

The Senate

Education and Employment
Legislation Committee

Annual reports (No. 1 of 2014)

March 2014

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CHAPTER 1

Introduction

1.1 This is the Senate Education and Employment Legislation Committee's (the committee) first report on annual reports for 2014. It provides an overview of the committee's examination of annual reports for the 2012–13 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

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

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.*

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 May 2013 and 1 November 2013. The committee examined the following reports:

Statutory authorities/bodies

- Tertiary Education Quality and Standards Agency – Annual Report 2012–13
- Safety, Rehabilitation and Compensation Commission – Annual Report 2012–13
- Fair Work Ombudsman – Annual Report 2012–13
- Seafarers Safety, Rehabilitation and Compensation Authority – Annual Report 2012–13
- Australian Research Council – Annual Report 2012–13
- Fair Work Building and Construction – Report for 2012–13

Commonwealth companies under the CAC Act

- Comcare – Annual Report 2013–13
- Australian Curriculum, Assessment and Reporting Authority – Annual Report 2012–13
- Australian Institute for Teaching and School Leadership – Annual Report 2012–13

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 documents were referred to the committee but not examined:

- Remuneration Tribunal – Annual Report 2012–13
- Education and Care Services Ombudsman, National Education and Care Services FOI & Privacy Commissioners
- Submission Report on ILO Instrument Social Protection Floors Recommendation, 2012 (No. 202)

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*, sub 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 2013;
- for Commonwealth authorities and companies: the *Commonwealth Authorities and Companies Act 1997*, in particular sections 9, 36 and 48, the *Commonwealth Companies (Annual Reporting) Orders 2011*, and the *Corporations Act 2001*; 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 the reports described here are apparently satisfactory. In making this assessment, the committee considers aspects such as the timeliness of presentation and compliance with relevant reporting requirements.

2 Department of Prime Minister and Cabinet, *Requirements for Annual Reports for Departments, Executive Agencies and FMA Act Bodies*, June 2012, p. 2.

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

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 following reports are discussed in this chapter:

- Tertiary Education Quality and Standards Agency;
- Fair Work Building and Construction;
- Fair Work Ombudsman;
- Safety, Rehabilitation and Compensation Commission;
- Comcare;
- Seafarers Safety, Rehabilitation and Compensation Commission;
- Australian Research Council;
- Australian Curriculum, Assessment and Reporting Authority; and
- Australian Institute for Teaching and School Leadership.

Tertiary Education Quality and Standards Agency

2.2 The Tertiary Education Quality and Standards Agency (TEQSA) is a national regulator intended to ensure consistency in higher education regulatory requirements. Its role is to administer the registration of higher education providers, the accreditation of higher education courses, and to manage quality assurance in higher education standards and performance. The 2012–13 financial year was the first financial year in which TEQSA operated with full responsibilities in its capacity as national regulator.

2.3 As a result of the Government's focus on expanding Australia's portion of the international higher education market, the agency noted an increased spotlight on the quality of offshore course delivery. In response to this, TEQSA has been developing cooperative agreements with quality assurance agencies overseas in sectors where Australian providers are most prominent.¹

2.4 TEQSA noted that in the past year it has observed an increasing interest amongst stakeholders with regards to e-learning for course delivery. Due to this, TEQSA co-hosted a forum on this topic with the Office for Learning and Teaching.²

2.5 TEQSA also highlighted its Regulatory Risk Framework, which is informed by Australia's long record of international education provision, and includes an emphasis on offshore delivery. This incorporates TEQSA's international strategy of

1 Tertiary Education Quality and Standards Agency, *Annual Report 2012–13*, p. 27.

2 Tertiary Education Quality and Standards Agency, *Annual Report 2012–13*, p. 27.

developing 'a rigorous approach to offshore provision...and developing cooperative relationships with overseas quality assurance agencies'.³

2.6 With the establishment of the National Advisory Group of Higher Education Data and Information (NAGHEDI), TEQSA was able to participate in a project to achieve consensus on approaches to data collection and reporting in the higher education sector, with the goal of developing a single information collection. NAGHEDI also included representatives from the Australian Research Council, higher education providers, and other Government departments.⁴

2.7 This annual report is well presented and easily navigated and the committee considers that this report has fulfilled all requirements.

Fair Work Building and Construction

2.8 The Office of the Fair Work Building Industry Inspectorate (operating as Fair Work Building and Construction (FWBC)) is an independent statutory agency established to regulate workplace relations laws in the building and construction industry. Activities that are undertaken by FWBC in this role include public education, providence advice and ensuring compliance with workplace relations laws by industry in the sector. This is the FWBC's first full-year annual report as it began operation on 1 June 2012.⁵

2.9 During the 2012–13 year, FWBC released a range of new education and compliance initiatives aimed at providing key information and advice to building industry participants and to promote the compliance of worker and employers with workplace laws.⁶ These included:

- a national targeted audit of record keeping, payslips and base wages;
- raising the awareness of workplace rights for culturally and linguistically diverse workers;
- a relaunch of the FWBC website; and
- the 'know your worth' campaign that targeted apprentices.⁷

2.10 The report noted that following a joint financial review with the Fair Work Ombudsman which identified savings for both organisations by developing a single finance services team. FWBC outsourced its finance function to the Fair Work Ombudsman in September 2012.⁸

2.11 This annual report is well presented and easily navigated and the committee considers that this report has fulfilled all requirements.

3 Tertiary Education Quality and Standards Agency, *Annual Report 2012–13*, p. 55

4 Tertiary Education Quality and Standards Agency, *Annual Report 2012–13*, p. 34.

5 Fair Work Building & Construction, *Annual Report 2012–13*, p. 10.

6 Fair Work Building & Construction, *Annual Report 2012–13*, p. 21.

7 Fair Work Building & Construction, *Annual Report 2012–13*, pp 40–46.

8 Fair Work Building & Construction, *Annual Report 2012–13*, p. 57.

Fair Work Ombudsman

2.12 The Fair Work Ombudsman (FWO) is an independent statutory agency that seeks to promote fairness and ensure justice in Australian Workplaces. In 2012–13 FWO met all key performance indicator targets and focused particularly on encouraging a greater emphasis on voluntary resolution of disputes in the workplace. Self-help technologies and provision online services proved to be very useful to this end.⁹ The FWO also underwent a change in leadership in July 2013 with the appointment of the new Fair Work Ombudsman, Ms Natalie James.

2.13 The report states that equipping individuals and workplaces with tools to manage workplace relationships will continue to be an important focus for FWO in the year to come. Simplified online resources and additional self-help tools will be a significant way in which the FWO achieves this objective.¹⁰

2.14 This annual report is well presented and easily navigated and the committee considers that this report has fulfilled all requirements.

Safety, Rehabilitation and Compensation Commission & Comcare

2.15 The Safety, Rehabilitation and Compensation Commission (the Commission) and Comcare are both established under the *Safety, Rehabilitation and Compensation Act 1988* and jointly oversee the Comcare scheme. The Comcare scheme works with federal workers and employers across Australia to prevent workplace injury, regulate compensation claims and provide support for managing the impact of injuries on the workplace and individuals. The Commission does not have staff or budget so financial statements are only prepared and reported for Comcare.

2.16 The 2012–13 financial year saw a change in work, health safety legislation with the introduction of the *Work Health and Safety Act 2011*. Under the legislation, the role of the Commission has changed from co-regulator with Comcare to being an oversight body that supports Comcare in the development of work, health and safety strategies. Both the Commission and Comcare also considered recommendations from the Safety, Rehabilitation and Compensation Act Review conducted by Mr Peter Hanks QC and Mr Allan Hawke AC. Mr Cameron Dick was appointed Chairperson of the Commission following the expiration in December 2012 of Mr Peter Henneken AM's appointment.¹¹

2.17 The report states that Comcare updated its Service Delivery Plan with the aim of promoting mental health and preventing psychological harm in work, while effectively targeting known and emerging work health and safety risks, and reducing unnecessary impact from workplace harm.¹²

9 Fair Work Ombudsman, *Annual Report 2012–13*, p. 6.

10 Fair Work Ombudsman, *Annual Report 2012–13*, p. 7.

11 Safety, Rehabilitation and Compensation Commission and Comcare, *Annual Report 2012–13*, pp 12–13.

12 Safety, Rehabilitation and Compensation Commission and Comcare, *Annual Report 2012–13*, p. 15.

2.18 Comcare specifically stated its focus on the impact of mental harm, which can affect individual's lives as well as the surrounding community. To address this, Comcare has advocated the importance of other employees as 'first responders' and has recognised that an individual's workplace has an impact on an individual's mental health and concept of self. Ensuring that an individual workers' mental health is maintained, while in an understanding and satisfying workplace, increases productivity and participation.¹³

2.19 Comcare acknowledged in its Annual Report that it has reported an operating loss for the second year in a row. Mr Paul O'Connor, Chief Executive Officer of Comcare stated:

Comcare has posted an operating loss for the second consecutive year, once again impacted by increases in the value of the outstanding claim liabilities that we underwrite.¹⁴

2.20 The operating deficit of Comcare for the 2012–13 year was \$98.3 million in comparison to an operation deficit of \$687.3 million the previous year. Comcare has forecast an operating surplus of \$58.7 million in its Portfolio Budget Statements 2012–13.¹⁵

2.21 This annual report is well presented and easily navigated. The committee notes that the inclusion of a list of publications during the reporting period would be beneficial.

Seafarers Safety, Rehabilitation and Compensation Commission

2.22 The Seafarers Safety, Rehabilitation and Compensation Authority (Seacare) was established under the *Seafarers Rehabilitation and Compensation Act 1992* and regulates occupational health and safety, workers' compensation and rehabilitation for seafarers for particular sections of the Australian maritime industry. The Committee notes that Seacare receives support from Comcare (as outlined in the Annual Report) and that certain of its reporting obligations are thus addressed in the Comcare Annual Report.

2.23 The reporting period covered in the Seacare's Annual Report was very busy for the organisation. As well as managing the Seafarers Safety Net Fund (a fund providing compensation to injured seafarers with no extant employers from whom to claim) and conducting an awards and conference event in October 2012, Seacare participated in a review of the Seacare scheme. The review focused on best practice for compensation arrangements in the sector and ensuring that worker's compensation premiums do not impose an undue burden on employers in the industry.¹⁶

13 Safety, Rehabilitation and Compensation Commission and Comcare, *Annual Report 2012–13*, p. 16.

14 Safety, Rehabilitation and Compensation Commission and Comcare, *Annual Report 2012–13*, p 19.

15 Safety, Rehabilitation and Compensation Commission and Comcare, *Annual Report 2012–13*, p. 33.

16 Seafarers Safety, Rehabilitation and Compensation Authority, *Annual Report 2012–13*, p. vi.

2.24 In July 2012, the *Tax Laws Amendment (Shipping Reform) Act 2012* came into effect. In addition, the *Navigation Act 2012* was assented to commence from July 2013. The implementation of these Acts presented significant reforms to the Australian maritime industry.¹⁷

2.25 Seacare noted in its Annual Report that there had been a decrease in the number workplace incidents compared to recent years. To maintain this reduction, Seacare approved a joint occupational health and safety plan between the Seacare Authority and the Australian Maritime Safety Authority.¹⁸

2.26 This annual report is well presented and easily navigated and the committee considers that this report has fulfilled all requirements.

Australian Research Council

2.27 The Australian Research Council (ARC) is established under the *Australian Research Council Act 2001*. The ARC aims to deliver policy and programs that develop research both domestically and internationally. This is achieved through making recommendations regarding funding for research programs, administering the funding for these programs and by providing advice related to research.¹⁹

2.28 The Excellence in Research for Australia (ERA) program assesses the quality of research conducted at universities in all areas. In the *Excellence in Research for Australia 2012 National* report, ERA categorises the specific strengths of universities for different areas of research, while emphasising areas that could be further developed.²⁰

2.29 A total funding of \$528.8 million was awarded in 1168 new grants under the Discovery Program for 2012–13. This funding included:

- \$46.7 over five years for the Australian Laureate Fellowships scheme;
- \$72.3 million over three years for the Discovery Early Career Researcher Award;
- \$4.3 million over three years for the Discovery Indigenous scheme;
- \$254.0 million over three years for the Discovery Projects scheme; and
- \$151.6 million over four years for the Future Fellowships scheme.²¹

2.30 The ARC noted a decline in the amount of funding awarded in 2012–13 under the Discovery Program and attributed this to the fall in number of Discovery Early Career Researcher Awards in addition to the completion of selection rounds under the Super Science Fellowships scheme.²²

17 Seafarers Safety, Rehabilitation and Compensation Authority, *Annual Report 2012–13*, p. vi.

18 Seafarers Safety, Rehabilitation and Compensation Authority, *Annual Report 2012–13*, p. vi.

19 Australian Research Council, *Annual Report 2012–13*, p. 11.

20 Australian Research Council, *Annual Report 2012–13*, p. 7.

21 Australian Research Council, *Annual Report 2012–13*, p. 52.

22 Australian Research Council, *Annual Report 2012–13*, p. 52.

2.31 This annual report is well presented and easily navigated and the committee considers that this report has fulfilled all requirements.

Australian Curriculum, Assessment and Reporting Authority

2.32 The Australian Curriculum, Assessment and Reporting Authority (ACARA) was established in December 2008 to administer a national school curriculum and assessments and collecting, managing and analysing data on school education and performance for publishing.

2.33 Some of ACARA's achievements for the 2012–13 financial year included:

- Continued development of the Australian Curriculum with milestones achieved in the disciplines of geography, economics and business, technologies, and health and physical education;
- Delivery of NAPLAN²³ tests to around one million school students and reporting on the previous year's assessments for about 9 500 schools; and
- Progressing with moving national assessments onto an online environment.

2.34 The Committee thanks ACARA for presentation of its Annual Report, but recommends that ACARA include staffing statistics and a list of publications in future reports — according to best practice guidelines.

Australian Institute for Teaching and School Leadership

2.35 The Committee recognises the ongoing work of the Australian Institute for Teaching and School Leadership (AITSL) in providing national leadership in the promotion of excellence in the teaching profession. During the 2012–13 financial year, the final two of AITSL's seven key educational policies were established through the endorsement of all Education Ministers. These seven policies are:

- Australian Professional Standards for Teachers;
- Australian Professional Standards for Principals;
- Accreditation of Initial Teacher Education Programs in Australia;
- Nationally Consistent Registration of Teachers in Australia;
- Certification of Highly Accomplished and Lead Teachers in Australia;
- Australian Charter for the Professional Learning of Teachers and School Teachers; and
- Australian Teacher Performance and Development Framework.

2.36 Following the establishment of these policy platforms, AITSL has also been focusing on implementing them in consultation and collaboration with the profession, jurisdictions and systems across Australia.

2.37 While the committee approves of AITSL's Annual Report, and welcomes the progress recorded in it, the committee would also like to bring to AITSL's attention

23 The National Assessment Program – Literacy and Numeracy.

certain reporting requirements that it would like to see in its next Annual Report. These requirements include:

- Systems and policies in place in regard to Freedom of Information;
- Information on AITSL's Occupational Health and Safety policy and related statistics;
- Reporting on staff statistics, including SES statistics, full-time/part-time staff, gender, location and ongoing/non-ongoing;
- An appendix including an agency resource statement; and
- Information on collective agreements with staff.

2.38 In addition, the committee believes that the inclusion of a compliance index in AITSL's next annual report would be of benefit to the committee.

Comments made in the Senate

2.39 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 such comments to include.

Bodies not presenting annual reports to the Senate

2.40 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 Chris Back
Chair

APPENDIX 1

Allocation of annual reports to the committee

Annuals reports from the following agencies were allocated to the committee during the reporting period.

Education, Employment and Workplace Relations Portfolio

- 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 Research Council
- 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 2010
- *Schools Assistance Act 2008* – Report on financial assistance granted to each state in respect of 2010
- Tertiary Education Quality an Standards Agency

Employment and Workplace Relations

- *Air Passenger Ticket Levy (Collection) Act 2001*
- Coal Mining Industry (Long Service Leave Funding) Corporation
- Comcare Australia
- Defence Force Remuneration Tribunal¹
- Department of Education, Employment and Workplace Relations
- Fair Work Australia
- Fair Work Ombudsman
- Fair Work Building and Construction
- Remuneration Tribunal
- Safe Work Australia
- Safety, Rehabilitation and Compensation Commission

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

- Seafarers Safety, Rehabilitation and Compensation Authority (Seacare)

APPENDIX 2

Compliance table of annual reports referred

List of annual reports referred by the Senate to the committee during the period 1 May 2013 to 31 October 2013

Education, Employment and Workplace Relations portfolio

Body	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	<i>Commonwealth Authorities and Companies Act 1997</i>	10.10.2013	8.10.2013	29.10.2013	Reps: 13.11.2013 Senate: 12.11.2013	On time
Australian Institute for Teaching and School Leadership Limited	<i>Commonwealth Authorities and Companies Act 1997</i>	15.09.2013		30.10.2013	Reps: 13.11.2013 Senate: 12.11.2013	On time
Australian Research Council	<i>Australian Research Council Act 2001</i>	4.10.2013	04.10.2013	24.10.2013	Reps: 13.11.2013 Senate: 12.11.2013	On time

Body	Enabling legislation and timeliness	Letter of Transmittal Date	Submitted to/Received by Minister	Presented out of session	Tabled	Timeliness
Fair Work Building and Construction	<i>Fair Work (Building Industry) Act 2012</i>	10.10.2013	14.10.2013	30.10.2013	Reps: 13.11.2013 Senate: 12.11.2013	On time
Fair Work Ombudsman	<i>Fair Work Australia Act 2009</i>	14.10.2013	9.10.2013	31.10.2013	Reps: 13.11.2013 Senate: 12.11.2013	On time
Remuneration Tribunal	<i>Remuneration Tribunal Act 1973</i>	10.10.2013	23.10.2013	31.10.2013	Reps: 13.11.2013 Senate: 12.11.2013	On time
Seafarers Safety, Rehabilitation and Compensation Authority	<i>Seafarers Rehabilitation and Compensation Act 1992</i>	14.10.2013	15.10.2013	31.10.2013	Reps: 13.11.2013 Senate: 12.11.2013	On time

Body	Enabling legislation and timeliness	Letter of Transmittal Date	Submitted to/Received by Minister	Presented out of session	Tabled	Timeliness
Safety, Rehabilitation and Compensation Commission and Comcare	<i>Safety, Rehabilitation and Compensation Act 1988</i>	14.10.2013	15.10.2013	31.10.2013	Reps: 13.11.2013 Senate: 12.11.2013	On time
Tertiary Education Quality and Standards Agency	<i>Tertiary Education Quality and Standards Agency Act 2011</i>	17.09.2013	2.10.2013	22.10.2013	Reps: 13.11.2013 Senate: 12.11.2013	On time

APPENDIX 3

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

Extract from the *Administrative Arrangements Order*, made on 16 May 2013. These orders were in place during the reporting period covered.

PART 6 THE DEPARTMENT OF EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

Matters dealt with by the Department

- Schools education policy and programs, including vocational education and training in schools, Indigenous school 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, including workplace productivity
- 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, including youth transitions
- Early childhood and childcare policy and programs
- Co-ordination of early childhood development policy and responsibilities, including Indigenous early childhood development

