



# **Senate Employment, Workplace Relations and Education Legislation Committee**

## **Report on Budget Estimates 2002-2003**

**June 2002**





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## MEMBERS OF THE COMMITTEE

<b>Chair:</b>	Senator John Tierney	(LP) NSW
<b>Members:</b>	Senator George Campbell (Deputy Chair)	(ALP) NSW
	Senator Kim Carr	(ALP) VIC
	Senator Jeannie Ferris, *#	(LP) SA
	Senator Natasha Stott Despoja *	(AD) SA
	Senator Guy Barnett **, ***, **#	(LP) TAS

### Substitute Members:

- \* Senator Andrew Murray (AD) WA to substitute for Senator Stott Despoja for workplace relations matters
- \* Senator Lees (AD) SA to substitute for Senator Stott Despoja for training matters
- \* Senator Cherry (AD) QLD to substitute for Senator Stott Despoja for employment matters
- \* Senator Allison (AD ) VIC to substitute for Senator Stott Despoja for matters relating to schools
- \*\* Senator Ferguson (LP) SA to substitute for Senator Barnett for Budget Estimates 2002-2003 for Wednesday, 5 June 2002
- \*\*\* Senator the Hon Heffernan (LP) NSW to substitute for Senator Barnett for Budget Estimates 2002-2003 for Thursday, 6 June 2002 and if required Friday, 7 June 2002.
- \*# Senator Colbeck (LP) Tas to substitute for Senator Ferris for Budget Estimates 2002-2003 for Friday, 21 June 2002.
- \*\*# Senator Lightfoot (LP) WA to substitute for Senator Barnett for Budget Estimates 2002-2003 for Friday, 21 June 2002

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# **Employment, Workplace Relations and Education Legislation Committee**

## **REPORT TO THE SENATE**

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

### **INTRODUCTION**

1.2 On 14 May 2002 the Senate referred to the Committee the particulars of proposed Budget Estimates 2002-2003 in relation to the Employment and Workplace Relations and the Education, Science and Training portfolios.

1.3 At hearings held on 3 and 4 June 2002, Senator the Hon Ronald Boswell acted on behalf of Senator the Hon Richard Alston who was the Minister representing the Minister for Employment and Workplace Relations. The Committee heard evidence from Senator Boswell, the department and portfolio agencies on the proposed budget estimates for the Employment and Workplace Relations portfolio. The following agencies appeared before the Committee: Australian Industrial Registry; Equal Opportunity for Women in the Workplace Agency; National Occupational Health and Safety Commission, Comcare Australia, and the Office of the Employment Advocate.

1.4 Senator the Hon Judith Troeth, on 5, 6 and 7 June 2002 and Senator the Hon Helen Coonan, on 21 June 2002 acted on behalf of Senator the Hon Richard Alston, as the Minister representing the Minister for Education, Science and Training. Senator the Hon Richard Alston attended in his capacity as the Minister representing the Minister for Education, Science and Training on Friday, 21 June 2002. The Committee heard evidence from officers of the department and related agencies on the proposed budget estimates for the Education, Science and Training portfolio including the Australian Research Council; the Australian Nuclear Science and Technology Organisation; and the Commonwealth Scientific and Industrial Research Organisation and the Australian National Training Authority.

1.5 The Committee took into account the Portfolio Budget Estimates Statements 2002-2003 and corrigenda tabled provided by the departments and also their Annual Reports for 2000-2001. Review of the budget estimates expenditure for the portfolio was carried out over six days, 3, 4, 5, 6, 7 and 21 June 2002.

1.6 Senators present at the hearing held on Monday, 3 June 2002 were Senator Tierney (Chair), Senators Barnett, Calvert, G Campbell, Carr, Collins, Cooney, Faulkner, Ferguson, Ferris, Schacht and Sherry.

1.7 Senators present at the hearing held on Tuesday, 4 June 2002 were Senator Tierney (Chair), Senators Barnett, Calvert, G Campbell, Carr, Collins, Cooney, Faulkner, Ferguson, Ferris, Schacht and Sherry.

1.8 Senators present at the hearing held on Wednesday, 5 June 2002 were Senator Tierney (Chair), Senators Boswell, Calvert, G Campbell, Carr, Cooney, Crossin, Eggleston, Evans, Faulkner, Ferguson, Ferris, Harradine and McKiernan

1.9 Senators present at the hearing held on Thursday, 6 June 2002 were Senator Tierney (Chair), Senators Allison, Calvert, G Campbell, Carr Cooney, Crossin, Eggleston, Ferris, Heffernan, Tierney and West.

1.10 Senators present at the hearing held on Friday, 7 June 2002 were Senator Tierney (Chair), Senator G Campbell (Deputy Chair), Senators G Campbell, Carr, Cooney, Crossin and Ferris.

1.11 Senators present at the hearing held on Friday, 21 June 2002 were Senator Tierney (Chair), Senators, G Campbell, Carr, Crossin and Lightfoot.

1.12 Written questions on notice were received from Senators G Campbell, Carr and Crossin.

1.13 The Committee tables for the information of the Senate copies of transcripts of evidence of Committee proceedings of Monday 3 June, Tuesday 4 June, Wednesday 5 June, Thursday 6 June, Friday 7 June and Friday, 21 June 2002 and a table of contents to the transcripts.

1.14 The answers to the questions taken on notice at the Committee's hearings will be tabled in the Senate under separate cover in numbered volumes entitled *Additional information relating to the examination of budget estimates for 2002-2003*. Lengthy documents provided as part of answers and unsuitable for inclusion in the additional information volumes that are furnished as part of the answers will be listed in the additional information volumes. They will be tabled separately and available on request.

## **Matters Raised at the Hearings**

1.15 The following is an indicative, but not exhaustive, list of issues that received relatively lengthy consideration during the budget estimates hearings. Full details are provided in the Hansard transcript of proceedings.

## **Employment and Workplace Relations Portfolio**

### *Australian Industrial Registry*

- Appointments to the Registry
- New case management system and availability and breakdown of statistical information
- Section 127 of the *Workplace Relations Act*
- Conduct of IR agents
- Royal Commission into the Building and Construction Industry, including criticisms of the AIRC made by counsel assisting the Royal Commission



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*Equal Opportunity for Women in the Workplace Agency (EOWA)*

- Budget changes and staffing issues
- New technology, including a data base and web site
- Waivers from the EOWA
- Paid maternity leave – including EOWA survey

*National Occupational Health and Safety Commission (NOHSC)*

- National OH&S strategy
- Insurance and liability issues – accident rates
- Premium rates and comparative performance monitoring

*Comcare Australia*

- Trends in payouts made by Comcare
- Increase in premiums
- National Gallery of Australia and the Wray report
- Mr Cropp's dismissal from the National Gallery of Australia
- Correction to original information concerning a breach of section 16 of the OH&S Act into waterlogged walls and chronic flooding
- Updating of procedures and new training in OH&S

*Office of the Employment Advocate (OEA)*

- Process of approving AWAs, including no-disadvantage test and the development of a no-disadvantage test calculator, the superannuation provision in respect of the no-disadvantage test, training agreements and illegal clauses
- Industry Partnerships program
- The Specific Partner Pilot Program
- Matters before Royal Commission into Building and Construction Industry, and the engagement of counsel by the department
- Issues relating to the Abbey Group and the Federal Court proceedings
- Cost of debt involvement with the Royal Commission, including the initial report
- Employee survey conducted by Australian Survey Research Ltd

- Enterprise agreement between CFMEU and John Holland Pty Ltd – Lucas Heights replacement reactor

#### *Defence Force Remuneration Tribunal*

- Enterprise productivity arrangement for the Defence Force – starting in November 2002

#### ***Cross-Portfolio Questions***

- Appointment of Mr Thatcher as the secretary to the Royal Commission
- Corrigendum – PBS omitted reference to the Return to Work program ending 30 June and replaced with the Transition to Work program

#### ***Outcome 2 - Higher productivity, higher pay workplaces***

- Australian Workplace Industrial Relations Surveys (AWIRS), including plans for another AWIRS
- Pre-industrial action secret ballots Budget funding: cost estimates and ILO advice
- Cross outcome 1 and 2 – improving the interaction of the industrial and social safety net and wages systems
- National workplace relations system – departmental inquiries into use of the external power to override state unfair dismissal laws and legal advice sought from Phillips Fox
- International Labour Organisation's maritime labour standards
- Seafarers Rehabilitation and Compensation Act
- Employee Entitlement Redundancy Schemes (GEERS), including processing of claims, complaints, upgrading of IT system and ANSETT Group Scheme
- Melbourne Cricket Ground redevelopment project – conditions attached to funding
- Department's workplace agreement negotiations
- Expenditure against outputs, Commonwealth public sector employment, assistance to OEA, Workplace Relations Services, including investigation of employer breaches of awards, certified agreements
- Department publication: *Hiring and Firing: Are You Complying?*
- Department monitoring of the Workplace Relations Act publication: *Workplace Relations Act Monitor*

#### ***Outcome 1 – An effectively functioning labour market***

- Job Network, including assistance for those with disabilities and specialist service providers, ratings system, job seeker satisfaction survey, contracts, evaluation, job churning and job seeker intensive assistance, service standards, development of a Job

Network member calculator and arrangements which allow providers to offer employers incentives

- Termination of Community Support Program to be replaced by the Personal Support Program from 1 July 2002
- Indigenous Employment Program underspend
- Centrelink funding
- Work for the Dole program
- New Enterprise Incentive Scheme
- Job Search and the AJS system – the requirements on Job Network members
- Australians Working Together initiative, starting 1 July 2002
- DEWR member of the welfare reform task force chaired by PM&C
- *Employment services: an active participation model* discussion paper – proposal to licence recruitment agents to support Job Network providers
- Australian Job Search web site
- Allegations of fraud in relation to Job Network

## **Education, Science and Training Portfolio**

### *Cross Portfolio Questioning*

- Tabling of consultancy reports requested by Senator Carr
- Departmental performance on responses to questions on notice
- Cost of parliamentary scrutiny and accountability
- Department's evaluation and research capacity
- Reorganisation of department and increase in information and marketing resources, with an allocation for New Apprenticeships marketing
- Consultancies: tendering process and arrangements including the volume of exemptions from standard tendering requirements
- The development of the PROMISE system for recording and management and consultancies
- Increase in contracts, including new apprenticeship centres and delivery of new apprenticeships, letting of contracts under the Commonwealth Procurement Guidelines
- Appointment of Mr Geoff Spring, as an executive consultant

- Staffing reduction, especially at SES and executive levels, succession planning and graduate recruitment
- Launch of a leadership program
- Extension of English as a second language program
- Evaluation of Quality Teacher Program
- Indexation for schools and higher education– identification of funding increases due to indexation in future PBS
- Stakeholder relationships –initiation of an annual survey on departmental performance to be included in annual report
- Dr Shergold’s speech: *Destiny: Looking to the Future*, outlining new directions for cultural change within the department
- Increase in budget for payments to Centrelink
- Reduction in funding for New Apprenticeships program and a new tender going out for the new apprenticeship centres
- Circulation of clipping service
- Indigenous Education Strategic Initiatives funding
- ABSTUDY program
- The Book Industry Assistance Fund and grants to primary school libraries
- Staffing issues: establishment of a position for separate Tasmanian state manager and the and effect of staff transfers and reductions on departmental expenditure
- Role of department in policy making process
- Relationship between Minister’s office and the department
- *The Discovery Democracy* program and the *National History* project funding
- Executive development strategies, appointment of an executive coach and the establishment of the National Program Management Board
- SES performance pay scheme and use of AWAs
- Departmental input to Government costings in election program
- Discussion paper’s release: *Striving for quality: teaching, learning and scholarship*
- Consultancy report: *Information management improvement report – August 2001* by IBM GSA – to study the departments information management practice

### *Australian Research Council*

- Issues concerning funding and of stem cell research, both embryonic stems cell research, human or animal - Centre for Stem Cells and Tissue Repair
- Major National Research Facilities (MNRF) grant
- Biotechnology Centre of Excellence, including ownership of intellectual property
- National Centre for Advanced Cell Engineering
- Monitoring funding research contracts by initiating an audit process
- International comparative work on salary rates of Australian academics and researchers
- The Federation Fellowship Scheme

### *Enterprise and Career Education Foundation*

- Role of ECEF and its predecessor Australian Student Traineeship Foundation (ASTF)
- Level of funding, reporting and running costs
- Selection appointments and salaries (inline with the Hay salary review) within the agency
- Distribution of core grant to local partnerships to promote workplace learning in schools
- Collaboration with states; issue of school to work transition for young people; indigenous education issues and enterprise education issues.
- Study tour in 2000 and the report *Strengthening the links: solutions to global issues*

### *Australian National Training Authority*

- National Training Framework
- Proprietary training packages – their status within the National Training Framework
- Changes to Commonwealth funding of state and ITABs
- Role of state ITABs, funding, and a review by ANTA of the national industry advisory arrangements
- ANTA's role as a source of advice on vocational training versus other bodies
- National VET reform
- VET in Schools projects, including the number of schools registered as Registered Training Organisations (RTO) and compliance of VET in schools program with AQTF, relationship between 'nominal hours' and funding and the granting of qualifications, to encourage school based new apprenticeships
- Review into the cost and delivery of VET in schools programs

- Employer attitudes to user choice
- Definition of industry used by ANTA differs from that in Ministerial media releases
- State and territory objection to expansion of New Apprenticeships without additional funding
- Composition of ANTA board and need for educators and enterprises to directly advise the board
- Progress in achieving national consistency of legislation through the use of model clauses
- Progress on the next ANTA National strategy to start in 2004
- National Industry Skills Initiative review of emerging industries
- Creation of the IT Skills Hub

*Australian Nuclear Science and Technology Organisation (ANSTO)*

- Impact of changes to the Australian dollar on ANSTO's budget
- Legal challenges to Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) decision
- Waste disposal arrangements at ANSTO, including contract with Argentina and the contract with France to process spent fuel from Lucas Heights
- Process under way to identify possible sites for different levels of nuclear waste
- Safety guarantees in ARPANSA Act
- Intervention of Employment Advocate in Lucas Heights building site
- Indexation of ANSTO grants relative to other Commonwealth research agencies
- Capital usage charge
- ANSTO arrangements for company incorporated in USA, ANSTO Inc, a limited liability company and discussion concerning Synroc technology
- Technology Park at Lucas Heights – safety issues and income benefits
- Security arrangements at ANSTO
- Staffing decrease in ANSTO
- Development of waste management techniques in a variety of areas

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*Commonwealth Scientific and Industrial Research Organisation (CSIRO)*

- CSIRO Strategic Plan, including projections of future external revenue
- Cost of generating external revenue
- CSIRO expenditure on investigator driven research compared with international benchmarks
- Project management including ANAO comments and criticisms
- Property sales and management of assets
- Oceanographic research vessels, proposed sale of one research ship and the leasing of another
- Communications strategy
- CSIRO researcher involved in research project on IR in Building Industry
- Contracts with companies including Pacific Magnesium Corporation, including exclusivity clauses
- Public and private funding nix for ‘spin-off’ companies

*Issues relevant to Higher Education Group – Outcome 2 and 3*

- Role and powers of AUQA and capacity to provide quality assurance; status and availability of AUQA reports; whether AUQA should appear before the Committee
- Financial difficulties of some universities,
- Funding projections for higher education institutions
- Indexation of funds
- Election promise of 28,000 new places
- Funding for General Sir John Monash Awards and the date of departmental advice
- Possible discriminatory enrolment criteria at Christian Heritage College and other institutions, enrolling student in receipt of funding under HEFA or PELS
- Indigenous support and changes in enrolment patterns and attrition rates
- Review of Northern Territory University
- Options for future funding of university sector including possibility of HECS for TAFE
- Guidelines for universities’ annual financial statements
- Effect and operation of PELS

- Impact of increase in the Australian dollar on university income (overseas students)
- *Higher Education at the Crossroads* documents and relationship between this and Government decision in 1999 on leaked Cabinet document, process for the review and timing
- Domestic undergraduate fees in universities
- Lloyds International College
- Greenwich University court case
- Misuse of research funds at University of New South Wales
- Disability support in universities
- Impact of 'real interest rate' if applied to HECS debts
- International comparison of the operation of HECS
- Issues concerning the ANU medical school funding and staffing
- Issues concerning number of post-graduate students 2001 at Bond University, Melbourne College of Divinity, Christian Heritage College and Tabor College
- Report on the national review of nursing education
- Availability of statistics on DEST web site: including student statistics, selected staff statistics, selected financial statistics
- Cost adjustment factor for higher education

*Issues relevant to the International Group – Outcome 2 and 3*

- Departmental action regarding 34 colleges identified in previous estimates as potentially not adhering to standards in delivery of education and training services to overseas students in Australia and their status on CRICOS system
- Private providers associated with public universities – legal and relationship issues
- Issues rising from the ACPET conference, including Section 9 of the ESOS Act: secretary's responsibilities in registering a provider
- Discussions concerning Deakin Prime and the future for Deakin Prime in North America
- Discussion concerning Greenwich University and its advertising overseas
- Korralbyn International School Ltd status: voluntary administration and Queensland education authority intervention
- Transfer of information from paper records on enrolment of overseas students into relevant computer system (PRISMS): progress and issues



- Discussion concerning World Trade Organisation categories for trade in service: four modes of supply of education services
- Figures for overseas students for the next three to five years
- Implication of the increasing value of the Australian dollar on recruitment of international students
- Victorian Auditor-General's report in regard to international students
- Review of Australian Education International (AEI) Report
- Establishment of an industry advisory body for the AEI

*Issues relevant to the Schools Group – Outcome 1 and 2*

- The effect of parameter changes in 2002-03 regarding indexation for the funding of government and non-government schools
- Assessment of private income collection in a financial questionnaire from non-government schools
- Tax incentive arrangements for parents contributing to a building fund at a school
- Testing for the national literacy and numeracy benchmarks
- MCEETYA task force on key performance measurement in literacy and numeracy in a range of areas eg: VET in schools, science and information technology; supplying comparison of performance by Indigenous and non-Indigenous students
- State grants funding for government and non-government schools
- Grants in aid to the Australian Council of State School Organisations (ACSSO) and Australian Parents Council (APC) under the grants and awards program
- Consultancy report by the Australian Council for Educational Research (ACER): *Consultancy services for the Longitudinal Surveys of Australian Youth Project*, discussion on contract cost and tendering arrangements
- Evaluation of the school based arts education programs
- The *Discovering Democracy Program* and the *National History project*
- Indigenous issues –the agreement between the World Heritage branch of the Department of the Environment and Heritage and the Jabiru area school.

*Issues relevant to the Indigenous Group – Outcome 1 and 2*

- Explanation of the organisational structure of the Indigenous Group in the department which cuts across the full range of education services; science, higher education, VET, and schools

- Increase in staffing in the Group
- *The Indigenous Education (Targeted Assistance) Act* – discussion on the disparity in budget funding - carry over of funding which coincided with negotiation of the quadrennial Indigenous education agreements with education providers working to close the gap between Indigenous students and non-Indigenous students; and the first report to parliament of the quadrennial for October 2002
- Indigenous Education Strategic Initiatives Program (IEDIP) agreements, including Indigenous Education Direct Assistance (IEDA) between states and territories and their report requirements
- ABSTUDY for schools – delivery issues with students in the Cape York Peninsula involving Centrelink
- ABSTUDY policies – the implementation process and application and the implications of policies changes made in 2000
- ABSTUDY expenditure overstated in last two years and the development of a new model for ABSTUDY with the Department of Finance and others.
- Increase of tertiary ABSTUDY (VET and higher education) recipients since the introduction of the 200 ABSTUDY changes

## **Questions on notice and supplementary hearings**

1.16 The Standing Orders require the Committee, after considering the proposed expenditure and agreeing on its report to the Senate, to fix a date for the submission of any written answers or additional information and for the commencement of supplementary hearings. The Committee has decided that written answers and additional information should be submitted by Thursday, 25 July 2002.

## **Acknowledgments**

1.17 The Committee is grateful for the assistance given by Senator the Hon Ronald Boswell, Senator the Hon Judith Troeth, Senator the Hon Helen Coonan, Senator the Hon Richard Alston and for the assistance given by officers of the departments and agencies concerned.

Senator John Tierney  
**Chair**

27 June 2002

## **MINORITY REPORT BY OPPOSITION SENATORS**

The purpose of the Senate Estimates process is to pursue the principle of public accountability of the administrative arm of government by scrutinising its activities. The 2002 Budget Estimates hearings of the Employment, Workplace Relations and Education Legislation Committee raised a number of serious concerns in this regard, in particular that the Government has sought to undermine the capacity of the Committee to do its work.

These go to the conduct of the Department of Education, Science and Training in responding, and failing to respond, to questions. In particular the Department entered the hearings without having provided answers to three routine questions, asked annually during the Additional Estimates round in February, on the Department's annual expenditure on consultancies, market research and advertising. The justification provided by the Department for this unprecedented failure was that it was impossible to meet the request "due to other reporting obligations of [the] Senate."

The Clerk of the Senate, Mr Harry Evans, provided the following advice on this matter:

It would be remarkable... if the information you have sought is not readily available in the department. Senior executives of the department would surely need to have this information readily available for the purpose of managing the department.

The Clerk further asserted that he was unaware of "other reporting obligations" to the Senate that might reasonably have prevented the Department from supplying answers to these questions.

It would appear, then, that the Department exhibited on this occasion an unwillingness to cooperate in the legitimate accountability process of the Estimates Committee. Furthermore, as the Clerk noted, it would seem that the Department did not have this basic administrative information readily to hand and up to date. This points to a grave flaw in the Department's administration and its management practices.

During the Committee hearing itself the Department, in response to questioning from Government Senators, made a series of assertions about the alleged cost to the Government of answering the Committee's questions over the life of the current and the immediately previous Parliaments. It implied that this cost was inordinate, and that certain members of the Committee had wasted public funds by asking unnecessary, and unnecessarily detailed, questions.

In fact the evidence provided by departmental officers revealed serious deficiencies in its management systems, especially in relation to contract and procurement management. Officers gave evidence that departmental administrative guidelines had been revised in this regard, and had been the subject of a staff circular of May 2002. It also became clear that significant alterations and improvements to the Department's consultancy database and other record-keeping had been necessary for reasons other than to meet the reporting requirements of the Senate – including requirements to provide reports to several other major other Government departments and agencies. Further, the system, with all its apparent inadequacies, had been in operation for several years without these problems being addressed. Further improvements were also necessary and were planned. It is reasonable to expect that any modern computer software of this type would have the flexibility to allow the

addition of extra fields to a database without incurring expense of the magnitude claimed by the Department necessary to meet the needs of the Committee alone.

Opposition Senators vigorously deny the charge that they have wasted public funds by deliberately asking unnecessary, frivolous or vexatious questions. On the contrary, Opposition Senators draw attention to the savings of Commonwealth monies, and the improvements to administrative practices and arrangements, resulting from investigations emanating from the Estimates Committee. Over the past several years, as a result of Senate Estimates questioning and related Parliamentary processes:

- The entire regulatory regime surrounding Australia's international education industry has been completely revamped and revised;
- Rorts associated with employer subsidies for training have been uncovered;
- Flaws in the administration of the Establishment Grants program for new non-government schools have been exposed; and
- The Government has been forced to act to review the establishment by the Government of the External Territory of Norfolk island of an internet university of doubtful provenance and reputation.

These cases are merely examples of the proper use of the Estimates Committee processes to examine the Government's conduct and practices with regard to its administrative role. In the view of Opposition Senators, the concerted and orchestrated criticisms emanating both from DEST and from Government Senators were inappropriate and regrettable.

Senator George Campbell

27 June 2002

Senator Kim Carr

27 June 2002

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