



South Australian Council of Social Service Inc.

Comments on the Training and Skills Development Bill 2008

February 2008

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Foreword

Within this submission we have chosen the sections of the draft Bill that are particularly relevant to both our membership and to our policy position in regards to skills, education and training in South Australia. We have included a broad commentary on several sections of the bill and have included recommendations that we believe would serve to strengthen the legislation and the protections that it offers to vulnerable and disadvantaged South Australians.

Part 2 – Administration

Section 9 - Continuation of the Training and Skills Commission

SACOSS supports the expansion of the Training and Skills Commission and the widening of the membership base. This will enable the Commission to include a more diverse range of voices and therefore to advise the Minister more effectively and in a more complete manner. SACOSS suggests that the number of members of the commission currently proposed under s.9 (2) should be increased.

However it is evident that this diversity of membership of the Commission is not adequately defined in the Bill at present. In order to ensure that ongoing consideration is given to equity in education and training opportunities and outcomes in SA, legislative provision must be made for the appointment of the remaining Commissioners from a wide range of sectors and organisations within the community.

As workforce participation becomes an increasingly pressing issue for SA due to the mining and defence booms, the inclusion of those currently underserved by the industry and therefore underrepresented in the trained workforce can only be given equal footing with the inclusion of a wider range of representative voices. The inclusion of these diverse voices would serve to help drive the targeted broadening of the skills base of the SA workforce while ensuring that equity in opportunities and outcomes for disadvantaged South Australians is catered for by the Commission into the future.

Section 10 – Commissions Functions

While it is stipulated that the Commission must consult 'generally to the extent practicable' with industry and business bodies; unions; education and training bodies; and the community and public sectors, consideration of inclusion of these sectors on the Commission through legislation would ensure their voices are heard regardless of this stipulation.

Nevertheless, in order to ensure wide consultation on issues dealt with by the Commission, it is recommended that consultation should be mandated in the proposed legislation. Thus it is submitted that Section 10 (6) be expanded to include a set of indicators for issues that require mandatory consultation and the processes guiding the consultation process, including (but not limited to) allowing adequate time for consultation and submissions.

Section 18 - The Training Advocate

SACOSS supports the creation of the role of Training Advocate. The 'Training Advocate' has the potential to be an important advocacy tool to ensure that the education and training system in South Australia is appropriate and equitable. However, in order for the Training advocate to fulfil the position that this Bill sets out, the position would need to be as independent of government as is practicable. In addition, the role would need to be afforded the freedom to advise and influence the decisions and policy directions of government in relation to education and training. More importantly the Training Advocate would also need to be able to robustly question government directives and decisions that might negatively impact upon the education and training of South Australians, particularly vulnerable groups. The charter that has been detailed in s. 21(1-5) would need to quite clearly set out the role/s of this position and the powers that this position entails including clear references to the independence, influence and power that this role will have over government decision making and policy formation.

22 – Training Advocate subject to direction by Minister

SACOSS considers that in order to facilitate and sustain this role as autonomous and to ensure that the advocate can robustly challenge policy decisions that may impact negatively on disadvantaged groups, a balance must be achieved between the direction given by the Minister and the independence necessary for this role. The direction that the Minister is able to give to the Training Advocate needs to be set out clearly within this legislation as presently there is ambiguity regarding how this direction could affect the role's 'independence'. Consideration should be given to legislation in other jurisdictions that renders some commissions employees unable to be directed in certain circumstances.

24 - Staff

SACOSS would suggest that the Training Advocates' staff being employed from within the public service may be problematic due to potential conflicts of interest. There may be occasions in the commission of the work of the advocate where staff may diverge with government directives and policy decisions. This could impinge greatly upon the effectiveness, independence and validity of the commission's staff.

Part 4 - Apprenticeships

64 – Disputes and Grievances relating to training contracts

SACOSS supports legislative change that provides protections for young workers and in particular those workers employed under a training contract. This draft bill has strengthened the protections offered to apprentices by recognising the training contract under legislation and making provisions for disputes to be heard within the Industrial Relations Commission. This is an important step in offering apprentices the same protections as other workers. However SACOSS has concerns regarding representation within the process of dispute hearings with explicatory emphasis on the unequal relationship between workers and employers.

65 - Representation in proceedings before Industrial Relations Commission

SACOSS supports provisions within the legislation for workers, particularly young workers to be assisted in disputes that come before the Industrial Relations Commission (IRC). The power balance between workers and employers within disputes is inherently inequitable and workers (particularly those from disadvantaged backgrounds) may need assistance by others to successfully represent their dispute. Within the draft Bill, provisions have been made to exclude legal practitioners and 'registered agents' from representing workers and employers at the IRC. While SACOSS reservedly supports this section [s. 65(1)(a)], the legislation can be strengthened to include provisions that will expedite approval by the IRC for parties to be assisted by individuals other than legal practitioners and registered agents.

The SACOSS Policy Position

In December 2007 SACOSS released its 'Blueprint for the eradication of poverty in South Australia'. Within this work, SACOSS articulated its policy position in regards to skills, education and training and how these factors contribute to and enhance our experience of health and wellbeing and social and financial participation.

SACOSS believes that including further protections for young workers through training contracts and apprenticeships will not only help to create meaningful learning environments but will also serve to attract greater numbers of young people to consider an apprenticeship for their future careers. The targets that SACOSS contend need to be achieved to improve the experience of education and training in South Australia particularly for vulnerable groups are as follows:

- 12 – Free education for all who seek it.
- 13 – Ensure that all South Australians have training/education opportunities that will enable them to effectively compete for employment.
- 14 – Ensure equity of access and high quality of education/training in rural and metropolitan areas.

Increasing youth participation in education and training can potentially lead to substantial savings for government. In 2005 it was estimated that boosting the proportion of young people completing school or an apprenticeship to 90% would increase overall workforce

numbers nationally by 65,000. This would lead to a boost in economic productivity and by 2040 increase the economy by \$9 billion¹.

SASP Targets and Government Strategies

The overarching SASP targets that relate closely to the SACOSS Blueprint agenda are as follows:

- T6.19 – Non-school qualifications: By 2014, equal or better the national average for the proportion of the labour force with non-school qualifications.
- T6.20 – Higher education: Increase South Australia's proportion of higher education students to 7.5% of the national total by 2014.
- T6.21 – VET participation: Exceed the national average for VET participation by 2010².

The government has made several commitments to the development of a highly skilled workforce to boost South Australia's economy and quality of life. Within the 'Strategy for the development of South Australia's workforce by 2010' report the social objectives identified by Government that will be impacted positively upon by a workforce development focus centred on these areas;

- **Young people** – providing opportunities for the state's young people to develop skills and secure work and career choices that will enable them to remain or return to South Australia.
- **People not currently in the Workforce** – jobs growth, better utilisation of labour and a more inclusive workforce will enable those who are unemployed, or those who want to return to the workforce to re-skill in the areas of industry need.
- **Current workers** – Highly skilled workers are able to use job mobility to satisfy career aspirations.
- **Targeted Groups** – Ensuring that opportunities are provided for Indigenous people, women, people from non-English backgrounds and people with a disability to participate in learning for work, to utilise their skills and to share in the social and economic benefits of sustainable employment.

How far the workforce initiatives have come is not as yet known. However it is clear that youth unemployment in South Australia is still higher than the national average³.

The creation of fair and equitable legislation that encourages employers to employ young people while also encouraging participation in training contracts (while offering a raft of legal protections) is likely to contribute greatly to youth participation in the labour market and greater economic and social outcomes for the state.

¹ Dusseldorp Skills Forum and Industry Group (2007), Raising Youth Engagement and Attainment – a Discussion Paper – August 2007, viewed 27 February 2008, <http://dsf.org.au/papers/198.html>

² South Australian Council of Social Service Inc, 2007, 'Blueprint for the eradication of poverty in South Australia', SACOSS.

³ Ibid, pg. 44.

References

Dusseldorp Skills Forum and Industry Group (2007), Raising Youth Engagement and Attainment – a Discussion Paper – August 2007, viewed 27 February 2008, <http://dsf.org.au/papers/198.html>

South Australian Council of Social Service Inc, 2007, 'Blueprint for the eradication of poverty in South Australia', SACOSS.