



13 April 2023

Committee Secretary  
Senate Education and Employment Committees  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

By email: [eec.sen@aph.gov.au](mailto:eec.sen@aph.gov.au)

Dear Committee Secretary

### **Inquiry into the Jobs and Skills Australia Amendment Bill 2023**

This is the submission of the Minerals Council of Australia (MCA) to the Senate Education and Employment Legislation Committee's inquiry into the [Jobs and Skills Australia Amendment Bill 2023](#) (the Bill).

The MCA supports amendments to the [Jobs and Skills Australia Act 2022](#) (the Act) defined in the Bill and recommends its swift passage by the Senate.

The MCA engaged with the comprehensive consultation process employed in shaping Jobs and Skills Australia (JSA) – including transitioning out of the National Skills Commission – its expanded functions, ongoing operations, governance and establishing legislation.

The permanent governance arrangements and functions of JSA, as a statutory body within the Department of Employment and Workplace Relations, as outlined in the Bill and [Jobs and Skills Australia Amendment Bill 2023 \[Explanatory memorandum\]](#) broadly align with recommendations included in submissions the MCA has provided throughout the consultation.<sup>1</sup>

This submission provides comment on aspects of the governance arrangements and functions that are critical to the transparency, stability and reputation of JSA and its long-term operation.

#### ***Provision of up to two JSA Deputy Commissioners***

The MCA supports the new composition of JSA - under proposed ss.7 and 8 of the Bill, which include the provision of up to two Deputy Commissioners, as well as departmental staff support. Given the additional functions introduced to s. 9 (to ensure that it can take a broad, economy-wide perspective) the Deputy Commissioners will play a key role in delivering the work and outcomes of JSA.

#### ***Ministerial Advisory Board***

The MCA supports the establishment, functions and composition of the Ministerial Advisory Board under proposed ss. 16A and 16B of the Bill. They align with recommendations contained in the MCA submission to the JSA discussion paper. In particular they:

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<sup>1</sup> Minerals Council of Australia, [Submission to the inquiry into the Jobs and Skills Australia Bill 2022 \[and\] Jobs and Skills Australia \(National Skills Commissioner Repeal\) Bill 2022](#), Submission 39, 19 August 2022; and Minerals Council of Australia, [Submission to the Jobs and Skills Australia discussion paper](#), Submission 94, Canberra, 10 February 2023.

- Include scope for a transparent, merit-based appointment process – including terms of reference, conditions and procedures under s. 16A(1) - 16A(2), as well as eligibility – under proposed s. 16B(4)
- Provide a strong foundation for an advisory board reflective of the broader tertiary landscape and whole-economy focus of JSA functions – for example, representation from education and training providers (both from higher education and vocational education and training) - under s. 16B(1)(e)
- Limit appointments to a duration of not more than three years - under proposed s. 16B (3) – this will ensure the advisory board remains contemporary and is responsive to and reflective of the changing profile of governments, unions, industry and providers.

### ***Further functions of JSA***

The MCA supports the additional functions of the JSA under the Bill, including advice, analysis, identification, studies and contributions in relation to:

- Impact of workplace arrangements - under proposed s. 9(1)(a)(viii)
- Labour market imbalances and demand and supply of skills - under proposed s. 9(ca)
- Skills needs and workforce needs, including in regional, rural and remote Australia, and in relation to migration - under proposed s. 9(cb)
- Opportunities to improve employment, VET and higher education outcomes for cohorts that historically experienced labour market disadvantage and exclusion - under proposed s. 9(cc)
- Industry consultation forums - under proposed s. 9(cd).

### ***Annual work plan***

The MCA supports the requirement for the JSA Commissioner to prepare an annual work plan – under proposed s. 10A. Given the significant expansion in scope and function of the JSA (notwithstanding the addition of up to two Deputy Commissioners) a work plan will be an important mechanism for mapping and monitoring activity of the JSA, whilst also managing expectations regarding prioritisation of functions and delivery of key activity.

### ***Review into JSA***

The MCA strongly supports the requirement for a review of the operation of the Act - under proposed s. 29A. Noting the significant expansion of scope and functions, this mechanism will evaluate the strength of the proposed governance and functions of JSA and provide the opportunity to address any identified flaws.

### ***Further information***

The MCA looks forward to ongoing and strong involvement with JSA as permanent governance arrangements and functions are instituted and JSA continues with current and future activity.

If you would like to discuss this submission, contact Karolina Szukalska, General Manager – Workforce and Innovation

Yours sincerely

**TANIA CONSTABLE, PSM**  
**CHIEF EXECUTIVE OFFICER**