

## Senate Committee: Education and Employment

### QUESTION ON NOTICE Additional Estimates 2015 - 2016

**Outcome: Cross Portfolio - Corporate**

**Department of Education and Training Question No. SQ16-000252**

Senator Ludwig, Joe provided in writing

#### ***Statutory Review Provisions***

#### **Question**

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 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?	The review was finalised in 2015.	The review was finalised in 2007.	The Minister for Education and Training agreed terms of reference for the review on 14 December 2015 and indicated his agreement to the Higher Education Standards Panel providing some oversight to the conduct of the review.
2 Please provide a schedule or a workplan for the review.	<p>Commenced: 8 December 2014.</p> <p>Independent Consultation with Key Stakeholders: December 2014 – April 2015.</p> <p>Draft report provided to Minister Pyne by 8 June 2015, which fulfilled the requirements of Section 44 of the <i>ACARA Act 2008</i>.</p> <p>18 September 2015: Education Council endorsed the recommendations made in the review.</p>	<p>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.</p> <p>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</p>	<p>Review commenced 14 December 2015.</p> <p>Procurement of reviewer by end of June 2016.</p> <p>Review expected to be completed by 30 June 2017.</p>

	19 October 2015: The review of ACARA report was tabled in Parliament.	and published on the Department of Education, Science and Training's website in March 2007.  Nine face-to-face consultations were held with universities, peak bodies and state and territory education department representatives:  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)	
3 When did/will this work begin?	The terms of reference were approved on 16 October 2014.	The review was announced on 19 December 2006.	The review commenced on 14 December 2015.
4 When is/was the review due to commence?	8 December 2014.	19 December 2006.	Section 203 of the TEQSA Act requires that the Minister must, before 1 January 2016, cause a review to be started.
5 What is the expected report date?	Draft report was provided to Minister Pyne by 8 June 2015.	A report was published on the Department of Education, Science and Training's website on 31 May 2007.	By 30 June 2017.
6 Who is the minister responsible for the review?	The Minister for Education and Training.	The then Minister for Education, Science and Training, the Hon Julie Bishop MP was responsible for the review.	The Minister for Education and Training.

7 What department is responsible for the review?	The Department of Education and Training.	The then Department of Education, Science and Training was responsible for the review.	The Department of Education and Training.
8 List the specific clauses or legislation under review caused by the statutory provision.	<p><b>44 Review of role and functions</b></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><b>238-7 Review of impact of Act</b></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><b>203 Review of impact of Act</b></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 terms of reference.	<p>The Australian Curriculum, 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"> <li>• ACARA's assigned functions as set out in the ACARA Act, the</li> </ul>	<p>The following matters were considered:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• the particular issues concerning the method of funding of clinical disciplines under the Commonwealth Grant Scheme</li> <li>• the impact and the appropriateness of the</li> </ul>	<p>The review will assess the impact on the higher education sector of the TEQSA Act by examining:</p> <ol style="list-style-type: none"> <li>1. What has changed for the sector in moving to a single national regulatory framework from multiple state and territory specific arrangements.</li> <li>2. The extent to which the TEQSA Act has contributed to improved</li> </ol>

	<p>ACARA charter, previous letters of expectation, and Ministerial Council directives.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• ACARA's organisational structures and governance and their impact on the delivery of ACARA's functions.</li> <li>• Any advantages or disadvantages associated with the co-location of national curriculum, assessment and reporting activities.</li> <li>• The level of satisfaction with ACARA's role, functions, processes and the connection to ACARA's annual and quadrennial work plans.</li> <li>• 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.</li> </ul>	<p>current pipeline arrangements for the funding of new Commonwealth supported places and suggest options for improvement as necessary.</p>	<p>quality in the delivery of higher education</p> <ol style="list-style-type: none"> <li>3. The extent to which the TEQSA Act has contributed to improved regulation.</li> <li>4. Whether there is unnecessary overlap with other legislation, for example, the <i>Education Services for Overseas Students Act 2000</i>, the <i>National Vocational Education and Training Regulator Act 2011</i> and the <i>Higher Education Support Act 2003</i>.</li> <li>5. Whether there are amendments to the TEQSA Act or other changes that would enhance the Act's impact or its administration.</li> <li>6. Whether the required functions of the Higher Education Standards Panel are adequately reflected in the TEQSA Act.</li> </ol>
<p>10 What is the scope of the review?</p>	<p>A review of ACARA's ongoing role and functions.</p>	<p>See answer 9.</p>	<p>The impact on the higher education sector of the TEQSA Act.</p>

<p>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?</p>	<p>The review was conducted by the Department of Education and Training.</p> <p>There are no legislated obligations for the selection of the person to conduct the review.</p>	<p>Staff from the then 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 determined.</p> <p>There are no legislated obligations for the selection of the person to conduct the review.</p>
<p>12 What is the budgeted, projected or expected costs of the review?</p>	<p>Department funds of \$80,000 (GST exclusive) were expended in conducting the review.</p>	<p>The review has been finalised and there is no further expected expenditure.</p>	<p>Not yet determined.</p>
<p>13 When was the Minister briefed on this matter?</p>	<p>October 2014.</p>	<p>It is not possible to provide this information as the review was undertaken in 2007.</p>	<p>9 December 2015.</p>
<p>14 What decision points are upcoming for the minister on this matter?</p>	<p>There are no upcoming decision points as the review has been finalised.</p>	<p>There are no upcoming decision points as the review has been finalised.</p>	<p>Not yet determined.</p>

<p>15 List the number of officers, and their classification level, involved in conducting the review.</p>	<p>Half an EL1 and an APS5 worked on the review for its duration.</p>	<p>It is not possible to provide this information as the review was undertaken in 2007.</p>	<p>Not yet determined.</p>
<p>16 Will the report will be tabled in parliament or made public. If so, when?</p>	<p>The review of ACARA report was tabled in Parliament on 19 October 2015 which was within 15 sitting days from the date the Minister received the final report.</p>	<p>See answer 5.</p>	<p>Not yet determined.</p>