

Allens

480 Queen Street
Brisbane QLD 4000 Australia

GPO Box 7082
Brisbane QLD 4001 Australia

T +61 7 3334 3000
F +61 7 3334 3444
www.allens.com.au

ABN 47 702 595 758

Allens > < Linklaters

17 June 2020

Robert Janissen
Senior Analyst, Adjudication
Merger & Authorisation Review Division
Australian Competition and Consumer
Commission
23 Marcus Clarke Street
Canberra ACT 2601

Dear Robert

Notification N10000517 - Queensland Jobs Finder Program

We act for the Queensland Department of Employment, Small Business and Training (the **Department**).

The Department thanks you for your inquiries in relation to the Queensland Jobs Finder Program (the **Program**), and the engagement of The Recruitment & Consulting Services Association Ltd (**RCSA**) by the Department in connection with that Program.

As the ACCC would be aware, the impacts of COVID-19 and protective measures implemented to prevent its spread, have unfortunately resulted in significant job losses, and contraction of Australia's economy.

One of the Queensland Government's first economic priorities in responding to the challenges of COVID-19, was to find ways to assist Queenslanders out of work, stood down from their existing employment or on reduced hours, to find new employment through a 'matching site' for job seekers and employers.

That 'matching site', now known as the Jobs Finder Portal, is part of the Queensland Government's (up to \$500 million) worker retraining and assistance package.

Rationale for selection of RCSA

Given the need for a rapid policy response, we understand it was not possible for the Queensland Government to run a formal tender process to select an entity to implement the Program.

However, we are instructed that:

- before deciding to proceed with development of the Jobs Finder Portal and engagement with RCSA, the Queensland Government gave consideration to the suitability of existing job matching platforms that it was aware were already in the market, including receiving a presentation and pricing from a provider of such a job matching platform that is currently utilised for talent mobility within the Queensland public service (██████████).
- The implementation of the Program occurred in compliance with the Queensland Government's guidance on procurement during the COVID-19 emergency (as a short term economic stimulus

Our Ref JXHB:120945515
jxhb 510324204v1 120945515 17.6.2020

measure which is intended to cease operation where the adverse impacts of COVID-19 on the labour market recede).

RCSA, as the recruitment industry peak body for Australia and New Zealand, was ultimately engaged as it was considered uniquely placed to implement the matching aspects of the Program.

In particular, the Department considered that:

- appointment of the largest peak recruitment industry body (rather than an individual recruitment firm, alternative industry body or the government implementing a platform without a recruitment industry partner), would maximise participation by recruitment and labour hire firms and thereby extend the coverage of the Program (both geographically across the State and facilitating inclusion of specialist providers for high demand industries);
- RCSA had an existing 'StaffMatch' platform that was able to be quickly modified to provide the desired matching service – both increasing the speed and reducing the cost of roll-out of the Program; and
- the Department was concerned to ensure that job seekers who were economically vulnerable were not taken advantage of, and wanted comfort that recruitment businesses involved in the program were reputable and would comply with all privacy obligations, and had confidence in RCSA's ability to ensure that would occur given RCSA's existing certification arrangements and professional conduct regime (which themselves have been notified to the ACCC).

Participation in the Program by non-RCSA Members

In selecting RCSA, the Department was conscious that not all recruitment or labour hire organisations were members of RCSA (even though some organisations are members of multiple industry bodies) and that to maximise the reach of the Program it was important that other recruitment and labour hire organisations were able to participate.

The Implementation Agreement therefore provides that non-RCSA members can become approved providers in a variety of other ways, namely where they are:

- RCSA Staff Sure certified;
- Labour Hire 'Approved Employers' within the Australian Government Seasonal Worker Program (in respect of agricultural on-hire assignment occurring not on an accommodation only basis);
- Approved under the Queensland Government Standing Offer Arrangements for either Office Based Staff Solution of ICT (in respect of office or ICT based on-hire assignments or placements); and
- Assessed as complying with the Staff Sure standard (without having to obtain formal certification from RCSA) or making genuine efforts to implement changes identified as being needed to achieve such compliance.

Those categories were considered to provide the appropriate balance between providing the government with assurance as to the nature of the provider while facilitating broad participation in the Program.

The Implementation Agreement requires that RCSA applies that last assessment process in a fair, equitable and reasonable manner that does not involve any requirement or pressure on an applicant to become a member of RCSA.

The Department encourages non-RCSA members to apply to participate in the Program, and has a right under the Implementation Agreement to review and make recommendations in relation to any disputes arising from applications for participation in the Program. It is currently working with RCSA to continue to broaden participation in the Program (including to non-RCSA members).

Jobs Finder Program does not exclude other avenues for seeking employment

For completeness, it is also noted that job seekers registering on the Jobs Finder Portal can (and would be anticipated to) seek employment through other avenues, including through any recruitment or labour hire organisation, government and private sector job search sites or direct from employers.

We trust this will assist in your consideration of the RCSA notification. Please do not hesitate to contact us if the Department can be of any further assistance.

Yours sincerely



John Hedge
Partner
Allens

