

Dispute Resolution Policy

Introduction

1. Public Skills Australia, as the Jobs and Skills Council for the Public Safety and Government industry, is required as per the Jobs and Skills Council Grant Agreement with the Commonwealth Department of Employment and Workplace Relations (DEWR), to develop a Dispute Resolution Policy (the policy).
2. Public Skills Australia recognises the importance of establishing a robust policy to effectively address and resolve disputes that may arise during its training product development, processes and operations.

Purpose

3. To outline Public Skills Australia's Dispute Resolution Policy.
4. Public Skills Australia is committed to maintaining high levels of integrity and public trust when conducting its operations. The purpose of this policy is to establish how Public Skills Australia will manage and resolve disputes and disagreements between stakeholders.

Objective

5. This policy will outline the expectations of Public Skills Australia's role in resolving disputes, the principles that guide the resolution of disputes, the options for managing disputes relating to training product development, and the use of alternative dispute resolution (ADR).

Scope

6. This policy is to be read in conjunction with the *Company Constitution* of Public Safety Skills Australia Limited and all Public Skills Australia policies; no policy is a standalone document.
7. 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.
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
- Performance and Monitoring Framework (under development)
- Training Package Organising Framework (TPOF).
- *Stage 2 Grant Agreement in relation to the Jobs and Skills Councils – Strengthening Australia’s National Vocational Education and Training System.*

9. Program Laws and/or regulation related to this policy are:

- Corporations Act 2001 (Cth)
- Fair Work Act 2009 (Cth).

Disputes

10. With the exception of disputes relating to internal staffing matters, membership applications, or those otherwise addressed in separate policy instruments, all other disputes are to be addressed through this policy. These include:

- Disputes between Directors, or between Directors and the CEO, in relation to products, deliverables and processes of the Jobs and Skills Council.
- Disputes between stakeholders, or between stakeholders and Public Skills Australia staff, connected to the functions articulated in the Jobs and Skills Grant Program.

11. This policy will also apply for dispute resolution processes in the context of the training product development process. In that instance, the *Model Dispute Resolution Policy* at Appendix C of the *Training Package Products Development and Endorsement Process Policy* (TPPDEPP) will take precedence, should any discrepancies occur between this policy and the *Model Dispute Resolution Policy*.

Expectations of Jobs and Skills Councils

12. Public Skills Australia, as an appointed Jobs and Skills Council for the Public Safety and Government industry sectors, is required to develop training products through extensive stakeholder engagement.

13. Public Skills Australia has a consultation strategy, employing several key committees, subcommittees, networks, and working groups that provide input into the development of training products.

14. Public Skills Australia is expected to resolve disputes where stakeholder groups have polarised views, broad consensus cannot be achieved, or State/Territory governments have concerns about the final training product that impact its endorsement.

Principles Guiding ADR

15. In managing the disputes listed above, Public Skills Australia commits to:

- resolving disputes as quickly as possible
- using resources efficiently
- limiting the issues in dispute
- acting fairly
- being transparent and clear about the process
- handling information sensitively
- enhancing stakeholder understanding of, and confidence in, the training product development process.

16. It is the objective of Public Skills Australia to employ a consensus-based approach at all times, and to actively work to avoid disputes.

17. To address disputes that arise, Public Skills Australia may:

- undertake further research and consultation
- seek further advice from subcommittees, networks, or working groups
- create small working groups to develop a consensus position.

18. In the exceptional circumstances that a dispute cannot be resolved through further research or consultation, Public Skills Australia may engage an ADR practitioner to assist in the resolution of the dispute.

Triggering an ADR

19. An ADR may be engaged if either:

- it is requested by the Commonwealth or a State/Territory
- Public Skills Australia determines that this is necessary to resolve a dispute
- In either of the above cases, the party that triggers the ADR must be satisfied that the circumstances require the engagement of an ADR practitioner.

Preparing for an ADR

20. Where the Commonwealth or a State/Territory has requested ADR, or Public Skills Australia has formed the view that it is necessary, a briefing document will be developed that includes:

- the reason why ADR is required
- the issue or issues in dispute
- considerations relevant to an ADR practitioner
- contact details of the key stakeholders relevant to the dispute
- relevant documents (including the outcomes of previous consultations in relation to the issues in contention)
- the budget for the ADR process.

21. Public Skills Australia may be required to make a public notification, including the public identification of the dispute, when an ADR process is triggered (as this will impact the finalisation of the training product).

Engaging an ADR practitioner

22. Public Skills Australia reserves the right to contract ADR practitioners to assist in the resolution of disputes. This will be considered when the dispute meets the criteria detailed above.

23. Sought for their independence, ADR practitioners will:

- provide a neutral perspective
- assist in resolving the issue and finalising the process
- communicate with stakeholders
- provide non-binding but persuasive recommendations to Public Skills Australia.

24. The ADR practitioner should be:

- accredited in mediation and conciliation
- independent (not having an actual or perceived conflict of interest in relation to Public Skills Australia or the issue in dispute)
- familiar with the Vocational Education and Training sector.

The ADR Process

25. While guidance may be provided by Public Skills Australia to the contracted ADR practitioner on matters relevant to the dispute, the ADR practitioner will determine the most appropriate method given the individual circumstances.

26. 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 Councils) 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)

27. The ADR practitioner will be required to produce a short report of the issue/s, the process and recommendation/s to Public Skills Australia.

Outcomes of the ADR process

28. 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 Public Skills Australia and accompanying reasoning.

29. Once recommendation/s and outcomes are achieved, this will be noted in the endorsement process to demonstrate to Skills Ministers that the dispute has been resolved.

30. The ADR process will be conducted in a timely manner (within 2 months) and the outcomes of the process will be included in the final summary of feedback to stakeholders.

Reviewing this Policy

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

Version Control

Version Number	Date	Comment
Version 1	May 2023	Policy created
Version 2	February 2024	Policy updated
Next Review	February 2027	

Appendix A: Dispute Resolution Policy – Dispute Resolution Register

Dispute Resolution Register				
Details of dispute including parties involved	Has the department been notified of the dispute?	Action taken or being taken by JSC to resolve	Status	Does the dispute relate to training product development? (Y/N)
N/A				
<p>Complaints relating to the delivery of JSC Functions</p> <p><i>Provide an update on any formal complaints (received in writing) that have arisen during the reporting period and how the JSC is managing these. Add rows to table if required.</i></p>				
Details of complaint including parties involved	Has the department been notified of the complaint?	Action taken or being taken by JSC to resolve	Status	
N/A				