

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Supplementary Budget Estimates 2014-2015

Cross Portfolio

Department of Employment Question No. EM0895_15

Senator Ludwig provided in writing.

Question

Reviews

Since Budget Estimates in June, 2014:

1. How many new reviews (defined as review, inter-departmental group, inquiry, internal review or similar activity) have been commenced? Please list them including:
 - a. the date they were ordered
 - b. the date they commenced
 - c. the minister responsible
 - d. the department responsible
 - e. the nature of the review
 - f. their terms of reference
 - g. the scope of the review
 - h. who is conducting the review
 - i. the number of officers, and their classification level, involved in conducting the review
 - j. the expected report date
 - k. the budgeted, projected or expected costs
 - l. if the report will be tabled in parliament or made public
2. For any review commenced or ordered since Budget Estimates in June, 2014, have any external people, companies or contractors being engaged to assist or conduct the review?
 - a. If so, please list them, including their name and/or trading name/s and any known alias or other trading names
 - b. If so, please list their managing director and the board of directors or equivalent
 - c. If yes, for each is the cost associated with their involvement, including a break down for each cost item
 - d. If yes, for each, what is the nature of their involvement
 - e. If yes, for each, are they on the lobbyist register, provide details
 - f. If yes, for each, what contact has the Minister or their office had with them
 - g. If yes, for each, who selected them
 - h. If yes, for each, did the minister or their office have any involvement in selecting them
 - i. If yes, please detail what involvement it was
 - ii. If yes, did they see or provided input to a short list
 - iii. If yes, on what dates did this involvement occur
 - iv. If yes, did this involve any verbal discussions with the department
 - v. If yes, on what dates did this involvement occur
3. Which reviews are on-going?
 - a. Please list them.
 - b. What is the current cost to date expended on the reviews?

4. Have any reviews been stopped, paused or ceased? Please list them.
5. Which reviews have concluded? Please list them.
6. How many reviews have been provided to Government? Please list them and the date they were provided.
7. When will the Government be responding to the respective reviews that have been completed?
8. What reviews are planned?
 - a. When will each planned review be commenced?
 - b. When will each of these reviews be concluded?
 - c. When will government respond to each review?
 - d. Will the government release each review?
 - e. If so, when? If not, why not?"

Answer

Details of the reviews are attached.

Question 1 – Reviews commenced since Budget Estimates in June 2014

Name of review	Examination of work health and safety laws	Work health and safety governance review
(a) Date ordered. (b) Date commenced.	2 May 2014. Commenced June 2014.	2 May 2014. Commenced June 2014.
(c) The minister responsible.	State, territory and Commonwealth Ministers responsible for work health and safety.	State, territory and Commonwealth Ministers responsible for work health and safety.
(d) The department responsible.	The Safe Work Australia agency is assisting Ministers in this work.	The Department of Employment is assisting Ministers in this work.
(e) The nature of the review. (f) Their terms of reference. (g) The scope of the review. (h) Who is conducting the review.	<p>The Council of Australian Governments requested Ministers responsible for work health and safety investigate ways in which model Work Health and Safety (WHS) laws could be improved with a focus on reducing regulatory burden and making it easier for business and workers to comply.</p> <p>In particular, the Council of Australian Governments requested that Ministers investigate:</p> <ol style="list-style-type: none"> 1. director's liability provisions (officer's duties), with specific regard whether these create a disincentive to take up officer roles. 2. right of entry and other powers of union officials and powers of health and safety representatives (HSRs), including whether these should be subject to further limitations. 3. model Codes of Practice, including whether they can be made less complex and provide for increased jurisdictional flexibility balanced against the benefits of harmonisation for multi-jurisdictional employers. 	<p>The Council of Australian Governments has requested Ministers responsible for work health and safety to examine the governance arrangements of Safe Work Australia, in particular any duplication in the roles of Safe Work Australia and the Heads of Workplace Safety Authorities and whether these bodies could be rationalised.</p> <p>This review is being undertaken alongside a review of the <i>Inter-Governmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety</i> (the IGA).</p> <p>The work for the Council of Australian Governments will look at:</p> <ol style="list-style-type: none"> i. the arrangements for decision-making of Safe Work Australia ii. the Safe Work Australia committee structure iii. the role of Safe Work Australia in supporting uniform work health and safety

Name of review	Examination of work health and safety laws	Work health and safety governance review
	<p>4. whether the current WHS system reflects best practice, in that the model WHS laws:</p> <ul style="list-style-type: none"> a. are evidence based, cost effective and proportional to the health and safety risks they seek to address b. are simple and streamlined for businesses to comply with and c. where possible, allow duty holders flexibility in how they comply with their obligations. <p>The Safe Work Australia agency is conducting the examination.</p>	<p>laws and</p> <p>iv. the ongoing relevance of the IGA.</p> <p>The review is being conducted by the Department of Employment with assistance from New South Wales, Victoria and South Australian officials.</p>
(i) The number of officers involved and their classification level.	<p>The examination has involved the temporary part-time commitment of one SES Band 1, one EL2, two EL1 officers (one part time at 0.8 FTE), and two APS 6 officers. Two additional resources were obtained to specifically assist with the examination:</p> <ul style="list-style-type: none"> • One EL1 part time at 0.6 FTE from 13 August 2014. • One EL1 at 0.8 FTE on temporary secondment from the Office of Best Practice Regulation from 30 September 2014 to 28 November 2014. 	<p>The review will involve the temporary part-time commitment of one SES Band 1, one EL2, one EL1 and one APS 5.</p>
(j) The expected report date.	<p>The Council of Australian Governments has requested Ministers report to them by the end of 2014.</p>	<p>The Council of Australian Governments has requested Ministers report to them by the end of 2014.</p>
(k) The budgeted, projected or expected costs.	<p>Staff salary and on-costs plus \$122 828.76 GST inclusive for consultancies.</p>	<p>Staff salary and on-costs.</p>
(l) If the report will be tabled in Parliament or made public.	<p>This is for decision by the Council of Australian Governments.</p>	<p>This is for decision by the Council of Australian Governments.</p>

Question 2 – External people, companies or contractors engaged to assist or conduct the review since Budget Estimates in June 2014

Name of review	Examination of work health and safety laws
(a) List them, including their name and/or trading name/s and any known alias or other trading names.	Australian Government Solicitors, and Norton Rose Fullbright Australia.
(b) List the managing director and the board of directors or equivalent.	<p>Australian Government Solicitors: Chief Executive Officer, Ian Govey Chief Operating Officer, Louise Vardanega PSM Director Client Services, Liz Lajos Chief Financial Officer, Stuart Rankin Director HR Services, Doug Cross Corporate Secretary, Daryl Adam National Manager IT Services, Graham Fry.</p> <p>Norton Rose Fullbright Chairman, Adrian Ahern Managing Partner, Wayne Spanner.</p>
(c) Cost associated with their involvement, including a break down for each cost item.	<p>Australian Government Solicitors: All up cost of \$65,628.76 GST inclusive.</p> <p>Norton Rose Fullbright: All up cost of \$57,200.00 GST inclusive.</p>
(d) Nature of their involvement	Provided legal advice on provisions which could be improved with a focus on reducing regulatory burden and making it easier for businesses and workers to comply.

Name of review	Examination of work health and safety laws
(e) Are they on the lobbyist register? Provide details	No.
(f) What contact has the Minister or their office had with them.	None in relation to this consultancy.
(g) Who selected them.	The Safe Work Australia agency selected service providers using the Legal Services Multi-Use List managed by the Office of Legal Services Coordination.
(h) Did the Minister or their office have any involvement in their selection? If yes, (i) detail what involvement it was (ii) did they see or provide input to a short list (iii) on what dates did this involvement occur (iv) did this involve any verbal discussions with the department (v) what dates did this involvement occur.	No.

Question 3 – Ongoing reviews since Budget Estimates in June 2014

No reviews are ongoing since Budget Estimates in June 2014, apart from those listed under Question 1.

Question 4 – Reviews that have stopped, paused, or ceased since Budget Estimates in June 2014

No reviews have stopped, paused, or ceased since Budget Estimates in June 2014.

Questions 5, 6 and 7 – Reviews that have concluded since Budget Estimates in June 2014

QUESTION 5 Name of review	Post-implementation Review of the <i>Fair Work Amendment (Textile, Clothing and Footwear Industry) Act 2012</i> (TCF Act)	Post-implementation Review of the <i>Fair Work Amendment (Transfer of Business) Act 2012</i> (TOB Act)

QUESTION 5 Name of review	Post-implementation Review of the <i>Fair Work Amendment (Textile, Clothing and Footwear Industry) Act 2012</i> (TCF Act)	Post-implementation Review of the <i>Fair Work Amendment (Transfer of Business) Act 2012</i> (TOB Act)
QUESTION 6 Date provided to Government.	A report on the Post-implementation Review of the TCF Act was provided to the Minister for Employment on 9 September 2014.	12 September 2014.
QUESTION 7 When will Government be responding.	The Government will respond to the review in due course.	The Government will respond to the review in due course.

Question 8 – Planned reviews

Name of review	Review of Safe Work Australia role and functions	A full national review of the model WHS legislation
(a) When will it commence?	1 November 2015.	In 2016.
(b) When will it be concluded?	1 May 2016.	End of 2016.
(c) When will the Government respond?	Late 2016.	To be determined by Ministers with responsibility for work health and safety.
(d) Will the Government release the review? (e) If so, when? If not, why not?	This is a decision for Government. Late 2016.	This is a decision for Ministers with responsibility for work health and safety.