



Review of the effectiveness of the operations of the *Jobs and Skills Australia Act 2022*

Terms of Reference

As part of its establishment, the *Jobs and Skills Australia Act 2022* (the Act) requires that the Minister for Skills and Training (the Minister) commence a review into the operation of the Act within two years after the commencement of section 29A of the Act in 2023 (the Review). The Review of the effectiveness of the operations of the Act is required to commence before 18 August 2025.

To give effect to this requirement, the Minister has appointed a preeminent person to undertake the Review of the effectiveness of the operations of the *Jobs and Skills Australia Act 2022* and report to the Government by early 2026. The Review is intended to be a comprehensive review that considers ongoing functions, governance and funding arrangements of the Jobs and Skills Australia (JSA) organisation, including effectiveness of its independence as a secondary statutory body and ensuring the Act enables JSA to deliver on its outlined functions.

Scope

The Review will examine and make recommendations about the operation of the Act, with reference to:

1. **Functions:** JSA's functions under the Act. This will include:
 - a. Appropriateness of current functions.
 - b. Possible functions to change or cease to better align with the Government's priorities.
 - c. Possible additional functions, including opportunities for JSA to enhance strategic alignment with the Government's priorities.
2. **Effectiveness** of JSA on delivering on its reporting and advice functions, including:
 - a. JSA's delivery and quality of work, both currently underway and in planning, for JSA to meet its functions under the Act.
 - b. Impact and reach of JSA's past and current work.

3. **Stakeholder model:** Appropriateness and effectiveness of JSA consulting and working with stakeholders, including tripartite partners (Australian Government, unions and employers), state and territory governments, Jobs and Skills Councils, and other key stakeholders as per the Act.
4. **Operating model:** JSA's structure, governance and resourcing in enabling JSA to independently and effectively deliver its functions under the Act. This will include:
 - a. The most appropriate structure for JSA.
 - b. The governance arrangements of JSA, including the composition and effectiveness of the Ministerial Advisory Board.
 - c. Procedures and processes for key artefact approvals (including the Annual Work Plan and capacity and cohort studies),
 - d. JSA's systems (including business processes and ICT/data systems), staffing and funding arrangements.
 - e. The Department of Employment and Workplace Relations' effectiveness in providing support to JSA to deliver on required functions (e.g. statutory appointments, governance arrangements etc).

Recommendations should be conscious of the fiscal environment.

Governance and Deliverables

The Government has appointed a preeminent reviewer Dr Michele Bruniges AM to undertake the Review.

The Reviewer will provide a Report to the Minister for Skills and Training in late 2025. The Minister must table a copy of the report in each House of the Parliament within 15 sitting days of that House after the completion of the preparation of the report.

The Reviewer will consult broadly and invite all stakeholders to provide submissions. Direct engagement with key stakeholders, including the JSA Ministerial Advisory Board, state and territory governments, and other Australian Government Departments will be a key part of the methodology.

In conducting the Review, the Reviewer will consult heavily with the Department of Employment and Workplace Relations and JSA. The Review may consider best practice, including the practices and operations of any comparable research, data and analysis agencies.

The Reviewer will be supported by a team provided by the Department of Employment and Workplace Relations.

Background

JSA was established as a secondary statutory body, within the Department of Employment and Workplace Relations, on 16 November 2022 through the *Jobs and Skills Australia Act 2022* (the Act), which was amended in August 2023 to provide additional and clarified functions and settle JSA's governance arrangements.

JSA is a key economic advisory body providing independent advice on current, emerging and future workforce, skills and training issues to improve employment opportunities and economic growth.

JSA's advice to Government helps inform decision making around the policies and programs targeting skilled workers needed to support the economy. Its advice will inform government policy, programs, and investment; business and industry planning; and the choices Australians make about their education, training and employment.

Under the Act, JSA has the following functions:

- to provide advice to the Minister or the Secretary in relation to the following:
 - Australia's current and emerging labour market, including advice on workforce needs and priorities
 - Australia's current, emerging and future skills and training needs and priorities (including in relation to apprenticeships, VET and higher education)
 - the adequacy of the Australian system for providing VET, including training outcomes
 - pathways into VET and pathways between VET and higher education
 - opportunities to remove barriers to achieving gender equality in the provision of training and in the labour market, and opportunities to improve gender equality outcomes
 - the impact of workplace arrangements, including insecure work, on economic and social outcomes
- to prepare capacity studies, including for emerging and growing industries and occupations
- to undertake workforce forecasting, assess workforce skills requirements and undertake cross industry workforce analysis
- to identify labour market imbalances and analyse the demand and supply of skills
- to analyse skills needs and workforce needs, including in regional, rural and remote Australia, and in relation to migration
- to undertake studies, including on opportunities to improve employment, VET and higher education outcomes for cohorts of individuals that have historically experienced labour market disadvantage and exclusion, and support, where appropriate, the evaluation of outcomes of relevant programs and the measurement of targets for these cohorts
- to contribute to industry consultation forums
- to undertake research and analysis on the resourcing and funding requirements for registered training organisations (within the meaning of the National Vocational Education and Training Regulator Act 2011) to deliver accessible quality VET courses
- to inform the public about the matters mentioned above
- to collect, analyse, share and publish data and other information about the matters mentioned above to inform policy development and program delivery; and
- any other function that:
 - is conferred on Jobs and Skills Australia by the rules, by this Act or by any other law of the Commonwealth; or
 - is incidental or conducive to the performance of the above functions.

To deliver on JSA's broad and diverse range of functions outlined in the Act, JSA has developed and published Strategic Plan for 2024-2027 to assist in delivering on their vision, mission and legislative remit.

JSA provides high quality data, analysis, and insights to better understand Australia's skills and labour shortages across the economy including producing a yearly Jobs and Skills Report, and yearly Work Plan outlining their priorities and deliverables for the year. JSA also provides independent advice on the effectiveness of Australia's current vocational education and training, higher education, and migration systems to meet Australia's future skills and workforce needs. Engagement with a wide variety of stakeholders continues to be central to the way JSA works to achieve their priorities and deliver on their functions.

Contact

The Department of Employment and Workplace Relations will provide support services to the Reviewer. The Review Team can be contacted via JSALegislatedReview@DEWR.gov.au.