

2023

Public Skills Australia

COMPANY MEMBER AND AFFILIATE MEMBER POLICY

Company Member and Affiliate Member Policy

Definitions

1. In this policy:

- **Member** means a member organisation of Public Safety Skills Australia Ltd trading as Public Skills Australia (**the Company**) with the rights specified in the Company Constitution (summarised below under 'Benefits of Company Membership and Affiliate Membership'), principally the right to vote at General Meetings of the Company.
- **Affiliate Member** means an affiliate member organisation of the Company with the rights specified in the Company Constitution (summarised below under 'Benefits of Company Membership and Affiliate Membership'), principally the right to attend General Meetings of the Company.
- **Stakeholder** means any organisation that has an interest in or is affected by the VET system in relation to the Company's Represented Sectors, but are not Members or Affiliate Members.

Purpose

2. Public Skills Australia has two categories of membership of the Company as defined in the Public Skills Australia Constitution: Members and Affiliate Members. The purpose of this document is to outline the eligibility and benefits for organisations to join Public Skills Australia as Members or as Affiliate Members.
3. Public Skills Australia is a public company limited by guarantee incorporated under the *Corporations Act 2001* (Cth). The Company's Constitution prescribes the rules under which the Company operates.
4. Public Skills Australia is the Jobs and Skills Council (**JSC**) for the public safety (emergency services, fire, and police), defence, public sector (federal, state and territory, and local), regulatory, and correctional services sectors (**Represented Sectors**) as nominated by the Department of Employment and Workplace Relations (**DEWR**). Public Skills Australia provides leadership and services to in relation to the VET system for these sectors, from the identification of current and future skills needs through to the development and delivery of training products.
5. Public Skills Australia will make membership information publicly available.

Objectives

6. Public Skills Australia membership should facilitate the fair and equitable representation of different stakeholder interests.

Scope

7. This policy is to be read in conjunction with the Company Constitution and all Public Skills Australia policies; no policy is a standalone document. Refer to the Public Skills Australia *Employee Handbook* for a copy of these policies.
8. All Public Skills Australia policies are to be read in conjunction with following Australian Government Department of Employment and Workplace Relations (DEWR) documents:
 - *Jobs and Skills Councils Code of Conduct*
 - *Jobs and Skills Councils Integrity Framework*
 - *Jobs and Skills Councils Performance Framework*
 - *Jobs and Skills Councils Program Guidelines*
 - *Training Package Organising Framework (TPOF)*.
9. All Public Skills Australia policies apply to staff and Company office holders, as well as contractors, subcommittees, networks, and working groups when undertaking work on behalf of Public Skills Australia.

Benefits of Company Membership and Affiliate Membership

10. Every Member and Affiliate Member has the right to attend and speak (or, in practice, have a nominated representative attend and speak) at all meetings of Members.
11. Public Skills Australia will hold an Annual General Meeting each year. A meeting of members may be convened at other times by the Board.
12. Members are entitled to attend and participate in meetings of members, and vote in the election of Directors.⁴
13. Affiliate Members are entitled to attend and participate in meetings of members only. Affiliate membership conveys no voting rights.

⁴ See the Public Skills Australia Board Recruitment Policy which governs the process for recruitment, evaluation and election of individuals who wish to nominate for a Board position.

14. Members and Affiliate Members are, like all other eligible organisations carrying out VET-based activities in the Represented Sectors, eligible to participate in Public Skills Australia groups, subcommittees and networks in accordance with each relevant group's terms of reference.

- Both Membership and Affiliate Membership are distinguished from other categories of involvement in Public Skills Australia activities by being provided with the opportunity to receive information provided at members' meetings about the Company's governance, activities and finances.
- One of Public Skills Australia's primary responsibilities is to engage with a broad range of stakeholder organisations, not only Member and Affiliate Member organisations, in order to strengthen industry engagement in VET for the Represented Sectors. Accordingly, Public Skills Australia operates a number of channels for stakeholder organisations to provide their input to the Company's work, for example subcommittees and industry networks. By contrast, organisations may wish to apply for membership of the Company if they wish to be involved in General Meetings and other administrative Company business conducted at those meetings.

Eligibility to join as a Member or Affiliate Member of the Company

15. The Board will decide, in accordance with this policy, on whether to accept admission of applicant organisations as Members or Affiliate Members of Public Skills Australia.

16. Affiliate Members may apply to become full voting Members.

17. An organisation is not eligible to be a Member if they are any of the following:

- a Registered Training Organisation that delivers VET training for profit (meaning private Registered Training Organisations and TAFE Institutes);
- a Group Training Organisation;
- an Employment Service Provider; or
- an AASN Provider.

Eligibility for Membership

18. The Board will evaluate applications based on a determination of whether the applicant organisation has enough industry weight that warrants it holding voting status, i.e. whether the organisation is able to adequately represent a substantial part/number/portion of their sector. For example, the Board may consider:

- whether the organisation is nationally representative or only representative in a single state/territory; or
- whether the organisation represents a significant number of stakeholders (such as employees or employer bodies); or
- the organisation's standing and reputation as a trusted partner for their sector, and accordingly whether the relevant sector is comfortable for the member to represent their interests as a whole.

19. This is to ensure that voting rights are held by those organisations that are the leading representative organisations for each sector across the Represented Sectors. Organisations that do not meet this threshold may be invited to apply for Affiliate Membership, or to join other Public Skills Australia groups.

Eligibility for Affiliate Membership

20. The Board will consider applications for Affiliate Membership from organisations in niche industries, non-nationally representative organisations, and training providers. This may include organisations in, for example, biosecurity, border force, emergency management, land management, maritime safety, national intelligence, surf lifesaving as well as volunteer organisations.

21. To manage conflicts of interest, membership will not typically be offered to commercial suppliers of services to the industry. These entities may be engaged in other ways. This does not prevent a Commercial organisation submitting an application for an Affiliate membership which will be reviewed at the Board's discretion.

Application and admission procedure

22. The Board welcomes applications for Membership and Affiliate Membership as part of fulfilling Public Skills Australia's key function of industry stewardship as the JSC for its Represented Sectors.⁵
23. Applications are to be made using either the 'Application form for Admission as a Member' (see Schedule 1), or 'Application form for Admission as an Affiliate Member' (see Schedule 2).
24. Once approved by the Board of Directors, the organisation consents to Public Skills Australia publishing the organisation's name on its website and as otherwise necessary (for example, all Jobs and Skills Councils may be required to provide a copy of their register of members to the Department of Employment and Workplace Relations).
25. The Company's membership will be reviewed regularly by the Board, and organisations may be invited to apply for membership.

Reviewing this policy

26. This policy will be reviewed when applicable and within 3 years.

⁵ Refer to Schedule 3 for extracts from the JSC Code of Conduct and the JSC Program Guidelines (available here: <https://www.dewr.gov.au/resources/skills-reform>) regarding membership.

Schedule 1: Application form for admission as a Member

Please complete and send to membership@publicskillsaustralia.org.au

Applicant organisation name		
ABN		
Address		
Contact phone number and email address		
Authorised representative person* name, role, phone number and email address		
Industry sector		
Employer/employee representative organisation /other (please specify)		
Description of industry sector representation provided by organisation <i>For example, is the organisation a/the peak national representative body for its sector in VET matters?</i>		
Relevant industry sector experience <i>In VET training and workforce development</i>		
Any other relevant matters in support of application		
Signature of applicant organisation	Signature of authorised representative	
	Role title	
	Name	
	Date	
	Signature of witness	

	Role title	
	Name	
	Date	

**This person may be contacted to further discuss the application, or to provide other information as requested.*

If this application is accepted and the organisation becomes a Member, the Member organisation must notify Public Skills Australia if the authorised representative person changes at any time. By nominating a representative, the organisation nominates this individual to receive all notices of meetings, and to exercise all the powers that it as a Member could exercise at a Company general meeting or in voting on a member resolution.

Schedule 2: Application form for admission as an Affiliate Member

Please complete and send to membership@publicskillsaustralia.org.au

Applicant organisation name		
ABN		
Address		
Contact phone number and email address		
Authorised representative person* name, role, phone number and email address		
Industry sector		
Employer/employee representative organisation /other (please specify)		
Description of industry sector representation provided by organisation		
Relevant industry sector experience <i>In VET training and workforce development</i>		
Any other relevant matters in support of application		
Signature of applicant organisation	Signature of authorised representative	
	Role title	
	Name	
	Date	
	Signature of witness	
	Role title	

	Name	
	Date	

*This person may be contacted to further discuss the application, or to provide other information as requested.

If this application is accepted and the organisation becomes an Affiliate Member, the Affiliate Member organisation must notify Public Skills Australia if the authorised representative person changes at any time. By nominating a representative, the organisation nominates this individual to receive all notices of meetings, and to exercise all the powers that it as an Affiliate Member could exercise at a Company general meeting.

Schedule 3: Extracts from the JSC Code of Conduct and the JSC Program Guidelines

JSC Code of Conduct

6. INDUSTRY AND STAKEHOLDER ENGAGEMENT

6.1 Jobs and Skills Council bodies must:

- (a) cooperate with stakeholders within their relevant industry and across the VET sector, including, without limitation other Jobs and Skills Councils, employer and employees (and their representative organisations), educational and training organisations, governments and learners;
- (b) undertake adequate and reasonable consultation with stakeholders within their relevant industry and across the VET sector; and
- (c) treat both their formal members and other industry stakeholders fairly and equitably.

6.2 In meeting its obligations under this Code of Conduct, Jobs and Skills Councils must:

- (a) act respectfully, openly and honestly when engaging and consulting with different industry stakeholders; and
- (b) provide all interested stakeholders a fair opportunity to contribute to the activities of the Jobs and Skills Council.

6.3 Jobs and Skills Councils must take reasonable steps to:

- (a) be accountable to their stakeholders;
- (b) ensure there are no unreasonable barriers to interested and relevant stakeholders with a legitimate industry connection to become members of a Jobs and Skills Council;
- (c) ensure their membership base:
 - (i) is open and inclusive;
 - (ii) is representative and reflective of their respective industry; and
 - (iii) provides for the corresponding representation of a wide range of industry and stakeholder interests; and
- (d) ensure that if their membership base comprises of different membership classes, these class arrangements support the fair and equal representation of different industry and stakeholder interest groups;

(e) ensure no single interest group exercises disproportionate or inappropriate control or influence over the organisation to the detriment of other industry stakeholders; and

(f) ensure that it does not unreasonably exclude potential members.

6.4 For the avoidance of doubt, nothing in clause 6.3 requires a Jobs and Skills Council to permit a stakeholder(s) to become a member of their organisation if, in the reasonable opinion of the board of the Jobs and Skills Council:

(a) the stakeholder(s) does not have a legitimate interest in, or connection to, the work of the Jobs and Skills Council;

(b) the stakeholder(s) are acting in bad faith;

(c) admission of the stakeholder(s) as members would result in the unequal or unfair representation of different industry stakeholder groups or would result in a single interest group exercising disproportionate or inappropriate control or influence over the organisation; and/or

(d) admission of the stakeholder(s) as members would otherwise compromise the good and effective governance of the Jobs and Skills Council.

6.5 A Jobs and Skills Council must provide the department of notice of any changes to the composition of its membership as soon as is reasonably practical, including any changes resulting from:

(a) the admission of new members to the Jobs and Skills Council; or

(b) the cessation of a member's membership to the Jobs and Skills Council.

6.6 If a Jobs and Skills Council proposes to expel a member, with their membership being cancelled, the Jobs and Skills Council is to:

(a) afford the relevant member with procedural fairness prior to any expulsion; and

(b) provide the Department reasons as to why this expulsion is being proposed.

JSC Program Guidelines

Membership

9.16. JSC membership should facilitate the fair and equitable representation of different stakeholder interests.

9.17. Membership structures will be outlined in a JSC's company constitution and in detail membership classes (if applicable), including the different rights and privileges afforded to different membership classes.

9.18. JSCs will make membership information publicly available.