
- other Jobs and Skills Councils, as appropriate.

Jobs and Skills Councils must consider the most appropriate consultation strategy for the project, based on the scope and complexity of the training products being reviewed. This must be consistent with the consultation timeframes outlined in step 2 below and be achievable in the agreed timeframe for the project.

Consultation should reflect the training product being developed, the scope and urgency of the work, the breadth and geographic spread of the industry sectors to which the training product applies, the level of risk and industry support, and industry's timeline and requirements for access to new skills.

Consultation should be pertinent to the content and impact of the training product, giving greater weight to consultation in thin markets and with vulnerable groups where appropriate. Consultation practices should be inclusive and responsive to the needs of the stakeholders concerned, especially for vulnerable or minority cohorts, including women, people with disability, culturally and linguistically diverse communities, and First Nations people. Consideration must be given to capturing the views of stakeholders in metropolitan, regional and remote areas, smaller states and territories, and small businesses.

Jobs and Skills Councils may seek guidance from the Department of Employment and Workplace Relations where there are issues determining which Jobs and Skills Council should be responsible for the development of a particular training product.

1.2 Establish a technical committee

During the initial development of the training product a Jobs and Skills Council must establish a technical committee that includes subject matter experts in the relevant industry, educational experts, state and territory representatives with relevant expertise and RTOs.

The technical committee will draw on their expertise to advise Jobs and Skills Councils on training design, delivery and assessment, AQF levels, impacts on learners, possible implementation issues, and identify any additional stakeholders that should be included in the consultation strategy. The Jobs and Skills Council must genuinely consider the advice given by the technical committee.

A statement that the technical committee has reviewed the draft training products should form part of the submission to the Assurance Body.

1.3 Notify Senior Responsible Officers, Assurance Body and other Jobs and Skills Councils

The Jobs and Skills Council must notify Senior Responsible Officers, the Assurance Body and other Jobs and Skills Councils that a consultation strategy and details of the technical committee, including membership and terms of reference, has been published on their website.

1.4 Drafting process

Once the consultation strategy has been drafted and the technical committee established, the Jobs and Skills Council can commence drafting the training products. Jobs and Skills Councils should ensure training products meet or exceed the requirements of the TPOF, so they are of the highest quality. Jobs and Skills Councils should not put forward one project with a small number of changes unless they meet an urgent need or can be otherwise justified.

Proposed changes must be categorised as a 'major' or 'minor' change:

- Major changes are subject to the full development and endorsement process.
- Minor changes are not subject to the full development and endorsement process. Minor changes do not require the Assurance Body's compliance assessment. Jobs and Skills Councils make minor changes to a training product and associated Companion Volume Implementation Guides in consultation with appropriate stakeholders. This will be identified as a minor release on the National Register of VET.

The criteria for 'major' and 'minor' changes, and the process for making a minor change, is provided at **Appendix A**.

Where the Jobs and Skills Council proposes to delete a training product, they must consider the number of learners impacted before requesting approval to remove. If some stakeholders, including Government, oppose the proposal to delete the product, the views of these stakeholders should be included in the relevant consultation logs.

Jobs and Skills Councils must consider if there are suitable existing units of competency prior to developing a new unit of competency.

Prior to proposing the development of a new cross-sector unit, the lead Jobs and Skills Council must consider whether an existing unit could form the basis for a cross-sector unit. A justification must be provided where a decision has been made to develop a new unit where an existing unit of competency could be imported and contextualised. A broader consultation with affected Jobs and Skills Councils should be undertaken during the drafting process where a new cross-sector unit is proposed.

Step 2: Public and government consultation

An open and inclusive national consultation process that enables contributions from key users of the training product being developed or modified is essential throughout the training product development process. This will help to ensure industry relevance and stakeholder support for the final training products as fit for purpose. Consultation is also intended to ensure that the Training Package Quality Principles set out in section 5 of this document are applied to training product work throughout the process.

It is expected that stakeholder consultation is:

1. Purposeful: set a clear understanding of what is to be achieved
2. Inclusive: identify relevant stakeholders and make it easy for them to engage
3. Timely: involve stakeholders early in the process and agree on when and how to engage
4. Transparent: be open, honest and set clear expectations
5. Respectful: acknowledge the expertise, perspectives and needs of stakeholders.

2.1 Release of draft training products

After Jobs and Skills Councils have prepared a training product, they must release the draft for public and government consultation. Jobs and Skills Councils must consult with public and government stakeholders that were identified in their consultation strategy.

At a minimum, Jobs and Skills Councils must make the following information publicly available for consultation:

- a detailed summary of the changes made and why
- the draft product for review, including mapping information (limitations may apply for products that are not for public access).
- draft companion volume implementation guide.

2.2 Undertake consultations

Reasonable time must be allocated for consultation with stakeholders to allow for considered feedback and to address conflicting views (**at a minimum four weeks**). Timeframes should reflect the priority, scope and urgency of the work undertaken.

Feedback should be sought from different types of stakeholders on the training product's impact on industry and whether it meets industry skill needs as well as issues for training delivery and implementation, and whether it meets the needs of learners.

Jobs and Skills Councils must engage with state-based industry engagement forums where appropriate.

Truncated timeframes for stakeholder consultation may be acceptable for fast-track projects where these are agreed by Skills Ministers. Additional time may be needed for more complex or contentious training product development work which will be identified in the consultation strategy.

Where training products include mandatory workplace requirements, consultation with employers must demonstrate evidence of support for proposed requirements (including from small to medium sized enterprises), and employer willingness to support learner work placements. Jobs and Skills Councils must refer to the process set out in the good practice guide on mandatory workplace requirements: *On the Mark: 5 Good Practice Principles*.

Where a training product or associated materials are deemed confidential by a Jobs and Skills Council due to security or public safety risks (as set out in the Annual Training Product Development Plan), appropriate controls will be put in place to protect sensitive, confidential and Not for Public Access products of the training package.

2.3 Maintain a consultation log

Jobs and Skills Councils are required to keep consultation logs throughout the training product development process. Consultation logs should have a high-level summary of all feedback received, and include the following for individual pieces of feedback:

- Date of communication
- Stakeholder
- Category of stakeholder (e.g. employer, peak body, union, learner, etc.)
- Communication method
- Issues raised by stakeholder
- Response from the Jobs and Skills Council

Jobs and Skills Councils are required to make the consultation log publicly available on their websites and include their consultation logs in the submission to the Assurance Body.

Step 3: Incorporating Feedback

3.1 Determine Revisions

Once public and government consultation has ended, the Jobs and Skills Council will determine if further revisions to the draft training product are required. At all stages, the Jobs and Skills Council should make best efforts to incorporate feedback from stakeholders (including those that participated in the public consultation period), provide a justification where they have not incorporated feedback and ensure that the final product reflects broad stakeholder consensus.

Depending on the scale of the revisions required, Jobs and Skills Councils may need to undertake further consultation to address this feedback.

3.2 Additional consultations if required

If significant changes have been made to the training product as a result of public and government consultation, Jobs and Skills Councils should undertake further consultation with relevant stakeholders to address this and ensure the final product reflects broad stakeholder consensus. Outcomes of these additional consultations, including a justification for changes, should be captured in the consultation logs.

Timeframes for any additional consultation should reflect the scope and complexity of the proposed changes.

3.3 Provide Justification

Where feedback is not incorporated, clear written justification should be recorded in the consultation logs. Where there is not broad stakeholder consensus on a training product, the reasons why issues cannot be resolved, the steps taken and the impact on learner and employment outcomes should be clearly articulated. If a Jobs and Skills Council does not deem it necessary under Step 3.2 to seek further consultation to address feedback, a justification should be provided as part of the submission to the Assurance Body.

3.4 Dispute resolution

Jobs and Skills Councils are responsible for resolving disagreements and disputes between stakeholders relating to the content of its training products prior to them being submitted to the Assurance Body. Where there is disagreement between one or more industry or government stakeholders, the Jobs and Skills Council must seek to resolve that disagreement. Jobs and Skills Councils must meaningfully engage with parties and be willing to genuinely consider the ideas and opinions of all stakeholders.

Jobs and Skills Councils are required under their Grant Agreement to have a dispute resolution policy to address disputes. This policy must be consistent with the Model Dispute Resolution Policy at **Appendix C**.

The priority for Jobs and Skills Councils is to resolve disagreements with and between stakeholders as early as possible in the training product development process and prevent escalation to a dispute resolution and conciliation process. It is crucial that the steps to address disagreements do not slow down the process for developing and approving training products.

If there is an irreconcilable or significant dispute between the parties, a formal dispute resolution process that engages an Alternative Dispute Resolution (ADR) practitioner can be initiated. This process can only be initiated by a Senior Responsible Officer from the Commonwealth, state and territory, or the Jobs and Skills Council responsible for the training product. The process for dispute resolution is set out in greater detail at **Appendix C**.

The formal dispute resolution process should only occur when the Jobs and Skills Council's dispute resolution policy has been exhausted and failed to achieve a result. The use of an ADR practitioner is the end point, and a Jobs and Skills Council will need to decide on the dispute's resolution following this process.

Where there is disagreement on a training product update, including following a dispute resolution process, the reasons why issues cannot be resolved, the steps taken and the impact on learner and employment outcomes should be clearly articulated in the consultation log.

Step 4: Senior officials' check

4.1 Check by Commonwealth, state and territory Senior Responsible Officers

Jobs and Skills Councils are required to seek government feedback through Senior Responsible Officers for a **minimum of two weeks** to ensure that implementation issues identified by Commonwealth, states and territories throughout the development of a training product, or issues that have arisen as a result of incorporating feedback on the draft training product, have been addressed appropriately. If significant implementation issues or issues arising from the incorporation of feedback remain, Jobs and Skills Councils should respond to concerns before submitting the training products to the Assurance Body.

Feedback provided, and the Jobs and Skills Council's response, must be included in the consultation log.

The final draft training products and consultation logs must be provided to Senior Responsible Officers for the purposes of this check.

Step 5: Finalisation and submission to the Assurance Body

5.1 Submission of draft training products to the Assurance Body

The Training Product Submission (the submission) is prepared by a Jobs and Skills Council after training product development work has been completed. Jobs and Skills Councils must publish the submission on their website at the time of submission to the Assurance Body.

The following information must be provided to the Assurance Body:

Item	Details
CEO declaration	1. Signed declaration from the Jobs and Skills Council CEO confirming the submission meets all requirements set out in the <i>Standards for Training Packages</i> , the <i>Training Package Products Policy</i> and the <i>Training Package Products Development and Endorsement Process Policy</i> . The declaration must include a summary that indicates how the Jobs and Skills Council CEO has been assured that the submission meets the requirements.
Planning documents	2. The Annual Training Product Development Plan (or a link) showing the proposed training product update/new training product or, if not in the Plan, a justification of unforeseen or urgent need.
Technical committee	3. The technical committee's membership and terms of reference, including appropriate representation from RTOs, subject matter experts in the relevant industry, Commonwealth and state and territory representatives, and educational experts. 4. A statement that the technical committee has reviewed the draft training products.
Consultation strategy	5. A consultation strategy consistent with the requirements under Step 1.1 of the training product development process.
Consultation activity	6. Evidence showing that consultation was substantially consistent with the consultation strategy. If the consultation activities varied from the consultation strategy, a justification for the variation is provided. 7. Evidence that public consultation was for the minimum four-week period. 8. A consultation log outlining: <ul style="list-style-type: none"> • stakeholder feedback from public and government consultation, supplementary consultation (if required), and the senior officials' check • evidence that RTOs, Commonwealth and state and territory representatives and educational experts have been consulted • outcomes from any dispute resolution process

Item	Details
	<ul style="list-style-type: none"> • what changes were made in response to this feedback • where feedback has not been incorporated, evidence as to why. <p>9. Evidence of broad consensus or justification where consensus is not reached on particular issues.</p> <p>10. Evidence of support from all relevant national/state and territory regulatory and licensing bodies where the training product work has or is likely to have regulatory, licensing, or legislative implications.</p> <p>11. Where training products include mandatory workplace requirements, evidence of support for proposed requirements as outlined at Step 2.2 of the process.</p> <p>12. Evidence that consultation has been responsive to the needs of vulnerable or minority cohorts, including women, people with disability, culturally and linguistically diverse communities, and First Nations people.</p>
Compliance with requirements	<p>13. An assessment that demonstrates that the training product meets anti-discrimination legislation, and associated standards and regulations has been undertaken, including the <i>Disability Standards for Education 2005</i>.</p> <p>14. Evidence that pathways from entry and preparatory level facilitate movement between schools and VET, from entry level into work, and between VET and higher education qualifications.</p> <p>15. A declaration that a process has been undertaken to assess existing units, and where possible those units have been used.</p> <p>16. A request to change the standard transition time (12 months), if required.</p> <p>17. Mapping information:</p> <ul style="list-style-type: none"> • for new products, Jobs and Skills Councils to outline units of competency, qualifications, assessment requirements, credit arrangements and • for revisions of existing products, Jobs and Skills Councils to provide detailed mapping of changes including determinations of equivalence.
Training product content	<p>18. A copy of the full content of the draft training products including any relevant companion volume implementation guides.</p>

Step 6: Assurance Body consideration

Step 6.1 Assessment of compliance

The Assurance Body is responsible for assessing training products for compliance with the TPOF, using the completed submission pack as the main source of evidence.

In making their assessment, the Assurance Body must:

- ensure that the submission is complete, including checking all templates have been filled out correctly, that the language is clear and error-free, and that appropriate supporting evidence has been provided.
- be satisfied that the Jobs and Skills Council has followed the required steps including establishment of a technical committee with appropriate membership, stakeholder consultation in line with the stakeholder consultation plan and that feedback from stakeholders has been addressed according to the requirements in Step 3.
- be satisfied that the Jobs and Skills Council has provided all the required evidence to support the submission in line with the principles as set out in Section 5.

Step 6.2 Opportunity for revision

Prior to making a formal recommendation, the Assurance Body will allow a Jobs and Skills Council to resubmit the proposal if the assurer assesses a training product does not meet the requirements.

Where a submission does not meet the requirements, the Assurance Body must provide the Jobs and Skills Council with clear feedback to enable them to address any issues for the requirements to be met. The Jobs and Skills Council will then revise the proposed training product based on this feedback and give the revised proposed training product to the Assurance Body.

Step 6.3 Assurance Body recommendation and notification of decision

Once the Assurance Body has made a decision, it will notify the relevant Jobs and Skills Council, Commonwealth, state and territory governments, and VET regulators of their recommendation, outlining its reasoning.

The Assurance Body will complete an evaluation report that outlines the reasons for its assessment.

Step 7: Skills Ministers' Endorsement

Under the *National Vocational Education and Training Regulator Act 2011*, Skills Ministers have authority to endorse training packages.

Step 7.1 Protocols for Skills Ministers' endorsement

Training products, assessed and recommended for endorsement by the Assurance Body on the basis that they are compliant with the relevant requirements (see Step 6), are provided to Skills Ministers' members for endorsement out-of-session.

Out-of-session endorsement will be sought in line with the following protocols:

- Skills Ministers generally have 15 working days to respond to the out-of-session item (note: a truncated endorsement process may be requested for fast-track projects)

- Skills Ministers matters will be resolved once a simple majority vote is recorded by the secretariat, regardless of the deadline for members' responses or any extensions granted.
- Training products considered to be of higher risk to the system, or where significant issues have been raised in the development process, are held over for consideration at the next Skills Ministers' Meeting.

Decisions of Skills Ministers will be provided to Jobs and Skills Councils and the Assurance Body.

Step 7.2 If Skills Ministers choose not to endorse a training package product

In the event Skills Ministers decide not to endorse a training package or its components, Jobs and Skills Councils will take remedial action as appropriate or as directed by Skills Ministers. Skills Ministers should provide reasons as to why a training product has not been endorsed to assist the Jobs and Skills Council to amend the package in line with the decision by Ministers.

Skills Ministers have the power to issue directives for Jobs and Skills Councils to undertake further consultation or other work as required before returning a training product for their endorsement. The Assurance Body will review training products after remedial action is taken by Jobs and Skills Councils to ensure any changes meet training product requirements, except where Skills Ministers have directed otherwise.

Skills Ministers may also decide to endorse training products for a time-limited period, or impose other conditional endorsement measures, to mitigate any risks and review the training products following a shorter period of operation. These conditions and any additional requirements will be provided to Jobs and Skills Councils for action.

Step 7.3 Publication of training products

Training products are publicly released on the National Register of VET once endorsed by Skills Ministers. Jobs and Skills Councils must upload endorsed training products and companion volume implementation guides on the National Register of VET within 10 business days of endorsement.

8. Glossary

Assurance Body

The Assurance Body is a body nominated by Skills Ministers to assess draft training products against the Training Package Organising Framework and make recommendations to Skills Ministers about the endorsement of proposed training products.

Australian Qualifications Framework (AQF)

The Australian Qualifications Framework (AQF) is the national policy for regulated qualifications in Australian education and training.

Companion Volume Implementation Guides

The Implementation Guides are designed to assist assessors, trainers, RTOs and enterprises to deliver nationally endorsed industry training packages.

Conciliation

Conciliation is a process where parties try to solve their dispute with the help of an impartial person who is known as the conciliator. It is different from mediation because the conciliator takes a more active role in discussions and can make recommendations for resolution.

Consultation Log

A consultation log includes a high-level summary of all feedback received during consultation, evidence of consultation, outcomes from any dispute resolution and conciliation process, changes incorporated and any relevant evidence with clear justification for feedback not incorporated and outstanding issues not resolved.

Consultation Strategy

A consultation strategy identifies key stakeholders and consultation mechanisms for the drafting of the training products, the management of public consultations on the drafted products and the treatment of feedback.

Cross-sector unit

Cross-sector units address common knowledge and skill needs across industries, support occupational mobility, and minimise the duplication of units within the training system. Cross-sector units are developed through a deliberate process to create industry-neutral units of competency. As such, they differ from industry-specific units of competency which can be imported into other training packages where they are relevant or useful.

Disagreement

A disagreement is when Jobs and Skills Councils and another party disagree on the training package product during the public and government consultation phase. During a disagreement, the two parties can share their positions and may settle the disagreement before it becomes a dispute. A disagreement is considered informal.

Dispute

A dispute is triggered by a Commonwealth or a state or territory party formally writing to a Jobs and Skills Council about their disagreement or by a Jobs and Skills Council in order to enable the finalisation of a training product. At this point it becomes a dispute instead of a disagreement. A

dispute is formal and triggers the Jobs and Skills Councils to begin the processes in their dispute resolution policy.

Minor change

Minor changes are updates to training packages that are not subject to the full development and endorsement process.

National Register of VET

The [National Register of VET for training in Australia](#) contains the authoritative information about RTOs, Nationally Recognised Training (NRT), and the approved scope of each RTO to deliver NRT as required in national and jurisdictional legislation within Australia.

Registered Training Organisation (RTO)

Registered Training Organisation (RTO) as defined under the *National Vocational Education and Training Regulator Act 2011* (Commonwealth) is a training organisation listed on the National Register as a registered training organisation. RTOs deliver nationally recognised courses and accredited Australian Qualifications Framework VET Qualifications.

Senior Responsible Officer

Senior government official nominated by a Commonwealth, state or territory department with responsibility for skills and training policy.

Skills Ministers' Meeting

Acts as the Ministerial Council for the purposes of section 3 of the *National Vocational Education and Training Regulator Act 2011*, to set the training product rules through the TPOF, and to endorse training products. Within this document any reference to Skills Ministers refers to the Skills Ministers' Meeting rather than Skills Ministers in their individual capacity.

Skills Senior Officials' Network (SSON)

Group comprising senior Commonwealth, state and territory officials from departments responsible for skills and training policy.

State Training Authority (STA)

Each Australian state and territory government has a training authority that administers VET—allocating funds, registering training organisations and accrediting courses. The state and territory training authorities are accountable to their minister.

Training Product Submission (the submission)

A Training Product Submission is prepared by Jobs and Skills Councils after training product development work has been completed. The submission, which includes the documents and evidence as set out in Step 5.1, is provided to Assurance Body for assessment of compliance with the TPOF.

Technical Committee

Technical committees need to include individuals with technical expertise alongside a broad range of stakeholders from across the VET system, higher education system and employers. They will advise Jobs and Skills Councils on the design and development of training products, as well as on the consultation strategy.

Training Product

Training products include units of competency, assessment requirements (associated with each unit of competency), qualifications aligned to the AQF, and credit arrangements.

VET Regulator

A VET Regulator, as defined by the *National Vocational Education and Training Regulator Act 2011* means:

- the National VET Regulator; and
- a body of a non-referring State that is responsible for the kinds of matters dealt with by this Act.

Workforce Plans

A piece of work that is developed periodically by Jobs and Skills Councils outlining strategies to respond to current, emerging, and future skills needs and workforce challenges in their industries, across a range of educational and career pathways. These plans can help inform training product development.

Appendix A

Categories of Change

Major change	Minor change
<ul style="list-style-type: none"> • creating new units of competency and qualifications • deleting units of competency and qualifications from the national training system • the following changes to existing units of competency: <ul style="list-style-type: none"> ○ updating a unit of competency where this does not meet the criteria for a minor change ○ adding or removing a pre-requisite to a unit of competency ○ updating a pre-requisite to a unit of competency • the following changes to existing qualifications: <ul style="list-style-type: none"> ○ adding or removing units of competency to or from the core of a qualification ○ removing units of competency from the electives within a qualification ○ revising units of competency in the core of a qualification ○ changing the total number of units required to complete a qualification ○ creating a new specialisation or removing an existing specialisation ○ adding or removing units of competency to or from a specialisation within a qualification 	<ul style="list-style-type: none"> • correcting errors including to ensure the training package on the National Register of VET accurately reflects the relevant Assurance Body decision • updating outdated references (for example to licensing and regulation arrangements) • providing clarification to the text of the training package without changing the requirements • the following changes to existing qualifications: <ul style="list-style-type: none"> ○ adding elective units of competency to a qualification ○ updating elective units of competency in a qualification that do not form part of a specialisation ○ adding, updating, or removing groups of electives (without adding or removing units of competency to or from the qualification itself), where this does not change the number of units of competency required to be completed • deleting training products which have had no enrolments over the previous three years where the proposal to delete is as the result of meeting the Ministers' priorities to remove training products that have not been implemented within the past three years • The addition of existing units of competency to the electives within a qualification is a minor change

Making minor changes

In making a minor change, Jobs and Skills Councils must:

- keep a record of the minor change, setting out the date the change was made, a detailed description of the change, the reason for the change, and any relevant evidence of support for the change
- advise relevant stakeholders, including STAs, of the minor change.

This will be identified as a minor release on the National Register of VET.

Minor changes without a minor release

In extenuating circumstances, minor changes can be made to a training product without a minor release. In these circumstances, Jobs and Skills Councils must seek agreement from the Assurance Body. In making its decision, the Assurance Body will consider the following factors:

- the impact of the error to be corrected
- the complexity and size of the training product
- the number of RTOs with the training product on scope
- the level of uptake of the training product
- the time since the last release of the training product
- the impact on current students
- licensing and regulatory implications.

Appendix B

Training Product Prioritisation Framework

The Training Product Prioritisation Framework (the framework) sets expected maximum timeframes for training product development work. These are set out in the table below, along with the key characteristics for each prioritisation category:

Priority	Key characteristics	Expected maximum Timeframes
Fast-track	<ul style="list-style-type: none"> • Training product update is urgent (e.g. due to health and safety reasons, regulatory/legislative changes, royal commission recommendations, coronial inquest findings) <ul style="list-style-type: none"> ○ For example, mandatory changes to first aid/ CPR courses which have high enrolment and are important for health and safety reasons • Training product update is important (e.g. given high employment/employment growth, rapid task change, high enrolments) 	6-8 months
Routine	<ul style="list-style-type: none"> • Training product/s needs to be updated but the change is not urgent or complex based on industry intelligence and analysis <ul style="list-style-type: none"> ○ For example, an update to a business qualification that is neither urgent nor complex 	12 months
Complex	<ul style="list-style-type: none"> • Training product update is more difficult due to a range of factors e.g. cross-industry, significant legislative changes, industrial relations implications, and therefore will take longer to update <ul style="list-style-type: none"> ○ For example, development of new cyber security training products that cut across sectors and involve large changes 	18 months

Each project will relate to products falling within a single prioritisation category – fast-track, routine, complex. Jobs and Skills Councils are encouraged to group training products for review wherever possible and appropriate, to minimise churn for stakeholders and to maximise opportunities for rationalisation.

Appendix C

Model Dispute Resolution Policy

1.1 Purpose of this document

Jobs and Skills Councils are required to have a dispute resolution policy as part of their Grant Agreement with the Commonwealth department. The purpose of this document is to outline:

- the expectations of Jobs and Skills Councils with respect to dispute resolution
- the principles that should guide the resolution of disputes (to be reflected in policies developed by Jobs and Skills Councils)
- the options for managing disputes relating to training products, processes and conduct
- the options relating to alternative dispute resolution (ADR) which may be used by Jobs and Skills Councils in exceptional circumstances.

1.2 Expectations of Jobs and Skills Councils with respect to dispute resolution

As detailed in the *Training Package Products Development and Endorsement Process Policy* (the Policy), significant changes are being made to the process for the development of training products. These changes are, amongst other things, designed to ensure that training products are informed by extensive stakeholder engagement. Jobs and Skills Councils are expected to design and develop a consultation strategy, seek the input of key stakeholders and consult in a way that is pertinent to the content and impact of the training product. Jobs and Skills Councils are also expected to make best efforts to incorporate feedback from stakeholders and to ensure the final product reflects broad consensus.

It is however recognised that there may be circumstances where:

- stakeholder groups have polarised views on certain issues
- broad consensus on the training product is not readily able to be achieved
- the Jobs and Skills Council itself is unable to reach agreement on key elements of a training product
- state or territory governments have concerns about a training product such that one or more Ministers may not be able to endorse the training product.

Jobs and Skills Councils are expected to make best efforts to resolve these issues. Likewise stakeholders are expected to understand that not all elements of all training products will be preferred by all stakeholders. By increasing transparency and publishing consultation logs, all stakeholders will however be able to see how their feedback has been addressed and the reasons why the Jobs and Skills Council has adopted the approach it has.

Despite the efforts of Jobs and Skills Councils and the improved feedback loops, it is recognised that there may be circumstances where the Jobs and Skills Council's internal dispute resolution processes require augmentation. This policy describes how Jobs and Skills Councils will be able to utilise ADR in exceptional circumstances.

1.3 Principles guiding dispute resolution

In managing disputes between stakeholder groups in relation to the content of training products (or disagreements within Jobs and Skills Councils), Jobs and Skills Councils are expected to:

- resolve disputes as early as possible
- use resources efficiently
- limit the issues in dispute
- act fairly
- handle information relating to disputes sensitively
- be transparent such that the dispute resolution process is clear to all
- resolve disputes in a manner that enhances stakeholder understanding of, and confidence in, the training product development process.

1.4 Issues relating to content of a training product

As noted above, where disputes arise in relation to the content of a training product, Jobs and Skills Councils are expected to resolve these through the training product development process.

This may involve:

- undertaking further consultation
- seeking the further advice of a technical committee
- undertaking further research into the impacts of a training product (for example, if concerns about unintended impacts of the training products are part of a dispute)
- working with a small group of stakeholders to develop a consensus position on an issue.

It is expected that these routine processes will enable the resolution of the vast majority of disputes. In other cases, the Jobs and Skills Council will be able to settle on an agreed training product, even if all of the details of that training product are not agreed by all stakeholders. Where this is the case, Jobs and Skills Councils will detail (as part of their submission to the Assurance Body) the areas where broad consensus has not been reached and the justification for this.

Role of ADR

It is recognised that there are some exceptional cases where disputes can be so significant (or impactful) that this delays the development of the training product or may undermine confidence in the training product.

To address this scenario, Jobs and Skills Councils may engage an ADR practitioner to assist in the resolution of the dispute.

It is intended that:

- the ADR practitioner would be an independent person skilled in mediation and conciliation and able to bring 'fresh eyes' to an issue
- the ADR practitioner would assist the Jobs and Skills Council to resolve the issue such that the training product can be finalised
- the ADR practitioner would consider the relevant information, may speak with stakeholders and may gather further information to enable them to make a recommendation to the Jobs and Skills Council. The recommendation would not be binding on the Jobs and Skills Council but is expected to be highly persuasive

- the Jobs and Skills Council would make a public notification that the ADR process has been triggered because this will impact on timeframes for finalisation of the training product. The issues in contention or dispute would also be identified publicly. The outcomes of the ADR process would also be included in the summary of feedback that is provided to stakeholders when the training product is finalised
- the ADR process would be conducted in a timely manner, taking no longer than 2 months.

Noting the expense associated with engaging an ADR practitioner, the impact on timeframes and the need for a consistent approach to the use of ADR practitioners by Jobs and Skills Councils, this policy sets out some general expectations and parameters around the use of ADR practitioners. The dispute resolution policies of individual Jobs and Skills Councils may include further detail.

Triggering ADR

It is proposed that an ADR practitioner may be engaged:

- if this is requested by the Commonwealth or a state or territory, or
- the Jobs and Skills Council determines that this is necessary in order to enable the finalisation of a training product.

In either of the above cases, the relevant jurisdiction or Jobs and Skills Council must be satisfied that the circumstances warrant the engagement of an ADR practitioner.

It is expected that the ADR process be reserved for those exceptional circumstances where one or more of the following criteria applies:

- The Jobs and Skills Council makes a judgement that broad consensus cannot be reached regarding the content of the training product, such that this is likely to impact confidence in the training product.
- There is a significant concern by one or more major stakeholders such that this is impacting confidence in the training product.
- There is a significant concern by one or more regulators, including licensing bodies, such that the training product may not be able to be relied upon for licensing or might not meet relevant regulation.
- There is a significant concern held by the Commonwealth or one or more states or territories such that the training product could not be reasonably supported by that jurisdiction.
- The Board of the Jobs and Skills Council cannot agree on key elements of the training product.

Preparing for ADR

If the Commonwealth or a state or territory has requested ADR, or the Jobs and Skills Council has formed the judgment that it is necessary (for one of the reasons detailed above), there needs to be clarity about the issue in dispute and the relevant considerations.

To support such clarity (and enable the engagement of an ADR practitioner) it is proposed that the Jobs and Skills Council would put together a brief including:

- the reason why ADR is required
- the issue or issues in dispute
- the timeframe for the ADR process (up to a maximum of 2 months)
- any considerations of relevance to an ADR practitioner
- contact details of the key stakeholders that may be able to contribute further information
- relevant documents (including the outcomes of previous consultation in relation to the issues in contention)

- the budget for the ADR process.

Engagement of an ADR practitioner

It is proposed that Jobs and Skills Councils would directly engage the ADR practitioner.

The ADR practitioner should be:

- accredited in mediation and/or conciliation
- independent (not having an actual or perceived conflict of interest in relation to the Jobs and Skills Council, the training product or the issue in dispute)
- familiar with VET but need not be an industry expert or representative.

The ADR practitioner should be provided with:

- a copy of the brief created by the Jobs and Skills Council
- a report and recommendations template, including any instructions for the ADR practitioner about the format the Jobs and Skills Council will expect outcomes to be captured in (e.g. reasons, etc).

When an ADR practitioner is engaged, the Jobs and Skills Council is responsible for updating the website to reflect:

- that an ADR process has been triggered
- the reason that an ADR process has been triggered
- the party who triggered the ADR process (being either the Jobs and Skills Council, or the Commonwealth, or a state or territory)
- the issues in contention
- an indicative timeframe for the ADR process.

Once completed, the outcomes of the ADR process would be published on the Jobs and Skills Council's website as part of the Training Product Submission that is published on their website at the time of submission to the Assurance Body.

Determining the most appropriate ADR method

ADR may take many forms. While the Jobs and Skills Council may provide guidance to an ADR practitioner about a preferred approach to the ADR (informed by their knowledge of stakeholders and the previous efforts at reaching consensus), it is expected that the ADR practitioner will determine the most appropriate ADR method in the circumstances.

For example, an ADR practitioner may do one or more of the following:

- review submissions and documents provided and determine a resolution 'on the papers'
- request additional information from stakeholders (where identified) about matters that are missing from the brief but which are critical to the resolution of the issue
- meet with and/or speak to stakeholders (including members of the Jobs and Skills Council) to gain further insights about the issues and possibilities for resolution
- mediate or conciliate between stakeholders to explore solutions to an issue (where they agree to participate).

The role of the ADR practitioner is not to re-prosecute consultation submissions or to determine if the Jobs and Skills Council sufficiently considered feedback as part of complying with the Policy in relation to process; rather it is to help identify solutions and provide recommendations to the Jobs and Skills Council about ways to resolve difficult issues.

Reasonable time must be allocated for the ADR practitioner to consider the issue and to explore views and options. The ADR process would generally be expected to take between 3-4 weeks with a maximum timeframe of 2 months.

Outcomes of ADR process

ADR practitioners will be expected to complete a short report, which summarises:

- the issues that were referred to them (including any additional issues that were identified)
- the process undertaken by the ADR practitioner (including who was spoken with, what information was provided and considered, what ADR methods were used etc.)
- their recommendations to the Jobs and Skills Council and accompanying reasoning.

Recommendations may be presented as a single position or offered with options for consideration by the Jobs and Skills Council.

Recommendations are not determinative and will not be binding on the Jobs and Skills Council or on the stakeholders (if any) spoken with as part of the ADR process.

The Jobs and Skills Council is required to consider the recommendations and use them to make an informed decision about how to settle the training product content.

While the Jobs and Skills Council may seek clarification from the ADR practitioner regarding the recommendations, the Jobs and Skills Council cannot direct the ADR practitioner to re-examine the issue or to undertake another ADR process.

Submission to the Assurance Body

Where an ADR process has been utilised, this should be noted in the Training Product Submission prepared for the Assurance Body and published on the Jobs and Skills Council website.

Submission for endorsement to Skills Ministers

One of the reasons for incorporating an ADR process into the dispute resolution process is to reduce the risk of indefinite delays to the development of training products and to reduce the risk of training products not being endorsed by Skills Ministers because there are significant outstanding issues, disputes or a lack of broad consensus.

Ministers will, however, retain the right not to endorse a training product or to issue directives for Jobs and Skills Councils to undertake further consultation or other work before returning a training product for endorsement.

It is proposed that Skills Ministers would also be able to direct the Jobs and Skills Council to engage an ADR practitioner if they considered that this was necessary to assist in resolving the issue of concern. If an ADR process has already occurred before the product is presented to Skills Ministers for endorsement, it is not expected that the same process would again be directed by Skills Ministers.

1.5 Issues relating to the process or conduct of a Jobs and Skills Council

While most disputes arise in relation to the content of a training product, disputes may also arise regarding the Jobs and Skills Council's process or conduct.

For example, some stakeholders may have concerns regarding the period of consultation, the way stakeholder views were sought, the number and type of stakeholders engaged with, or perceived conflicts of interest within the Jobs and Skills Council.

Such concerns are likely to be reduced because of the changes proposed to the training product development processes. This includes earlier engagement with key stakeholders about the consultation strategies, more opportunities for consultation and better feedback about the outcomes of consultation.

As part of their quality assurance role, the Assurance Body will also be checking that the Jobs and Skills Councils consultation strategy is consistent with relevant requirements, that consultation was reasonably consistent with the consultation strategy, the public consultation was undertaken for a minimum four-week period and that a consultation log reflects the outcome of stakeholder consultation. The Assurance Body will provide advice back to the Jobs and Skills Council if it has not met the requirements of the Policy and needs to take further actions before it resubmits the Training Product Submission.

If stakeholders have concerns regarding the process of Jobs and Skills Councils or their conduct, these concerns should first be raised with the Jobs and Skills Council themselves. This gives them an opportunity to address the issue and to continuously improve. If stakeholders have ongoing concerns or do not wish to raise their concerns with the Jobs and Skills Council, concerns may also be raised with the Commonwealth department.

1.6 Monitoring dispute resolution

The Commonwealth department is responsible for:

- monitoring the performance of Jobs and Skills Councils
- responding to complaints about the conduct of Jobs and Skills Councils and process concerns about the development of training products.

As part of these functions, the department will consider and review:

- the effectiveness of Jobs and Skills Councils in resolving disputes early in the development process (including so that learnings regarding best practice can be shared across Jobs and Skills Councils)
- the use (including any over-use) of ADR practitioners where issues arise that meet the relevant criteria
- how Jobs and Skills Councils engage with ADR recommendations to inform their decision-making opportunities to improve this model policy.

1.7 High level overview of dispute resolution

