

Senate Standing Committee on Education and Employment

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

Cross Portfolio

Department of Employment Question No. EM0199_15

Senator Ludwig provided in writing.

Question

Reviews

1. Since Additional Estimates in February, 2014, 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. whom 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 Additional Estimates in February, 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,
 1. If yes, please detail what involvement it was
 2. If yes, did they see or provided input to a short list
 3. If yes, on what dates did this involvement occur
 4. If yes, did this involve any verbal discussions with the department
 5. If yes, on what dates did this involvement occur
3. Since Additional Estimates in February, 2014, what reviews are on-going?
 - a. Please list them.
 - b. What is the current cost to date expended on the reviews?

4. Since Additional Estimates in February, 2014, have any reviews been stopped, paused or ceased? Please list them.
5. Since Additional Estimates in February, 2014, what reviews have concluded? Please list them.
6. Since Additional Estimates in February, 2014, 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?
 1. If so, when? If not, why not?

Answer

Details of the reviews are attached.

Question one – Reviews commenced since Additional Estimates in February 2014

Name of review	Post-implementation Review of the <i>Fair Work Amendment (Textile, Clothing and Footwear Industry) Act 2012 (TCF Act)</i>	Work health and safety ministers' examination of work health and safety laws	Work health and safety governance review
<p>QUESTION 1 (a) and (b) Dates ordered and commenced.</p>	<p>The TCF Act commenced on 1 July 2012, therefore a Post-implementation Review is required to commence before 1 July 2014. A Post-implementation Review is required because the then Prime Minister, the Hon. Julia Gillard MP, granted an exemption from the requirement for a Regulation Impact Statement on the basis of exceptional circumstances.</p> <p>The Post-implementation Review of the TCF Act commenced on 1 April 2014.</p>	<p>2 May 2014. Commenced June 2014.</p>	<p>2 May 2014. Not yet commenced.</p>
<p>c) Minister responsible.</p>	<p>Senator the Hon. Eric Abetz, Minister for Employment.</p>	<p>Senator the Hon. Eric Abetz, Minister for Employment is leading this review.</p>	<p>Senator the Hon. Eric Abetz, Minister for Employment is leading this review.</p>
<p>d) Department responsible.</p>	<p>Department of Employment.</p>	<p>The Safe Work Australia agency is leading this work.</p>	<p>Department of Employment.</p>
<p>e) Nature of the review f) Terms of reference g) Scope of the review h) Whom is conducting review.</p>	<p>Post-implementation Review</p> <p>The TCF Act amended the <i>Fair Work Act 2009</i> (Fair Work Act) to:</p> <ul style="list-style-type: none"> • extend most provisions of the Fair Work Act to contract outworkers • enable outworkers to recover unpaid amounts up the supply chain • extend right of entry rules that apply to suspected breaches affecting outworkers and • allow for a textile clothing and footwear code to be issued. <p>The Post-implementation Review examines and reports on the regulatory impact of the Fair Work Act extending rights and protections to outworkers and providing for a code of practice to be issued.</p> <p>The review will undertake this assessment on the basis of evidence, including:</p>	<p>Examination of model work health and safety laws to reduce red tape and make it easier for businesses and workers to comply with their work health and safety responsibilities.</p> <p>Question 1(f)(g) are answered at Note 1 below.</p> <p>The Safe Work Australia agency is leading the examination.</p>	<p>Examination of 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>The governance review will cover:</p> <ul style="list-style-type: none"> • the operation of Safe Work Australia, including its efficiency and effectiveness and the funding model • arrangements for decisions of Safe Work Australia and • the relationship between Safe Work Australia and Heads of Workplace Safety Authorities. <p>The review is being led by the Department of Employment.</p> <p>Ministers are required to report to the Council of Australian Governments</p>

Name of review	Post-implementation Review of the <i>Fair Work Amendment (Textile, Clothing and Footwear Industry) Act 2012 (TCF Act)</i>	Work health and safety ministers' examination of work health and safety laws	Work health and safety governance review		
	<ul style="list-style-type: none"> • submissions from stakeholders affected by the amendments • consultations with key stakeholders and • relevant sources of data. <p>The Department of Employment is conducting the review.</p>		(COAG) with recommendations by the end of 2014.		
i) Number of Officers involved and their classification level.	<table style="border: none;"> <tr> <td style="border: none;"> 1 x SES Band 1 1 x EL2 1 x EL1 1 x APS 5 </td> <td style="border: none; padding-left: 10px;">} short-term commitment</td> </tr> </table>	1 x SES Band 1 1 x EL2 1 x EL1 1 x APS 5	} short-term commitment	The review will involve the temporary commitment of one SES Band 1, one EL2, one EL1 and one APS 6.	The review will involve the temporary commitment of one SES Band 1, one EL2, one EL1 and one APS 5.
1 x SES Band 1 1 x EL2 1 x EL1 1 x APS 5	} short-term commitment				
j) Expected report date.	July 2014.	December 2014.	December 2014.		
k) Budgeted, projected or expected costs.	Staff salary and on-costs.	Staff salary and on-costs.	Staff salary and on-costs.		
l) Will the report be tabled or made public?	The Minister for Employment has said that 'a report on the review will be assessed by the Office of Best Practice Regulation before being made public later in 2014'.	This is for decision by COAG.	This is for decision by COAG.		

Question two

No external people, companies or contractors have been engaged to assist or conduct any of the reviews that have commenced since Additional Estimates in February 2014.

Question three – Reviews ongoing since Additional Estimates in February 2014

a) Name of review	Post-implementation Review of the <i>Fair Work Amendment (Transfer of Business) Act 2012</i>
b) Current cost to date	Not applicable. Review is being conducted using existing resources of the Department of Employment.

Question four – Reviews that have stopped, paused, or ceased since Additional Estimates in February 2014

The Department of Employment does not have any reviews that have stopped, paused or ceased since Additional Estimates.

Question five, six and seven – Reviews that have concluded since Additional Estimates in February 2014

QUESTION 5 Name of review	Better regulation and governance, enhanced transparency and improved competition in superannuation	Review of the Road Safety Remuneration System
QUESTION 6 Date provided to Government	A report on 'Better regulation and governance, enhanced transparency and improved competition in superannuation' was provided to Government on 1 April 2014.	A report on 'Review of the Road Safety Remuneration System' was provided to Government on 16 April 2014.

QUESTION 7 When will Government be responding	Timing for responding to the report on 'Better regulation and governance, enhanced transparency and improved competition in superannuation' is a matter for Government.	Timing for responding to the report on 'Review of the Road Safety Remuneration System' is a matter for Government.
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Question eight – Planned reviews

The Department of Employment has no planned reviews.

Note 1 Question 1(f)(g)

Matters for WHS Ministers' consideration as agreed by Council of Australian Governments (COAG)

WHS Ministers should investigate whether model WHS laws and governance arrangements can be improved, with a particular focus on deregulation and red tape reduction where appropriate. Ministers should consider:

- a) the Codes of Practice that underpin model WHS laws, including whether they could be made less complex and provide for increased jurisdictional flexibility (noting that increased jurisdictional flexibility must be balanced against the benefits of harmonisation for multi-jurisdictional employers);
- b) right of entry and other powers of union officials and Health and Safety Representatives (HSRs) under the model laws, including whether these should be subject to further limitations;
- c) directors' liability provisions under the model laws, with specific regard to whether these provisions create a disincentive to assume the position of director;
- d) whether the current system reflects best practice, such that the laws:
 - i. are evidence based, cost effective and proportional to the health and safety risks they seek to address;
 - ii. are simple and streamlined for businesses to comply with; and
 - iii. where possible, allow duty holders flexibility in how they comply with their obligations.
- e) any other matters that WHS Ministers' deem relevant.

Ministers are required to report to COAG with recommendations by the end of 2014.