

Jobs Queensland Bill 2015

Report No. 5
Education, Tourism and Small Business
Committee October 2014

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Education, Tourism and Small Business Committee

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Contents

Abbreviations and glossary	iii
Chair’s foreword	iv
Recommendations	v
1 Introduction	1
1.1 Role of the committee	1
1.2 Referral of the Bill	1
1.3 Committee inquiry process	1
1.4 Policy objectives of the Bill	1
1.5 Should the Bill be passed?	2
2 Examination of the Bill	3
2.1 Establishment of Jobs Queensland	3
2.1.1 <i>Overview</i>	3
2.1.2 <i>Submissions</i>	3
2.2 Functions and role of Jobs Queensland	4
2.2.1 <i>Functions in the Bill</i>	4
2.2.2 <i>Matters outside Jobs Queensland’s role</i>	4
2.2.3 <i>Submissions</i>	4
2.2.4 <i>Breadth of Jobs Queensland’s advice – VET and higher education</i>	5
2.2.5 <i>Committee comment</i>	5
2.2.6 <i>Efficacy and reliability of training</i>	6
2.2.7 <i>Committee comment</i>	6
2.2.8 <i>Supply of skills and training</i>	6
2.3 Consultation by Jobs Queensland	7
2.4 Membership of Jobs Queensland	7
2.4.1 <i>Membership</i>	7
2.4.2 <i>Term of appointment</i>	8
2.4.3 <i>Disqualification from membership</i>	8
2.4.4 <i>Submitter’s proposals – composition of Jobs Queensland</i>	8
2.4.5 <i>Committee view - composition of Jobs Queensland</i>	9
2.5 Minister’s powers and independence of Jobs Queensland	10
2.5.1 <i>Referral to Jobs Queensland</i>	10
2.5.2 <i>Ministerial directions</i>	10
2.5.3 <i>Statement of expectations</i>	10
2.5.4 <i>Independence of Jobs Queensland</i>	10
2.6 Reporting by Jobs Queensland	11
2.7 Implementation of Jobs Queensland	11
2.7.1 <i>Interim reference group</i>	11
2.7.2 <i>Budget and anticipated expenditure</i>	11
3 Fundamental legislative principles	12
3.1 Criminal history checks	12
3.2 Immunity for Jobs Queensland members	12

4 Explanatory Notes	12
Appendices	13
Appendix A – List of Submissions	13
Appendix B – Witnesses at public briefing	14
Appendix C – Witnesses at public hearing	14

Abbreviations and glossary

the department	Department of Education and Training
DET	as above
LSA	<i>Legislative Standards Act 1992</i>
the Minister	Attorney-General and Minister for Justice and Minister for Training and Skills
QNU	Queensland Nurses' Union
QTU	Queensland Teachers' Union
TAFE	technical and further education
VET	vocational education and training

Chair's foreword

On behalf of the Education, Tourism and Small Business Committee of the 55th Parliament of Queensland, I present this report on the Jobs Queensland Bill 2015.

The Bill was introduced into the Legislative Assembly by the Attorney-General and Minister for Justice and Minister for Training and Skills on 16 September 2015. The committee was required to report to the Legislative Assembly by 20 October 2015.

The Bill will establish Jobs Queensland to advise the Minister about workforce skills requirements, workforce planning, and the apprenticeship and traineeship system. Jobs Queensland's role will also include research into those matters.

In considering the Bill, the committee's task was to consider the policy to be given effect by the Bill, and whether the Bill has sufficient regard to the rights and liberties of individuals and to the institution of Parliament.

On behalf of the committee, I thank those who made written submissions on this Bill. Thanks also to officials from the Department of Education and Training who briefed the committee, those who made submissions, witnesses who provided evidence at the public hearing, the committee's staff, and the Technical Scrutiny Secretariat.

I commend the report to the House.

A handwritten signature in black ink, appearing to read 'Scott Stewart', is positioned above the printed name and title.

Scott Stewart MP
Chair

Recommendations**Recommendation 1** **2**

The committee recommends that the Jobs Queensland Bill 2015 be passed.

Recommendation 2 **9**

The committee recommends that the Bill be amended to require that at least one member of Jobs Queensland is a person with direct experience in the education, training or employment sectors.

Recommendation 3 **10**

The committee recommends that clause 10 of the Jobs Queensland Bill 2015 be amended to require the Minister, in recommending persons for appointment to Jobs Queensland, to have regard to including persons of Aboriginal or Torres Strait Islander descent and people from culturally and linguistically diverse communities and from regional areas who have experience or knowledge relevant to Jobs Queensland's functions.

1 Introduction

1.1 Role of the committee

The Education, Tourism and Small Business Committee (the committee) was established by resolution of the Legislative Assembly on 27 March 2015. The committee consists of three government and three non-government members.

The committee's areas of portfolio responsibility are:

- education, and
- tourism, major events, small business and the Commonwealth Games.¹

Section 93 of the *Parliament of Queensland Act 2001* provides that a portfolio committee is responsible for considering:

- the policy to be given effect by the Bill
- the application of the fundamental legislative principles to the Bill.

1.2 Referral of the Bill

The Jobs Queensland Bill 2015 (the Bill) was introduced into the Legislative Assembly on 16 September by the Hon Yvette D'Ath MP, Attorney-General and Minister for Justice and Minister for Training and Skills. The Bill was referred to the committee for examination. The committee was required to report to the Legislative Assembly by 20 October 2015.

1.3 Committee inquiry process

Officers from the Department Education and Training (the department) briefed the committee on the Bill on 24 September 2015 (see Appendix B).

The committee invited submissions on its website, and by notice to subscribers to updates on the work of the committee. It also directly invited submissions from 82 stakeholder organisations. Eleven submissions were received (see Appendix A).

The committee held a public hearing on the Bill on 14 October 2015 to hear from invited witnesses (see Appendix C)

Transcripts of the briefing provided by the department on 24 September 2015, the public hearing on 14 October 2015 and the submissions received and accepted by the committee are published on the committee's webpage at www.parliament.qld.gov.au/work-of-committees/committees/ETSBC.

1.4 Policy objectives of the Bill

The policy objective of the Bill is to establish a statutory advisory body called Jobs Queensland.

It is proposed that Jobs Queensland will give advice to the Minister about workforce skills needs, future workforce development and planning, and the apprenticeship and traineeship system. Jobs Queensland's proposed functions are also to conduct and promote research into skills needs, future workforce development and planning, and the apprenticeship and traineeship system. Another function is to promote public awareness of its advisory functions. Section 2 of this report contains more detail about the policy which the Bill proposes to implement.

¹ Schedule 6 of the *Standing Rules and Orders of the Legislative Assembly*, effective from 31 August 2004 (amended 17 July 2015).

1.5 Should the Bill be passed?

Standing Order 132(1) requires the committee to recommend whether the Bill should be passed. The committee considered the Bill, information provided by the department and the information and views expressed in submissions received and accepted.

After considering the policy issues discussed in this report, and considering whether the Bill has sufficient regard to the fundamental legislative principles, the committee recommends that the Bill be passed. The committee also recommends an amendment to clause 10 of the Bill which provides for the membership of Jobs Queensland.

Recommendation 1

The committee recommends that the Jobs Queensland Bill 2015 be passed.

2 Examination of the Bill

2.1 Establishment of Jobs Queensland

2.1.1 Overview

The Bill establishes Jobs Queensland and provides for its functions, membership and related matters. In her explanatory speech the Minister said that the Bill:

*... establishes the new authority and describes its statutory functions and governance arrangements while providing flexibility and longevity to allow Jobs Queensland to be responsive to changing economic and industry needs.*²

The Bill is intended to provide a mechanism for the government to receive “strategic industry-led advice”³ The Explanatory Notes to the Bill state that:

It is important for industry to inform the Government’s significant investment in VET to underpin skills development and sustainable economic growth in Queensland.

*Industry-led workforce planning, facilitated by Jobs Queensland, is crucial to ensure industry can meet their future workforce needs, stimulate innovation and achieve global competitiveness.*⁴

The Explanatory Notes state that Jobs Queensland will provide the opportunity for industry and employers to inform government of the strategic skills they need to grow their business in the medium to long term, reinstate the independent voice of industry on skills, and assist with the development of medium to long term workforce planning. For the community and workforce, the Explanatory Notes state that Jobs Queensland will help support future employment opportunities; ensure skills better align to future job needs and help develop a workforce that is capable of supporting sustainable economic growth across Queensland.⁵

2.1.2 Submissions

All submitters supported the establishment of Jobs Queensland and some submissions commented on the expected benefits for the Queensland economy and business. The National Retail Association suggested that the establishment of Jobs Queensland was “fundamental to the long term success of the State”⁶ and the Motor Trades Association said that it had the potential to contribute to job generation across the State.⁷

The Queensland Nurses Union said that Jobs Queensland could be an important evidence-based mechanism to deal with unemployment and planning for future workforce needs.⁸ Other submitters commented on the importance of a responsive vocational education and training (VET) sector. For example, United Voice stated that “creating a dynamic and responsive vocational education and training sector closely aligned with evolving needs of industry and students can position Queensland to meet the challenges of growing a resilient economy.”⁹ The Queensland Trucking Association noted its understanding that Jobs Queensland could “deliver a more agile system to capture industry trends, market demands and the impact of technological changes on workforce capability and capacity.”¹⁰

2 Hon Yvette D’Ath MP ,Queensland Jobs Bill 2015, Explanatory Speech, *Record of Proceedings of the Queensland Legislative Assembly* (Hansard), 16 September 2015, p.1874

3 Explanatory Notes, Jobs Queensland Bill 2015, p 1

4 Explanatory Notes, p 1

5 Explanatory Notes, p 1

6 Submission 3

7 Submission 4, p 5

8 Submission 2

9 Submission 1, p 2

10 Submission 9

2.2 Functions and role of Jobs Queensland

2.2.1 Functions in the Bill

The functions of Jobs Queensland are set out in clause 7 of the Bill. In summary the functions are to:

- advise the Minister about
 - the skills it anticipates will be needed for particular industries and regional areas
 - future workforce development and planning
 - the apprenticeship and traineeship system
- undertake and promote research about the matters above
- promote public awareness of its advisory functions.

The Bill specifies that, in performing its functions, Jobs Queensland must have regard to community and industry skills and workforce development needs, and economic factors affecting the State. Jobs Queensland would also be required to consult with representatives of the community, including those from rural and regional areas, and with representatives from a broad range of industries, including employers, unions and industry associations and peak bodies.¹¹

2.2.2 Matters outside Jobs Queensland's role

The Explanatory Notes describe functions that Jobs Queensland will not cover and that will be retained by the Minister or the Department of Education and Training:

The Minister will retain accountability for the VET system in Queensland, including establishing the level of funding available for investment, ensuring that government priorities are achieved and representing the State's interests at national skills councils and forums.

DET retains the regulatory responsibilities for apprentices and trainees, and retains responsibility for managing the VET budget and investing in priority training that is informed by Jobs Queensland's advice to government. DET will also undertake industry engagement in order to develop strategies and programs to respond to the skills priorities identified by Jobs Queensland.

While Jobs Queensland will take responsibility for advising on and supporting effective workforce planning, DET will take responsibility for the training-related workforce development strategies identified through the planning process. In this way, Jobs Queensland will plan for the future workforce needs of the economy, and DET will respond to the training related needs through the deployment of appropriate investment and program responses to meet demand.¹²

2.2.3 Submissions

Submitters were generally supportive of the proposed functions of Jobs Queensland. The Australian Sugar Milling Council supported the need for workforce planning and noted the challenges in long term planning for workforce requirement in an industry affected by climatic conditions. Asset Training Australia noted the community driven training and employment programs in regional and remote areas have delivered successful outcomes.¹³

¹¹ Jobs Queensland Bill 2015, clauses 8 and 9

¹² Explanatory Notes, p 3

¹³ Submissions 5 and 8

Other submissions which made specific comments on the functions set out in clause 7 of the Bill are discussed below.

2.2.4 Breadth of Jobs Queensland's advice – VET and higher education

The Queensland Teachers Union (QTU) proposed that the Bill be amended to broaden the matters on which Jobs Queensland advises the Minister to include the breadth of the VET sector, rather than only the apprenticeship and traineeship system.¹⁴ At the committee's public hearing the QTU said that to "examine just apprentices and trainees is to deal with less than half of an increasingly dysfunctional sector."¹⁵

The Queensland Nurses Union (QNU) submission outlined its concerns that Jobs Queensland may be limited to a focus only on the VET sector, and not on the university and higher education sectors. The submission notes that integration with the universities and higher education "is particularly important for nursing and midwifery but also other professions such as teaching that rely on both sectors to build their workforces."¹⁶

In response to committee's request for response to the issues raised in those submissions, the department advised:

The policy intent of Jobs Queensland is to deliver on Working Queensland commitments to give a voice back to industry on skills development in Queensland, with a focus on identifying skill demands and future workforce planning requirements for industry.

It should be noted that higher education and training providers are increasingly operating across both Vocational Education and Training (VET) and higher education sectors, an example being Central Queensland University which has been recognised as a dual sector entity under the TAFE Queensland Act 2013.

It is important that the work of Jobs Queensland remains firmly focused on the future workforce needs of industry, for the purpose of informing VET investment by the Queensland Government. Universities and the higher education sector are regulated and funded by the Commonwealth Government and Jobs Queensland is therefore better placed to focus on the VET sector where it can provide valuable advice that informs Queensland Government policy and programs.

However, where higher education intersects and overlaps with the VET sector in industry sectors, such as the health industry, Jobs Queensland will have a role in providing advice on related workforce planning requirements and may include higher education providers in its broader consultation processes.

DET considers that clause 7(a)(i), which provides for Jobs Queensland to give advice to the Minister about the skills it anticipates will be needed for particular industries and regional areas, is broad enough to ensure that Jobs Queensland can effectively research and consult on future workforce and skills needs relating to the broader VET sector. The function relating to providing advice on the apprenticeship and traineeship system in Queensland, provides for a particular focus on this key pathway for the VET sector and for Queensland's economy, without focusing the entity exclusively on this one aspect of the system.¹⁷

2.2.5 Committee comment

The department's response to the issues raised by the QTU and the QNU indicates that clause 7(a)(i) is sufficiently broad to enable Jobs Queensland to provide advice about the skills expected to be

¹⁴ Submission 7

¹⁵ Queensland Teachers' Union, *Transcript*, Public Hearing, 14 October 2015, p 5

¹⁶ Submission 2, p 2

¹⁷ Department of Education and Training, *Correspondence*, 15 October 2015

needed and on workforce planning in those industries where the VET and higher education sectors overlap. The committee is also satisfied with the department's explanation that Jobs Queensland will not be inhibited from advising on issues in the broader VET sector.

2.2.6 *Efficacy and reliability of training*

The QTU proposed in its submission that clause 7 of the Bill be amended to provide that Jobs Queensland also provide advice to the Minister on the "reliability and efficacy of training provided to Queensland industry, community and workforce".¹⁸ At the committee's public hearing Ms Ruttiman acknowledged the role of the Australian authority (Australian Skills Quality Authority - ASQA) and advised that the QTU had previously raised concerns about the quality of qualifications with TAFE Queensland and the ASQA. The committee sought the department's comments and advice the QTU proposal. The department advised:

Regulation of the quality of training providers operating in Queensland is undertaken by the Australian Skills Quality Authority (ASQA), an independent national statutory agency. Through its pre-qualified training provider arrangements, the DET monitors and adjusts where appropriate the government subsidised training market to ensure providers are delivering value for money training in line with contracting requirements.

In addition, the Queensland Government has committed to establishing a Training Ombudsman. The Training Ombudsman will offer an independent review role for the provision of VET in Queensland, assisting VET consumers such as students, apprentices, trainees and employers. The Training Ombudsman will be able to receive complaints about the provision and quality of VET in Queensland.

Not having to focus on matters relating to the reliability and efficacy of training delivered will allow Jobs Queensland to focus on its core business of identifying the strategic skills needs of the economy and giving industry a voice on skills development.¹⁹

2.2.7 *Committee comment*

The committee is satisfied that there are other mechanisms, particularly the Australian Skills Quality Authority and the proposed Queensland Training Ombudsman, to address concerns about the reliability and efficacy of training.

2.2.8 *Supply of skills and training*

The committee considered whether the functions in clause 7 would enable Jobs Queensland to adequately provide advice about the skills it anticipates will be needed for particular industries and regional areas (clause 7(a)(i)) without also advising about the current supply of skills and training. The department was asked for advice about whether the Bill is intended to encompass the provision of advice about the current supply of skills and training. The department advised:

It is proposed that Jobs Queensland will focus on identifying the future workforce needs of the economy at a strategic level and where necessary, plan for the deployment of these skills through the workforce planning and development function. This advice will then be provided to the Minister for Training and Skills and where necessary, DET will respond to the training related needs through the deployment of appropriate investment and program responses to meet demand. Essentially Jobs Queensland will focus on the demand for skills at a strategic level, with the Department to focus on the supply of skills more operationally to meet the identified demand.

¹⁸ Submission 7, p 2

¹⁹ DET, *Correspondence*, 15 October 2015

However, in forming its advice to the Minister, it is expected that Jobs Queensland may wish to be cognisant of the supply of skills and may seek briefings or data from the Department on the operations of the VET market from time to time. The Board may subsequently choose to make recommendations on issues relating to the supply of skills and training and the Bill allows for this.²⁰

2.3 Consultation by Jobs Queensland

Clause 9 of the Bill provides that Jobs Queensland must consult with:

- community representatives, including from rural and regional areas, that Jobs Queensland considers appropriate
- representatives from a broad range of industries that Jobs Queensland considers appropriate, including representatives of employers, unions and industry associations and peak bodies.

The Explanatory Notes state that broad consultation with community and industry stakeholders will:

...provide the opportunity for a broad arrange of industry sectors to inform and provide advice about skills and workforce development and planning needs in particular sectors of the labour market. Broad employer consultation will help small, medium and large entities, from across Queensland, contribute towards advising government on skills and workforce development and planning matters.²¹

The QNU suggested that Jobs Queensland should also be required to consult with universities. As noted above, the QNU submission argued that workforce planning and skills development in the nursing workforce requires consideration of the university sector as well as the VET sector.²² The department's response to the issue raised by the QNU is addressed above in discussion of the functions of Jobs Queensland.

2.4 Membership of Jobs Queensland

2.4.1 Membership

Clause 10 of the Bill provides that Jobs Queensland consists of between seven and twelve members appointed by Governor in Council. Governor in Council appointments are made on the recommendation of the Minister.

The Bill provides that there must be at least one member who the Minister considers represents the interests of employers and at least one member the Minister considers represents the interests of employees, and there must be an equal number of members who represent employers and employees.²³ Clause 10 (4) provides that the remaining members of Jobs Queensland must have:

- experience in a particular industry; or
- direct experience in the education, training or employment sectors; or
- other knowledge, experience or standing relevant to Jobs Queensland's functions.

In addition, when considering recommendations for appointment to Jobs Queensland, clause 10(5) requires the Minister to have regard to providing for balanced gender representation.

The department advised the committee that the appointment process would need to consider geography and industry, as well as the specific expertise that is needed.²⁴

²⁰ DET, *Correspondence*, 15 October 2015

²¹ Explanatory Notes, p 2

²² Submission 2, p 2

²³ Jobs Queensland Bill, Clauses 10(2) and 10(3)

²⁴ DET, *Transcript*, Public briefing, 24 September 2015, p 3

2.4.2 *Term of appointment*

Members of Jobs Queensland are to be appointed for terms of up to four years under clause 13.

The QTU submission suggested that the Bill should explicitly state that a member may serve more than one term, and that some members be initially appointed for a shorter term to ensure continuity.²⁵ The committee notes the department's advice that there is nothing in the Bill to prevent reappointment after a four year term. The department also advised that, because an appointment may be for up to four years, it is possible that half the members could be appointed for two years and half for four years. This would avoid the "issue of constant replacement every four years."²⁶

2.4.3 *Disqualification from membership*

Certain people are disqualified from membership of Jobs Queensland under clause 12 of the Bill. They are: a member of the Legislative Assembly, a local government councillor, a person who is insolvent under administration, a person who is disqualified from managing corporations under the Corporations Act, or a person who has a conviction (other than a spent conviction) for an indictable offence.

Clauses 18 and 19 provide for the Minister to obtain criminal history reports about potential or appointed members of Jobs Queensland, with the consent of the person. Those reports must be kept confidential except for their use under the Act, with the consent of the person or other limited circumstances. Clause 20 requires a member of Jobs Queensland who is convicted of an indictable offence to notify the Minister, unless they have a reasonable excuse.

2.4.4 *Submitter's proposals – composition of Jobs Queensland*

Two submissions proposed amendments to the Bill's requirements for the membership of Jobs Queensland. The majority of submissions also indicated their interest in representation on Jobs Queensland, or to be consulted by Jobs Queensland.

The Queensland Council of Unions (QCU) acknowledged the importance of experts on Jobs Queensland and proposed that there should be a minimum of three employee representatives.²⁷

In addition, the QCU suggested that unions should be explicitly recognised in the Bill as the representatives of employees.²⁸ The committee notes that unions are explicitly included in the representatives that Jobs Queensland is to consult with under clause 9 of the Bill.

The QTU submission noted that clause 10 does not require that a member have direct experience in the education, training or employment sectors and proposed an amendment to explicitly require that at least one member to have this attribute.²⁹ At the committee's public hearing Ms Ruttiman reiterated that the Bill does not require that one member have direct educational or training experience. "We believe that the skills, because they are necessary with respect to training the future workforce of Queensland, should be at least mandated for one member of the board."³⁰

In addition, the QTU submission proposed that the Bill require that:

- at least one member be of Aboriginal and/or Torres Strait Islander heritage and have one of the types of experience or knowledge specified in clause 10(4), and

²⁵ Submission 7

²⁶ DET, *Transcript*, Public briefing, 24 September 2015, p 5

²⁷ Submission 10

²⁸ Submission 10

²⁹ Submission 7

³⁰ QTU, *Transcript*, Public hearing, 14 October 2015, p 5

- at least one member be from rural or regional Queensland and have the relevant experience in clause 10(4).

2.4.5 Committee view - composition of Jobs Queensland

Knowledge or experience in education, training or employment

The committee notes the QTU submission that the Bill does not explicitly require that a member of Jobs Queensland have direct experience in the education, training or employment sectors. Instead the Bill includes such experience as one of the attributes that members may have. The committee also notes the advice provided by the department during a public briefing about the Bill, that in proposing potential members, the department would:

be looking for quite specific skills in the areas of education and workforce planning – the types of skills that they are going to need to be able to discharge their roles and responsibilities.³¹

From the evidence provided to the committee it appears that government intends that one or more members of Jobs Queensland would have skills or experience in the education, training or employment sectors. However, as the Bill is drafted it would be possible for the Jobs Queensland's membership to lack direct experience in those important fields.

The committee considers that Jobs Queensland should have among its members, at least one person with direct experience in the education, training or employment sectors, and therefore unanimously recommends that the Bill be amended to ensure that it is not possible for Jobs Queensland to lack this relevant experience.

Recommendation 2

The committee recommends that the Bill be amended to require that at least one member of Jobs Queensland is a person with direct experience in the education, training or employment sectors.

Diversity of members

In considering the proposed membership of Jobs Queensland the committee noted that the needs for skills and training in rural and regional locations and among disadvantaged populations are likely to be diverse. In particular, the committee considered that the advice provided by Jobs Queensland to the Minister would be enhanced by including the perspectives and experience of Aboriginal and Torres Strait Islander peoples, migrant populations and people from rural and regional Queensland.

To ensure that Jobs Queensland is able to bring a broad perspective to its advice on future needs for skills and workforce development and planning, the committee recommends an amendment to clause 10 of the Bill.

The committee supports the current requirement in clause 10(5) for the Minister to have regard to gender balance on Jobs Queensland, and unanimously recommends an amendment to require the Minister to have regard to recommending the appointment as members, people of Aboriginal or Torres Strait Islander descent and people from other communities and from regional areas.

³¹ DET, *Transcript*, Public briefing, 24 September 2015, p 5

Recommendation 3

The committee recommends that clause 10 of the Jobs Queensland Bill 2015 be amended to require the Minister, in recommending persons for appointment to Jobs Queensland, to have regard to including persons of Aboriginal or Torres Strait Islander descent and people from culturally and linguistically diverse communities and from regional areas who have experience or knowledge relevant to Jobs Queensland's functions.

2.5 Minister's powers and independence of Jobs Queensland

2.5.1 Referral to Jobs Queensland

Part 3 of the Bill sets out the Minister's powers. Clause 22 provides that the Minister may refer to Jobs Queensland a matter that is relevant to its functions (which are outlined in section 2.2 above). Jobs Queensland is required to consider or inquire into the matter that is referred and, when completed, give the Minister a written report.

2.5.2 Ministerial directions

The Minister may give Jobs Queensland a written direction under clause 23 about a matter relevant to performance of its functions, however, a direction may not be about the content of advice given by Jobs Queensland to the Minister. Details of any directions given by the Minister must be included in Jobs Queensland's annual report.

The Explanatory Notes describe one of those provisions:

The Bill preserves the independence of Jobs Queensland by providing limited ministerial powers. The Minister can refer a matter to Jobs Queensland or provide a written direction with which Jobs Queensland must comply. For example, the Minister could ask Jobs Queensland for advice on a particular topic to help inform government policy. However, neither the Minister, nor DET, will be able to direct the content of the advice that Jobs Queensland provides.³²

2.5.3 Statement of expectations

Clause 24 provides that the Minister may give Jobs Queensland a statement of the Minister's expectations for the performance of Jobs Queensland's functions. A statement of expectations may apply for a particular period of time, and provide for matters such as Jobs Queensland's strategic or operational activities, the nature and scope of activities, information required to be given to the Minister, the way Jobs Queensland must report to the Minister, and sharing of information with government agencies.

2.5.4 Independence of Jobs Queensland

The Minister said she was committed to ensuring the independence of Jobs Queensland, its membership and its advice, and that:

..it is imperative that industry is free to form an independent view on where future skills demand is likely to occur within the economy – a view that is not influenced by the department, government priorities or historical arrangements and a view that is solely focused on accurately identifying skills demand.³³

³² Explanatory Notes, p 2

³³ Hansard, 16 September 2015, p 1875

The Explanatory Notes explain that Jobs Queensland’s core functions of developing and providing strategic advice will be independent of government, and that it will receive operational and financial management support from the department.

The committee explored the level of Jobs Queensland’s independence with the department during its briefing on the Bill. The department advised the committee that while the secretariat to Jobs Queensland will sit administratively in the department, it will be physically separate and will not be located in the Training and Skills offices of the department.³⁴ In its submission the Queensland Council of Unions stated that the independence of Jobs Queensland is paramount.³⁵

2.6 Reporting by Jobs Queensland

Jobs Queensland will be required, by clause 21, to present an annual report to the Minister, who must table a copy in the Legislative Assembly within fourteen days. In addition to its annual report, Jobs Queensland will provide advice, in the form of reports to the Minister on issues referred to it. The department explained that the “statement of expectations” that the Minister may give to Jobs Queensland could include that there be monthly, quarterly or other reporting.³⁶

2.7 Implementation of Jobs Queensland

2.7.1 Interim reference group

In her explanatory speech the Minister stated that an interim reference group will be created and will operate until Jobs Queensland is established and the chairperson and members are appointed. The Minister informed the Legislative Assembly that she was currently working with the department to establish a list of representatives to form the interim reference group. The proposed representatives would be considered by the Premier and Minister for the Arts.³⁷

The department advised that the interim reference group would support engagement on skills and training priorities and will be convened to consider specific issues as determined by the Minister.³⁸

2.7.2 Budget and anticipated expenditure

The Explanatory Notes state that the Government has allocated up to \$40 million over four years to establish Jobs Queensland. The committee asked the department for advice about the basis of the budget allocation and the anticipated expenditure. The department advised:

The final detailed structure of Jobs Queensland is still under consideration. The outcomes of these deliberations, to be led by the Interim Reference Group, will inform the initial budget allocations for staffing and other costs. However, as an independent entity, it will be at the discretion of Jobs Queensland as to how the entity’s resources are utilised to best perform its functions. However, broadly the budget for Jobs Queensland will be used to support:

- *direct staffing costs for the Jobs Queensland secretariat;*
- *Board fees – to be determined in accordance with the Queensland Government’s Remuneration of Part-Time Chairs and Members of Queensland Government Bodies;*
- *the provision of operational support to Jobs Queensland provided by DET; and*
- *program funding – including contracting research services, industry engagement and workforce planning.*

³⁴ DET, *Transcript*, Public briefing, 24 September 2015, p 4

³⁵ Submission 10, p 2

³⁶ DET *Transcript*, Public briefing, 24 September 2015, p 4

³⁷ Hansard, 16 September 2015, p 1875

³⁸ DET, *Transcript*, Public briefing, 24 September 2015, p 3

3 Fundamental legislative principles

Section 4 of the *Legislative Standards Act 1992* (the LSA) states that ‘fundamental legislative principles’ are the ‘principles relating to legislation that underlie a parliamentary democracy based on the rule of law’. The principles include that legislation has sufficient regard to:

- the rights and liberties of individuals
- the institution of Parliament.

The committee considered the application of fundamental legislative principles to the Bill.

3.1 Criminal history checks

As noted in section 2.4.3, clause 18 enables the Minister to ask the Police Commissioner for a written report about the criminal history of a potential or serving members of Jobs Queensland. A request can be made only with the written consent of the member or potential member. The Minister is required by the Bill to ensure that the report is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested.

It could be argued that criminal history checking affects a person’s right to privacy. The committee notes that a criminal history can only be requested with the consent of the person, and that the report must be destroyed after it is used. The committee considers that the Bill strikes an appropriate balance between ensuring the integrity of Jobs Queensland and protecting the privacy of members and potential members of that body.

3.2 Immunity for Jobs Queensland members

The Bill confers immunity from liability for acts done or omissions made honestly, in good faith and without negligence. Any liability is transferred to the State. Such immunity is common in a number of statutory bodies and the public service and is intended to ensure that officials are not unduly hampered in the exercise of their official duties by concerns that they may be personally liable because of decisions made in an official capacity.

Section 4 of the *Legislative Standards Act 1992* includes the principle that legislation should not confer immunity from proceedings or prosecution without adequate justification. The committee considers that the conferral of immunity for members of Jobs Queensland is justified.

4 Explanatory Notes

Part 4 of the LSA requires that an Explanatory Note be circulated when a Bill is introduced into the Legislative Assembly and sets out the information an explanatory note should contain.

The Explanatory Notes meet the requirements of the LSA.

Appendices-**Appendix A – List of Submissions**

Sub No.	Submitter
001	United Voice
002	Queensland Nurses' Union
003	National Retail Association
004	Motor Trades Association of Queensland
005	Australian Sugar Milling Council
006	Master Electricians Australia
007	Queensland Teachers' Union
008	Asset Training Australia
009	Queensland Trucking Association
010	Queensland Council of Unions
011	Chamber of Commerce and Industry Queensland

Appendix B – Witnesses at public briefing

Public briefing – Thursday 24 September 2015, Brisbane
Department of Education and Training <ul style="list-style-type: none">• Dr Jim Watterston, Director-General• Ms Suzanne Wauchope, Deputy Director-General, Training and Skills• Ms Sakitha Bandaranaike, Director, Legislative Services• Mr Kieran Benfield, Director, Jobs Queensland Secretariat

Appendix C – Witnesses at public hearing

Public hearing – Wednesday 14 October 2015, Brisbane
<ul style="list-style-type: none">• Mr Cameron Meiklejohn, National Retail Association
<ul style="list-style-type: none">• Ms Kate Ruttiman, Queensland Teachers Union