CONSULT AUSTRALIA

The trusted voice for business in design, advisory and engineering

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Department of Employment and Workplace Relations

Submission sent online via: https://consultations.dewr.gov.au/secure-australian-jobs-framework-draft-framework

**Draft Secure Australian Jobs Framework - Submission**

Consult Australia is the industry association representing consulting businesses in design, advisory and engineering, an industry comprising over 58,600 businesses across Australia. Around 97% of this industry is made up of small businesses. Our members provide solutions for individual consumers through to major companies in the private sector and across all tiers of government.

Our industry directly employs over 285,000 people in architectural, engineering and technical services, and many more in advisory and business support. The services our members provide unlock many more jobs across the construction industry and the broader community.

Consult Australia is pleased to provide a submission on the draft Secure Australian Jobs Framework and proposed amendments to the Commonwealth Supplier Code of Conduct.

Consult Australia supports the objective of promoting secure jobs while maintaining a procurement framework focused on selecting the supplier best able to deliver quality outcomes. Our key ask is for any additional obligations to be proportionate to the risks being addressed.

Consult Australia proposes three recommendations for the Framework and Supplier Code:

- Preserve competition, small and medium enterprise participation and value for money.
- Ensure proportionate implementation that reflects different business models.
- Minimise duplication and provide clear, consistent requirements

**Preserve competition, small and medium enterprise participation and value for money**

Consult Australia supports procurement settings that promote secure jobs and responsible business practices, and it is important procurement decisions continue to focus on selecting the supplier best able to deliver value for money and quality outcomes. Consult Australia is concerned that the implementation of the Framework could restrict competition and supplier diversity.

Small and medium enterprises (SMEs) play an important role in supply chains, yet the Framework currently contains limited recognition of SME participation as a policy objective. Additional compliance requirements may unintentionally favour larger businesses with dedicated compliance resources.

The Framework should explicitly consider impacts on competition, SME participation and market diversity. The implementation and assessment arrangements should not be overly burdensome on SMEs. Measures that increase compliance costs without improving project outcomes risk reducing competition and undermining value for money.

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**Ensure proportionate implementation that reflects different business models**

Consult Australia is concerned that the Framework does not recognise that businesses can promote secure jobs and responsible business practices via a range of operating models. The draft Framework could discourage legitimate operating models and workforce flexibility. The Framework's expectation appears to be that casual, fixed-term and labour hire arrangements should only be used in limited circumstances, despite these arrangements already being regulated under a range of other laws.

Procurement assessments should focus on demonstrated outcomes rather than favouring certain industrial arrangements or workforce models over others. Professional services businesses often operate in project-based environments where demand and workforce requirements can change over the life of a project. For example, engineering, design and advisory consulting businesses may engage specialist expertise for a limited period to support projects or to respond to changing workloads. The Framework should recognise these legitimate business practices where they support effective project delivery and comply with workplace laws.

A key example is the capture of consulting businesses under existing labour hire laws. Consult Australia members do not provide labour hire service as a core function of their business but are frequently caught by a technical reading of the current legislation in various states and territories. Due to the drafting of labour hire laws, some workforce arrangements undertaken by a design, advisory, or engineering consulting business are captured, requiring the business to have a labour hire licence. For example, where a consulting business:

- supplies a worker to perform work within another organisation – for example, a government client's office under the direction and control of that client.
- uses/engages a worker from another organisation – for example, to perform work under direction of the business.

Therefore, it is important that the Framework does not unnecessarily penalise businesses that work flexibly especially where those arrangements are already regulated.

The assessment and implementation requirements of the Framework should also be proportionate to the contract value and risk, as well as the supplier's size, risk profile and operating model. This could include:

- simplified evidence requirements for SMEs
- self-certification for lower-risk procurements
- use of information already reported to government
- streamlined assessment processes for SMEs.

While it is noted that the Framework will have an exclusion for the construction industry, it is unclear if this exclusion extends to design, engineering and advisory consulting services supporting construction projects. Clear boundaries are needed to prevent inconsistent application across Commonwealth entities and procurement categories.

**Minimise duplication and provide clear, consistent requirements**

Consult Australia recommends the Framework and Supplier Code minimise unnecessary administrative burden and procurement complexity for businesses. There should not be duplicate reporting, evidence or assurance requirements where suppliers' compliance with workplace health and safety, anti-discrimination and workplace relations laws is already overseen through established regulatory arrangements.

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The Supplier Code states that suppliers will be expected to demonstrate alignment with, and meet, '*the majority of relevant indicators*' for the Secure Jobs Framework principles. Consult Australia seeks clarification on how a 'majority' will be determined, which indicators will apply to each and what evidence Commonwealth entities will require.

Many of the proposed indicators overlap with existing legislative and reporting obligations, including workplace relations, workplace health and safety, gender equality and modern slavery requirements. Suppliers should not be required to provide the same information multiple times through separate entities and processes. Commonwealth entities should adopt a 'report once, use many times' approach and use information already reported through established government frameworks where possible.

Consult Australia also recommends greater clarity regarding implementation and assessment. Suppliers need to understand which indicators apply to them, what evidence will be required and how assessments will be conducted consistently across Commonwealth agencies. Without consistent application, the Framework risks increasing bid costs and administrative burden without improving procurement outcomes.

Adopting these recommendations would help the Framework promote secure jobs and responsible business practices without creating disproportionate costs or barriers to Commonwealth procurement. A proportionate, outcomes-focused and consistent approach will better protect competition, SME participation, productivity and value for money.

We would welcome any opportunity to further discuss the issues raised in this submission. Please contact me directly at kristy@consultaustralia.com.au for more information or to arrange a meeting to discuss.

Yours sincerely,

Kristy Eulenstein

Head of Policy and Government Relations