

## Technical Committee Terms of Reference

### 1. Background

On 1 January 2023, Skills Ministers introduced the [Jobs and Skills Councils \(JSC\) - Strengthening Australia's National Vocational Education and Training System Program](#) (the **Program**), a new industry engagement arrangement that places industry and learners at the centre of the Vocational Education and Training (**VET**) system and to ensure training product development delivers on national and local skills needs. [BuildSkills Australia Limited](#) ABN 86 668 509 822 (**BuildSkills**) is the JSC for the construction, civil, property services and water industries.

The expectations and requirements for the Program are set out under the *Jobs and Skills Councils – Strengthening Australia's National Vocational Education and Training System Program (2022-2026) Program Guidelines (JSC Program Guidelines)* and Jobs and Skills Councils Performance Framework (**JSC Performance Framework**).

The success of these new arrangements is underpinned by the training package product development rules, as defined in the [Training Package Organising Framework](#) (refer to Item 12. *Training Package Organising Framework below*). These rules are designed to ensure JSCs produce high quality training products that:

- are based on evidence of industry needs
- are user-centric
- are anchored in good design
- support quality delivery and assessment
- align with related policy especially the *Australian Qualifications Framework (AQF)* and the *Standards for Registered Training Organisations (RTOs) 2015*.

A Technical Committee is established for each training product project undertaken by BuildSkills. The CEO of BuildSkills will determine the size of the Technical Committee and breadth of expertise appropriate to the project. Members will be appointed based on their expertise to advise BuildSkills on training design, delivery and assessment, AQF levels, impact on learners, possible implementation issues and identify any additional stakeholders that should be included in the consultation strategy.

### 2. Scope of the project

The intention of this project is to review 28 units of competency to reflect modern work practices and new technologies. These units of competency are both core and elective units across the following civil construction qualifications, which are within BuildSkills remit.

1. RII30920 Certificate III in Civil Construction
2. RII30820 Certificate III in Civil Construction Plant Operations
3. RII40720 Certificate IV in Civil Construction

Additionally, this project involves updating the imported units of competency that have been superseded across the three qualifications. Most of these units have equivalent current units, those that do not will be reviewed to assess whether the current units of competency are fit for purpose.

[The Mining and Automotive Skills Alliance](#) (AUSMASA) is undertaking a project that will run concurrently with the BuildSkills Civil Construction Review Project. The AUSMASA project

focuses on qualifications and units of competency relevant to the mining sector, however some shared qualifications and units of competency relevant to the built environment are also in the project scope. Specifically, the AUSMASA Project includes six units of competency that are part of the widely used Certificates in Civil Construction.

BuildSkills and AUSMASA will collaborate on this initiative, and the BuildSkills Technical Committee will provide guidance for both projects.

In addition to the six units of competency within the AUSMASA project, the BuildSkills Civil Construction Review Project also includes another six units that are designated as JSC co-responsibility units and will be included in the collaboration between BuildSkills and AUSMASA.

All 12 co-responsibility units are within this Project.

### **Role of the Technical Committee (TC)**

Technical Committee members will provide expert advice, based on evidence, across educational and/or technical knowledge to assist the design and development of training products within a project.

While members may belong to an organisation with a specific interest in a training product, their role is to provide expertise, not to represent those interests. Those interests can be represented by other stakeholders through the project consultation processes.

The Technical Committee is set up in the project initiation phase so that members can provide advice on the development of the initial draft products. The Technical Committee also reviews the *Project Overview and Consultation Strategy* and can make suggestions to improve stakeholder engagement and representation.

The Technical Committee will review the final draft training products and a statement to this effect will be included in the submission of the final products to the Assurance Body for its endorsement recommendation. The Technical Committee may be asked for advice on draft products at other points in the project.

The objectives of the Technical Committee are to:

- provide expert, evidence-based advice to BuildSkills on project work, including:
  - content of training products
  - training design, delivery and assessment, AQF levels, impacts on learners, and possible implementation issues
- identify any additional stakeholder that should be included in the *Project Overview and Consultation Strategy*
- identify changes in job roles and pathway requirements of the sector
- assist in the functional and task analysis of current and future job roles/occupations in the sector
- participate in meetings and review draft materials
- be proactive in the pursuit of expert input related to advances in technology and innovation.

### **3. Duration**

The duration of the Technical Committee is limited to the length of the project. At its conclusion, the CEO, BuildSkills Australia will advise if there is a further need for the committee.

#### 4. Decision-making

A Technical Committee will be established for each training product project. The Technical Committee will be overseen by the BuildSkills CEO, via the Executive Director Training Products and Projects (ED).

The ED will provide progress reports and recommendations to the CEO at key points in the project, where the CEO will decide how to proceed. These will include advice and supporting rationale from the Technical Committee to assist the CEO's decision-making.

If members of the Technical Committee hold divergent views, the range of opinions and rationales will be provided to the CEO for consideration. The CEO will also consider stakeholder feedback for example from consultation activities.

The Technical Committee does not hold any decision-making authority in relation to BuildSkills' operating functions. It is overseen by the Executive Director Training Products and Projects and is ultimately responsible to the CEO.

#### 5. Membership and roles

The BuildSkills CEO will appoint members to the Technical Committee including a Chair and Deputy Chair. Technical Committees should consist of subject matter experts in the relevant sector, RTO and educational experts, and government representatives, as defined in the *Training Package Products Development and Endorsement Process Policy (refer to Item 12. Training Package Organising Framework)*.

The CEO will periodically review the operation and effectiveness of the Technical Committee and may make changes, including but not limited to, the Technical Committee composition, membership, or activities.

##### Chair and Deputy Chair

The CEO of BuildSkills will appoint a Chair for the Technical Committee. The Chair will assist BuildSkills to convene the Technical Committee and to facilitate effective provision of advice to the CEO. A Deputy Chair will also be appointed who will undertake this role if the Chair is not available.

##### General membership

General members of the Technical Committee provide evidence-based advice within their area of expertise in response to specific questions and review of draft materials.

Member responsibilities include:

- a) **Attendance at meetings:** Members are expected to attend all scheduled meetings, contributing to the quorum and active discussions.
- b) **Providing advice and feedback:** Members will offer their expert advice and constructive feedback on strategies, policies, and initiatives relevant to the Civil Construction sector.
- c) **Review and analysis:** Members will read reports, proposals, and other relevant documents before meetings to engage in informed discussions and decision-making.
- d) **Stakeholder engagement:** Members will act as liaisons with their respective stakeholder groups and networks, ensuring their views and concerns are represented at meetings. Members will also facilitate access to stakeholder networks in the sector for consultations.
- e) **Compliance with policies:** Members are expected to adhere to all relevant policies to ensure transparency and integrity in their contributions.
- f) **Ethical conduct:** Members will uphold the highest standards of ethical conduct, fostering trust and credibility in the Advisory Body's operations.

## **6. Meetings, Agenda and Minutes**

Depending on the needs of the project, the Technical Committee may be called on to attend in person or online meetings, or a combination of both. Some projects may seek input from members via email or collaboration on documents, in place of meetings.

If meetings are held, agendas and meeting papers will be distributed prior to the meeting and BuildSkills will take minutes and make them available to all members after the meeting. Where meetings incorporate zoom/remote access, these will be recorded to assist in record keeping.

BuildSkills will notify members prior to commencing a recording of an online/remote access meeting. At this time, if members fail to notify BuildSkills they do not consent to the recording before the meeting commences, the recording will commence. Members that do not consent to the recording may not be able to participate in the meeting.

The Office of the CEO will provide secretariate support to the Technical Committee.

## **7. Authority**

The Technical Committee does not have the authority to make decisions or the delegated authority to direct the decisions of BuildSkills.

The Technical Committee may provide advice to BuildSkills in its non-decision-making capacity, which BuildSkills may or may not act on at their sole discretion.

## **8. Fees and costs**

Technical Committee members do not receive fees or reimbursement of incidentals such as internet or phone.

If Technical Committee members are asked to attend a meeting that requires out of town travel and accommodation, BuildSkills will make these arrangements at its own expense. Out of pocket expenses for attendance related to such meetings will be reimbursed to members on provision of receipts to BuildSkills.

## **9. Privacy & confidentiality**

BuildSkills is required to publish details of each project's Technical Committee membership to their website. Details to be published include:

- Name
- Organisation
- Job title
- Stakeholder category

Meeting minutes will contain attendance, discussion points, decisions, and actions. Specific comments will not be linked to individual names. Where there are dissenting views for publication, these will be attributed to stakeholder category rather than an individual.

A project *Consultation Log* must also be published to the website. If a Technical Committee member contributes feedback as an individual stakeholder their feedback will be captured within the *Consultation Log*.

Any Technical Committee information that is by its nature confidential, or members know, or ought to know is confidential, must be kept in confidence unless BuildSkills provides prior written consent

for disclosure (**Confidential Information**). Confidential Information will not include information that:

- (a) becomes public knowledge other than by a breach of confidence;
- (b) is in the possession of a person without restriction in relation to disclosure before the date of receipt; or
- (c) has been independently developed or acquired by a member.

If Confidential Information is required to be disclosed: (a) by law, (b) for legal proceedings or (c) to advisers, officers, employees or agents who require the information to perform their roles, members must promptly notify BuildSkills of such disclosure.

For further information on how we collect, use and disclose Personal Information (including Sensitive Information), please refer to the [Privacy Policy](#).

## **10. Conflicts of Interest**

The Conflict of Interest Policy is to protect the integrity and impartiality of BuildSkills, and those advising BuildSkills, by managing potential conflicts of interest (**Conflict**).

A Conflict may arise where a member represents a group that could benefit from decisions being made. For example, an RTO might be seen as benefiting from a decision to reduce assessment requirements in the training products.

Training Products and Projects will maintain a Conflict of Interest register relevant to the Technical Committee and its members.

Members must promptly disclose any actual, potential, or perceived Conflict related to matters before the Technical Committee and input this information into the Conflict of Interest Register. For more information, please refer to the [Conflict of Interest Policy](#).

A perceived, potential or actual Conflict does not immediately exclude a person from membership of the Technical Committee. However, Conflicts must be declared so that they are transparent and can be managed. The CEO of BuildSkills, in consultation with the Conflict of Interest Policy and JSC Code of Conduct, will determine if a Conflict warrants exclusion or removal from a Technical Committee.

## **11. Ethical duties**

Technical Committee members must perform their role in line with requirements for ethical duties, as outlined in the [Jobs and Skills Councils Code of Conduct](#). This includes but is not limited to:

- acting honestly, in good faith in the best interests of the Jobs and Skills Council as a whole and for a proper purpose;
- not misusing their position or any information gained from their position to (i) gain an advantage for himself or herself, or someone else; or (ii) cause detriment to the Jobs and Skills Council or other industry stakeholders;
- acting in a manner that does not undermine industry trust and confidence in the Jobs and Skills Council; and
- complying with any obligations of confidentiality, as duly notified to members.

## **12. Training Package Organising Framework**

The *Training Package Organising Framework* is a set of rules owned by Skills Ministers which include content and process requirements that guide the development and content of nationally

recognised training packages. It is comprised of the following policies:

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

### 13. Intellectual Property Rights

'Intellectual Property Rights' means all copyright, patents, registered and unregistered trade marks (including service marks), registered designs, and other rights resulting from intellectual activity (other than Moral Rights), whether future or present, anywhere in the world.

Any materials provided to or developed by members, either individually or with others, in connection with the Technical Committee, will be considered as work created specifically for the training product related to this project (**Commonwealth Materials**). As a result, any Intellectual Property Rights in the Commonwealth Materials vest in or are assigned to the Commonwealth of Australia on creation.

The Commonwealth of Australia grants members a limited, non-transferable, royalty-free, without charge, revocable, worldwide and non-exclusive licence to use, change, exploit, disclose, publish, transfer, communicate and further sublicense the Materials to perform the obligations of the Technical Committee.

Members may provide work that was in existence prior to involvement in the Technical Committee or developed separately from the member's involvement in the Technical Committee (**Member Materials**). Members grant BuildSkills a perpetual, irrevocable, royalty-free, without charge, worldwide and non-exhaustive licence to use, change, exploit, disclose, publish, transfer, communicate and further sublicense the Member Materials to perform the obligations of the Technical Committee.

### 14. Work health and safety

Members of the Technical Committee must comply with all WHS policies and procedures issued by BuildSkills (**WHS Policies**). The WHS Policies help members to understand their role in making the workplace safer while performing their duties and responsibilities. BuildSkills may update WHS Policies from time to time by making a revised version of the WHS Policy available to members.

### 15. Amendments

BuildSkills reserves the right to amend these Terms of Reference at its discretion from time to time. Amendments will be effective immediately upon notification on the BuildSkills website. If BuildSkills undertakes any material changes to these Terms of Reference, BuildSkills will take reasonable steps to provide members with written notice. Your election to not withdraw an application or continue membership in the Technical Committee, following notification on the website or separate written notice (as applicable), will represent an agreement by you to be bound by the Terms of Reference as amended.

## 16. Declaration and agreement

I understand and agree that any material I create, either individually or with others, while working as a member of the BuildSkills Technical Committee, will be considered as work created specifically for the training product related to this project. To the extent that any copyright in such material vests in me on creation I hereby assign all such copyright to the Commonwealth of Australia.

I declare that:

1. I have read and understood the Training Package Organising Framework documents, the WHS Policies, the Conflict of Interest Policy, the Privacy Policy, and the Jobs and Skills Councils Code of Conduct, and that I agree to adhere to the terms; and
2. the statements contained in this declaration to be true and correct, and I indemnify and hold BuildSkills harmless for all liability and loss arising in connection any false or misleading representations I make in this declaration.

I further declare that:

- I do not have any conflicts of interest relating to serving on this Technical Committee, OR
- I do have potential, perceived or actual conflicts of interest as listed below.

Full Name: ..... Organisation: .....

Signature: ..... Date: .....

## 17. Details of potential/actual conflicts

I declare the following potential, perceived or actual conflicts of interest:

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