

The Senate

Education and Employment
Legislation Committee

Annual reports (No. 2 of 2015)

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Ms Julia Agostino, Secretary

Dr Patrick Hodder, Acting Principal Research Officer

Dr Joel Bateman, Acting Principal Research Officer

Ms Chiara Edwards, Research Officer

Ms Louise Kelly, Administrative Officer

PO Box 6100
Parliament House
Canberra ACT 2600

Ph: 02 6277 3521
Fax: 02 6277 5706
E-mail: eec.sen@aph.gov.au

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CHAPTER 1

Introduction

1.1 This is the Senate Education and Employment Legislation Committee's (the committee) second report on annual reports for 2015. It provides an overview of the committee's examination of annual reports for the 2013–14 financial year.

Terms of reference

1.2 This report was prepared pursuant to Standing Order 25(20) relating to the consideration of annual reports by committees, which states:

Annual reports of departments and agencies shall stand referred to the committees in accordance with an allocation of departments and agencies in a resolution of the Senate. Each committee shall:

- (a) Examine each annual report referred to it and report to the Senate whether the report is apparently satisfactory.
- (b) Consider in more detail, and report to the Senate on, each annual report which is not apparently satisfactory, and on the other annual reports which it selects for more detailed consideration.
- (c) Investigate and report to the Senate on any lateness in the presentation of annual reports.
- (d) In considering an annual report, take into account any relevant remarks about the report made in debate in the Senate.
- (e) If the committee so determines, consider annual reports of departments and budget-related agencies in conjunction with examination of estimates.
- (f) Report on annual reports tabled by 31 October each year by the tenth sitting day of the following year, and on annual reports tabled by 30 April each year by the tenth sitting day after 30 June of that year.
- (g) Draw to the attention of the Senate any significant matters relating to the operations and performance of the bodies furnishing the annual reports.
- (h) Report to the Senate each year whether there are any bodies which do not present annual reports to the Senate and which should present such reports.¹

Role of annual reports

1.3 Annual reports place a great deal of information about government departments and agencies on the public record. Accordingly, the tabling of annual reports is an important element of accountability to Parliament, assisting in the

1 *Amended 24 August 1994, 13 February 1997, 11 November 1998, 3 December 1998, 13 February 2002, 19 November 2002, 14 August 2006: with effect from 11 September 2006, 13 May 2009: with effect on 14 May 2009.*

effective examination of the performance of departments and agencies, and the administration of government programs.

Annual reports referred

1.4 In accordance with Senate Standing Order 25(20)(f) this report examines those annual reports tabled between 1 November 2014 and 30 April 2015. The committee examined the following reports:

Statutory authorities and bodies

- Asbestos Safety and Eradication Agency – Report for 2013-14
- Safe Work Australia – Report for 2013-14
- Workplace Gender Equality Agency – Report for 2013-14

Commonwealth companies under the Commonwealth Authorities Companies Act 1997 (CAC Act)

- Coal Mining Industry (Long Service Leave Funding) Corporation – Report for 2013-14.

1.5 The tabling dates of these reports are listed at Appendix 2. Details of all annual reports referred to the committee are set out at Appendix 1. Reports tabled by 31 October 2014 were considered in the committee's first Report on Annual Reports.

Reports not examined

1.6 The committee is not obliged to report on Acts, statements of corporate intent, surveys, corporate plans or errata. The following documents were referred to the committee but not examined:

- *Schools Assistance Act 2008*-Report on financial assistance granted to each state in respect of 2012
- *Schools Assistance Act 2008*-Report on financial assistance granted to each state in respect of 2013

Method of assessment

1.7 Senate Standing Orders require the committee to examine the annual reports referred to it to determine whether they are timely and apparently satisfactory. In making this assessment, the committee considers whether the reports comply with the relevant requirements for the preparation of annual reports of departments and authorities.

1.8 The requirements are set down in the following Acts and instruments:

- for portfolio departments: the *Public Service Act 1999*, sub sections 63(2) and 70(2), and the *Requirements for Departmental Annual Report, for Departments, Executive Agencies and Financial Management and Accountability Act 1997 (FMA Act) Bodies*, Department of Prime Minister and Cabinet, revised May 2014;
- for Commonwealth authorities and companies: the *Commonwealth Authorities and Companies Act 1997*, in particular sections 9, 36 and 48,

the *Commonwealth Companies (Annual Reporting) Orders 2011*, and the *Corporations Act 2001*; and

- for non-statutory bodies: the guidelines are contained in the Government response to the Senate Standing Committee on Finance and Public Administration Report on Non-Statutory bodies.²

Timeliness in tabling annual reports

1.9 Standing Order 25(20)(c) requires the committee to report to the Senate on the late presentation of annual reports.

1.10 Annual reports must be tabled in Parliament by 31 October each year, except where an agency's own legislation specifies a timeframe for its annual report.³ Those agencies reporting under the CAC Act are required to provide their annual reports to the minister by the 15th day of the fourth month after the end of the financial year. Where the financial year ends on 30 June, this deadline translates to 15 October.⁴

1.11 The committee recognises that the agencies covered by this report are subject to other timeframes stipulated in their enabling legislation, such as presenting their report 'as soon as practicable' after a given date⁵ Nonetheless, the committee reminds all agencies that the government considers it best practice for annual reports to be tabled by 31 October each year.

General comments on reports

1.12 The committee has found, under the terms of standing order 25(20), that the reports described here are satisfactory. In making this assessment, the committee considers aspects such as the timeliness of presentation and compliance with relevant reporting requirements.

2 *Senate Hansard*, 8 December 1987, pp 2643–45.

3 Department of Prime Minister and Cabinet, *Requirements for Annual Reports for Departments, Executive Agencies and FMA Act Bodies*, June 2012, p. 2.

4 *Commonwealth Authorities and Companies Act 1997*, section 9.

5 See: section 70, *Safe Work Australia Act 2008*; section 12, *Workplace Gender Equality Agency Act 2012*.

CHAPTER 2

Review of annual reports

2.1 This chapter examines selected annual reports from three statutory agencies in greater detail, and provides the Senate with information that may be of particular interest.

Asbestos Safety and Eradication Authority

2.2 The Asbestos Safety and Eradication Authority (ASEA) was established on 1 July 2013 under the *Asbestos Safety and Eradication Agency Act 2013* (the ASEA Act). The ASEA's primary duties include encouraging, coordinating, monitoring and reporting on the implementation of the *National Strategic Plan for Asbestos Awareness and Removal 2013-2018* (the National Strategic Plan), which prescribes a national approach to asbestos eradication, handling and awareness in Australia.¹

2.3 One of the agency's first tasks, on direction from the Minister for Employment, Senator the Hon Eric Abetz, was to review and redraft the National Strategic Plan.² Concerns had been raised about certain aspects of the plan, such as the practicality of the asbestos removal deadline of 2030, the lack of clear costing and safety analysis, and the potential for duplication in regulatory processes. The ASEA worked with states, territories and other stakeholders to incorporate this feedback into a revised draft plan, which was released for comment in June 2014.³

2.4 In its first year, the ASEA undertook other necessary preparatory work in support of its aims. The agency developed and tested a range of tools and methodologies to identify, assess and grade asbestos materials in the built environment, and to map authorised disposal sites.⁴ In addition, it undertook a baseline awareness survey, established a national register of asbestos exposure and implemented online registration systems.⁵ This work was guided by the six overarching strategy goals of the National Strategic Plan:

- awareness;
- best practice;
- identification;
- removal;
- research; and

1 Asbestos Safety and Eradication Agency, *Annual Report 2013-14*, p. 13.

2 Asbestos Safety and Eradication Agency, *Annual Report 2013-14*, p. 15.

3 Asbestos Safety and Eradication Agency, *Annual Report 2013-14*, p. 15.

4 Asbestos Safety and Eradication Agency, *Annual Report 2013-14*, pp 32–33.

5 Asbestos Safety and Eradication Agency, *Annual Report 2013-14*, pp 30–31 and 34.

- international leadership.⁶

2.5 The ASEA oversaw the setup of the Asbestos Safety and Eradication Council and its secretariat, with six meetings convened during the reporting period.⁷ In conjunction with Comcare, the ASEA held the first National Asbestos Forum.

2.6 The ASEA also undertook additional work to coordinate the National Taskforce – Asbestos Safety in Telstra Infrastructure (the Taskforce), which was established following reports of unsafe handling of asbestos materials during the cabling rollout of the National Broadband Network.⁸ The Taskforce ensured that employees, contractors and the public were protected from exposure to airborne asbestos fibres. Fourteen independent monitors conducted over 500 site visits involving 80 contractors, with no major incidents of asbestos exposure reported.⁹ The ASEA subsequently commenced a review of asbestos training in the utilities sector.¹⁰

2.7 The report notes the ASEA's intention to continue to build upon this work during the 2014-15 year by, for example, using the results of its initial research to address gaps in knowledge and tailor its communications, convening the inaugural International Conference on Asbestos Awareness and Management, working to remove asbestos in remote Indigenous communities, strengthening asbestos training, and developing protocols in relation to the importation of products containing asbestos.¹¹

2.8 The committee congratulates the ASEA on its first report and looks forward to learning more about its progress in future annual reports.

Safe Work Australia

2.9 Safe Work Australia (SWA) is a statutory agency established under the *Safe Work Australia Act 2008*. SWA leads the development of national work health and safety policy and workers' compensation across Australia. SWA is jointly funded by the Commonwealth, state and territory governments.¹²

2.10 Throughout the reporting period, the SWA worked to achieve the outcomes set out in both its *Strategic Plan 2013-2016* and its *Operational Plan 2013-2014*, as well as the broader action areas outlined in the *Australian Work Health And Safety Strategy 2012-2022* (the Australian Strategy).

2.11 Safe Work Australia's 2013-14 PBS outlines a single program structure with the outcome statement: 'healthier, safer and more productive workplaces through

6 Asbestos Safety and Eradication Agency, *Annual Report 2013-14*, pp 30–35.

7 Asbestos Safety and Eradication Agency, *Annual Report 2013-14*, p. 16.

8 Asbestos Safety and Eradication Agency, *Annual Report 2013-14*, pp 39 and 44.

9 Asbestos Safety and Eradication Agency, *Annual Report 2013-14*, p. 39 .

10 Asbestos Safety and Eradication Agency, *Annual Report 2013-14*, p. 44.

11 Asbestos Safety and Eradication Agency, *Annual Report 2013-14*, pp 42–43.

12 Safe Work Australia, *Annual Report 2013-14*, p. 10.

improvements to Australian work health and safety and workers' compensation arrangements'. Performance against this outcome is measured by six strategies and three key performance indicators (KPIs) also outlined in the PBS. SWA met all its KPIs for the fifth consecutive year.

2.12 In her overview, Chief Executive Officer Ms Michelle Baxter noted that in the decade preceding the reporting period, work-related deaths fell by 33 per cent and serious compensation claims fell by 29 per cent.¹³ However, she also noted the troubling trend that the median time lost following compensation for an injury resulting in at least one week off work has gradually increased over the last seven years from four to five working weeks.

2.13 During the reporting period, the agency had a particular focus on the agriculture and road transport industries.¹⁴ In consultation with its members, the SWA developed the *National Agriculture Activity Plan 2014-2019* and began the development of guidance material to support rural workplaces in their safe management of plants and livestock. SWA partnered with the National Transport Commission to provide health screenings to over 1 041 truck drivers at 12 designated truck stops across four states.¹⁵ SWA also published two data reports about the transport industry and collated a number of case studies relating to activities and programs being carried out under the Australian Strategy.

2.14 The committee commends SWA on a thorough and informative report.

Workplace Gender Equality Agency

2.15 The Workplace Gender Equality Agency (WGEA) is a statutory agency established under the *Workplace Gender Equality Act 2012* (the WGEA Act). The Director of the WGEA, Ms Helen Conway, noted in the report that the agency receives generous financial and in-kind support from a range of individual and organisational partners.¹⁶

2.16 The WGEA exceeded three of its four KPIs:

- Percentage of women in leadership including governing board members, key management personnel and other managers;
- Percentage of relevant employers with a strategy or policy to support employees with family and caring responsibilities; and
- Number of visits to the agency website.¹⁷

The agency did not meet its remaining KPI: percentage of relevant employers conducting gender remuneration gap analyses. The report notes that many employers

13 Safe Work Australia, *Annual Report 2013-14*, p. 9.

14 Safe Work Australia, *Annual Report 2013-14*, p. 17.

15 Safe Work Australia, *Annual Report 2013-14*, p. 20.

16 Workplace Gender Equality Agency, *Annual Report 2013-14*, p. 7.

17 Workplace Gender Equality Agency, *Annual Report 2013-14*, p. 14.

who do not conduct this analysis do not do so because pay is set by awards, industrial agreements, or 'market rates'.¹⁸

2.17 The 2013-14 year marked the first full year of reporting under the WGEA Act. The WGEA will use the data collected to prepare customised, confidential benchmark reports to enable employers to compare their gender performance to their peers' performance, identify areas for improvement and track the effectiveness of their gender equality strategies over time.¹⁹ These reports will be released alongside a gender equality strategy toolkit. The data will also be available in aggregated form.

2.18 Under the new reporting framework, the WGEA began collecting data from reporting organisations against the gender equality indicators which will feed into customised and confidential benchmark reports that will be distributed to compliant reporting organisations in late calendar year. The Agency also ran workshops and teleconferences to equip employers with the information needed on how to report and comply with the *Workplace Gender Equality Act 2012*.

2.19 During the reporting period, the WGEA published a series of 'perspective papers' synthesising academic literature on issues contributing to gender inequality, updated eight fact sheets and published an interactive data centre.²⁰ The agency also contributed to a range of research conducted by academic and government institutions and responded to 54 external requests for information and data.²¹

2.20 The WGEA uses media engagement to raise public awareness of gender equality issues. In the 2013-14 year the agency issued seven media releases and achieved 395 media mentions. Over 93% of all media coverage was either positive or neutral. Between July 2013 and June 2014, their website received almost 250,000 visits.

2.21 The committee finds the report to be well presented and easily navigated, and particularly appreciates the inclusion of clear, informative appendices.

Comments made in the Senate

2.32 The committee is obliged, under Senate Standing Order 25(20)(d), to consider any remarks made about these reports in the Senate. The committee is satisfied that there were no such comments to include.

18 Workplace Gender Equality Agency, *Annual Report 2013-14*, p. 16.

19 Workplace Gender Equality Agency, *Annual Report 2013-14*, p. 19.

20 Workplace Gender Equality Agency, *Annual Report 2013-14*, pp 20-21.

21 Workplace Gender Equality Agency, *Annual Report 2013-14*, p. 20.

Bodies not presenting annual reports to the Senate

2.33 The committee is required to report to the Senate each year on whether there are any bodies not presenting annual reports to the Senate which should. The committee is satisfied that there are no such bodies at this time.

Senator Bridget McKenzie

Chair

APPENDIX 1

Allocation of annual reports to the committee

Annuals reports from the following agencies were allocated to the committee during the 2013–14 year.

Education

- Australian Curriculum, Assessment and Reporting Authority
- Australian Institute of Aboriginal and Torres Islander Studies
- Australian Institute for Teaching and School Leadership Ltd
- Australian National University
- Australian Research Council
- Department of Education
- Tertiary Education Quality and Standards Agency

Employment

- Asbestos Safety and Eradication Agency
- Coal Mining Industry (Long Service Leave Funding) Corporation
- Defence Force Remuneration Tribunal¹
- Department of Employment
- Workplace Gender Equality Agency
- Fair Work Building and Construction
- Fair Work Commission
- Fair Work Ombudsman
- Road Safety Remuneration Tribunal
- Safe Work Australia
- Safety, Rehabilitation and Compensation Commission and Comcare
- Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority)

¹ Also forwarded to Foreign Affairs, Defence and Trade Committee.

APPENDIX 2

Compliance table of annual reports referred

List of annual reports referred by the Senate to the committee during the period 1 November 2014 to 30 April 2015

Body	Enabling legislation	Letter of Transmittal Date	Submitted to/Received by Minister	Presented out of session	Tabled	Timeliness
Coal Mining Industry (Long Service Leave Funding) Corporation	<i>Coal Mining Industry (Long Service Leave) Administration Act 1992</i>	16.10.2014	14.11.2014	15.01.2015	Reps: 9.02.2015 Senate:	On time
Workplace Gender Equality Agency	<i>Workplace Gender Equality Act 2012</i>	17.11.2014	17.11.2014 19.11.2014		Reps: Senate: 18.12.2014	On time
Asbestos Safety and Eradication Agency	<i>Asbestos Safety and Eradication Agency Act</i>	3.10.2014	07.10.2014 08.10.2014		Reps: 24.11.2014 Senate: 17.11.2014	On time

Body	Enabling legislation	Letter of Transmittal Date	Submitted to/Received by Minister	Presented out of session	Tabled	Timeliness
Safe Work Australia	<i>Safe Work Australia Act 2008</i>	6.11.2014	07.11.2014		Reps: 02.12.2014 Senate: 02.12.2014	On time