

## Senate Standing Committee on Education and Employment

### QUESTIONS ON NOTICE Additional Estimates 2013-2014

#### Cross Portfolio

#### Department of Employment Question No. EM0192\_14

Senator Ludwig provided in writing.

#### Question

#### Reviews

- 1) Since the Supplementary Budget Estimates in November 2013, 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 the Supplementary Budget Estimates in November 2013, 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,
    - i. If yes, please detail what involvement it was
    - ii. If yes, did they see or provided input to a short list
    - iii. If yes, on what dates did this involvement occur
    - iv. If yes, did this involve any verbal discussions with the department
    - v. If yes, on what dates did this involvement occur

- 3) Since the Supplementary Budget Estimates in November 2013, what reviews are on-going?
- Please list them.
  - What is the current cost to date expended on the reviews?
- 4) Since the Supplementary Budget Estimates in November 2013, have any reviews been stopped, paused or ceased? Please list them.
- 5) Since the Supplementary Budget Estimates in November 2013, what reviews have concluded? Please list them.
- 6) Since the Supplementary Budget Estimates in November 2013, 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?
- When will each planned review be commenced?
  - When will each of these reviews be concluded?
  - When will government respond to each review?
  - Will the government release each review?
    - If so, when?
    - If not, why not?

**Answer**

Details of the reviews are attached.

For Question 2)(e), the department does not collect this information.

Question 1 - Reviews commenced since Supplementary Budget Estimates in November 2013.

Name of Review	Post-implementation Review of the <i>Fair Work Amendment (Transfer of Business) Act 2012</i>	Better regulation and governance, enhanced transparency and improved competition in superannuation.	Firefighters' Act Review	Road Safety Remuneration System
<b>QUESTION 1 (a) and (b) Dates ordered and commenced.</b>	In accordance with Office of Best Practice Regulation guidelines, this review must commence within one to two years of the introduction of the Act (that is, before 5 December 2014).  Commenced 10 February 2014.	Election commitment  Commenced on 28 November 2013.	The <i>Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Act 2011</i> required the Minister to cause an independent review of the amendments made by that Act to be completed no later than 31 December 2013.  Commenced 2 December 2013.	Election commitment  Review commenced 20 November 2013.  Refer to Question 3.
<b>c) Minister responsible.</b>	Senator the Hon. Eric Abetz, Minister for Employment	Assistant Treasurer, and  Senator the Hon. Eric Abetz, Minister for Employment.	Senator the Hon. Eric Abetz, Minister for Employment.	Senator the Hon. Eric Abetz, Minister for Employment.
<b>d) Department responsible.</b>	Not applicable.	The Treasury and the Department of Employment.	Department of Employment.	Not applicable.
<b>e) Nature of the review f) Terms of reference g) Scope of the review h) Whom is conducting review.</b>	A post-implementation review is required because a Regulation Impact Statement was not prepared for this legislation.  Terms of reference provided at <b>Note 1</b> below.  The review is being conducted by the Department of Employment.	Senator the Hon Eric Abetz, Minister for Employment, is responsible for one section of the review, related to improving competition in the superannuation industry by reviewing the process for selecting default superannuation funds in modern awards.  The Treasurer is responsible for the other sections of the review.	The review investigated the operation of amendments to the Safety, Rehabilitation and Compensation Act made in 2011. The timing of the review was specified in the amendments.  Terms of reference provided at <b>Note 2</b> below.  Ms Raelene Sharp conducted the review with secretariat support from the Department of Employment.	Not applicable.
<b>i) Number of Officers involved and their classification level.</b>	The review will involve the part-time commitment of one SES Band 1, one EL2, one EL1 and one APS 6 from the Department of Employment.	The review involves the part time commitment of one SES Band 1, one EL2, one EL1 and one APS4 from the Department of Employment.	Ms Raelene Sharp was supported by a secretariat provided by the Department of Employment. This involved the part time commitment of: 2x EL1 x 0.5 FTE 1x EL2 x 0.3 FTE.	Not applicable.
<b>j) Expected report date.</b>	June 2014	March-April 2014	The report is being considered by the Minister.	Not applicable.
<b>k) Budgeted, projected or expected costs.</b>	Not applicable.	Existing resources of the Department of Employment.	The cost of the Review was \$9 078	Not applicable.

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<b>l) Will the report be tabled or made public?</b>	The report will be made public.	This is a matter for the Treasury.	The report was published on the Department of Employment's website.	Not applicable.
<b>QUESTION 2</b> <b>Have any external people, companies or contractors been engaged to assist or conduct the review?</b>	No.	No.	Yes.	Not applicable.
<b>a) If so, list name / trading name / known alias or other trading names.</b>	Not applicable.	Not applicable.	Ms Raelene Sharp.	Not applicable.
<b>b) If so, list Managing Director and the board of Directors (or equivalent).</b>	Not applicable.	Not applicable.	Not applicable.	Not applicable.
<b>c) If yes, for each, is the cost associated with their involvement, including a breakdown for each cost item.</b>	Not applicable.	Not applicable.	Ms Raelene Sharp provided services at a cost of \$9,078. This includes \$911 for interstate travel for the purpose of consultations.	Not applicable.
<b>d) If yes, for each, what is the nature of involvement.</b>	Not applicable.	Not applicable.	Ms Raelene Sharp undertook the review.	Not applicable.
<b>f) If yes, for each, what contact has the Minister or their office had with them.</b>	Not applicable.	Not applicable.	The Minister met with Ms Sharp at the end of the review.	Not applicable.
<b>g) If yes, for each, who selected them.</b>	Not applicable.	Not applicable.	The Minister approved the selection of Ms Sharp on the recommendation of the Department of Employment.	Not applicable.
<b>h) If yes, for each, did the Minister or their office have any involvement in selecting them.</b>	Not applicable.	Not applicable.	The Department of Employment provided a list of four possible candidates.	Not applicable.

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<p>If yes, please detail:            -what involvement            -if did they see or provided input to a short list            -on what dates did this involvement occur            -did this involve any verbal discussions with the department            -on what dates did this involvement occur.</p>				
<p><b>QUESTION 3</b></p> <p>a) Is this review ongoing?</p> <p>b) If so, what is the current cost to date expended on the reviews.</p>	Not applicable.	No.	No.	<p>Review is ongoing with expected report date of April 2014.</p> <p>Nil paid to date.</p>
<p><b>QUESTION 4</b></p> <p>Has the review been stopped, paused or ceased?</p>	Not applicable.	No.	No.	Not applicable.
<p><b>QUESTION 5</b></p> <p>Has the review concluded?</p>	Not applicable.	No.	Yes.	No
<p><b>QUESTION 6</b></p> <p>Has the review been provided to Government? What date was this provided?</p>	Not applicable.	No.	Yes. The report was provided to Government on 7 January 2014.	No
<p><b>QUESTION 7</b></p> <p>When will the Government be</p>	Not applicable.	Date for response is a matter for the Government.	Date for response is a matter for the Government.	Not applicable.

Name of Review	Post-implementation Review of the <i>Fair Work Amendment (Transfer of Business) Act 2012</i>	Better regulation and governance, enhanced transparency and improved competition in superannuation.	Firefighters' Act Review	Road Safety Remuneration System
responding to a completed review? What date was it provided?				

QUESTION 8	Productivity Commission review of the workplace relations framework	Post-implementation review of the Fair Work Amendment (Textile, Clothing and Footwear Industry) Act 2012
What reviews are planned?		
a) When will planned review commence?	The review has not commenced.	The review has not yet commenced.
b) When will planned review conclude?	Not applicable.	Not applicable.
c) When will the Government respond to each review?	Not applicable.	Not applicable.
d) Will the Government release each review?  If so, when? If not, why not?	Not applicable.	Not applicable.

## **Note 1. Post-implementation Review of the *Fair Work Amendment (Transfer of Business) Act 2012* Terms of Reference**

The *Fair Work Amendment (Transfer of Business) Act 2012* commenced operation on 5 December 2012 and amended the *Fair Work Act 2009* (the Fair Work Act) to:

- provide for the transfer of employees' terms and conditions of employment where an employee transfers from a state government employer to a national system employer
- enable the Fair Work Commission to make orders that modify the general effect of the transfer of business rules in these circumstances
- provide for the interaction between the transfer of employees' terms and conditions of employment and the Fair Work Act, including the National Employment Standards, and other necessary transitional and technical provisions.

These stated reasons for the amendments were so that state government employees retain their existing terms and conditions of employment if their positions are outsourced and they are transferred to a private sector employer covered by the national workplace relations system.

A Regulation Impact Statement was not prepared for the legislation so the Department of Employment must conduct a Post-implementation Review of the changes in accordance with the Australian Government's best practice regulation requirements.

The Post-implementation Review (the Review) will examine and report on the regulatory impact of the Fair Work Act, providing rules governing a transfer of business between a state government and national system employer.

The Review will undertake this assessment on the basis of evidence, including:

- submissions from stakeholders affected by the amendments
- consultations with key stakeholders
- data produced by the Australian Bureau of Statistics
- other relevant sources of data.

The department will produce a report drawing on this evidence which will be assessed for compliance with the Government's best practice regulation requirements by the Office of Best Practice Regulation. The Review process will be completed by 30 June 2014.

The closing date for submissions is 5.00 pm AEDST, 13 March 2014.

## **Note 2. Firefighters' Act Review Terms of Reference**

### Background

On 7 December 2011, the *Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Act 2011* (the Firefighters' Act) amended the disease provisions contained in section 7 of the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act) to simplify access to compensation for firefighters covered by the SRC Act.

The amendments introduced a presumption of liability for 12 types of prescribed cancers suffered by firefighters who meet certain qualifying requirements. The presumption applies to those firefighters who are diagnosed with the disease on or after 4 July 2011.

The Firefighters' Act requires that the responsible Minister commission an independent review of these provisions to be undertaken and completed no later than 31 December 2013.

This review of the Firefighter's Act aims to assess whether the amendments are operating as intended and have streamlined the determination of claims made by those firefighters seeking compensation for the listed cancers.

### Terms of the Review

The Review will inquire and report on:

- how effective and efficient the firefighter provisions have been in providing streamlined determination of claims made by those firefighters seeking compensation for the prescribed cancers and consideration of the appropriateness of the prescribed cancers
- what (if any) issues have emerged in the operation of the firefighters provisions, including whether the date of manifestation should be maintained
- whether there are other ways to enable the streamlining of the determination of claims made by firefighters consistent with contemporary workers' compensation principles and
- the affordability of any proposed recommendations.