

**Senate Standing Committee on Education and Employment**

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

**Cross Portfolio**

**Department of Employment Question No. EM0936\_15**

**Senator Ludwig provided in writing.**

**Question**

**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 obligation 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**

Responses for each Act containing a statutory review provision are attached.

Attachment A – *Asbestos Safety and Eradication Agency Act 2013*

Attachment B – *Coal Mining Industry (Long Service Leave) Administration Act 1992*

Attachment C – *Road Safety Remuneration Act 2012*

Attachment D – *Safe Work Australia Act 2008*

**Asbestos Safety and Eradication Agency Act 2013**

Question	Response
1. What work has been done towards preparing for the review? If none, why not?	No work has yet commenced on a review as it is not required to commence until June 2018
2. Please provide a schedule or a work plan for the review	N/A
3. When did/will this work begin?	N/A
4. When is/was the review due to commence?	June 2018
5. What is the expected report date?	December 2018
6. Who is the minister responsible for the review?	Minister for Employment
7. What department is responsible for the review?	Department of Employment
8. List the specific clauses or legislation under review caused by the statutory provision.	<p><b>Section 47 Review of the Agency's role and functions</b></p> <p>(1) The Minister must cause a review of the Agency's ongoing role and functions to be conducted.</p> <p>(2) The review must:</p> <ul style="list-style-type: none"> <li>(a) start 5 years after the commencement of this section; and</li> <li>(b) be completed within 6 months.</li> </ul> <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 completion of the report.</p>
9. List the terms of reference.	N/A
10. What is the scope of the review?	The ongoing role and functions of the Asbestos Safety and Eradication Agency
11. Who is conducting the review? How were they selected? What are the legislated obligation for the selection of the person to conduct the review?	Not yet determined
12. What is the budgeted, projected or expected costs of the review?	Not yet determined
13. When was the Minister briefed on this matter?	N/A
14. What decision points are upcoming for the minister on this matter?	N/A

15. List the number of officers, and their classification level, involved in conducting the review.	Not yet determined
16. Will the report will be tabled in parliament or made public. If so, when?	Yes, the report will be tabled in parliament or made public 15 sitting days after completion of the report

**Coal Mining Industry (Long Service Leave) Administration Act 1992**

The review requirement in section 55 of the Coal Mining Industry (*Long Service Leave*) *Administration Act 1992* is triggered by the Board of the Corporation providing a report to Minister that it considers that the Fund is likely within the ensuing 12 months to be sufficient to reimburse employers in accordance with the Employer Reimbursement Rules.

The last such report from the Corporation was provided in 2005 and amendments were made to the legislation in 2009 and 2011. The Minister has not since been provided with such a report and therefore the requirement for review has not since been triggered.

Question	Response
1. What work has been done towards preparing for the review? If none, why not?	N/A
2. Please provide a schedule or a work plan for the review.	N/A
3. When did/will this work begin?	N/A
4. When is/was the review due to commence?	N/A
5. What is the expected report date	N/A
6. Who is the minister responsible for the review?	Minister for Employment
7. What department is responsible for the review?	Department of Employment
8. List the specific clauses or legislation under review caused by the statutory provision.	<p><b>Section 55 Review of the Act</b></p> <p>The Minister is to arrange for the carrying out of an independent review of the operation of this Act as soon as possible after the Minister receives a report from the Board under subsection 43(6).</p> <p><b>Section 43 Sufficiency of the Fund</b></p> <p>(6) If the Board forms the opinion, having regard to any advice obtained by it under this section, that the Fund is likely within the ensuing 12 months to be sufficient to reimburse employers in accordance with the Employer Reimbursement Rules, the Board must give to the Minister a written report stating that it has formed that opinion and setting out the reasons for that opinion.</p>

9. List the terms of reference.	N/A
10. What is the scope of the review	N/A
11. Who is conducting the review? How were they selected? What are the legislated obligation for the selection of the person to conduct the review?	N/A
12. What is the budgeted, projected or expected costs of the review?	N/A
13. When was the Minister briefed on this matter?	N/A
14. What decision points are upcoming for the minister on this matter?	N/A
15. List the number of officers, and their classification level, involved in conducting the review	N/A
16. Will the report will be tabled in parliament or made public. If so, when?	N/A

**Road Safety Remuneration Act 2012**

Question	Response
1. What work has been done towards preparing for the review? If none, why not?	No work has yet commenced on a review as it is not required under the legislation to commence until 1 July 2015
2. Please provide a schedule or a work plan for the review.	A work plan has yet to be finalised for the review. The review will commence by 1 July 2015 and will to be completed by 31 December 2015
3. When did/will this work begin?	Preparatory work for the review will commence in the second quarter of 2015
4. When is/was the review due to commence?	The review will commence by 1 July 2015
5. What is the expected report date	The review will be completed by 31 December 2015
6. Who is the minister responsible for the review?	Minister for Employment
7. What department is responsible for the review?	Department of Employment
8. List the specific clauses or legislation under review caused by the statutory provision.	<p><b>120 Review of this Act</b></p> <p>(1) The Minister must cause a review of the operation of this Act to be started by 1 July 2015.</p> <p>(2) The review must be completed by 31 December 2015.</p> <p>(3) The persons who undertake the review must give the Minister a written report of the review.</p> <p>(4) The report must be published on the website of the Department and by any other means the Minister considers appropriate.</p>
9. List the terms of reference.	Not yet determined
10. What is the scope of the review	To review of the operation of the Act
11. Who is conducting the review? How were they selected? What are the legislated obligation for the selection of the person to conduct the review?	Not yet determined. The Act does not prescribe any obligations for the selection of a person to conduct the review
12. What is the budgeted, projected or expected costs of the review?	The costs of the review will be determined in the context of the 2015/16 Financial Year

13. When was the Minister briefed on this matter?	The Minister has not been briefed specifically on this review
14. What decision points are upcoming for the minister on this matter?	N/A
15. List the number of officers, and their classification level, involved in conducting the review	Not yet determined
16. Will the report will be tabled in parliament or made public. If so, when?	The report will be published on the website of the Department, as required under Section 120 of the Act. Timing is yet to be determined.

**Safe Work Australia Act 2008**

Question	Response
1. What work has been done towards preparing for the review? If none, why not?	A review is due to commence in November 2015
2. Please provide a schedule or a work plan for the review.	N/A
3. When did/will this work begin?	N/A
4. When is/was the review due to commence?	November 2015
5. What is the expected report date	1 May 2016
6. Who is the minister responsible for the review?	Minister for Employment
7. What department is responsible for the review?	Department of Employment
8. List the specific clauses or legislation under review caused by the statutory provision.	<p><b>72 Review of Safe Work Australia's role and functions</b></p> <p><i>Minister must conduct review</i></p> <p>(1) The Minister must cause a review of Safe Work Australia's ongoing role and functions to be conducted.</p> <p><i>When review is to start and be completed</i></p> <p>(2) The review must:</p> <p style="padding-left: 40px;">(a) start 6 years after the commencement of this section; and</p> <p style="padding-left: 40px;">(b) be completed within 6 months.</p> <p><i>Report about review</i></p> <p>(3) The Minister must cause a written report about the review to be prepared.</p> <p><i>Parliament to be given report</i></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>
9. List the terms of reference.	N/A
10. What is the scope of the review	The ongoing role and functions of Safe Work Australia
11. Who is conducting the review? How were they selected? What are the legislated obligation for the selection of the person to conduct the review?	Not yet determined



12. What is the budgeted, projected or expected costs of the review?	Not yet determined
13. When was the Minister briefed on this matter?	N/A
14. What decision points are upcoming for the minister on this matter?	Not yet determined
15. List the number of officers, and their classification level, involved in conducting the review	Not yet determined
16. Will the report will be tabled in parliament or made public. If so, when?	Yes, the report will be tabled in parliament or made public 15 sitting days after completion of the report