

Chapter 1

Overview

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

1.2 On 9 February 2012¹ 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 2012 [Appropriation Bill (No. 3) 2011–12];
- Particulars of certain proposed additional expenditure in respect of the year ending on 30 June 2012 [Appropriation Bill (No. 4) 2011–12];
- Final budget outcome 2010—11—Report by the Treasurer (Mr Swan) and the Minister for Finance and Deregulation (Senator Wong), October 2011; and
- Issues from the Advance under the annual Appropriation Acts—Report for 2010-11.

1.3 Standing legislation committees are required to report to the Senate on 20 March 2012.

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 2011–12 notes that there have been no changes to the overall outcomes of the portfolio. The PAES does list a number of new measures since the May 2011 Budget including:

1 *Journals of the Senate No. 75*, 9 February 2012, p. 2090.

- \$5 million for the provision of one-off grants to select Long Day Care service providers to assist in the transition to the National Quality Framework;
- \$28.1 million for a National Broadband Network-enabled education portal that includes access to, and allows the use of, the Australian Broadcasting Corporations' database of contemporary and archival content; and
- Several measures associated with the Clean Energy Future compensation package.²

1.7 These measures are offset by a number of savings measures, outlined in the PAES.³

Hearings

1.8 The committee conducted two days of hearings, examining Employment and Workplace Relations outcomes and agencies on 15 February 2011 and Education outcomes and agencies on 16 February 2011. In total the committee met for 19 hours and 14 minutes, excluding breaks.

1.9 The following outcomes and agencies appeared before the committee:

- Outcomes 1, 2, 4 and 5
- Australian Curriculum, Assessment and Reporting Authority
- Australian Institute of Teaching and School Leadership
- Comcare
- Office of the Australian Building and Construction Commissioner
- Fair Work Australia
- Fair Work Ombudsman
- Safe Work Australia

1.10 The committee's consideration of the referred documents listed in 1.2 was made more difficult by the late amendment of the *Allocation of Departments* by the Senate on 8 February 2012 in response to Administrative Arrangement Order (AAO) changes from December 2011.⁴ As a result of the changes to the AAO responsibility for Tertiary Education, Skills and International functions and policy has transferred to the Department of Industry, Innovation, Science, Research and Tertiary Education. This functional transfer largely represents the Outcome 3 objectives and programs and

2 Portfolio Additional Estimates Statements (PAES) 2011–12, pp 32–54.

3 Portfolio Additional Estimates Statements (PAES) 2011–12, pp 17–21.

4 *Journals of the Senate No. 74*, 8 February 2012, p. 2043.

also includes the Australian Skills Quality Authority and the Tertiary Education Quality and Standards Agency.⁵

1.11 Some Senators expressed concerns regarding the lack of time allocated to the consideration of higher education because of the new AAO. This matter was canvassed during the Additional Budget Estimates of the Senate Economics Legislation committee. Senator Mason sought to emphasize that the short period of time allocated to higher education in the Economics committee 'makes the parliamentary oversight of higher education very difficult'.⁶

Public interest immunity claims

1.12 On 13 May 2009, the Senate passed an order relating to public interest immunity claims.⁷ The order sets out the processes to be followed if a witness 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.

Questions on notice

1.13 The committee has drawn the attention of the department and its agencies to the agreed deadline of Thursday 29 March 2012 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, Bernardi, Boyce, Brown, Bushby, Cameron, Cash, Humphries, Mason, McKenzie, Nash, Ronaldson, Siewert, Williams and Xenophon.

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.

5 Portfolio Additional Estimates Statements (PAES) 2011–12, p. 45.

6 Senate Economics Legislation committee, *Proof Estimates Hansard*, 15 February 2012, p. 34.

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

