



The Hon Jason Clare MP
Minister for Education

Reference: MS24-000092

Mr Tony Cook PSM
Secretary
Department of Education
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Dear Mr Cook

Ministerial Statements of Expectations are intended to provide greater clarity about government policies and objectives relevant to a regulator, in line with its statutory objectives. As the responsible Minister, I am writing to outline my expectations of how the Department of Education will achieve its regulatory objectives, carry out its regulatory functions, and exercise its powers.

As outlined in the *Regulator Performance Resource Management Guide 128 (RMG 128)*, while regulators are often operationally independent of the government, this does not mean they are independent of expectations or guidance about how they fulfil their statutory roles. Australian Government regulators are typically accountable to the Parliament, including through Senate Estimates and the work of the Australian National Audit Office (ANAO). Clear expectations from the Government to regulators can help drive better regulator performance by providing an environment that supports the implementation of best practice.

Consistent with the *RMG 128*, the following Statement of Expectations outlines the principles I expect the Department of Education to observe in performing its regulatory functions.

Overview

The department works to create a better future for all Australians through education. It does this through providing strategic direction and national leadership of Australia's education system and stewarding the Australian government's vision for reform. The department's regulatory functions play a role across the education landscape, supporting and working alongside other Australian Government, State and Territory Government regulators.

The department undertakes 7 broad groups of functions across Early Childhood & Youth, Schools, and Higher Education, Research & International (see [Appendix A](#)).

The Government's policy priorities and objectives

Regulatory Reform Agenda

The regulatory reform agenda is a key component of the Government's plan to improve the quality and efficiency of Australia's regulatory system through regulatory stewardship. I expect the department to take a whole-of-system approach to regulation to meet current and future challenges and to recognise regulatory systems as assets that need regular review and maintenance to ensure the systems are fit-for-purpose, risk-based and contemporary to serve the Australian community. This includes partnering with states and territories to ensure these systems promote individual and community wellbeing, and well-functioning markets.

I expect the department to contribute to the regulatory reform process by:

- implementing regulator best practice in its decision-making, policies, processes and communication practices
- streamlining processes and reducing duplication where appropriate to improve efficiency and productivity
- assessing its performance and stakeholder engagement by applying the guidance within the *RMG 128*
- supporting transparency and accountability by incorporating regulator performance reporting into its reporting processes (consistent with the *RMG 128* under the *Public Governance, Performance and Accountability Act 2013* and *Public Governance, Performance and Accountability Rule 2014*)
- maintaining effective and collaborative partnerships with other Australian Government, State and Territory agencies to support the functioning of Australia's education regulatory framework
- maintaining an open working relationship with its regulated entities to enhance regulatory outcomes and minimise compliance costs.

Principles of Regulator Best Practice

Under the *RMG 128*, the principles of regulator best practice are:

1. **Continuous improvement and building trust:** regulators adopt a whole-of-system perspective, continuously improving their performance, capability and culture to build trust and confidence in Australia's regulatory settings.
2. **Risk-based and data-driven:** regulators manage risks proportionately and maintain essential safeguards while minimising regulatory burden, and leveraging data and digital technology to support those they regulate to comply and grow.
3. **Collaboration and engagement:** regulators are transparent and responsive communicators, implementing regulations in a modern and collaborative way.

In exercising its functions in accordance with these principles, I expect the following from the department:

- use qualitative and quantitative analysis as important tools for assessing and reporting on performance, and to support continuous improvement
- use data sources that meet relevant data assurance standards for assessing and reporting on the quality of statistical information
- ensure information is requested and handled in an appropriate and secure manner which enables effective regulation and minimises regulatory burdens
- promote a work culture that builds public confidence in the department's work and promotes trust in Government decision-making
- actively understand, engage with and effectively mitigate strategic risks in order to successfully manage its regulatory functions without unnecessarily impeding the operations of regulated entities
- ensure governance processes support and ensure best practice program assurance, program management, compliance and regulatory practices
- build capability to ensure staff have relevant industry knowledge and are empowered to identify and implement improved practices as appropriate
- utilise open, transparent and consistent engagement with stakeholders including industry, government and broader community to maintain competent and innovative regulatory practices.

Innovation and Regulatory Change

I expect the department to continually monitor the environment in which it operates to ensure that regulatory approaches keep pace with changes in technology, industry practices and community expectations. This includes work to understand how regulatory obligations and market forces impact the operating contexts of regulated entities.

I also expect the department to regularly review and, where necessary, adjust policies, protocols and operating procedures, to ensure it can respond to the changing social, technological and commercial context in which it operates.

Relationship with Minister and portfolio

I expect the department to provide accurate and timely policy advice on significant issues relating to its regulatory functions, in accordance with the Government's priorities and objectives.

As the responsible Minister, I will provide an enabling environment for the department to consistently implement best practice by ensuring you are well informed of the Government's policy direction, as specific initiatives and strategies are being considered.

Statement of Intent

I look forward to the department's reply to this Statement of Expectation with a Statement of Intent outlining how the above-mentioned expectations will be implemented.

I have copied this letter to the Hon Dr Anne Aly MP, Minister for Early Childhood Education and Minister for Youth.

Yours sincerely



JASON CLARE

5 / 7 / 2024

Encl. – Appendix A – List of regulatory functions

Cc. Hon Dr Anne Aly MP, Minister for Early Childhood Education and Minister for Youth

Appendix A: List of regulatory functions

Area of Education	Function/s	Description	Authorising legislation
Early Childhood Education and Care	Administration of the Family Assistance Law	Approval of child care providers and services, as well as monitoring, promoting, and enforcing compliance with requirements under the Family Assistance Law. This includes monitoring the financial viability of large child care providers and enforcing compliance with large provider reporting obligations.	<i>A New Tax System (Family Assistance) Act 1999 (Cth); A New Tax System (Family Assistance) (Administration) Act 1999; Regulatory Powers (Standard Provisions) Act 2014 (Cth)</i>
	Regulating In Home Care (IHC)	Regulating quality and safety of IHC services that are approved under the Family Assistance Law.	<i>Child Care Subsidy Secretary's Rules 2017; Child Care Subsidy Minister's Rules 2017 (Minister's Rules); A New Tax System (Family Assistance) (Administration) Act 1999</i>
	Regulation of certain services not required to meet State/Territory requirements	Regulating quality and safety of services to which section 50 of the Minister's Rules applies. This includes services funded under the CCCFR program that were Budget Based Funded services on 30 June 2018 and were not approved under the Family Assistance Law.	<i>Child Care Subsidy Secretary's Rules 2017; Child Care Subsidy Minister's Rules 2017 (Minister's Rules); A New Tax System (Family Assistance) (Administration) Act 1999</i>
Schools	Administration of the Australian Education Act and Regulations	Approval of authorities and bodies representing one or more schools as well as monitoring, promoting, and enforcing compliance with requirements under the Act.	<i>Australian Education Act 2013 (Cth) (the Act); Australian Education Regulations 2023 (Regulations)</i>
Higher Education	Administration of the Higher Education Support Act	Monitoring, educating and enforcing obligations on higher education providers. Administering higher education funding arrangements under the Commonwealth Grant Scheme (CGS) and undertaking annual reconciliation of CGS advance payments against verified data. Approval of applications from TEQSA approved higher education providers to offer HELP assistance to eligible students.	<i>Higher Education Support Act 2003</i>
	Administration of the Tertiary Education Quality and Standards Act	Approval of applications to use the word 'university' (or a derivative) in domain names, company names and business names.	<i>Tertiary Education Quality and Standards Agency Act 2011</i>
International students	Administration of the Education Services for Overseas Students Act	In conjunction with state authorities, regulating and promoting compliance of school providers for the delivery of education to international students on a student visa.	<i>Education Services for Overseas Students Act 2000</i>