



SENATOR THE HON MICHAELIA CASH

SENATOR FOR WESTERN AUSTRALIA

SHADOW ATTORNEY-GENERAL

SHADOW MINISTER FOR EMPLOYMENT AND WORKPLACE RELATIONS

DEPUTY LEADER OF THE OPPOSITION IN THE SENATE

21 May 2024

Ms Natalie James
Secretary
Department of Employment and Workplace Relations
Via email: Nat.james@dewr.gov.au

cc: Education and Employment Committee Secretariat
eec.sen@aph.gov.au

Dear Secretary,

I write on behalf of the Opposition Senators ahead of the 2024-2025 Budget Estimates hearings, scheduled for 28 May to 7 June 2024, to request certain information is provided to the Committee in writing in advance of the hearings.

As you would recall from previous Estimates hearings, the provision of information in advance of committee hearings assists Senators in their important role of scrutinising Government expenditure, but also assists the Department by ensuring that relevant information is on hand during the Senate Estimates process.

I note that Coalition Senators treat the Committee's powers to require answers and information with the utmost seriousness, as a core mechanism by which the supremacy of Parliament and the accountability of the Executive Government is maintained. We note the importance of full and frank evidence from witnesses – and particularly the evidence of impartial and apolitical official witnesses – and that any improper influence of any evidence given to a committee may constitute a contempt of the Senate.

I request that the Department provides the follow specific information to the Education and Employment Committee by Midday on **Thursday 30 May 2024**:

- 1) The Number and levels of staff currently employed by DEWR and all independent agencies within the portfolio including organisational structures;
- 2) A detailed breakdown of DEWR's Freedom of Information (FOI) requests and management. Please include how many staff are responsible in progressing FOIs, the average days to process, the median days to process, how many have been received, and their status -whether approved in-full, in-part, refused;
- 3) A current list of all boards, commissions, statutory appointments within the portfolio including date of appointment and cessation. Please include any vacant positions, the reason for the vacancy, when it became vacant and for how long it is expected to be vacant;

- 4) Please provide an updated full breakdown on expenses related to the repayment of the underpayment of DEWR staff. This includes the cost of all external providers, payroll audit, legal advice costs, internal legal advice, advice from AGS;
- 5) Please provide an updated breakdown of how many people have been underpaid since the audit has stated, include a breakdown across APS levels, the average amount, and the total cost to DEWR for the underpayment (including interest costs);
- 6) A list of all ministerial submissions that have been created after 1 January 2024, including the area of the Department that prepared the submission, dates submitted to both Ministers, and all Assistant Ministers, requested signature dates, actual signature dates, and whether the Minister disagreed with any recommendations, as per the table below:

	Submission number and title	Which Minister?	Prepared by (Branch & Section)	Date submitted to MO	Date by which signature requested	Date signed	Did the Minister not agree with any recommendations (however phrased)?
1.	[eg: MSXXX, Proposed amendments to Fair Entitlements Guarantee]	[eg; Minister Burke, Assistant Minister Chisolm]	[eg: Employment Conditions section]	[eg: 1 February 2023]	[eg: 22 February 2023]	[eg: 22 February 2023]	[eg: No.]

- 7) A list of all meetings the Department has undertaken with external stakeholders, which were at the request of the Minister for Employment and Workplace Relations and/or his office, since 1 January 2024;
- 8) How many compliance notices have been issued under the new Workforce Australia system;
- 9) The latest workforce Australia caseload, how many are in each stream, how long they have been in the stream, when they first became a participant;
- 10) Number of long term and very long term jobseekers in the caseload broken down by how many years they have been in the system;
- 11) Latest estimates or data on the VET-FEE HELP Scheme Redress payments, broken down by State, age, average amount paid to each applicant, median amount per applicant, lowest amount paid, highest amount paid, average days to progress payment of redress, median days from application for redress to payment;
- 12) Release an unredacted interim skills reporting schedule for the past financial year;
- 13) Most up to date data on the number of in training apprentices and trainees, broken down by gender, age, state, and electorate.
- 14) An up to date breakdown of Workforce Australia participant numbers by the points target they need to achieve during each monthly period.

In addition to this information, we are seeking answers to the following questions:

- 15) How many meetings has the Secretary had with Ministers in their portfolio since 1 July 2023?
- 16) How many meetings has the Secretary had with Ministers not in their portfolio since 1 July 2023?
- 17) What is the minimum processing time for consideration of briefs by the Minister?
- 18) How many briefs has the Department provided to each Minister in its portfolio?
- 19) Since 1 July 2022, how many employees have made claims of bullying, harassment, discrimination, or have made a Comcare claim?
- 20) Has the Department engaged any external companies or individuals to provide training or advice to officials on the preparation for Senate Estimates?
- 21) Please provide a copy of the index of Senate Estimates briefs that were prepared for the Department for the Senate Estimates hearings held 12 February to 16 February 2024.
- 22) Please also provide answers to any outstanding Questions on Notice.

Please note that this list of topics is not exhaustive, and Opposition Senators will likely have questions referring to expenditure across the whole of the Employment and Workplace Relations portfolio and may write again to raise additional matters ahead of the upcoming Estimates hearings.

Yours sincerely,

Senator the Hon Michaelia Cash

Senator Matt O'Sullivan

Cc: Education and Employment Committee Secretariat



Australian Government
Department of Employment
and Workplace Relations

Our Ref: EC24-002004

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Dear Senators

Thank you for your letter of 21 May 2024 concerning the Department of Employment and Workplace Relations' appearance at the 2024-25 Budget Estimates hearing.

The enclosed information addresses questions where information is readily available within the requested timeframe. Officials from the department will be prepared to discuss other questions at the Estimates hearing.

Questions related to portfolio agencies are best directed to those agencies.

Yours sincerely

Natalie James
Secretary

31 May 2024

Cc: Education and Employment Legislation Committee Secretariat

Encl.

Question 1: The Number and levels of staff currently employed by DEWR and all independent agencies within the portfolio including organisational structures.

Actual classification by headcount as at 31 March 2024, for the department, noting this excludes the independent agencies as they are not part of the department:

Classification	Headcount
APS1	10
APS2	31
APS3	177
APS4	401
APS5	592
APS6	1,019
EL1	1,314
EL2	481
SEB1	97
SEB2	27
SEB3	4
Total	4,153

*Data based on actual classification (includes acting arrangements).
Excludes Secretary, inactive employees, casuals, public office holders.*

The department's organisational structure is available at: www.dewr.gov.au/about-department/resources/organisation-chart-dewr

Question 2: A detailed breakdown of DEWR's Freedom of Information (FOI) requests and management. Please include how many staff are responsible in progressing FOIs, the average days to process, the median days to process, how many have been received, and their status -whether approved in-full, in-part, refused.

The department processes FOI requests in accordance with the requirements of the *Freedom of Information Act 1982* (Cth).

The department has met all its statutory timeframes for processing requests. The time taken to process a request depends on:

- the complexity of the request
- whether the scope needs to be clarified with the applicant
- whether third party consultation is required.

The department does not comment on the existence or progress of specific FOI requests. This protects the privacy of applicants and ensures that the department does not pre-empt decisions.

The department publishes a disclosure log which lists information released in response to FOI requests: www.dewr.gov.au/about-department/corporate-reporting/freedom-information-foi/foi-disclosure-log.

Staff responsible for FOI

As at 31 March 2024, the department's Information Law Team had five staff in its FOI work stream.

- Staff levels range from APS5 to EL2 classification level.
- Two staff members work part-time.

FOI requests 1 July 2023 to 31 March 2024

Requests on hand	Number
On hand as at 1 July 2023	9
Requests received	
On transfer	2
Direct from applicants	81
TOTAL	83
Decisions made	
Granted in full	8
Granted in part	36
Access refused	12
-Documents do not exist: 10	
-Practical refusal: 0	
-Exempt in full: 2	
TOTAL	56
Alternative Outcomes	
Transferred to another agency	10
Withdrawn	17
On hand as at 31 March 2024	9

Processing times (for access decisions made)	
Number of access decisions made	56
Average days to process	43.3
Median days to process	31

Reviews	Number
Internal reviews	10
- on hand as at 1 July 2023	1
- received	4
- finalised	5
- on hand at 31 March 2024	0
Office of the Australian Information Commissioner reviews	36
- on hand as at 1 July 2023	15
- received	3
- finalised	7
- on hand at 31 March 2024	11
Appeals to the Administrative Appeals Tribunal	2
- on hand as at 1 July 2023	0
- received	1
- finalised	0
- on hand at 31 March 2024	1

Question 3: A current list of all boards, commissions, statutory appointments within the portfolio including date of appointment and cessation. Please include any vacant positions, the reason for the vacancy, when it became vacant and for how long it is expected to be vacant.

The department reports on ministerial appointments and vacancies under Senate Order 15. The latest available information is published at www.dewr.gov.au/about-us/corporate-reporting/senate-order-listings/senate-order-15-departmental-and-agency-appointments-and-vacancies.

Question 4: Please provide an updated full breakdown on expenses related to the repayment of the underpayment of DEWR staff. This includes the cost of all external providers, payroll audit, legal advice costs, internal legal advice, advice from AGS.

Expenses as at 31 March 2024.

Item	Description	Cost (inc GST)
Data analysis and calculation of entitlements	Cobalt Consulting	\$168,576.54
Legal advice	Ashurst, Kingston Reid, AGS	\$116,426.17
Communication	Elm Communications	\$15,378.00
Total		\$300,380.71

Question 5: Please provide an updated breakdown of how many people have been underpaid since the audit has stated, include a breakdown across APS levels, the average amount, and the total cost to DEWR for the underpayment (including interest costs).

Remediation payments have been made to 201 employees who were not paid their correct entitlements under the Department of Employment and Workplace Relations Determination 2022/2.

These employees were at the APS3 to APS6 classifications. The total cost of the remediation payments was \$243,064.31 including indexation. Payments were made on 26 October 2023, 28 March 2024 and 9 May 2024. The average indexed amount was \$810.21.

Please also refer to SQ24-000623. Since this question on notice was provided to the committee, one additional payment was made on 9 May 2024 equating to \$5,982.18 (including interest).

Question 6: A list of all ministerial submissions that have been created after 1 January 2024, including the area of the Department that prepared the submission, dates submitted to both Ministers, and all Assistant Ministers, requested signature dates, actual signature dates, and whether the Minister disagreed with any recommendations, as per the table below:

	Submission number and title	Which Minister?	Prepared by (Branch & Section)	Date Submitted to MO	Date by which signature requested	Date signed	Did the Minister not agree with any recommendations (however phrased)?
1.							

The department prepares briefs within agreed timeframes on a case-by-case basis.

Question 7: A list of all meetings the Department has undertaken with external stakeholders, which were at the request of the Minister for Employment and Workplace Relations and/or his office, since 1 January 2024.

The department regularly meets with a wide range of stakeholders as part of our business as usual and as part of specific projects.

Question 8: How many compliance notices have been issued under the new Workforce Australia system.

Question 9: The latest workforce Australia caseload, how many are in each stream, how long they have been in the stream, when they first became a participant.

Question 10: Number of long term and very long term jobseekers in the caseload broken down by how many years they have been in the system.

Answers to questions 8, 9 and 10 can be found in the department's published and publicly available data at www.dewr.gov.au/employment-services-data.

Workforce Australia does not allocate people into categories known as streams under previous employment services arrangements.

Question 11: Latest estimates or data on the VET-FEE HELP Scheme Redress payments, broken down by State, age, average amount paid to each applicant, median amount per applicant, lowest amount paid, highest amount paid, average days to progress payment of redress, median days from application for redress to payment.

From 1 January 2016 to 31 March 2024, \$3.68 billion has been recredited to 201,661 students in tuition and loan fees under the Redress Measures.

Question 12: Release an unredacted interim skills reporting schedule for the past financial year.

We are not in a position to release this information reasons for this are set out in responses to questions on notice SQ24-000080 and SQ24-000082 tabled 17 May 2024.

Question 13: Most up to date data on the number of in training apprentices and trainees, broken down by gender, age, state, and electorate.

The following tables provide the number of Australian Apprentices (which includes apprentices and trainees) in training as at 30 September 2023.

Gender	In training as at 30 September 2023
Female	104,560
Male	260,655

Not stated	205
Total	365,420

Age	In training as at 30 September 2023
14 years and under	70
15 to 19 years	111,190
20 to 24 years	116,335
25 to 29 years	47,180
30 to 39 years	50,530
40 to 49 years	24,405
50 to 59 years	12,365
60 to 64 years	2,410
65 years and over	905
Not known	25
Total	365,420

State/Territory	In training as at 30 September 2023
New South Wales	108,475
Victoria	77,145
Queensland	90,620
South Australia	26,800
Western Australia	43,205
Tasmania	10,075
Northern Territory	3,700
Australian Capital Territory	5,395
Total	365,420

Numbers have been rounded to the nearest 5.

Data Source: National Centre for Vocational Education Research (NCVER) 2024, Australian vocational education and training statistics: apprentices and trainees 2023 — September quarter, NCVER, Adelaide.

Electorate

Apprentices and trainees in training as at 30 September 2023

Electorate	Total
Adelaide	5,875
Aston	2,010
Ballarat	2,310
Banks	1,570
Barker	3,235
Barton	1,425
Bass	2,050
Bean	1,485
Bendigo	2,395
Bennelong	1,220
Berowra	1,220
Blair	2,330
Blaxland	2,165
Bonner	2,520
Boothby	1,900
Bowman	2,165

Electorate	Total
Braddon	2,635
Bradfield	1,045
Brand	1,945
Brisbane	5,180
Bruce	1,820
Burt	1,985
Calare	3,210
Calwell	2,035
Canberra	2,480
Canning	1,905
Capricornia	5,080
Casey	2,190
Chifley	1,770
Chisholm	1,275
Clark	2,375
Cook	2,170

Electorate	Total
Cooper	1,680
Corangamite	1,800
Corio	2,815
Cowan	3,690
Cowper	3,145
Cunningham	3,135
Curtin	1,110
Dawson	3,270
Deakin	1,900
Dickson	2,785
Dobell	2,515
Dunkley	2,110
Durack	5,555
Eden-Monaro	2,540
Fadden	3,195
Fairfax	2,940
Farrer	3,165
Fenner	1,410
Fisher	2,945
Flinders	3,085
Flynn	3,445
Forde	3,370
Forrest	2,970
Fowler	1,375
Franklin	1,665
Fraser	1,330
Fremantle	3,345
Gellibrand	2,380
Gilmore	2,625
Gippsland	2,150
Goldstein	765
Gorton	1,555
Grayndler	930
Greenway	1,700
Grey	3,425
Griffith	2,640
Groom	3,905
Hasluck	1,880
Hawke	1,550
Herbert	3,145
Higgins	850
Hindmarsh	3,625
Hinkler	2,090
Holt	1,120
Hotham	1,830

Electorate	Total
Hughes	1,715
Hume	2,590
Hunter	4,230
Indi	3,655
Isaacs	3,440
Jagajaga	1,540
Kennedy	2,930
Kingsford Smith	1,780
Kingston	1,595
Kooyong	875
La Trobe	1,970
Lalor	1,590
Leichhardt	3,080
Lilley	3,405
Lindsay	2,895
Lingiari	1,900
Longman	2,380
Lyne	2,230
Lyons	1,345
Macarthur	2,715
Mackellar	2,035
Macnamara	2,235
Macquarie	1,980
Makin	1,660
Mallee	2,745
Maranoa	3,430
Maribyrnong	2,515
Mayo	1,715
McEwen	1,465
McMahon	3,040
McPherson	2,835
Melbourne	4,475
Menzies	1,190
Mitchell	2,055
Monash	1,860
Moncrieff	3,665
Moore	1,390
Moreton	3,865
New England	2,820
Newcastle	3,480
Nicholls	2,665
North Sydney	1,505
O'Connor	4,905
Oxley	3,130
Page	2,145

Electorate	Total
Parkes	3,150
Parramatta	1,990
Paterson	3,655
Pearce	2,775
Perth	2,870
Petrie	1,830
Rankin	2,695
Reid	1,815
Richmond	2,235
Riverina	4,175
Robertson	2,400
Ryan	1,350
Scullin	1,700
Shortland	2,435
Solomon	1,740
Spence	1,835
Sturt	1,955

Electorate	Total
Swan	4,720
Sydney	3,235
Tangney	2,060
Wannon	2,840
Warringah	1,405
Watson	1,110
Wentworth	930
Werriwa	1,670
Whitlam	2,445
Wide Bay	2,330
Wills	915
Wright	2,310
Unallocated, unknown, invalid and overseas codes	730
Total	365,420

Question 14: An up to date breakdown of Workforce Australia participant numbers by the points target they need to achieve during each monthly period.

We have not been able to produce this data. We will be able to discuss during the upcoming hearing.