



## Matt O'Sullivan

SENATOR FOR WESTERN AUSTRALIA

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

Dear Secretary,

I write on behalf of the Opposition Senators ahead of the 2023-2024 Senate Additional Budget Estimates hearings which will take place on Wednesday 14 February 2024 to request that certain information is provided to the Committee in advance of these hearings.

Providing Opposition Senators with information ahead of Senate Estimates as requested not only assists Senators in their important role scrutinising Government expenditure but also the Department by ensuring that relevant information is on hand during the Senate Estimates process.

I request that the Department provides the follow specific information to the Education and Employment Legislation Committee by **5pm on Tuesday 12 February 2024**:

- 1) The Number and levels of staff currently employed by DEWR and all independent agencies within the portfolio including organisational structures;
- 2) 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 a 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 a 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 September 2023, 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 recommendation (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 October 2023;
- 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; and
- 14) Provide answers to any outstanding Questions on Notice.

Please note that this list of topics is not exhaustive, and Opposition Senators will likely have a number of other questions referring to expenditure across the Employment and Workplace Relations portfolio.

Yours sincerely,

**Matt O'Sullivan**  
Senator for Western Australia

9 February 2024

Cc: EEC Committee Secretariat



**Australian Government**  
**Department of Employment  
and Workplace Relations**

Our Ref: EC24-000587

Secretary  
Natalie James

Senator Matt O'Sullivan  
Senator for Western Australia  
Parliament House  
CANBERRA ACT 2600  
senator.matt.o'sullivan@aph.gov.au

Dear Senator O'Sullivan

Thank you for your letter of 9 February 2024 concerning the Department of Employment and Workplace Relations' appearance at the 2023-24 Additional Estimates hearing.

The enclosed information addresses questions where information is readily available within your 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  
13 February 2024

Cc: Senator Tony Sheldon, Chair of the Education and Employment Legislation Committee; 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 December 2023, for the department, noting this excludes the independent agencies as they are not part of the department:

Classification	Headcount
APS1	0
APS2	22
APS3	124
APS4	358
APS5	565
APS6	978
EL1	1,230
EL2	492
SEB1	114
SEB2	27
SEB3	6
<b>Grand Total</b>	<b>3,916</b>

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

The department's organisational structure is available at: [Organisation chart - Department of Employment and Workplace Relations, Australian Government \(dewr.gov.au\)](https://www.dewr.gov.au/organisation-chart)

**Question 2: 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](https://www.dewr.gov.au/about-department/corporate-reporting/freedom-information-foi/foi-disclosure-log).

**Staff responsible for FOI**

As at 31 December 2023, the department's Information Law Team had 6 staff in its FOI work stream.

- There are a mix of legal and non-legal staff.
- Staff levels range from APS5 to EL2 classification level.
- 2 staff members work part-time.



**FOI requests 1 July 2023 to 31 December 2023**

Requests on hand		Number
On hand as at 1 July 2023		9
Requests received		
On transfer		0
Direct from applicants		51
		Total 51
Decisions made		
Granted in full		7
Granted in part		26
Access refused		9
-Documents do not exist: 7		
-Practical refusal: 0		
-Exempt in full: 2		
		Total 42
Alternative Outcomes		
Transferred to another agency		4
Withdrawn		10
On hand as at 31 December 2023		4

Processing times (for access decisions made)	
Number of access decisions made	42
Average days to process	42.9
Median days to process	31.5

Reviews	Number
Internal reviews	
- on hand as at 1 July 2023	1
- received	4
- finalised	4
- on hand at 31 December 2023	1
Office of the Australian Information Commissioner reviews	
- on hand as at 1 July 2023	15
- received	2
- finalised	3
- on hand at 31 December 2023	14
Appeals to the Administrative Appeals Tribunal	
- on hand as at 1 July 2023	0
- received	1
- finalised	0
- on hand at 31 December 2023	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 [Senate order 15 Departmental and agency appointments and vacancies - Department of Employment and Workplace Relations, Australian Government \(dewr.gov.au\)](https://www.dewr.gov.au/senate-order-15).

**Question 4: Please provide a 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 December 2023

Item	Cost (inc GST)
Data analysis and calculation of entitlements	\$90,080.54
External Legal advice*	\$116,426.17
Communication services	\$15,378.00
<b>Total</b>	<b>\$221,884.71</b>

\*Legal advice on this matter was provided by external legal providers.

**Question 5: Please provide a 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).**

The department has identified 99 employees who were not paid their correct overtime entitlements under our 2022 Determination. Initial payments were made to these employees on 26 October 2023. These employees were at the APS3 to APS6 classifications. The average indexed amount was \$635.25. The total cost of payments made on 26 October 2023 was \$62,925.60 including 8.1% indexation.

On 12 December 2023, the department put in place a new determination which restored the 7am to 7pm bandwidth of hours. This provides certainty of the terms and conditions that apply to our employees and resolves the cause of our underpayments, which arose from the interaction between our 2022 Determination and the APS Award. In addition, on 28 November 2023 we confirmed that our line-by-line analysis of the 2022 Determination had identified other specific and limited circumstances in which some employees may have also been underpaid their entitlements.

We continue to work on calculating the remaining entitlements owed to employees for the period 7 July 2022 to 11 December 2023, which we anticipate will be paid to employees in full by the end of March 2024.

**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 October 2023.**

The department regularly meets with a large number and wide range of stakeholders as part of our normal business 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: <https://www.dewr.gov.au/employment-services-data>.

Please note there are no longer 'streams' under Workforce Australia.



**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 December 2023, \$3.674 billion has been re credited for 201,365 students. Detailed breakdowns of application data are not readily available.

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

*Numbers have been rounded to the nearest 5.*

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

#### **Gender**

Apprentices and trainees in training as at 30 June 2023

<b>Gender</b>	<b>In training as at 30 June 2023</b>
Female	109,935
Male	267,585
Not stated	195
<b>Total</b>	<b>377,715</b>

## Age

Apprentices and trainees in training as at 30 June 2023

Age	In training as at 30 June 2023
14 years and under	75
15 to 19 years	116,875
20 to 24 years	117,035
25 to 29 years	48,470
30 to 39 years	52,685
40 to 49 years	25,995
50 to 59 years	13,120
60 to 64 years	2,530
65 years and over	925
Not known	5
<b>Total</b>	<b>377,715</b>

## State

Apprentices and trainees in training as at 30 June 2023

State/Territory	In training as at 30 June 2023
New South Wales	113,065
Victoria	78,970
Queensland	93,090
South Australia	28,085
Western Australia	44,710
Tasmania	10,375
Northern Territory	3,760
Australian Capital Territory	5,665
<b>Total</b>	<b>377,715</b>



**Electorate**Apprentices and trainees in training as at  
30 June 2023

<b>Electorate</b>	<b>In-training as at 30 June 2023</b>
Adelaide	6,390
Aston	2,060
Ballarat	2,380
Banks	1,610
Barker	3,345
Barton	1,475
Bass	2,090
Bean	1,575
Bendigo	2,460
Bennelong	1,265
Berowra	1,255
Blair	2,385
Blaxland	2,260
Bonner	2,635
Boothby	1,985
Bowman	2,200
Braddon	2,755
Bradfield	1,060
Brand	1,985
Brisbane	5,405
Bruce	1,865
Burt	2,105
Calare	3,320
Calwell	2,170
Canberra	2,560
Canning	1,975
Capricornia	5,170
Casey	2,210
Chifley	1,920
Chisholm	1,350
Clark	2,425
Cook	2,245
Cooper	1,775
Corangamite	1,855
Corio	2,905
Cowan	3,810
Cowper	3,275
Cunningham	3,200
Curtin	1,180
Dawson	3,300
Deakin	1,955
Dickson	2,840

<b>Electorate</b>	<b>In-training as at 30 June 2023</b>
Dobell	2,625
Dunkley	2,115
Durack	5,830
Eden-Monaro	2,640
Fadden	3,175
Fairfax	3,130
Farrer	3,280
Fenner	1,490
Fisher	3,065
Flinders	3,075
Flynn	3,520
Forde	3,385
Forrest	3,015
Fowler	1,435
Franklin	1,675
Fraser	1,275
Fremantle	3,435
Gellibrand	2,400
Gilmore	2,735
Gippsland	2,170
Goldstein	785
Gorton	1,655
Grayndler	950
Greenway	1,755
Grey	3,535
Griffith	2,795
Groom	4,075
Hasluck	1,900
Hawke	1,540
Herbert	3,215
Higgins	920
Hindmarsh	3,675
Hinkler	2,140
Holt	1,130
Hotham	1,855
Hughes	1,830
Hume	2,645
Hunter	4,375
Indi	3,690
Isaacs	3,560
Jagajaga	1,580
Kennedy	2,960
Kingsford Smith	1,850
Kingston	1,650
Kooyong	930

<b>Electorate</b>	<b>In-training as at 30 June 2023</b>
La Trobe	2,000
Lalor	1,670
Leichhardt	3,165
Lilley	3,530
Lindsay	3,040
Lingiari	1,935
Longman	2,365
Lyne	2,320
Lyons	1,420
Macarthur	2,830
Mackellar	2,105
Macnamara	2,235
Macquarie	2,085
Makin	1,760
Mallee	2,835
Maranoa	3,510
Maribyrnong	2,590
Mayo	1,745
McEwen	1,470
McMahon	3,220
McPherson	2,940
Melbourne	4,655
Menzies	1,195
Mitchell	2,200
Monash	1,900
Moncrieff	3,900
Moore	1,395
Moreton	4,000
New England	2,900
Newcastle	3,645
Nicholls	2,705
North Sydney	1,595
O'Connor	5,010
Oxley	3,180
Page	2,160
Parkes	3,225
Parramatta	2,055
Paterson	3,850
Pearce	2,805
Perth	3,240
Petrie	1,875
Rankin	2,755
Reid	1,890
Richmond	2,345
Riverina	4,295

<b>Electorate</b>	<b>In-training as at 30 June 2023</b>
Robertson	2,565
Ryan	1,365
Scullin	1,675
Shortland	2,550
Solomon	1,765
Spence	1,875
Sturt	2,145
Swan	4,800
Sydney	3,670
Tangney	2,115
Wannon	2,900
Warringah	1,455
Watson	1,170
Wentworth	985
Werriwa	1,750
Whitlam	2,495
Wide Bay	2,320
Wills	940
Wright	2,340
Unallocated, unknown, invalid and overseas codes	830
<b>Total</b>	<b>377,715</b>

**Question 14: Provide answers to any outstanding Questions on Notice.**

All Questions on Notice put to the department from the October Supplementary Estimates hearing have been tabled.