

The Senate

Education, Employment
and Workplace Relations
Legislation Committee

Annual reports (No. 2 of 2012)

September 2012

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CHAPTER 1

Introduction

1.1 This is the Senate Education, Employment and Workplace Relations Legislation Committee's (the committee) second report on annual reports for 2012. It provides an overview of the committee's examination of annual reports for the 2010–11 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. The Standing Order 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

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.

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 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 2011 and 30 April 2012. The committee examined the following reports:

Departmental Reports

- Department of Education, Employment and Workplace Relations – Report for 2010–11

Prescribed agencies (under FMA act)

- Safe Work Australia – Report for 2010–11

Statutory authorities/bodies

- Remuneration Tribunal – Report for 2010–11
- Defence Force Remuneration Tribunal – Report for 2010–11 (*also referred to the Senate Standing Committee on Foreign Affairs, Defence and Trade*).

Commonwealth authorities (under the CAC Act)

- Australian Curriculum, Assessment and Reporting Authority – Report for 2010–11

Commonwealth companies under the CAC Act

- Coal Mining Industry (Long Service Leave Funding) Corporation – Report for 2010–11

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 not examined

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

- International Labour Organisation, Submission report on ILO instruments Domestic Workers Convention and Domestic workers recommendation, 2011 (nos. 189; 201).

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 instruments:

- for portfolio departments: the *Public Service Act 1999*, sections 63(2) and 70(2), and the *Requirements for Departmental Annual Report, for Departments, Executive Agencies and FMA Act Bodies*, Department of Prime Minister and Cabinet, revised June 2008;
- for Commonwealth authorities and companies: the *Commonwealth Authorities and Companies Act 1997*, in particular sections 9, 36 and 48; 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, Senate *Hansard*, 8 December 1987, pp 2643–45.

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.² Those agencies reporting under the *Commonwealth Authorities and Companies Act 1997* 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.³

1.11 The committee recognises that some agencies are required to comply with other timeframes stipulated in their enabling legislation, such as ‘as soon as practicable after 30 June’. 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 all reports described here are apparently satisfactory. In making this assessment, the

2 Department of Prime Minister and Cabinet, *Requirements for Annual Reports for Departments, Executive Agencies and FMA Act Bodies*, June 2009, p. 1.

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

committee considers aspects such as the timeliness of presentation and compliance with relevant reporting requirements.

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. The reports of the Department of Education, Employment and Workplace Relations, Safe Work Australia, the Australian Curriculum, Assessment and Reporting Authority, the Coal Mining Industry (Long Service Leave Funding) Corporation and the National Report to Parliament on Indigenous Education and Training 2009 are discussed in this chapter.

Department of Education, Employment and Workplace Relations

2.2 The Secretary's overview emphasised the role the Department of Education, Employment and Workplace Relations (DEEWR) played in the Government response to the economic downturn in 2010–11, and mentioned the resilience shown by the Department during its response to those affected by the natural disasters that struck many parts of Australia.¹ The years 2010–11 saw the enactment of the Education and Care Services Law, the implementation of the National School Reform Plan and the launch of the *MySchool* website.² DEEWR recorded a 30 per cent increase on job placements for Job Services Australia, as well as a rise in job placement numbers for disadvantaged groups, including Aboriginal and Torres Strait Islanders.³

2.3 DEEWR also saw its first departmental downsizing in over a decade. This incorporated a reduction in staff of more than 500 people, as well as a departmental review and restructure.⁴ Staffing policies would still remain responsive to business needs, to ensure that its business systems continue to drive further improvements and efficiencies across DEEWR.⁵

2.4 The first of 38 Children and Family Centres funded through the National Partnership Agreement on Indigenous Early Childhood Development was opened in

1 The Department of Education, Employment and Workplace Relations, *Annual Report 2010–11*, p. 2

2 The Department of Education, Employment and Workplace Relations, *Annual Report 2010–11*, p. 3

3 The Department of Education, Employment and Workplace Relations, *Annual Report 2010–11*, p. 4

4 The Department of Education, Employment and Workplace Relations, *Annual Report 2010–11*, p. 4

5 The Department of Education, Employment and Workplace Relations, *Annual Report 2010–11*, p. 4

Belconnen in Canberra 2011.⁶ This centre focuses particularly on Aboriginal and Torres Strait Islander children from birth to the age of eight. It offers a range of services to support children's health, learning and development and trained professionals are made available to families at the centre. A total of \$292.62 million in funding is being provided to establish the total of 38 centres across Australia.⁷

2.5 The Literacy and Numeracy National Partnership reward paid over \$138 million to states and territories for improvement in raising educational outcomes in schools. Queensland and South Australia were able to achieve 100 per cent of the available reward funding.⁸

2.6 The Higher Education Participation and Partnerships Program provided \$56.4 million to assist universities to undertake strategies that improve access to undergraduate courses for people from low socioeconomic backgrounds. The funding also assists the implementation of plans to increase retention and completion rates of this group.⁹

2.7 The new Disability Employment Services (DES) model was supplied with \$1.7 billion to help increase the employment of people with a disability, as well as creating sustainable employment. DES provides access to tailored and personalised services to assist each individual in overcoming their own specific barriers to employment.¹⁰

2.8 DEEWR has had positive feedback from the impact of the Homeworkers Code of Practice program. The Department received reports from workers on improvement of working conditions, an increase in workers receiving superannuation and a greater understanding of companies' obligations as well as employee legal entitlements.¹¹

2.9 The Department also restated its commitment to reconciliation and noted the announcement of the first Indigenous Rhodes Scholar in December 2010; Rebecca Richards, who partook in multiple DEEWR programs in the past including the

6 The Department of Education, Employment and Workplace Relations, *Annual Report 2010–11*, p. 19

7 The Department of Education, Employment and Workplace Relations, *Annual Report 2010–11*, p. 19

8 The Department of Education, Employment and Workplace Relations, *Annual Report 2010–11*, p. 41

9 The Department of Education, Employment and Workplace Relations, *Annual Report 2010–11*, p.58

10 The Department of Education, Employment and Workplace Relations, *Annual Report 2010–11*, p. 106

11 The Department of Education, Employment and Workplace Relations, *Annual Report 2010–11*, p. 122

Indigenous Youth Mobility Program, the Indigenous Tutorial Assistance Scheme and the Indigenous Youth Mobility Program and the Indigenous Cadetship Scheme.¹²

2.10 The committee considers DEEWR's 2009–10 annual report to be well presented and in compliance with the reporting requirements of a Commonwealth department.

Safe Work Australia

2.11 Safe Work Australia was established as an independent statutory agency in 2009 to improve work health and safety (WHS) and workers' compensation arrangements in Australia.

2.12 The report detailed a number of goals that Safe Work Australia achieved in the 2010–11 period. These included the development of model WHS regulations and Codes of Practice that were due to be implemented by the end of December 2011 and the formation of a new work health and safety strategy to replace the *National Occupational Health and Safety Strategy 2011–2012*. Safe Work Australia also began the implementation of the *National Workers' Compensation Action Plan 2010–2013* with work continuing into later years in order to achieve the four objectives laid out in the plan.¹³

2.13 Safe Work Australia Week celebrated its sixth year and was held between 24 and 30 October 2010. The event is held annually to raise awareness of workplace safety. In order to promote the week, a variety of activities were organised both inside and outside the agency.¹⁴

2.14 This annual report is well presented and easily navigated and the committee considers that this report has fulfilled all requirements. It is noted that the report was received by the Minister on 17 October, but not tabled until 9 November 2011.

Australian Curriculum, Assessment and Reporting Authority (ACARA)

2.15 The Australian Curriculum, Assessment and Reporting Authority (ACARA) was established in 2008 and is responsible for delivering a national curriculum, a national assessment program, and national data collection and performance reporting programs to improve the performance of school education.

2.16 ACARA announced that the first four learning areas of the Australian Curriculum were endorsed by federal, state and education ministers in 2010. These included English, Mathematics, Science and History. This represents a curriculum that

12 The Department of Education, Employment and Workplace Relations, *Annual Report 2010–11*, p.146

13 Safe Work Australia, *Annual Report 2010–11*, p. 8

14 Safe Work Australia, *Annual Report 2010–11*, p.9

all young Australians will study from foundation to year 10 with educational resources common to all students and teachers, regardless of their location.¹⁵

2.17 The *My School* Website 2.0 was released in March 2011 and recorded 150 000 visitors within the first twenty four hours. The new website helped parents and teachers access information on schools including the Index of Socio-Educational Advantage and comparable data on recurrent income and capital expenditure of schools.¹⁶

2.18 In 2011, one million students across Australia partook in the NAPLAN tests. ACARA succeeded in improving the reliability and consistency of the administrative arrangements as well as testing accessibility options for students with a disability.¹⁷

2.19 ACARA has fulfilled all requirements necessary for its annual report and is commended for its comprehensiveness. However, the committee encourages timeliness in the presentation of annual reports and notes that this annual report was tabled on 7 February 2012.

Coal Mining Industry (Long Service Leave Funding) Corporation

2.20 The Coal Mining Industry (Long Service Leave Funding) Corporation was established in 1992 and provides reimbursement payments to employers providing long service leave to workers in the black coal mining industry in New South Wales, Queensland, Western Australia and Tasmania.

2.21 While performing its role the corporation reviewed the investment strategy of the Fund using a consulting asset consultant and reported its confidence that the Fund would record modest and sustainable investment returns in the following years. The reporting period saw a continued recovery in financial markets which improved the financial standing of the Fund.¹⁸

2.22 The committee notes this report does not include information on the Corporation's environmental performance, disability strategy or occupational health and safety strategy. In addition, to improve useability of the report, the committee encourages the Corporation to include glossary, alphabetical and compliances indices in future annual reports. It is also noted that this report was tabled on 27 February 2012.

15 Australian Curriculum, Assessment and Reporting Authority, *Annual Report 2010–2011*, p. 3

16 Australian Curriculum, Assessment and Reporting Authority, *Annual Report 2010–2011*, p. 3

17 Australian Curriculum, Assessment and Reporting Authority, *Annual Report 2010–2011*, p. 3

18 Coal Mining Industry (Long Service Leave Funding) Corporation, *Annual Report 2010–11*, p. ii

National Report to Parliament on Indigenous Education and Training, 2009

2.23 The National Report to Parliament on Indigenous Education and Training was last tabled on 10 May 2011. This included the 2007 Annual Report and the 2008 Annual Report. The committee notes once again that the National Report to Parliament on Indigenous Education and training has not been produced this year and strongly encourages the tabling of the 2009 edition to take place as soon as possible, to provide Parliament with the information necessary to properly assess indigenous education programs and progress.

Comments made in the Senate

2.24 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 comments to consider for these reports.

Bodies not presenting annual reports to the Senate

2.25 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 Gavin Marshall

Chair

APPENDIX 1

Allocation of annual reports to the committee

Education, Employment and Workplace Relations

- Department of Education, Employment and Workplace Relations

Education

- Australian Curriculum, Assessment and Reporting Authority
- Australian Institute for Teaching and School Leadership Ltd [Teaching Australia]
- Australian Learning and Teaching Council Limited [formerly the Carrick Institute]
- Australian National Training Authority National Report [Australian vocational and further education and training system]
- Australian National University (ANU)
- Department of Education, Employment and Workplace Relations
- *Indigenous Education (Targeted Assistance) Act 2000*—Indigenous education and training—National report to Parliament
- *Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004*—Report on financial assistance granted to each state in respect of <year>
- *Schools Assistance Act 2008* – Report on financial assistance granted to each state in respect of <year>

Employment and Workplace Relations

- *Air Passenger Ticket Levy (Collection) Act 2001*
- Australian Building and Construction Commissioner –until 1 June 2012
- Coal Mining Industry (Long Service Leave Funding) Corporation
- Comcare Australia
- Defence Force Remuneration Tribunal¹
- Department of Education, Employment and Workplace Relations
- Department of Education, Employment and Workplace Relations—Agreement making under the Workplace Relations Act 1996
- Fair Work Australia

1 Forwarded to the Foreign Affairs, Defence and Trade Committee also.

- Fair Work Ombudsman
- Remuneration Tribunal
- Safe Work Australia
- Safety, Rehabilitation and Compensation Commission
- Seafarers Safety, Rehabilitation and Compensation Authority (Seacare)
- Skills Australia

APPENDIX 2

Compliance table of annual reports referred

List of annual reports referred by the Senate to the committee during the period 1 May 2011 to 31 October 2011

Education, Employment and Workplace Relations portfolio

Body/Report	Enabling legislation and timeliness	Letter of Transmittal Date	Submitted to/Received by Minister	Presented out of session	Tabled	Timeliness
Australian Curriculum, Assessment and Reporting Authority – Report for 2010–11	<i>Commonwealth Authorities and Companies Act 1997</i>	-	29/11/2011		Reps: 07/02/2012 Senate: 07/02/2012	Late
Coal Mining Industry (Long Service Leave Funding) Corporation	<i>Coal Mining Industry (Long Service Leave Funding) Act 1996 and Commonwealth Authorities and Companies Act 1997</i>	-	25/10/2011		Reps: 27/02/2012 Senate: 28/02/2012	Late
Defence Force Remuneration Tribunal – Report for 2010–11	<i>Defence Act 1903</i>	26/06/2011	26/10/2011		Reps: 31/10/2011 Senate: 01/11/2011	On time

Body/Report	Enabling legislation and timeliness	Letter of Transmittal Date	Submitted to/Received by Minister	Presented out of session	Tabled	Timeliness
Department of Education, Employment and Workplace Relations – Report for 2010–11	<i>Public Service Act 1999</i>	08/09/2011	08/09/2011		Reps: 13/10/2011 Senate: 01/11/2011	On time
Remuneration Tribunal – Report for 2010–11	<i>Remuneration Tribunal Act 1973</i>	01/10/2011	01/10/2011		Reps: 03/11/2011 Senate: 01/11/2011	On time
Safe Work Australia – Report for 2010–11	<i>Safe Work Australia Act 2008</i>	04/10/2011	18/10/2011		Reps: 21/11/2011 Senate: 09/11/2011	On time

APPENDIX 3

Administrative Arrangements Order for the Department of Education, Employment and Workplace Relations

[Extract from the *Administrative Arrangements Order*, made on 9 February 2012]

PART 6 THE DEPARTMENT OF EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

Matters dealt with by the Department

- Schools education policy and programs including schools, vocational, higher education and Indigenous education, but excluding migrant adult education
- Schooling transitions policy and programs including career pathways
- Education and training transitions policy and programs
- Employment policy, including employment services
- Job Services Australia
- Labour market and income support policies and programs for people of working age
- Workplace relations policy development, advocacy and implementation
- Promotion of flexible workplace relations policies and practices
- Co-ordination of labour market research
- Occupational health and safety, rehabilitation and compensation
- Equal employment opportunity
- Work and family programs
- Services to help people with disabilities obtain employment, other than supported employment
- Youth affairs and programs
- Early childhood and childcare policy and programs
- Co-ordination of early childhood development policy and responsibilities, including Indigenous early childhood development