

Senate Standing Committee on Education and Employment - Education

**QUESTIONS ON NOTICE
Supplementary Budget Estimates 2014-2015**

Cross Portfolio

Department of Education Question No. ED0495_15

Senator Ludwig provided in writing.

Question

Dept & All Agencies: Statutory Review Provisions

Please list all current legislation, covered by the department's portfolio, which contain a statutory review provision/s. For each, please provide:

1. What work has been done towards preparing for the review? If none, why not?
2. Please provide a schedule or a workplan for the review.
3. When did/will this work begin?
4. When is/was the review due to commence?
5. What is the expected report date?
6. Who is the minister responsible for the review?
7. What department is responsible for the review?
8. List the specific clauses or legislation under review caused by the statutory provision.
9. List the terms of reference.
10. What is the scope of the review?
11. Who is conducting the review? How were they selected? What are the legislated obligations for the selection of the person to conduct the review?
12. What is the budgeted, projected or expected costs of the review?
13. When was the Minister briefed on this matter?
14. What decision points are upcoming for the minister on this matter?
15. List the number of officers, and their classification level, involved in conducting the review.
16. Will the report will be tabled in parliament or made public. If so, when?

Answer

There are statutory review provisions in three of the Acts of Parliament within the Education portfolio as follows:

- section 44 of the *Australian Curriculum, Assessment and Reporting Authority Act 2008*
- section 238-7 of the *Higher Education Support Act 2003*
- section 203 of the *Tertiary Education Quality and Standards Agency Act 2011*.

The table below provides the answers to the 16 sub-questions.

Question	<i>Australian Curriculum, Assessment and Reporting Authority Act 2008</i>	<i>Higher Education Support Act 2003</i>	<i>Tertiary Education Quality and Standards Agency Act 2011</i>
1 What work has been done towards preparing for the review? If none, why not?	Terms of Reference for the review have been drafted. A request for offer for conducting the stakeholder consultation phase has been put to market.	The review was finalised in 2007. No further preparation has been done.	At this time no work has commenced on the review. The requirement for the review will be considered during 2015 in line with the advice of the Tertiary Education Quality Standards Agency (TEQSA) Advisory Council.
2 Please provide a schedule or a workplan for the review.	Commence: 8 December 2014. Stakeholder consultation phase: 8 December 2014 – March 2015. Analysis: April 2015. Report writing: May 2015. Finalise: by 8 June 2015.	On 19 December 2006, the then Minister for Education, Science and Training, the Hon Julie Bishop MP, announced the commencement of the review into the impact of the Our Universities: Backing Australia's Future reforms on the higher education sector. The Minister announced that the process for undertaking the review would be undertaken in phases. A discussion paper, which looked at the funding cluster mechanism and pipeline arrangements for new Commonwealth supported places, was released on 19 December 2006. Written submissions were invited by 26 February 2007. One hundred and one written submissions were received	Not yet known - see answer 1.

		<p>and published on the Department of Education, Science and Training's website in March 2007.</p> <p>Nine face-to-face consultations were held with universities, peak bodies and state and territory education department representatives:</p> <p>Perth - 19 February 2007 Adelaide – 20 February 2007 Sydney – 22 February 2007 (two sessions) Brisbane – 23 February 2007 (two sessions) Canberra – 27 February 2007 Melbourne – 6 March 2007 (two sessions)</p>	
3 When did/will this work begin?	The terms of reference were approved on 16 October 2014. The request for offer was put to market on 30 October 2014.	The review was announced on 19 December 2006.	Not yet known - see answer 1.
4 When is/was the review due to commence?	8 December 2014.	19 December 2006.	Not yet known - see answer 1.
5 What is the expected report date?	8 June 2015.	A report was published on the Department of Education, Science and Training's website on 31 May 2007.	Not yet known - see answer 1.
6 Who is the	The Minister for Education.	The then Minister for Education, Science and	The Minister for Education.

minister responsible for the review?		Training, the Hon Julie Bishop MP was responsible for the review.	
7 What department is responsible for the review?	The Department of Education.	The then Department of Education, Science and Training was responsible for the review.	The Department of Education.
8 List the specific clauses or legislation under review caused by the statutory provision.	<p>44 Review of role and functions</p> <p>(1) The Minister must cause a review of the Australian Curriculum, Assessment and Reporting Authority's ongoing role and functions to be conducted.</p> <p>(2) The review must:</p> <p>(a) start 6 years after the commencement of this section; and</p> <p>(b) be completed within 6 months.</p> <p>(3) The Minister must cause a written report about the review to be prepared.</p> <p>(4) The Minister must cause a copy of the report to be laid before each House of Parliament within 15 sitting days after the Minister receives the report.</p>	<p>238-7 Review of impact of Act</p> <p>Before 31 December 2006, the Minister must cause a review to be commenced of the impact on the higher education sector of the higher education reforms enacted through this Act.</p>	<p>203 Review of impact of Act</p> <p>The Minister must, before 1 January 2016, cause a review to be started of the impact on the higher education sector of this Act.</p>
9 List the	The Australian Curriculum,	The following matters were considered:	Not yet known - see answer 1.

<p>terms of reference.</p>	<p>Assessment and Reporting Authority (ACARA) review will be conducted by the Department of Education and will assess the appropriateness of ACARA's ongoing role and functions against the aims and objectives of ACARA's charter. In doing this, the department will consider:</p> <ul style="list-style-type: none"> • ACARA's assigned functions as set out in the ACARA Act, the ACARA charter, previous letters of expectation, and Ministerial Council directives • ACARA's delivery against its charter, previous letters of expectation and Ministerial Council directives, including a qualitative assessment of the quality and impact of ACARA's work • ACARA's organisational structures and governance and their impact on the delivery of ACARA's functions • any advantages or disadvantages associated with the co-location of national curriculum, assessment and reporting activities • the level of satisfaction with ACARA's role, functions, processes and the connection to 	<ul style="list-style-type: none"> • the impact of the current discipline groupings and relativities within the funding cluster mechanism for allocating funding under the Commonwealth Grant Scheme and suggest options for improvement as necessary • the particular issues concerning the method of funding of clinical disciplines under the Commonwealth Grant Scheme • the impact and the appropriateness of the current pipeline arrangements for the funding of new Commonwealth supported places and suggest options for improvement as necessary. 	
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	<p>ACARA's annual and quadrennial work plans</p> <ul style="list-style-type: none"> the outcome of any reviews, evaluations or other relevant projects/documents relating to the role and functions of ACARA, including the Review of the Australian Curriculum <p>The department will provide a written report to the Commonwealth Minister for Education by 8 June 2015.</p>		
10 What is the scope of the review?	A review of ACARA's ongoing role and functions.	See answer 9.	The impact on the higher education sector of the <i>Tertiary Education Quality and Standards Agency Act 2011</i> .
11 Who is conducting the review? How were they selected? What are the legislated obligations for the selection of the person to conduct the review?	The review is being conducted by the Department of Education. There are no legislated obligations for the selection of the person to conduct the review.	<p>Staff from the Department of Education, Science and Training conducted the review.</p> <p>A consultant from PhillipsKPA was contracted to facilitate the face-to-face consultations and Access Economics was contracted to conduct a data collection exercise. Access Economics was appointed after an open tender process.</p> <p>There were no legislated obligations for the selection of the person to conduct the review.</p>	<p>Not yet known - see answer 1.</p> <p>There are no legislated obligations for the selection of the person to conduct the review.</p>

12 What is the budgeted, projected or expected costs of the review?	Departmental funding of \$100,000 is available to support the review.	The review has been finalised and there is no further expected expenditure.	Not yet known - see answer 1.
13 When was the Minister briefed on this matter?	October 2014.	It is not possible to provide this information as the review was undertaken in 2007.	See answer 1.
14 What decision points are upcoming for the minister on this matter?	Agreement to table the final report in Parliament.	There are no upcoming decision points as the review has been finalised.	Not yet known - see answer 1.
15 List the number of officers, and their classification level, involved in conducting the review.	A fraction of the time (less than half) of an EL1 officer has been involved to date.	It is not possible to provide this information as the review was undertaken in 2007.	Not yet known - see answer 1.

16 Will the report will be tabled in parliament or made public. If so, when?	The Minister must cause a copy of the report to be laid before each House of Parliament within 15 sitting days after the Minister receives the report.	See answer 5.	See answer 1.
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