Training Product Development

Programme Guidelines

I, the Hon Luke Hartsuyker MP, Minister for Vocational Education and Skills ('the Minister'), issue the following Programme Guidelines to the Department of Education and Training ('the department').

Dated 10 February 2016

Minister for Vocational Education and Skills
Purpose

1. The purpose of these Programme Guidelines is to provide a framework for the operation and administration of the new arrangements for training product development known as the Training Product Development Programme (the Programme).

   (a) These Programme Guidelines are a statement of the Australian Government’s requirements for the Programme and may be amended from time to time.

   (b) These Programme Guidelines do not create any legal, equitable or other relationship between the Commonwealth and an Applicant.

Commencement

2. These Programme Guidelines commence on 1 January 2016.

Authority for Programme Guidelines

3. These Programme Guidelines:

   (a) are made by the Minister; and

   (b) may be amended by the Minister from time to time.

4. The Programme Guidelines should be read in conjunction with relevant policy documents that support the development, review and implementation of training product development for the national training system, as amended from time to time.

Interpretation

5. The definitions outlined at Appendix A are for the purpose of interpreting these Programme Guidelines. These definitions are not intended to be a substitution for the defined terms in any Funding Agreement.

6. In the event of any inconsistency between these Programme Guidelines, the funding agreements that support this Programme or documentation produced by the Australian Industry and Skills Committee (AISC), the documents will be interpreted in the following order of priority to the extent of any inconsistency: (1) funding agreement and then (2) the Programme Guidelines and then (3) documentation produced by the AISC.

Training Product Development

Part One: Overview

Background

7. As part of its VET Reform Agenda, the Government announced in September 2014 that it would move to a contestable model for the development and maintenance of training packages. In April 2015, the Government announced the New Arrangements for Training Product Development for Australian Industry which included the Training Product Development Programme.

8. The new arrangements for training product development are designed to be more responsive and flexible enough to satisfy the needs of employers of all sizes, across all
industry sectors, drive efficiencies, and deliver high quality training packages that are nationally endorsed and internationally regarded.

9. Decisions made on the national training system and training package development are made by the Ministerial Council with responsibility for training and education in accordance with the National Vocational Education and Training Regulator Act 2011.

10. A key function of the Ministerial Council is the oversight of the national training system, including endorsement of training packages for vocational education and training courses.

11. In the new arrangements for training product development the Ministerial Council is supported in its decision making by three entities:

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

Australian Industry and Skills Committee

12. The AISC is the body which has oversight of the new arrangements. The Committee’s primary role is to provide advice to the Ministerial Council to ensure that the directions taken by Ministers are informed by an industry-based perspective focused on the quality and relevance of the national training system.

13. Members of the AISC are nominated by Commonwealth and state and territory Ministers, with an annually rotating industry peak body representative position and two senior government ex-officio members.

14. The AISC will prioritise, schedule and commission training package development and other support services for the national training system, based on the advice of the IRCs.

15. The role of the AISC is to:

(a) advise Ministers on the implementation of national training policies and provide direction on research priorities across the VET sector;
(b) prioritise, schedule, quality assure and commission training product development;
(c) provide advice on training provider and regulator standards;
(d) engage with states and territories through the Senior Skills Officials Network; and
(e) coordinate industry engagement through COAG Industry and Skills Council meetings.

16. The AISC terms of reference are attached to and forms part of these guidelines.

Industry Reference Committees

17. IRCs are at the core of the new arrangements and are the key advisory bodies to the AISC.

18. IRCs are committees made up of people with experience, skills and knowledge of particular industry sectors.

19. IRCs have a critical role in identifying and responding to new and emerging skills and training needs arising from industry restructuring and the impact of global markets and innovation.

20. IRCs are the formal point through which industry requirements for skills are considered and defined in training packages. Each IRC will perform the following functions (supported by their SSO as required):
(a) gather industry intelligence for their industry sectors to inform advice on training product development and review;
(b) direct the work of its SSO in the development of industry proposals, business cases and cases for endorsement;
(c) oversight the development and review of training package content in line with the requirements of the AISC;
(d) provide sign off for industry proposals, business cases, cases for endorsement and other submissions for consideration by the AISC;
(e) direct the work of the SSO in preparing the support materials where funding for additional activities is provided;
(f) report, through the SSO, to the AISC on progress of its work; and
(g) promote the use of VET in the sectors they represent.

Skills Service Organisations
21. SSOs are funded to support the IRCs in accordance with the terms of the funding agreement with the department and their memorandum of understanding with each IRC.
22. SSOs will act as independent, professional service organisations and undertake the work commissioned by the AISC, under direction of the relevant IRC.
23. The purpose of an SSO is to support IRCs engage with industries/employers/enterprises to identify the skills required for job roles across industry sectors and drive the training package process so that skills standards and competencies align with modern work-practices.
24. The aim of an SSO is to produce nationally endorsed training packages that are relevant to a modern Australian economy, embraced by industry and maximise the potential for individuals to access full, freely chosen and productive employment, by improving links between VET and the skills needed for jobs.
25. SSOs are accountable for providing technical, operational and secretariat activities to enable their IRCs to undertake their industry engagement and training product development and review activities. The activities SSOs are funded to perform are listed under Funded Activities.

Key Outcomes
26. The new arrangements will achieve three key outcomes:
   (a) a demand driven industry engagement mechanism that gives the IRCs (that are formed by industry) the key role of representing industry needs in the VET system;
   (b) a streamlined and cost efficient approach to development and maintenance of training products which allocates training products for development on priorities identified by IRCs and agreed by the AISC; and
   (c) ongoing contestability which allows IRCs to change SSO on grounds of verifiable poor performance by their current SSO.

Training Packages
27. Training packages detail the range of knowledge and skills (known as competencies) required by individuals to successfully operate in different industries and occupations. Training packages also detail how the competencies can be packaged into nationally
recognised qualifications that align to the Australian Qualifications Framework and assist in the development of course curricula.

28. Training providers use training packages to help design their curricula or training programmes tailored to individual learner needs and the needs of the employer and the industry. The aim of training packages is to improve the links between VET and industry skills needs by ensuring that VET graduates have the skills required by employers.

29. Training packages consist of the following:
   (a) nationally endorsed components:
       (i) units of competency which specify the standard of performance required in the workplace;
       (ii) assessment requirements (associated with each unit of competency);
       (iii) packaging rules for qualifications that are consistent with the Australian Qualifications Framework (Certificate I to Graduate Diploma); and
       (iv) credit arrangements specifying existing arrangements between training package qualifications and higher education in accordance with the Australian Qualifications Framework;
   (b) one or more quality assured companion volumes.

The Programme

30. The purpose of this Programme is to provide for the review, update and development of the training products that underpin the system to support the delivery of high quality training to ensure a skilled and flexible workforce that meets the needs of Australian industry and facilitates positive employment outcomes for individuals.

31. The Department of Education and Training (the department) is responsible for managing the development and review of training packages and supporting mechanisms for industry leadership and engagement in that process.

32. The Programme will fund organisations to operate as Skills Service Organisations (SSOs) to support the development and review of nationally endorsed training packages which focus on the current and future skills needs of industry.

33. The aim of the Programme is that VET graduates have the skills needed by employers and so achieve better employment outcomes and improve productivity in the Australian economy.

34. The Programme will be evaluated to determine its effectiveness according to the Programme Evaluation Plan.

Part Two: Eligibility to operate as an SSO

35. This Programme will provide funding for SSOs in a way that ensures the objectives of the Programme are achieved. Organisations applied to operate as SSOs through a competitive Expression of Interest (EOI) process which opened on 19 July 2015 and closed on 24 August 2015. For 2015 eligibility requirements to operate as an SSO, please refer to the EOI documentation on the department's website https://education.gov.au/skills-service-organisations.
Part Three: Funding under this Programme

36. Funding is provided to SSOs through this Programme to support the work of IRCs under the direction of the AISC. The Programme will be funded through Sub-Program 2.8.4 Industry Workforce Training.

37. SSOs will be contracted under a funding agreement under which they will be eligible for:
   (a) commencement funding;
   (b) ongoing funding; and
   (c) training package development and review activity based funding.

38. The amount of funding and timing of payments for an SSO are specified in the individual funding agreement.

39. **Commencement funding** is for one-off items incurred to set up an SSO and will be negotiated individually with each SSO based on the needs of that organisation to stand-up the SSO function.

40. **Ongoing funding** is for items associated with undertaking the SSO function and includes both fixed and variable ongoing costs.

41. The level of ongoing funding will be negotiated with each SSO and will include, but not be limited to, the:
   (a) provision of support for IRCs;
   (b) stakeholder engagement activities to gather industry intelligence; and
   (c) the development of a rolling four year workplan based on IRC priorities.

42. **Training package development and review funding** will be activity based.

43. Funding will be allocated for the following types of activities associated with the training package development and review work specifically commissioned by the AISC:
   (a) activities to plan and scope the work required;
   (b) secretariat support for IRCs including facilitation of meetings, developing and distributing papers, recording of decisions, and in exceptional circumstance, where agreed between the SSO and the IRC, the coordination of IRC members’ travel and accommodation;
   (c) industry engagement activities to analyse and interpret job roles and skills required in the workplace, identify any required changes to the training package, and to assess costs and benefits, implementation risks and management strategies, etc;
   (d) preparation of business cases for IRC agreement prior to AISC consideration;
   (e) technical writing activities, including consultation with subject matter experts to develop and refine units of competency and to draft and document in industry training packages;
   (f) stakeholder engagement, including states and territories in relation to traineeship and apprenticeship arrangements, to validate feedback and proposed changes and negotiation activities resolve disputes;
   (g) quality assurance activities to provide a quality control measure and oversight of business cases and training packages;
   (h) preparation of the case for endorsement for IRC agreement prior to AISC consideration;
   (i) preparation of companion volumes and materials to support implementation of the training package; and
information management and communications activities to update the national register and central website and maintain an SSO website.

44. Activity based funding will be through a activity order that will form a schedule to the funding agreement.

45. Each training package will be assigned to an IRC and each IRC will be assigned to an SSO. From time to time the AISC may determine that an IRC may transfer from one SSO to another or that a training package or part thereof, should transfer from one IRC to another. In these instances, the associated funding would transfer to the relevant SSO.

46. Only expenditure that has been outlined in this part of these Guidelines and specified in the funding agreement is eligible under this Programme.

Part Four: Scheduling and Commissioning of Training Package Development

47. Each SSO will work with their allocated IRCs to develop a four year workplan. The IRC workplan will be comprised of two parts:

(a) industry analysis including qualitative and quantitative data, an analysis of new and emerging skills, and associated training needs for an industry;

(b) a proposed plan for reviewing and developing the relevant training products.

48. The IRC workplan will be submitted to the AISC to inform the development of a four-year rolling National Schedule of training package development and review work.

49. In developing the National Schedule, the AISC will assess relative priority across IRC workplans, taking account of risk, regulatory need, strategic industry and government priorities, economic impact, current levels of VET activity, and available budget. The AISC will also take account of any relevant industry proposals received. The National Schedule will be published.

50. Training package review and development work will be commissioned based on the National Schedule.

51. The AISC may, in consultation with the relevant IRCs and SSOs, amend the National Schedule from time to time to meet more urgent or critical national priorities and the SSO workplan will be updated accordingly.

52. Each year SSOs will develop one or more business cases to scope the work required for that year's National Schedule.

53. The business case will detail:

(a) the industry supported case for change and expected impact of the change, including on the industry sector and on the VET sector;

(b) an assessment of the benefits and estimated costs to industry and the VET sector expected from the proposed change/s, including an assessment of impact on productivity if the change is not made;

(c) the extent to which cross industry competencies can be used to support skills outcomes for the industries covered;

(d) an analysis of the risks identified by both the relevant industry sector and the VET sector and the mitigation strategies to be put in place to manage those risks;
(e) any external impacts such as the regulatory environment or changes to industry practice
which are driving the proposed change;

(f) recommendations on whether a qualification is suitable to be delivered as a traineeship or
an apprenticeship arrangement, providing evidence of consultation with state and
territories and evidence that their views have been considered; and

(g) recommendations on the nominal duration of a traineeship or apprenticeship.

54. The development of the business case, including scoping the research and analysis, industry
engagement and writing, will be carried out by the SSO, under direction of the IRC, in
accordance with the activity order provided by the department.

55. At the completion of the work, the SSO will present the IRC approved business case to the
AISC for consideration.

56. The AISC will consider business cases for training product development. Approved business
cases will form the basis of a work activity for training package development work. The
activity order may include additional requirements, or a smaller scope of work than was
proposed in the business case.

57. The training package development work, including necessary industry engagement,
technical writing and validation of changes to training packages will be carried out by the
SSO in accordance with the activity order issued by the department.

58. At the completion of the work, the SSO will prepare a case for endorsement for the training
package for IRC approval. This case for endorsement will include evidence of consultation
with states and territories and evidence that their views have been considered.

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

60. The department may, in line with a decision of the AISC, commission work to review existing,
or develop new, training product content without the need for an industry proposal and/or
business case. Depending on the trigger and the evidence available, work commissioned
may not require an industry proposal to outline the reason for the work or a business case to
substantiate the need for change.

61. The department, on advice from the AISC, will determine which SSO will be commissioned
to undertake work arising from the National Schedule, an industry proposal or a business
case.

62. The AISC will also consider recommendations for changes to training products through
representation, including industry proposals, submitted by interested stakeholders.

63. Industry proposals can be submitted by SSOs or by any other party. Industry proposals will
detail:

(a) the reason(s) to change the scheduled review of an existing training product as defined in
the National Schedule or the reason(s) to develop a new training product;

(b) how the work or proposed change is different from the existing provisions in the national
training system;

(c) why it is a priority including an explanation of how the work or proposed change/s meet/s
industry needs and/or government priorities;

(d) the potential impact of the work or proposed change and of not pursuing the work or
proposed change;
(e) an estimate of the scope of work required, including the numbers of qualifications and/or units of competency and an estimate of the level of complexity involved; and

(f) an outline of the breadth of industry and other stakeholder support for the work or proposed change.

64. The development of industry proposals is not funded by the Australian Government.

65. Approved industry proposals will be reflected in the National Schedule and may form the basis of an additional work order for the development of a business case. The activity order may include additional requirements, or a smaller scope of work than was proposed in the industry proposal.

Part Five: Funding of additional activities to support the national training system

66. From time to time, the Australian Government will fund additional activities that support the national training system through a grants process under this Programme.

67. The department may advertise grant funding for additional activities. This could occur in the following ways:

(a) the department may issue a activity order for additional work directly to an SSO; or

(b) the department may invite applications from SSOs and/or any other parties to perform additional activities.

68. Additional activities to support the national training system. These include, but are not limited to:

(a) providing advice about job or career-related training pathways through participation in careers forums, events or dissemination through other communication media for both domestic and international audiences; skills audits to identify training gaps and inform the development of future training packages.

(b) development of curricula or development of products to support the translation of training packages, for example training guides and assessment tools to support quality training outcomes; workshops to support the consistent interpretation and implementation of training package requirements; pilot projects to promote quality in the national training system; supporting the development of networks to embed good learning and teaching in VET.

(c) undertaking support activities which promote the status of VET both domestically and internationally; projects to align national skill standards with international frameworks; benchmarking of international qualifications with the Australian Qualifications Framework and; fostering international engagement.

Eligibility for funding for additional activities

69. Eligibility to apply for grant funding for additional activities will be determined by the nature of the activity being commissioned. However, as a minimum all applicants will be required to have an Australian Business Number.

70. Commonwealth, state and local government agencies and bodies are ineligible to apply for grant funding under this Programme, including for additional activities.

71. Grant applications for additional activities will be considered on their merit if they meet one of the following principles:
(a) the activity supports better alignment of skills with jobs;
(b) the activity leads to improved quality outcomes from the national training system; and
(c) the activity improves the status of VET.

72. The AISC may, on behalf of an IRC or other key stakeholder, commission additional activities from a SSO or another organisation to meet an identified emerging or urgent need.

73. Successful grant applications will be funded by the department through a funding agreement, or in the case of an SSO, commissioned through a activity order.

74. The commissioned activity will then be carried out in accordance with the funding agreement or activity order.

75. At the completion of the work the department will assess the work against the funding agreement or the activity order.

Part Six: Role of the Programme Manager

Role of the Programme Manager

76. Subject to paragraphs 69 and 71, the Programme Manager may approve an application for funding to operate as an SSO for training package development and, from time to time, additional activities. Once an application has been approved, a funding agreement or activity order will be provided to the successful Applicant for execution.

77. Decisions of the Programme Manager are final with regard to:
   (a) approving the eligibility of an application;
   (b) the amount of funding to be awarded; and
   (c) the terms and conditions for which funding is to be offered under the Programme.

78. The Programme Manager must not approve an application if he/she reasonably considers the application cannot be accommodated within the capped Programme Funding following an assessment of:
   (a) existing commitments of Programme Funds in the current financial year
   (b) existing commitments in future years; and
   (c) Programme Funds currently available.

Part Seven: Funding Agreement

79. SSOs will be funded to operate for three years (with an option to extend for 2 years) from 1 January 2016.

80. The total funding available under this Programme is $35 million per year.

81. At the conclusion of the funding agreements, the department expects to advertise a new round of grant funding for organisations to operate as SSOs.

82. The Programme Manager, on behalf of the Australian Government, and the successful applicant must enter into a funding agreement before grant funds are provided to the Recipient.

83. Funding will be provided in accordance with the provisions set out in the funding agreement.

84. A Funding Agreement
(a) ensures that the Commonwealth is empowered to recover grant funds in circumstances where the Recipient has not complied with the terms and conditions set out in the funding agreement;

(b) not be inconsistent with the laws and policies of the Australian Government, a state or territory or these Programme Guidelines;

(c) specify the base/minimum amount of grant funding to be awarded and the timing, method and conditions of delivery of the grant, including activity based funding arrangements;

(d) include any other matters that the Programme Manager considers necessary for the administration of the Programme;

(e) provide for variation and termination of the funding agreement;

(f) require the Recipient to provide services that meet IRC requirements and to manage and resolve complaints from IRCs;

(g) require the Recipient to meet agreed performance milestones; and

(h) require the Recipient to report to the Programme Manager on the conduct and management of the project.

85. A funding agreement may include any other terms the Programme Manager considers necessary to protect the Australian Government interests, relevant Government policies, the Programme policy objectives set out in these Guidelines and making appropriate use of public monies.

86. All Recipients are required to report on progress to the department at specified instances in the funding agreement or in the activity order.

87. The Programme Manager may set a time period during which a funding agreement must be executed and may, at his/her discretion, extend the prescribed period one or more times, or withdraw the offer of support and funding if the funding agreement is not executed within the prescribed period.

88. Grant funds must be claimed within 30 days of the milestone date specified in the funding agreement. Unclaimed grant funds may be returned to the department.

Part Eight: Programme Governance

Roles and Responsibilities

Minister

89. The Minister will approve a Programme Manager for the Programme.

Programme Manager

90. The Programme Manager is approved to make decisions in relation to the administration of the Programme and to give directions as to the interpretation of these Programme Guidelines and other documents used in, or in relation to, the Programme.

91. The Programme Manager must have regard to the policy objectives of the Programme when performing any function or making any decision in relation to the Programme.

92. The Programme Manager may make policies, authorisations and delegations, consider exceptions, and issue guidance documents for the administration of the Programme, but the policies and documents must not be inconsistent with these Programme Guidelines.
93. The Programme Manager is responsible for:
   (a) ensuring overall efficient and effective administration of the Programme;
   (b) determining the eligibility of applications for Programme support and funding;
   (c) approving variations to the funding agreement in accordance with Clauses 81 to 83; and
   (d) authorising payments of the grant amount by the Australian Government to Recipients.

94. The Programme Manager will carry out other functions as authorised by the Minister.

95. For the roles and responsibilities of SSOs, IRCs, and the AISC, please refer to the 2015 EOI documentation to operate as an SSO listed on the department’s website https://education.gov.au/skills-service-organisations.

Programme Performance and Evaluation

96. The department will monitor and evaluate the performance of the Programme. Recipients of funding under this Programme will be asked to provide data to the department for the purposes of supporting robust Programme evaluation.

97. The Programme Manager must:
   (a) ensure that data from applications and Programme reporting is maintained in a form that is available for Programme monitoring and evaluation; and
   (b) in collaboration with relevant policy partners, facilitate and cooperate with an evaluation of the Programme.

Recipients must, at their own cost, cooperate with any evaluation of the Programme undertaken by the Australia Government or independent third parties. This may include providing information requested by the Australian Government or a relevant third party through, for example, stakeholder surveys to inform an evaluation of Programme outcomes, participation in discussions about IRCs transferring to other SSOs.

Part Nine: General Information

Announcements

98. The Minister or the department may make public announcements related to the Programme, including details of successful Recipients, the quantum of grant funds, information provided by successful Recipients or compiled or obtained during the assessment of applications that the Australian Government determines is not confidential, following consultation with applicants as required.

99. The department will report grants on its website, as required under the Resource Management guide 412 – Australian Government Grants: Briefing and Reporting.

Privacy

100. The department is bound, in administering the Programme, by the provisions of the Privacy Act 1988 ('the Privacy Act'). The Privacy Act contains the Australian Information Principles (APPs) which regulate the handling of personal information of individuals by government agencies and certain private sector organisations, including the collection, storage, use and disclosure of that information.
101. Persons, bodies and organisations involved in the Programme must abide by the APPs when handling personal information collected for the purposes of the Programme. In brief, persons, bodies and organisations must ensure that:

(a) personal information is managed in an open and transparent way including by having a clearly expressed and up to date APP privacy policy;

(b) individuals are given the option, where practicable, of not identifying themselves, or of using a pseudonym;

(c) personal information, both solicited and unsolicited, is collected in accordance with APPs 3 and 4, and sensitive information is afforded a higher degree of protection;

(d) individuals are appropriately notified of certain matters at the time their personal information is collected;

(e) personal information is only used and disclosed for the purposes for which it was collected or for other purposes in accordance with APP 6, and only disclosed outside Australia in accordance with APP 8;

(f) records containing personal information are accurate, relevant, up-to-date, complete and not misleading;

(g) suitable security arrangements exist for all records containing personal information;

(h) access to a person’s own personal information held by the organisation is made available in accordance with APP 12; and

(i) requests for correction of an individual’s personal information is dealt with in accordance with APP 13.

102. For further information about the department’s privacy policy, including how to access or correct personal information held by the department or how to make a privacy complaint, please go to our website: http://education.gov.au/privacy.

Or write to:

Privacy Contact Officer
People, Communication and Legal Group
Department of Education and Training
GPO Box 9880
Canberra, ACT 2601

Or email: privacy@education.gov.au

103. Privacy complaints may be made directly to the Federal Privacy Commissioner, but will only be actioned where the complaint was made to the department in the first instance but was not dealt with to the complainant’s satisfaction.

Protection of Information

104. The use and disclosure of information provided to the department by Applicants (including information provided as part of any application) is regulated by the relevant provisions and penalties of the Public Service Act 1999 (Cth), the Public Service Regulations, the Privacy Act 1988 (Cth), the Crimes Act 1914 (Cth), the Criminal Code Act 1995 (Cth) and general law.
105. The department will use and disclose the information provided by Applicants for the purposes of discharging its respective functions under these Programme Guidelines and otherwise for the purposes of the Programme and related uses. The department may also:

(a) use information received in applications in any other departmental business;

(b) use information received in applications and during the performance of the Programme for reporting and consultation with other Commonwealth, state or territory government agencies; and

(c) during the assessment of applications, and in the course of administering the Programmes, consult with other Commonwealth, state and territory governments and agencies about an Applicant's claims and disclose information about Applicants as needed. The department may also engage third parties (including auditors) to review applications to provide technical or financial advice on a contract basis.

106. The Minister and/or the department may also publicly announce information as outlined in these Guidelines.

107. Information provided to the department and the Programme Manager may be disclosed as required or authorised by the law, and may be disclosed to:

(a) a court of law;

(b) the Parliament, its ministers and related committees; or

(c) any statutory office holders, tribunals or commissions, including, but not limited to the Auditor-General, Australian Information Commissioner or Privacy Commissioner.

Disclosure of Interest

108. The department has procedures for managing disclosure of interest by departmental staff involved in assessment of applications. Conflicts of interest will be managed in accordance with these procedures.

Freedom of Information

109. All documents created or held by the department with regard to the Programme are subject to the Freedom of Information Act 1982 (‘FOI Act’). If a request is made under the FOI Act for access to a document subject to the FOI Act, then that document will be made publicly available unless it can be demonstrated that the document falls under an exemption provision, or a conditional exemption provision and disclosure would, on balance, be contrary to the public interest as specified in the FOI Act.

110. Please note, the FOI Act also applies to some documents created or held by the department’s contractors or subcontractors who provide services to the public or third parties on behalf of the department. Therefore, if the department receives a request for access to a document held by a contractor or subcontractor, the department is required to take action to obtain a copy of the document from its contractor or subcontractor (as applicable) and then decide whether access if to be given to the document under the FOI Act.

111. All FOI requests must be referred immediately via email at foi@education.gov.au. Any decision regarding an FOI request must be made by an authorised FOI-decision maker within the People, Communication and Legal Group in the department’s national office and in accordance with the requirements of the FOI Act.

Note: the FOI Act defines the term ‘document’ broadly and includes, amongst other things, any paper or other material on which there is writing, maps, plans, drawings,
Confidential Information

112. The department gives no undertaking to keep confidential the information provided in the application form, or during the application process, unless that information is ‘Confidential Information’.

113. ‘Confidential Information’ is information that:
   - is clearly identified by the Applicant as confidential information (including reasons for why the information is confidential) and the department agrees it is confidential; and
   - is, in its nature, confidential.

114. The department will not, without prior written approval, disclose any Confidential Information to a third party.

115. The department’s obligation to not disclose Confidential Information will not be breached if the information is:
   (a) authorised or required by law to be disclosed;
   (b) disclosed by the department to the responsible Minister;
   (c) disclosed by the department in response to a request by a House or a Committee of the Parliament of the Commonwealth of Australia;
   (d) provided by the department to the Auditor-General under the Auditor-General Act 1997;
   (e) provided by the department to the Commonwealth Ombudsman under the Ombudsman Act 1976;
   (f) provided to the Privacy Commissioner under the Privacy Act 1988;
   (g) shared by the department within the department, or with another Commonwealth agency, where this serves the Commonwealth’s legitimate interests; and/or
   (h) in the public domain otherwise than due to a breach of confidentiality by the department.

116. Without limitation, the department may publish the following information for activities related to this Programme and may also publish the following information in media releases issued by the Government:
   (a) details about the Programme; and
   (b) the names of successful applicants.

Compliance with laws and fraud

117. All applicants acknowledge that:
   (a) they may have obligations under the Workplace Gender Equality Act 2012 and they must comply with those obligations;
   (b) when dealing with employees, they must comply with the Fair Work Act 2009 (Cth) and related legislation, and obligations under relevant work health and safety laws;
   (c) Chapter 7 of the Criminal Code provides for offences which attract substantial penalties, including theft of Commonwealth property and other property offences, obtaining property or financial advantage by deception, offences involving fraudulent conduct, bribery, forgery and falsification of documents;
   (d) giving false or misleading information is a serious offence under the Criminal Code;
(e) the publication or communication of any fact or document by a person which has come to their knowledge or into their possession or custody by virtue of the performance of this agreement (other than a person to whom You are authorised to publish or disclose that fact or document) may be an offence under section 70 of the Crimes Act 1914, punishment for which may be a maximum of two years imprisonment;

(f) in respect of data, including personal information, held in connection with this agreement, any unauthorised and intentional access, destruction, alteration, addition or impediment to access or usefulness of the data stored in any computer in the course of performing this agreement is an offence under Part 10.7 of the Criminal Code which may attract a substantial penalty, including imprisonment;

(g) they are aware of the provisions of section 79 of the Crimes Act 1914 (Cth) relating to official secrets; and

(h) they may be subject to the provisions of the Competition and Consumer Act 2010 (Cth) and the Archives Act 1983 (Cth).

118. All applicants must:

(a) promptly notify the department of any suspected fraud;

(b) not engage in fraudulent activity in relation to their funding agreement;

(c) take all reasonable steps to prevent fraud upon the Commonwealth in relation to the funding, including the implementation of an appropriate fraud-control plan, a copy of which must be provided to the department if requested; and

(d) where applicable, refer to any fraud-awareness training available for their staff.

Discrimination

119. Applicants acknowledge that the Programme must be administered in a way that supports the principle of non-discrimination and must comply with the following Acts, which are designed to prevent discriminatory practices:

(a) Racial Discrimination Act 1975;

(b) Sex Discrimination Act 1984;

(c) Australian Human Rights Commission Act 1986; and


Complaint Handling Mechanism

120. Information about feedback and complaints handling concerning the Programme is published on the AISC webpage: www.education.gov.au/AISC

121. The applicant is also entitled to lodge a complaint with the Commonwealth Ombudsman.

Tax Obligations

122. Applicants are expected to seek out independent expert advice as to whether an activity funded through a grant under the Programme will attract the Goods and Services Tax (GST). However, the amount paid as a grant is expected to assist an Applicant to meet any GST liability, should one exist.

123. Applicants are recommended to seek their own independent professional advice on their taxation obligations.
Programme Contact Details

124. Any queries regarding these Programme Guidelines should be directed to the Contact Centre on 13 38 73.

Appendix A
Definitions of Key Terms

In these guidelines:
• 'may' is permissive and not mandatory;
• a reference to the singular includes the plural and vice versa; and
• if a word or phrase is defined its other grammatical forms have corresponding meanings.

The following definitions apply for the purpose of interpreting these Programme Guidelines. They are not intended to be a substitution for the defined terms in any funding agreement.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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</thead>
<tbody>
<tr>
<td>Activity Order</td>
<td>An order issued by the Commonwealth to perform the development or review of a training package, qualification or unit of competency.</td>
</tr>
<tr>
<td>Applicant</td>
<td>An entity that makes an application for funding under the Programme.</td>
</tr>
<tr>
<td>Approved Business Case</td>
<td>An approved business case will form the basis of the training package development work that will be funded by the department through an activity order that will form a schedule to the SSO funding agreement.</td>
</tr>
<tr>
<td>Minister</td>
<td>The Minister responsible for the Vocational Education and Skills portfolio.</td>
</tr>
<tr>
<td>Australian Industry and Skills Committee</td>
<td>A body of individuals set up by the Council of Australian Governments’ Industry and Skills Council comprising members nominated by the Commonwealth and states and territories. The work of this committee will be supported by the department.</td>
</tr>
<tr>
<td>Australian Qualifications Framework</td>
<td>The national policy for regulated qualifications in the Australian education and training system. It incorporates the quality assured qualifications from each education and training sector into a single comprehensive national qualifications framework.</td>
</tr>
<tr>
<td>Business Case</td>
<td>A submission that scopes the development or review of a training package, commissioned by and made to the AISC. The business case seeks to validate industry proposal and provides a comprehensive analysis of the evidence for change, based on industry intelligence and consultation. This analysis includes the benefits and estimated costs to, and impact on, the VET sector, industry sectors and training providers that are expected to flow from the proposed change to the training package.</td>
</tr>
<tr>
<td>Commission</td>
<td>For the purposes of these Guidelines, commission means the Department, acting on the advice of the AISC, will issue an activity order to perform the development or review of a training package, qualification, unit of competency or Skill Set.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
<td>Department</td>
<td>The Department of Education and Training or the portfolio department with responsibility for the Programme.</td>
</tr>
<tr>
<td>Goods and Services Tax (GST)</td>
<td>Has the same meaning as in the <em>A New Tax System (Goods and Services Tax) Act 1999 (Cth)</em>.</td>
</tr>
<tr>
<td>Grant Funding</td>
<td>The funding made available by the Australian Government to applicants under this Programme.</td>
</tr>
<tr>
<td>Industry</td>
<td>Refers to one or more of the following: employers, employees, and associations, or representatives, of these individuals.</td>
</tr>
<tr>
<td>Industry Proposal</td>
<td>A proposal to scope the development or review of training packages submitted to the AISC. The proposal identifies the need to develop or revise a training package and may be from industry, government or a regulator.</td>
</tr>
<tr>
<td>Industry Reference Committees</td>
<td>The consultative mechanisms that will ensure that industry can provide advice about the skills and competencies required by their industry sector to operate effectively. The AISC will approve membership of IRCs.</td>
</tr>
<tr>
<td>Industry Sectors</td>
<td>Groups of similar or related businesses that share common markets, technologies and worker skills needs.</td>
</tr>
<tr>
<td>Nationally Endorsed Training Packages</td>
<td>Training packages which have been approved by the AISC and endorsed by the COAG Industry and Skills Council.</td>
</tr>
<tr>
<td>Non Tax-Exempt</td>
<td>Not exempt from income tax under Division 50 of the <em>Income Tax Assessment Act 1997 (Cth)</em> or under Division 1AB of Part III of the <em>Income Tax Assessment Act 1936 (Cth)</em>.</td>
</tr>
<tr>
<td>Programme</td>
<td>The Training Product Development Programme.</td>
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<tr>
<td>Programme Manager</td>
<td>An employee of the department who has been approved by the Minister, or is otherwise duly authorised, to carry out the relevant functions in respect of the Programme.</td>
</tr>
<tr>
<td>Programme Guidelines</td>
<td>These Guidelines that are given by the Assistant Minister to the department to provide a framework for the operation and administration of the Programme.</td>
</tr>
<tr>
<td>Recipient</td>
<td>An applicant that is awarded funding under the Programme.</td>
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<tr>
<td>Skills Service Organisations</td>
<td>Organisations funded for the purpose of providing professional technical, operational and secretariat support in the development of training packages, in accordance with their funding agreement with the department.</td>
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<tr>
<td>Skill Set</td>
<td>Means logical groupings of Units of Competency which meet an identified need or industry outcome. They are not Qualifications and are defined as single units of competency or a combination of units of competency from an endorsed training package which link to a licensing requirement or regulatory requirement, or a defined industry need.</td>
</tr>
<tr>
<td>Standards for Training Packages</td>
<td>The 2012 Standards for Training Packages amended from time to time.</td>
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<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
<td>Training Package Development and Review Schedule (the National Schedule)</td>
<td>A rolling schedule published annually by the AISC that provides a framework for the training package development and review work that will be commissioned over a four year period.</td>
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<tr>
<td>Training Package Products Policy</td>
<td>A document, amended from time to time, developed for the purposes of Standard 2 of the 2012 Standards for Training Packages.</td>
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<tr>
<td>VET</td>
<td>Vocational Education and Training.</td>
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