



11 April 2023

Senate Education and Employment Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Via email: eec.sen@aph.gov.au

Dear Secretariat,

Jobs and Skills Australia Amendment Bill 2023

The National Farmers' Federation (**NFF**) thanks the Senate Education and Employment Legislation Committee for the opportunity to make a submission on the Jobs and Skills Australia Amendment Bill 2023 (**the Amending Bill**) which will amend the Jobs and Skills Australia Act 2022 (**the Act**).

Save as discussed below, the NFF has no concerns with the proposed amendment to the Act, or changes to the operational and strategic direction of Jobs and Skills Australia (**JSA**).

Independence of Jobs and Skills Australia

On 10 February 2023 we made submissions to the Department of Employment and Workplace Relations (**DEWR**) in response to their invitation to provide views about the ongoing arrangements of JSA. In those submissions we noted that JSA will be staffed largely by employees of DEWR and “[w]ith that framework, it is not hard to imagine JSA finding it difficult to vigorously maintain its independence.” We understand that a number of parties raised this or similar concerns.

Nonetheless, the Amendment Bill maintains the original staffing arrangements, and as such does not resolve those concerns. We maintain the view that, ideally, the independence of the JSA should be reflected in its formation and operational structure. However, while establishing a new and distinct agency would be the preferred approach, we accept that this would come at considerable cost to the public, a cost which may not be palatable or sustainable in the current budgetary environment. We further note, that JSA’s priorities will be relatively apparent with the publication of its annual workplan, and its functions will be subject to advice given by the Ministerial Advisory Body (**MAB**) which must consist of independent representatives of industry, unions, and others. It is hoped that

those mechanisms will enable — and even require — JSA to maintain a level of independence.

In addition, it is notable that JSA will be subject to review in 2025. That review should consider whether the independence of the body has been maintained or compromised. As such, while we do not withdraw our preference for a ‘stand-alone’ body, we accept the position which the government has taken, at least for the interim.

Representation of Agriculture

The NFF is anxious to ensure that JSA understands and is mindful of the interests and concerns of agriculture. One of the NFF’s primary criticisms about JSA’s predecessor, the National Skills Commission (**NSC**) — and a chief reason we welcomed the establishment of the JSA — was the fact that agriculture was very much an afterthought when it came to the NSC delivering its functions. That was extremely disappointing, given the significant workforce and skills challenges which the sector must overcome. For example:

- As an industry based largely¹ in rural, regional and remote Australia (**RRR Australia**), farm businesses/employers must navigate the unique challenges facing RRR Australia generally.²
- Agricultural training is expensive to deliver: it tends to be offered in remote locations and requires access to land, expensive equipment and animals.
- With the progressive closure of agricultural colleges, agricultural courses are not broadly offered across the nation i.e. TAFEs and RTOs.
- The sector continues to experience significant workforce shortages, which compel it to source workers through expensive, inadequate, and/or unreliable channels.
- As a result of these (and other) factors, tertiary education and VET qualifications are not a frequent fixture within the agriculture workforce.
- There is a growing appetite to professionalise the agricultural workforce, and greater recognition of formal qualifications is one step to accomplish that end.

While it is not JSA’s (or NSC’s) job to fix these issues alone, certainly JSA could make a very significant contribution to the solution.

In the NFF’s submissions to DEWR, we also stressed that the interests of all stakeholders should be properly represented in the JSA’s activities. In particular, we expressed a strong view that the MAB should include representatives who can

¹ But not exclusively.

² e.g. lack of housing, services and resource, isolation, small labour pools.

speak on behalf of the farming sector, rather than simply relying on the input of the economy-wide peak bodies who do not have agricultural membership or representation in any tangible way. Nonetheless, though the Act as amended by the Bill (**the Amended Act**) will not exclude the possibility of agricultural representation on the MAB, there is no specific requirement or allowance for that representation. As such, we are concerned that agriculture may continue to be overlooked, and JSA will not adequately engage with its issues.

At present, JSA has the function of advising the Minister on “issues relating to skills and training, and workforce needs, in regional, rural and remote Australia”. The Amending Bill deletes that provision, while expanding the JSA’s function to include analysing the “skills needs and workforce needs, including in regional, rural and remote Australia...” As such, although the Amended Act will still specifically require JSA to consider the skills needs of RRR Australia, the emphasis (on RRR Australia) is perhaps softened by the change — RRR Australia is now just one of the matters to be analysed and there is no specific requirement to do anything with that analysis.³ While the requirements as amended do not appear to actively reduce the capacity for JSA to consider the needs of rural communities, we are concerned that the change will make RRR Australia less of a feature within its work. Within that context, we note that the Honourable Sussan Ley proposed (inter alia) an amendment to the Amending Bill to include “2 members representing regional, rural and remote Australia” on the Ministerial Advisory Body. It is disappointing if not surprising that the government did not accept that amendment.

Those concerns notwithstanding, we note that there is nothing in the Act which expressly prevents the concerns of agriculture from being addressed by JSA. We are confident that agribusiness will be very well represented by Skills Insight within the Jobs and Skills Councils arrangements. While we would be more comfortable if agriculture and/or RRR Australia was featured within the JSA’s legislative framework, it will be a matter for the farming sector going forward to ensure JSA is aware of the sectors need/s.

Yours sincerely,

Ben Rogers

General Manager,
Workplace Relations & Legal Affairs,
National Farmers’ Federation

³ such as advising the Minister.