

The Senate

Education and Employment
Legislation Committee

Annual reports (No. 1 of 2017)

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Ms Kate Campbell, Senior Research Officer

Ms Amy Walters, Research Officer

Mr Abe Williamson, Administration Officer

Committee web page:

www.aph.gov.au/Parliamentary_Business/Committees/Senate/Education_and_Employment

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) first report on annual reports for 2017. It provides an overview of the committee's examination of annual reports for the 2015-16 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 legislation 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.

Allocated portfolios

1.3 In accordance with the resolution of the Senate on 31 August 2016 the committee has oversight of the following portfolios:

- Education and Training; and
- Employment.¹

Role of annual reports

1.4 Annual reports place information about government departments and agencies on the public record in relation to the performance, activities, management and financial position of the reporting body. They are a primary accountability mechanism and assist the Parliament in the effective examination of the performance of departments and agencies, and the administration of government programs.

Annual reporting requirements

1.5 The annual reporting requirements of departments and agencies have a legislative framework.

1.6 On 1 July 2014, the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) replaced the *Financial Management and Accountability Act 1997* (FMA Act) and the *Commonwealth Authorities and Companies Act 1997* (CAC Act). The PGPA Act consolidated the governance, performance and accountability requirements previously contained in the FMA Act and the CAC Act.

1.7 It also established a performance reporting framework for all Commonwealth entities and companies. Section 39 of the PGPA Act requires all Commonwealth entities to prepare an annual performance statement and include those statements in their annual reports. Entities use the annual performance statements to report on the results achieved against the targets, goals and measures established at the beginning of a reporting year in its corporate plan.

1.8 The Public Governance, Performance and Accountability Rule 2014 (PGPA Rule 2014), established under the PGPA Act, details the requirements for the corporate plan, annual performance statements, and from the 2015-16 period onwards, the guidelines for annual reports.

1.9 A range of PGPA Act bodies provide annual reports which are referred to committees for examination.

PGPA Act bodies

1.10 The PGPA Act categorises bodies as a Commonwealth entity (either a non-corporate Commonwealth entity or a corporate Commonwealth entity), or a Commonwealth company, as detailed below:

- Non-corporate Commonwealth entity—an entity that is legally and financially part of the Commonwealth, and includes departments of state, parliamentary departments, statutory authorities, and listed entities (a body, person, group of persons or organisation that is prescribed by rules made under the PGPA Act).
- Corporate Commonwealth entity—a body corporate that has a separate legal personality from the Commonwealth, and includes certain statutory

1 *Journals of the Senate*, No. 2, 31 August 2016, p. 76.

authorities. It can act in its own right exercising certain legal rights such as entering into contracts and owning property.

- Commonwealth company—a company established by the Commonwealth under the *Corporations Act 2001* that is controlled by the Commonwealth.

Changes to reporting requirements

1.11 Prior to the passage of the PGPA Act, annual reporting requirements of the various bodies were governed by the FMA Act and the CAC Act. In addition, the annual reports of non-corporate Commonwealth entities were prepared in accordance with the *Requirements for Annual Reports*, which were reviewed annually by the Department of the Prime Minister and Cabinet (PM&C) and approved by the Joint Committee of Public Accounts and Audit (JCPAA).

1.12 Major changes to the *Requirements for Annual Reports* were anticipated for the 2014-15 annual reports following the commencement of the PGPA Act, but this was delayed until 2015-16.² However, transitional requirements came into effect for the 2014-15 period to reflect the passage of the PGPA Act. Sections 7AB and 7AC of the Public Governance Performance and Accountability (Consequential and Transitional Provisions) Rule 2015 continued the application of the Commonwealth Authorities (Annual Reporting) Orders 2011 and the Commonwealth Companies (Annual Reporting) Orders 2011 to annual reports for relevant entities for the 2014-15 reporting period.³

1.13 Commencing in the 2015-16 period, annual reporting requirements for non-corporate and corporate Commonwealth entities are set out in section 46 of the PGPA Act, including that annual reports must comply with any requirements prescribed by the rules. Section 97 prescribes the annual reporting requirements for Commonwealth companies. The document *Requirements for Annual Reports* has been replaced by the PGPA Rule 2014.

1.14 Below is a summary of the instruments under which the 2015-16 annual reports were prepared:

Non-corporate Commonwealth entities:

- PGPA Act, section 46 and the PGPA Rule 2014, Division 3A(A);
- for portfolio departments and executive agencies, the *Public Service Act 1999*, subsections 63(2) and 70(2); for parliamentary departments, the *Parliamentary Service Act 1999*, section 65; and
- for statutory bodies, relevant enabling legislation.

2 See Department of the Prime Minister and Cabinet, *Requirements for Annual Reports for Departments, Executive Agencies and FMA Act Bodies*, 29 May 2014, p. i; and Department of the Prime Minister and Cabinet, *Requirements for Annual Reports for Departments, Executive Agencies and Other Non-Corporate Commonwealth Entities*, 25 June 2015, p. 1.

3 See Department of the Prime Minister and Cabinet, *Requirements for Annual Reports for Departments, Executive Agencies and FMA Act Bodies*, 29 May 2014, p. 1.

Corporate Commonwealth entities:

- PGPA Act, section 46 and the PGPA Rule 2014, Division 3A(B); and
- for statutory bodies, relevant enabling legislation.

Commonwealth companies:

- PGPA Act, section 97, which also refers to requirements under the *Corporations Act 2001* and the PGPA Rule 2014, Part 3-3; and
- for statutory bodies, relevant enabling legislation.

Annual reports referred

1.15 In accordance with Senate Standing Order 25(20)(f) this report examines those annual reports tabled between 1 May 2016 and 31 October 2016. The committee examined the following reports:

Corporate entities:

- Australian Curriculum Assessment and Reporting Authority (ACARA);
- Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS);
- Australian National University (ANU);
- Coal Mining Industry (Long Service Leave Funding) Corporation; and
- Comcare and Safety, Rehabilitation and Compensation Commission.

Non-corporate entities:

- Asbestos Safety and Eradication Agency (ASEA);
- Australian Research Council (ARC);
- Australian Skills Quality Authority (ASQA);
- Department of Education;
- Department of Employment;
- Fair Work Building and Construction (FWBC) (as it was during the 2015-16 financial year);
- Fair Work Commission;
- Office of the Fair Work Ombudsman (FWO);
- Safe Work Australia;
- Seacare Authority; and
- Tertiary Education Quality and Standards Authority (TEQSA).

Commonwealth companies:

- Australian Institute for Teaching and School Leadership (AITSL).

Reports not examined

1.16 The committee is not obliged to report on Acts, statements of corporate intent, surveys, policy papers, budget documents, corporate plans or errata. Accordingly, the following documents were referred to the committee but are not examined in this report:

- Final Budget Outcome 2015-16.

Method of assessment

1.17 Senate Standing Order 25(20) requires 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 legislation and requirements for the preparation of annual reports.

Timeliness

Presentation to ministers

1.18 Section 46 of the PGPA Act requires Commonwealth entities, both corporate and non-corporate, to prepare an annual report and provide it to the responsible Minister by the 15th day of the fourth month after the end of the reporting period, which translates as 15 October.

1.19 For Commonwealth companies, the deadline for providing the report to the responsible minister is stipulated under section 97 of the PGPA Act, namely, four months after the end of the company's reporting period.

1.20 The annual reports of corporate and non-corporate Commonwealth entities were presented to the relevant ministers in a timely way except for the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), which was presented to the Minister for Education on 17 October 2016.

1.21 The committee is satisfied that AITSL, a Commonwealth company, presented its annual report to the Minister on time.

Tabling in Parliament

1.22 Formerly, annual reports of non-corporate entities had to be presented by the responsible Minister to each House of Parliament on or before 31 October each year.⁴ There is no longer an explicit stipulation for this to occur because the PGPA Rule 2014 is silent on this matter. However, as explained below, it does recommend that such reports be tabled before Supplementary Budget Estimates.

1.23 While the transitional provisions were in effect for the 2014-15 reporting period, there was a lack of clarity surrounding the timeframe for the presentation to

4 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports for Departments, Executive Agencies, and other Non-Corporate Commonwealth Entities*, 25 June 2015, p. 2.

the Parliament of the annual reports of corporate entities.⁵ As explained below, it is now clearer under the operation of the PGPA Rule 2014.

1.24 The PGPA Rule states that annual reports for corporate Commonwealth entities, non-corporate Commonwealth entities and Commonwealth companies must comply with the *Guidelines for the Presentation of Documents to the Parliament* which is prepared by the Department of the Prime Minister and Cabinet.⁶

1.25 The guidelines advise that for all Commonwealth entities:

As per past practice, it is expected that the responsible Minister will present the report to each House of Parliament on or before 31 October. If Senate Supplementary Budget Estimates hearings are scheduled to occur prior to 31 October, it is best practice for annual reports to be tabled prior to those hearings. This ensures that annual reports are available for scrutiny by the relevant Senate standing committee.⁷

1.26 The committee notes that the next Supplementary Budget Estimates hearings commence on 23 October 2017 and expects that all relevant annual reports are tabled prior to this date.

1.27 For Commonwealth companies, subsection 97(5) of the PGPA Act states that the Minister must table the reports as soon as practicable after receiving them.⁸ This provision is clarified in the *Guidelines for the Presentation of Documents to the Parliament* which sets out the expectation that reports will be tabled on or before 31 October or sooner if Senate Supplementary Budget Estimates hearings are scheduled prior to 31 October.⁹

1.28 In this regard the committee notes that the Joint Committee on Public Accounts and Audit (JCPAA) has considered formally bringing the tabling date forward:

...the [JCPAA] Committee believes that bringing forward both of these dates [presentation to ministers and tabling in Parliament], and formalising the required tabling date in legislation, is both viable and valuable. If achieved, it will provide some certainty to Senate Estimates Committees in

5 Senate Education and Employment Legislation Committee, *Annual reports (No. 2, 2016)*, October 2016, p.5.

6 Department of the Prime Minister and Cabinet, *Guidelines for the Presentation of Documents to the Parliament*, February 2017, www.dPMC.gov.au/sites/default/files/publications/pmc-tabling-guidelines.pdf.

7 Department of the Prime Minister and Cabinet, *Guidelines for the Presentation of Documents to the Parliament*, February 2017, p. 4.

8 *Public Governance, Performance and Accountability Act 2013*, ss. 97(5).

9 Department of the Prime Minister and Cabinet, *Guidelines for the Presentation of Documents to the Parliament*, February 2017, paragraph 4.10, p. 4.

particular that the important performance information in annual reports will be made available in a timely manner to assist scrutiny.¹⁰

1.29 Despite the clear guidance contained in the *Guidelines for the Presentation of Documents to the Parliament*, many bodies did not meet the recommended timeframe for tabling annual reports in Parliament prior to Supplementary Budget Estimates. In 2016, Supplementary Budget Estimates for the Employment and Education and Training portfolios took place on 19 and 20 October. The only bodies that tabled reports in both Houses before this period were the Australian National University and the Department of Employment. The following bodies tabled in the House of Representatives on or prior to 19 October, but did not table in the Senate until 7 November:

- Asbestos Safety and Eradication Agency;
- Comcare and Safety, Rehabilitation and Compensation Commission;
- Fair Work Commission;
- Fair Work Building and Construction;
- Fair Work Ombudsman; and
- Seafarers Safety, Rehabilitation and Compensation Authority (Seacare).¹¹

1.30 The following agencies did not table in either the House of Representatives or the Senate before the Supplementary round:

- Australian Curriculum Assessment and Reporting Authority;
- Australian Institute for Teaching and School Leadership;
- Australian Institute of Aboriginal and Torres Strait Islander Studies;
- Australian Research Council;
- Australian Skills Quality Authority;
- Coal Mining Industry (Long Service Leave Funding) Corporation;
- Department of Education;
- Safe Work Australia; and
- Tertiary Education Quality and Standards Authority.¹²

1.31 The Department of Education's lateness in this regard was commented on by Senator Collins at the Supplementary Estimates hearing.¹³

10 Joint Committee of Public Accounts and Audit, *Report 457: Development of the Commonwealth Performance Framework Second Report*, May 2016, p. 11.

11 The committee acknowledges, however, that because the report had been tabled in the House of Representatives it was available publicly prior to Supplementary Budget Estimates.

12 These agencies did however present their reports to the Senate out of sitting between 25 and 28 October, prior to the formal deadline of 31 October 2016.

13 *Committee Hansard*, 20 October 2016, p. 6.

1.32 The committee reminds all entities and companies that it is best practice for annual reports to be tabled prior to Supplementary Budget Estimates, which as stated earlier commences on 23 October 2017.

1.33 Appendix 1 lists the annual reports which were presented to Parliament between 1 May 2016 and 31 October 2016 and referred to the committee, with relevant tabling dates.

Senate debate

1.34 Senate Standing Order 25(20) requires the committee to take into account any relevant remarks about the reports made in debate in the Senate.

Bodies not presenting annual reports to the Senate

1.35 The committee is required to report to the Senate on whether there are any bodies which should have presented an annual report to the Senate but did not. The committee is satisfied that there are no such bodies at this time.

General comments on reports

1.36 The reports presented met all the requirements under the PGPA Rule 2014 relating to the letter of transmittal, inclusion of audit reports, style and formatting, and assessment of performance against targets.¹⁴

1.37 The criterion that was not always satisfactorily met was the requirement for plain English.¹⁵ This is discussed further in Chapter 2. The committee reminds departments and agencies that the use of plain English is necessary and assists with ease of interpretation and thus transparency.

14 For non-corporate Commonwealth entities see PGPA Rule 2014, Subdivision 3A(A); for corporate Commonwealth entities see Subdivision 3A(B); for Commonwealth companies see PGPA Rule 2014 Part 3-3.

15 PGPA Rule 2014, 17AC, 17BD, 28D.

Chapter 2

Review of annual reports

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

2.2 The following reports under the Employment portfolio are discussed in this chapter:

- Department of Employment
- Fair Work Building and Construction (FWBC); and
- Fair Work Ombudsman (FWO).

2.3 The following reports under the Education and training portfolio are discussed in this chapter:

- Department of Education;
- Australian Curriculum and Reporting Authority (ACARA);
- Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS);
- Australian Institute for Teaching and School Leadership (AITSL); and
- Australian Skills Quality Authority (ASQA).

Employment portfolio

Department of Employment

2.4 The Department of Employment has two outcomes, which are to:

- (a) foster a productive and competitive labour market through employment policies and programs that assist job seekers into work, meet employer needs and increase Australia's workforce participation; and
- (b) facilitate jobs growth through policies that promote fair, productive and safe workplaces.¹

2.5 With regard to the first outcome, in the reporting period the Department started implementing the new employment services model, jobactive. Jobactive has four objectives, which are:

- to help job seekers find and keep a job;
- to help job seekers move from welfare to work;
- to help job seekers meet their mutual obligations; and

1 Department of Employment, *Annual Report 2015-16*, p. 8.

- the delivery of quality services by jobactive organisations.²

2.6 The Department transferred more than 785 000 job seekers to jobactive, and jobactive providers recorded more than 345 000 placements in 1700 locations.³ Furthermore, the Department exceeded its targets for job seekers being in employment three months after participation across the program, and achieved a satisfactory overall target of 77 per cent of participants being employed three months after participation.⁴ Six months after participation in jobactive, 43 per cent of job seekers had moved off income support, which exceeded the target of 40 per cent.⁵

2.7 In preparation for the 2016-17 Budget, the Department designed the \$840.3 million Youth Employment Package to 'give young people employability skills and real work experience so they can find and keep a job'.⁶ The package includes a new program, Youth Jobs PaTH (Prepare-Trial-Hire) which will 'support young people into jobs and measures to promote entrepreneurship and self-employment among young people'.⁷

2.8 With regard to Outcome 2, the Department met or exceeded most targets.⁸ The Department was particularly successful in administering the Fair Entitlements Guarantee. This is a legislative scheme that provides a safety net to workers who have lost their job as a result of liquidation or bankruptcy of their employer, or where the employer has insufficient funds to meet its employee entitlement obligations.⁹ Major achievements of the scheme's administration in the 2015-16 period include:

- a 56 per cent increase in the number of Fair Entitlements Guarantee claims processed within 16 weeks compared to the 2014-15 period;
- \$28.5 million was paid to 14 337 claimants;
- the Department handled 25 058 phone calls and responded to 14 430 emails about the scheme; and
- \$54.4 million was recovered from liquidated companies on behalf of the Commonwealth through creditor dividends in the winding up process.¹⁰

2.9 The Department provided policy and legal advice on the final report of the Royal Commission into Trade Union Governance and Corruption, which was tabled

2 Department of Employment, *Annual Report 2015-16*, p. 10.

3 Department of Employment, *Annual Report 2015-16*, p. 10.

4 Department of Employment, *Annual Report 2015-16*, p. 18.

5 Department of Employment, *Annual Report 2015-16*, p. 63.

6 Department of Employment, *Annual Report 2015-16*, p. 9.

7 Department of Employment, *Annual Report 2015-16*, p. 9.

8 Department of Employment, *Annual Report 2015-16*, pp. 65–67.

9 Department of Employment, *Annual Report 2015-16*, p. 45.

10 Department of Employment, *Annual Report 2015-16*, p. 45.

in Parliament on 30 December 2015.¹¹ The Department also assisted with the government's initial response, which included the establishment of a working group of regulators to oversee the civil referrals made by the Royal Commission. Furthermore, the Department provided ongoing policy advice in the government's further consideration of the 79 recommendations in the report.¹²

2.10 The committee notes the Department's overall sound financial position.¹³

2.11 With regard to the preparation of the annual report itself, the committee reminds the Department that the use of plain English is a requirement under the Public Governance, Performance and Accountability Rule 2014 (PGPA Rule).¹⁴ This would assist with transparency, as some of the more jargon-heavy parts of the report were difficult to interpret.¹⁵

2.12 The committee commends the Department on its 2015-16 operations, including the successful transition to jobactive and involvement in the youth employment package.

Fair Work Building and Construction

2.13 Fair Work Building and Construction (FWBC) is an independent statutory agency established by the *Fair Work (Building Industry) Act 2012*. FWBC enforces workplace relations laws in the building and construction industry through the provision of education, advice and compliance activities.¹⁶

2.14 With one exception, the FWBC achieved, and in many cases exceeded, its Key Performance Indicators (KPIs).¹⁷

2.15 The FWBC reported excellent satisfaction rates with the following services:

- 100 per cent of clients were satisfied or highly satisfied with the FWBC's education sessions on compliance;¹⁸ and
- 83 per cent of clients were satisfied or highly satisfied with the quality and timeliness of advice and assistance provided.¹⁹

2.16 Furthermore, the FWBC undertook 489 activities to improve compliance with the Building Code 2013, which was 163 per cent of the performance target.²⁰

11 Department of Employment, *Annual Report 2015-16*, p. 44.

12 Department of Employment, *Annual Report 2015-16*, p. 49.

13 Department of Employment, *Annual Report 2015-16*, pp. 107–110.

14 Public Governance, Performance and Accountability Rule 2014, cl. 17AC.

15 A key example is the information regarding the capability review. See Department of Employment, *Annual Report 2015-16*, p. 69.

16 Fair Work Building and Construction, *Annual Report 2015-16*, pp. 8, 10.

17 Fair Work Building and Construction, *Annual Report 2015-16*, pp. 20–26.

18 Fair Work Building and Construction, *Annual Report 2015-16*, p. 25.

19 Fair Work Building and Construction, *Annual Report 2015-16*, p. 27.

2.17 The KPI that wasn't met was accompanied with a satisfactory explanation. This criterion was for 75 per cent of legal proceedings to commence within twelve months of the relevant complaint being lodged. During 2015-16, of the 34 legal proceedings that the FWBC commenced, 35 per cent were commence within the required 12 month period. The FWBC explained that the reporting period was a transitional year for this criterion, which has been reduced from 18 months in 2014-15 to 12 months in 2015-16. A number of outstanding matters were complex, resulting in the criterion not being attained.²¹

2.18 The FWBC continued to undertake activities to improve compliance with the Building Code. During the reporting period, the FWBC initiated 503 compliance activities, an increase of nearly 300 per cent on the previous period.²²

2.19 The role of assessing enterprise agreements for compliance with the Building Code 2013 was transferred from the Department of Employment to FWBC. The FWBC undertook a range of educational and outreach activities to help industry participants understand this role.²³

2.20 In October 2015, the Minister for Employment also introduced new drug and alcohol requirements into the Building Code. The FWBC undertook a three stage approach to auditing the drug and alcohol testing requirements, including education, voluntary rectification and audits.²⁴

2.21 In terms of the FWBC's prosecutorial achievements, it was successful in 21 out of 22 matters and penalties awarded in the FWBC-initiated cases exceeded \$1.8 million.²⁵

2.22 With regard to financial reporting, the FWBC recorded a minor operating loss of \$53 000 from an overall annual budget of over \$33 million.²⁶

2.23 The committee commends the FWBC's continued efforts to deter and prosecute unlawful behaviour in the construction industry.²⁷ It also notes the clear and detailed layout of the annual report.

Fair Work Ombudsman

2.24 The FWO is an independent government agency responsible for ensuring compliance with the *Fair Work Act 2009* through advice, education and enforcement.²⁸

20 Fair Work Building and Construction, *Annual Report 2015-16*, p. 21.

21 Fair Work Building and Construction, *Annual Report 2015-16*, p. 20.

22 Fair Work Building and Construction, *Annual Report 2015-16*, p. 37.

23 Fair Work Building and Construction, *Annual Report 2015-16*, p. 39.

24 Fair Work Building and Construction, *Annual Report 2015-16*, pp. 38–39.

25 Fair Work Building and Construction, *Annual Report 2015-16*, p. 19.

26 Fair Work Building and Construction, *Annual Report 2015-16*, p. 78.

27 Fair Work Building and Construction, *Annual Report 2015-16*, p. 19.

2.25 The FWO's annual report states that the two prevailing themes of the agency's work in 2015-16 were:

- the exploitation of vulnerable workers, particularly migrant workers; and
- the enhancement of services to support businesses and workers to comply with employment regulation.²⁹

2.26 The FWO achieved its KPIs, with highlights including:

- the doubling of the public's use of pay tools on the FWO's website;³⁰
- the issuing of 230 media releases;³¹
- the assessment of 463 entities employing 752 temporary skilled work visa holders;
- building partnerships with academics at the University of Melbourne and with diverse community networks and intermediaries;³²
- establishing the Migrant Worker Strategy and Engagement Branch;³³
- the recovery of \$27.3 million in back-payments; and
- 10 250 early interventions.³⁴

2.27 Importantly, the FWO 'supported more than 74 per cent of employers and employees to find their own solutions to workplace issues without the need for compliance or enforcement action.'³⁵

2.28 The FWO conducted Taskforce Cadena jointly with the Australian Border Force (ABF). This taskforce was initiated in July 2015 and shares intelligence and data to combat visa fraud and exploitative practices involving migrant workers.³⁶ The FWO and ABF coordinated surprise record-keeping audits at karaoke bars in Melbourne and Perth, resulting in back payments of \$40 000 and adherence to payslip obligations being sought, and compliance and infringement notices issued.³⁷

28 Fair Work Ombudsman, *Annual Report 2015-16*, p. 7.

29 Fair Work Ombudsman, *Annual Report 2015-16*, p. 1.

30 Fair Work Ombudsman, *Annual Report 2015-16*, p. 11.

31 Fair Work Ombudsman, *Annual Report 2015-16*, p. 14.

32 Fair Work Ombudsman, *Annual Report 2015-16*, p. 15.

33 Fair Work Ombudsman, *Annual Report 2015-16*, p. 15.

34 Fair Work Ombudsman, *Annual Report 2015-16*, p. 17.

35 Fair Work Ombudsman, *Annual Report 2015-16*, p. 10.

36 Fair Work Ombudsman, *Annual Report 2015-16*, p. 89.

37 Fair Work Ombudsman, *Annual Report 2015-16*, p. 15.

2.29 The FWO also participated in a Senate inquiry and a ministerial working group on visa holder matters.³⁸

2.30 At the October 2016 Supplementary Budget Estimates hearings, the FWO was asked about its engagement with the agricultural and farming sector in relation to its report into the wages and conditions of people working under the 417 Working Holiday Visa Program.³⁹ The FWO undertook to update the committee on its activities with the sector and the committee expects that this will be reflected in the FWO 2016-17 annual report.⁴⁰

2.31 The FWO reported an operating loss of \$13.8 million, which included greater than anticipated depreciation expenses.⁴¹

2.32 The committee acknowledges the increased media attention on the exploitation of vulnerable visa holders, particularly migrant workers, and welcomes the successes of the FWO in investigating certain employer behaviour and working to uphold the integrity of Australia's employment framework.

Education portfolio

Department of Education and Training

2.33 The Department of Education and Training has two mandated outcomes:

- (c) Improved early learning, schooling, student educational outcomes and transitions to and from school through access to quality child support, parent engagement, quality teaching and learning environments; and
- (d) Promote growth in economic activity and social wellbeing through access to higher education, international education, and international quality research, skills and training.⁴²

2.34 Under the Administrative Arrangements Order of 21 September 2015, responsibility for early childhood and childcare transferred from the Department of Social Services back to the Department of Education under Outcome 1.⁴³ The Department managed the reintegration of responsibility for childcare functions with minimal disruption and with an emphasis on stakeholder engagement.⁴⁴

2.35 The Department consulted extensively in the lead up to the development and introduction of the Family Assistance Legislation Amendment (Jobs for Families

38 Fair Work Ombudsman, *Annual Report 2015-16*, p. 2.

39 *Committee Hansard*, 19 October 2016, pp. 154–158. See also Fair Work Ombudsman, *Inquiry into the wages and conditions of people working under the 417 Working Holiday Visa Program*, October 2016.

40 *Committee Hansard*, 19 October 2016, p. 158.

41 Fair Work Ombudsman, *Annual Report 2015-16*, p. 32.

42 Department of Education, *Annual Report 2015-16*, p. 14.

43 Administrative Arrangements Order, 21 September 2015, [p. 4].

44 Department of Education, *Annual Report 2015-16*, p. 18.

Child Care Package) Bill 2015 on 2 December 2015. This bill did not pass before the Parliament was dissolved in May 2016. Components of the package that require legislative change have been deferred until July 2018.⁴⁵

2.36 The Department did however implement an element of the Jobs for Families Child Care Package, called the Connected Beginnings Program. This program commenced on 1 July 2016 and throughout 2015-16 the Department analysed high need areas and consulted with state and territory governments to inform the design of the program, which was also supported by a panel of experts.⁴⁶

2.37 The number of children attending approved child care was 1.67 million and the Department provided \$7.3 billion in child care fee assistance in 2015-16.⁴⁷ The Department also developed legislation to tackle fraud in the family day care sector, which has saved tax payers around \$7 million each week since it was introduced in October 2015.⁴⁸

2.38 With regard to schooling, the Department also contributed funding to states and territories to support all children to participate in 600 hours of early childhood education the year before school.

2.39 On a national basis the school system is tracking to meet the 2020 target for 90 per cent of 20–24 year olds to complete Year 12 or equivalent.⁴⁹

2.40 The gap between Indigenous and non-Indigenous in literacy, numeracy and Year 12 achievement has also narrowed.⁵⁰

2.41 The *Quality Schools, Quality Outcomes* policy paper was released in May 2016 and sets the foundations for ongoing work in 2016-17.⁵¹ This paper sets out reforms to the following five areas:

- literacy, numeracy and science, technology, engineering and maths (STEM) performance;
- quality of teaching and school leadership;
- preparing students for a globalised world;
- focusing on what matters most and those who need it most; and
- public accountability through improved transparency.⁵²

45 Department of Education, *Annual Report 2015-16*, p. 18.

46 Department of Education, *Annual Report 2015-16*, p. 19.

47 Department of Education, *Annual Report 2015-16*, p. 2.

48 Department of Education, *Annual Report 2015-16*, p. 2.

49 Department of Education, *Annual Report 2015-16*, p. 3.

50 Department of Education, *Annual Report 2015-16*, p. 3.

51 Department of Education, *Annual Report 2015-16*, p. 3.

52 Department of Education, Quality Schools, Quality Outcomes website, www.education.gov.au/quality-schools-quality-outcomes (accessed 16 March 2017).

2.42 In relation to Outcome 2, the number of domestic undergraduate students has increased by 19.2 per cent since 2011. Since 2009 the number of students enrolled in science, technology, engineering and maths has increased by 38 per cent.⁵³

2.43 Between 2011 and 2015 there has also been an increase in the number of people from identified equity groups participating in higher education, including:

- low socioeconomic status by 25.4 per cent;
- students with disability by 46.8 per cent; and
- Indigenous students by 38.5 per cent.⁵⁴

2.44 A key achievement was the launch of the Quality Indicators in Learning and Teaching website, which 'provides clear information for students and families about quality of study options, student and graduate satisfaction and graduate labour market outcomes.'⁵⁵ This is underpinned by the Student Experience Survey, which in 2015 showed that 80 per cent of undergraduate students were satisfied with their entire educational experience.⁵⁶

2.45 Furthermore, the Department supported the Watt Review and has taken steps to implement some of its recommendations through the National Science and Innovation Agenda and by supporting the Australian Research Council to undertake public consultations on the assessment of research engagement and impact in May and June 2015.⁵⁷

2.46 The Department also published two significant policy options papers. *National Strategy for Education 2025*, released in April 2016, set out a ten year plan for developing Australia's role as a global leader in education, training and research.⁵⁸ *Driving Innovation, Fairness and Excellence in Australian Higher Education* was released in May 2016 and sets out options for reform to create a stronger, more sustainable higher education system.⁵⁹

2.47 In addition, the Department also helped introduce legislative changes to recover HELP debts from Australians living overseas, which were passed by the Parliament and came into effect from 1 January 2016.⁶⁰

2.48 With regard to its financial position, the Department achieved an operating surplus of \$3.7 million. However, the Department did breach paragraph 19(1)(e) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act)

53 Department of Education, *Annual Report 2015-16*, p. 42.

54 Department of Education, *Annual Report 2015-16*, pp. 40–41.

55 Department of Education, *Annual Report 2015-16*, p. 3.

56 Department of Education, *Annual Report 2015-16*, p. 41.

57 Department of Education, *Annual Report 2015-16*, p. 4.

58 Department of Education, *Annual Report 2015-16*, p. 207.

59 Department of Education, *Annual Report 2015-16*, p. 46.

60 Department of Education, *Annual Report 2015-16*, p. 4.

relating to the publication on AusTender of individual contracts or contractual variations within 42 days. Due to an administrative error this publication did not happen, and the Department has taken steps to prevent the error occurring in the future.⁶¹

2.49 The committee commends the Department on its achievements particularly in the area of childcare and early learning.

Australian Curriculum and Reporting Authority

2.50 ACARA is established under section 5 of the Australian Curriculum, Assessment and Reporting Authority Act. ACARA's mission is to improve the learning of all young Australians through world class curriculum, assessment and reporting. ACARA executes policy directions determined by the Council of Australian Governments' Education Council and works closely with AITSL and Education Services Australia.⁶²

2.51 ACARA achieved all of its KPIs in the 2015-16 reporting period.⁶³ The period saw the culmination of a number of key projects, including the publication in March 2016 of the report *Monitoring the effectiveness of the Foundation – Year 10 Australian Curriculum 2015*. The major finding of the report was that there was a general level of satisfaction with the streamlining of the Australian Curriculum achieved during 2015, but also a desire for stability to support its implementation across jurisdictions.⁶⁴

2.52 Furthermore, in 2015-16 ACARA entered into a partnership project with the New South Wales Department of Education and education authorities in Ireland and Sweden to investigate innovative online assessment that can elicit data on students' collaborative problem-solving skills. This resulted in a trial involving over 2000 students of four assessment tasks and the presentation of the data at the 2016 International Association for Education Assessment Conference in Cape Town.⁶⁵

2.53 Another highlight of ACARA's work was the completion of the Curriculum STEM project undertaken by ACARA in partnership with the Australian Association of Mathematics Teachers. This project involved thirteen schools using STEM-based learning to resolve a problem that was facing the school, local community or wider society. The final report and videos of five filmed examples of the work have been published on the Australian Curriculum website.⁶⁶

61 Department of Education, *Annual Report 2015-16*, p. 101.

62 Australian Curriculum, Assessment and Reporting Authority, *Annual Report 2015-16*, pp. 10–11.

63 Australian Curriculum, Assessment and Reporting Authority, *Annual Report 2015-16*, pp. 16–34.

64 Australian Curriculum, Assessment and Reporting Authority, *Annual Report 2015-16*, p. 16.

65 Australian Curriculum, Assessment and Reporting Authority, *Annual Report 2015-16*, p. 18.

66 Australian Curriculum, Assessment and Reporting Authority, *Annual Report 2015-16*, p. 18.

2.54 A key project for ACARA during the reporting period was the delivery of the National Assessment Program - Literacy and Numeracy (NAPLAN) online. The annual report contains detailed information about progress towards this goal.⁶⁷ The online research and development program includes studies around device effects, readability and layout, proficiency levels, and writing assessment.⁶⁸ Studies included:

- trialling study – 120 schools participated in August 2015, with the results helping to inform test construction;
- device effect study – 73 schools participated in August 2015 with results revealing NAPLAN assessment can be undertaken on a range of devices including laptops and tablets; and
- readability and layout study – evaluated different item configurations and displays.

2.55 In addition, ACARA finalised a national communications and engagement strategy to support the move to NAPLAN online.⁶⁹

2.56 With regard to financial reporting, ACARA reported a deficit of over \$1 million.⁷⁰ The report explains that ACARA 'incurred higher than anticipated [supplier] expenses due to: new activities associated with NAPLAN Online, the use of agency staff and contractors to fill vacant positions.'⁷¹ However, there is little other explanation of the reasons for the deficit. The committee would appreciate a more detailed analysis of any deficit incurred in the future.

2.57 The committee commends ACARA's work to develop and communicate NAPLAN's transition from paper-based to online assessment. With regard to the annual report itself, the committee would appreciate the inclusion of an index in the future to assist with ease of navigation.

Australian Institute for Teaching and School Leadership

2.58 AITSL was established in 2010 as a Commonwealth company under the *Corporations Act 2001*. It is wholly-owned by the Commonwealth and is a public company limited by guarantee.⁷²

2.59 AITSL plays a key role in leading national educational reform for the Commonwealth, state and territory governments to promote excellence in initial

67 Australian Curriculum, Assessment and Reporting Authority, *Annual Report 2015-16*, pp. 23–25.

68 Australian Curriculum, Assessment and Reporting Authority, *Annual Report 2015-16*, p. 23.

69 Australian Curriculum, Assessment and Reporting Authority, *Annual Report 2015-16*, p. 25.

70 Australian Curriculum, Assessment and Reporting Authority, *Annual Report 2015-16*, p. 71.

71 Australian Curriculum, Assessment and Reporting Authority, *Annual Report 2015-16*, p. 71.

72 Australian Institute for Teaching and School Leadership, *Annual Report 2015-16*, p. 9.

teacher education, teaching and school leadership to achieve maximum impact on student learning.⁷³

2.60 AITSL achieved 3 out of its 4 performance measures.⁷⁴ The measure not fully met was 'AITSL delivers its agreed Work Plan within the available budget'. Against this measure 94 per cent of milestones in AITSL's 2015-16 Work Plan were achieved. The report notes that 'the Board has determined that milestones not achieved are ongoing and have been carried over into the 2016-17 Work Plan.'⁷⁵

2.61 AITSL's survey of stakeholder satisfaction was particularly positive, with 91 per cent of respondents aware of the Australian Professional Standards for Teachers, and 82 per cent of respondents who have used AITSL's tools and resources perceiving them as useful.⁷⁶

2.62 AITSL also continued to implement the Australian government's response to the *Action Now: Classroom Ready Teachers Report*.⁷⁷ AITSL worked with key stakeholders to produce the revised *Accreditation of initial teacher education programs in Australia: Standards and Procedures*, which was adopted by the Council of Australian Governments' Education Council in December 2015.⁷⁸

2.63 Another highlight was the launch of the Highly Accomplished and Lead Teacher network. This program allows nationally certified teachers to further develop their expertise and share their knowledge with the broader profession. A summit was held in Adelaide in March 2016 to create momentum for future action.⁷⁹

2.64 In terms of finances, AITSL recorded a minor operating surplus of around \$6000.⁸⁰ The committee notes the clear breakdown of finances, and the comprehensive notes that accompany the financial report.⁸¹ In addition, AITSL also provided a clear and comprehensive overview of the obligations and activities of the Board and various committees.⁸²

2.65 The committee commends the continued work of AITSL to promote excellence in teaching across Australia, and acknowledges the work of Ms Margery Evans who departed as AITSL's inaugural CEO.

73 Australian Institute for Teaching and School Leadership, *Annual Report 2015-16*, p. 9.

74 Australian Institute for Teaching and School Leadership, *Annual Report 2015-16*, pp. 30–31.

75 Australian Institute for Teaching and School Leadership, *Annual Report 2015-16*, p. 31.

76 Australian Institute for Teaching and School Leadership, *Annual Report 2015-16*, p. 30.

77 Australian Institute for Teaching and School Leadership, *Annual Report 2015-16*, p. 35.

78 Australian Institute for Teaching and School Leadership, *Annual Report 2015-16*, p. 35.

79 Australian Institute for Teaching and School Leadership, *Annual Report 2015-16*, p. 46.

80 Australian Institute for Teaching and School Leadership, *Annual Report 2015-16*, p. 61.

81 Australian Institute for Teaching and School Leadership, *Annual Report 2015-16*, pp. 56–84.

82 Australian Institute for Teaching and School Leadership, *Annual Report 2015-16*, pp. 10–28.

Australian Skills Quality Authority

2.66 ASQA was established by the enactment of the *National Vocational Education and Training Regulator Act 2011* and supplementary legislation. Its role as the national regulator in the vocational education and training sector is to maintain the strength and reputation of the sector both nationally and internationally.⁸³

2.67 In terms of KPIs, in the 2015-6 reporting period ASQA achieved or partially achieved all its targets.⁸⁴ The targets that were only partially achieved relate to timelines, such as an interim audit report being supplied to a provider within 30 calendar days of the site visit.⁸⁵ While the committee understands ASQA is committed to improving performance with regard to these targets, it acknowledges that 2015-16 was a year of substantial change for the organisation and that many substantial aspects of performance were progressed.

2.68 The 2015-16 period saw the culmination of a number of strategic projects and revisions relating to the way ASQA manages risk in the VET sector. The organisation has undergone a business transformation process, in which it has moved from a reactive approach to a proactive risk-prevention model.⁸⁶ This has been a goal since the agency was created, and marks a significant milestone in the development of ASQA's capabilities.

2.69 A key step in the business transformation process was the implementation of a revised organisational structure which arose from a review conducted by KPMG in 2014.⁸⁷ As part of embedding this structure, staff undertook learning and development programs to become equipped with the skills required to transition to the risk-based regulatory model.⁸⁸

2.70 A major achievement for the reporting period was the development and implementation of an enhanced Regulatory Risk Framework and the redesign of the audit model. The enhanced risk framework operates on two levels: individual and systemic. Individual risk relates to the risks a particular organisation poses, while systemic risk relates to risks that need to be managed across the sector.⁸⁹

2.71 National strategic reviews are an important part of managing systemic risk. ASQA completed three such reviews for the period on:

- training for early childhood education and care in Australia;
- training in equine programs in Australia; and

83 Australian Skills Quality Authority, *Annual Report 2015-16*, p. 6.

84 Australian Skills Quality Authority, *Annual Report 2015-16*, pp. 25–51.

85 Australian Skills Quality Authority, *Annual Report 2015-16*, p. 26.

86 Australian Skills Quality Authority, *Annual Report 2015-16*, pp. 15–16; 37–39.

87 Australian Skills Quality Authority, *Annual Report 2015-16*, p. 15.

88 Australian Skills Quality Authority, *Annual Report 2015-16*, p. 49.

89 Australian Skills Quality Authority, *Annual Report 2015-16*, p. 37.

- training in security programs in Australia.⁹⁰

2.72 In addition, ASQA undertook more in-depth environmental scanning, which is an assessment designed to gauge risks particular to certain sub-sectors and particular requirements for registered training organisations. The findings allow for a more targeted regulatory focus.⁹¹

2.73 As a result of using an improved, more targeted audit model ASQA has seen significant increases in the percentage of audits where the provider was found to be non-compliant (even after the opportunity to rectify areas of their performance), and the number of providers whose registrations were cancelled or not renewed by ASQA.⁹²

2.74 The agency reported an operating deficit of \$1.8 million. The deficit is actually lower than that originally budgeted (\$4.5 million) as a result of delayed implementation of new IT software and the delayed fit-out of ASQA's Sydney office lease.⁹³

2.75 The committee commends ASQA for its effective change management and the embedding of its new organisational structure and proactive risk management model.

Australian Institute for Aboriginal and Torres Strait Islander Studies

2.76 AIATSIS was established by the *AIATSIS Act 1989*.⁹⁴ Its vision is 'a world in which Aboriginal and Torres Strait Islander knowledge and cultures are recognised, respected and valued.'⁹⁵

2.77 AIATSIS works towards its vision by promoting Aboriginal cultures and heritage, conducting research in partnership with communities, providing leadership across the cultural sector and preserving material heritage through their collections.

2.78 The 2015-16 year was especially fruitful for AIATSIS' collections. A key focus of the organisation's resources was on the expansion and preservation of the organisation's collection. Hundreds of audio and visual tapes were donated, as well as photographic images.⁹⁶ In addition, the organisation was able to employ curators for the first time in several years and was able to make targeted acquisitions for the collection. A systematic review of all AIATSIS depositors and deposit conditions

90 Australian Skills Quality Authority, *Annual Report 2015-16*, p. 16.

91 Australian Skills Quality Authority, *Annual Report 2015-16*, pp. 32–33.

92 Australian Skills Quality Authority, *Annual Report 2015-16*, pp. 1, 15–16.

93 Australian Skills Quality Authority, *Annual Report 2015-16*, p. 70.

94 Australian Institute for Aboriginal and Torres Strait Islander Studies, *Annual Report 2015-16*, p. 11.

95 Australian Institute for Aboriginal and Torres Strait Islander Studies, *Annual Report 2015-16*, p. 10.

96 Australian Institute for Aboriginal and Torres Strait Islander Studies, *Annual Report 2015-16*, pp. 42–43.

began and the implementation of a digital asset management system and electronic records management system continued.⁹⁷

2.79 Another highlight of the organisation's work included assisting the Prime Minister to address Parliament in the Ngunawal language. Not only was this significant symbolically, but it was also significant for the Ngunawal language, which was dormant until a few years ago.⁹⁸ Furthermore, this event led to in-depth media coverage, including items in the *Sydney Morning Herald* and *BBC Online*.⁹⁹

2.80 In terms of engaging with Indigenous communities, AIATSIS held a weaving workshop in March 2016 with artists from the communities of Wugularr in Northern Territory and the Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) lands.¹⁰⁰ The organisation also received a delegation from north-Western Australia for a tour and family history research visit, resulting in the participants taking prints of photos of their families and communities back with them.¹⁰¹

2.81 AIATSIS also continued to engage with the broader Australian community. Despite the acknowledgement in the annual report that fewer resources were devoted to media due to the strategic focus on collections, the number of followers on social media increased, the number of publications increased and a new website and online exhibitions were also created.¹⁰²

2.82 With regard to finances, the organisation reported an operating deficit of \$1.2 million, largely from higher supplier and contractor expenses.¹⁰³

97 Australian Institute for Aboriginal and Torres Strait Islander Studies, *Annual Report 2015-16*, p. 45.

98 Australian Institute for Aboriginal and Torres Strait Islander Studies, *Annual Report 2015-16*, p. 26.

99 Australian Institute for Aboriginal and Torres Strait Islander Studies, *Annual Report 2015-16*, p. 36.

100 Australian Institute for Aboriginal and Torres Strait Islander Studies, *Annual Report 2015-16*, p. 27.

101 Australian Institute for Aboriginal and Torres Strait Islander Studies, *Annual Report 2015-16*, p. 28.

102 Australian Institute for Aboriginal and Torres Strait Islander Studies, *Annual Report 2015-16*, p. 35.

103 Australian Institute for Aboriginal and Torres Strait Islander Studies, *Annual Report 2015-16*, p. 96.

2.83 The committee acknowledges the work of the former CEO Mr Russell Taylor, and commends the organisation for the growth of its collections as well as its ongoing work to preserve and promote Australian Aboriginal culture.

Senator Bridget McKenzie
Chair

Appendix 1

Dates relating to the presentation of annual reports between 1 May 2016 and 31 October 2016

Reporting Body	Type of body	Submitted to Minister	Received by Minister	Tabled in the Senate or presented out of sitting (*)	Tabled in the House of Representatives
EDUCATION AND TRAINING PORTFOLIO					
AITSL	Commonwealth company	13/09/16	20/09/16	25/10/16*	7/11/16
ACARA	Corporate Commonwealth entity	07/10/16	07/10/16	26/10/16*	7/11/16
ARC	Non-corporate Commonwealth entity	29/09/16	29/09/16	25/10/16*	7/11/16
TEQSA	Non-corporate Commonwealth entity	07/09/16	07/09/16	26/10/16*	7/11/16
ASQA	Non-corporate Commonwealth entity	22/09/16	27/09/16	28/10/16*	7/11/16
AIATSI	Corporate Commonwealth entity	17/10/16	17/10/16	28/10/16*	7/11/16
Department of Education	Non-corporate Commonwealth entity	13/09/16	20/09/16	26/10/16*	7/11/16
Australian National University	Corporate Commonwealth entity	12/08/16	12/08/16	31/08/16	31/08/16

EMPLOYMENT PORTFOLIO					
Coal Mining Industry (Long Service Leave Funding) Corporation	Corporate Commonwealth entity	11/10/16	11/10/16	31/10/16	7/11/16
Comcare and Safety, Rehabilitation and Compensation Commission	Corporate Commonwealth entity	30/09/16	30/09/16	7/11/16	13/10/16
Asbestos Safety and Eradication Agency	Non-corporate entity	22/09/16	23/09/16	7/11/16	13/10/16
Department of Employment	Non-corporate entity	5/09/16	5/09/16	12/10/16	12/10/16
Fair Work Commission	Non-corporate entity	19/09/16	20/06/16	7/11/16	13/10/16
Fair Work Building and Construction	Non-corporate entity	12/09/16	12/09/16	7/11/16	13/10/16
Fair Work Ombudsman	Non-corporate Commonwealth entity	11/10/16	11/10/16	7/11/16	18/10/16
Seafarers Safety, Rehabilitation and Compensation Authority – Seacare	Non-corporate entity	30/09/16	30/09/16	7/11/16	13/10/16
Safe Work Australia	Non-corporate entity	04/10/16	05/10/16	27/10/16*	7/11/16