

Chapter 1

Overview

1.1 The Senate Education, Employment and Workplace Relations Legislation Committee presents its report to the Senate.

1.2 On 10 February 2011¹ the Senate referred the following documents to the committee for examination and report in relation to the Education, Employment and Workplace Relations portfolio:

- Particulars of proposed additional expenditure in respect of the year ending on 30 June 2011 [Appropriation Bill (No. 3) 2010—11];
- Particulars of certain proposed additional expenditure in respect of the year ending on 30 June 2011 [Appropriation Bill (No. 4) 2010—11];
- Final budget outcome 2009—10—Report by the Treasurer (Mr Swan) and the Minister for Finance and Deregulation (Senator Wong), September 2010; and
- Issues from the Advance under the annual Appropriation Acts—Report for 2009-10.

1.3 Standing legislation committees are required to report to the Senate on 22 March 2011.

Portfolio coverage

1.4 The committee has responsibility for examining the expenditure and outcomes of the Education, Employment and Workplace Relations portfolio. Appendix 1 lists the department and agencies under this portfolio.

Portfolio Additional Estimates Statements (PAES) 2010—11

1.5 The Portfolio Budget Statements (PBS) and the Portfolio Additional Estimates Statements (PAES) inform senators of the proposed allocation of funding to government outcomes by agencies within the portfolio. However, unlike the PBS, the PAES summarise only the changes in funding by outcome since the Budget. The PAES provides information on new measures and their impact on the financial and/or non-financial planned performance of programs supporting those outcomes.

1.6 The PAES 2010—11 details the following measures that the department will deliver as a result of additional estimates:

1 *Journals of the Senate No. 19*, 10 February 2011, p. 581.

- The establishment of a Trade Apprentice Income Bonus to provide eligible Australian apprentices from 1 January 2011 with an additional tax exemption bonus as training milestones are achieved.
- A reward system in the form of monetary payments to schools that, upon the analysis of national schools data by an independent authority, generate measurably better results for students.
- The improvement of student performance and outcomes by enabling principals, parents and school communities to have greater input into how local schools are administered; and
- The guarantee that employees that become unemployed as a result of employer insolvency will have the majority of their entitlements protected as a result of a number of new measures.

1.7 These measures are offset by a number of savings measures, outlined in the PAES.²

Hearings

1.8 The committee conducted two days of hearings, examining Employment and Workplace Relations outcomes and agencies on 23 February 2011 and Education outcomes and agencies on 24 February 2011. In total the committee met for 20 hours and 16 minutes, excluding breaks.

1.9 The following outcomes and agencies appeared before the committee:

- Outcomes 1 — 5
- Australian Curriculum, Assessment and Reporting Authority (ACARA)
- Australian Learning and Teaching Council
- Comcare
- Office of the Australian Building and Construction Commissioner
- Fair Work Australia
- Fair Work Ombudsman
- Safe Work Australia

1.10 Skills Australia was released from the hearings without examination.

Public interest immunity claims

1.11 On 13 May 2009, the Senate passed an order relating to public interest immunity claims.³ The order sets out the processes to be followed if a witness

2 Portfolio Additional Estimates Statements (PAES) 2010—11, pp. 11-12.

declines to answer a question. The full text of this order has previously been provided to departments and agencies and was incorporated in the Chair's opening statement on each day of the additional estimates hearing.

1.12 The issue of public interest immunity was not explicitly raised during the hearings, although Minister Evans at one point questioned the appropriateness of placing on the public record details of persons interviewed as part of a current investigation by the Fair Work Ombudsman. Had this been pursued, it may have taken the form of a claim of public interest immunity.⁴

Questions on notice

1.13 The committee has drawn the attention of the department and its agencies to the agreed deadline of Friday 8 April 2011 for the receipt of answers to questions taken on notice from this round, in accordance with Standing Order 26.

1.14 For this round, written questions on notice were received from Senators Abetz, Back, Cash, Fifield, Fisher, Fierravanti-Wells, Hanson-Young, Mason, McDonald, Nash, Ryan, Siewert and Williams.

Note on Hansard page referencing

1.15 Hansard references throughout this report relate to proof Hansard page numbers. Please note page numbering may differ between the proof and final Hansard.

3 *Journals of the Senate*, No. 68, 13 May 2009, p. 1941. The order was moved by Senator Cormann.

4 *Proof Estimates Hansard*, 23 February 2011, pp. 63-64.

