

Senate Finance and Public Administration References Committee
THE CURRENT CAPABILITY OF THE AUSTRALIAN PUBLIC SERVICE (APS)
Attorney-General's Portfolio

Question date: 31 August 2021

Question type: Written

The Committee asked the following question:

The committee is seeking information relating to the following entities within the Attorney-General's portfolio:

- Administrative Appeals Tribunal
- Asbestos Safety and Eradication Agency
- Attorney-General's Department
- Australian Building and Construction Commission
- Australian Commission for Law Enforcement Integrity
- Australian Financial Security Authority
- Australian Human Rights Commission
- Australian Law Reform Commission
- Comcare
- Commonwealth Director of Public Prosecutions
- Fair Work Commission
- Fair Work Ombudsman
- Federal Court of Australia
- National Archives of Australia
- Office of Parliamentary Counsel
- Office of the Australian Information Commissioner
- Office of the Commonwealth Ombudsman
- Office of the Inspector-General of Intelligence and Security
- Registered Organisations Commission
- Safe Work Australia

For each of the portfolio agencies listed above, please provide:

1) The staffing profile for the agency as at 1 July 2021, broken down into:

- a) APS ongoing employees: headcount and Average Staffing Level (ASL);
- b) APS non-ongoing employees: headcount and ASL;
- c) Labour hire staff: headcount and Full-Time Equivalent (FTE); and
- d) Other contractors: headcount and FTE.

2) The percentage of staff engaged through labour hire arrangements as a percentage of total agency headcount.

3) The total value of labour hire contracts entered into between 1 January 2021 and 30 June 2021.

The answer to the Committee's question is as follows:

Administrative Appeals Tribunal

1) The staffing profile for the Administrative Appeals Tribunal (AAT) as at 1 July 2021 consisted of:

- a) 494 APS ongoing employees, equating to an Average Staffing Level (ASL) of 451.58;
- b) 119 APS non-ongoing employees, equating to an ASL of 107.25;
- c) 211 labour hire staff, equating to 187.66 Full-Time Equivalent (FTE) positions;
- d) 4 other contractors, equating to 2.91 FTE positions.

Note: FTE figures provided for labour hire and other contractors have been calculated based on the planned hours per week at the time of their engagement (and based on 38 hours per week being full time for these workers, consistent with the *Fair Work Act 2009*). These hours can vary significantly, given the casual nature of most labour hire arrangements. The AAT does not collect or retain timesheet data for non-APS employees.

2) 25.5 percent of AAT staff were engaged through labour hire arrangements as at 1 July 2021.

3) The total value of labour hire contracts entered into between 1 January 2021 and 30 June 2021 equalled \$5,602,496.56.

Asbestos Safety and Eradication Agency

1) The staffing profile for the Asbestos Safety and Eradication Agency (ASEA) as at 1 July 2021 consisted of:

- a) 16 APS ongoing employees, equating to an Average Staffing Level (ASL) of 14.93;
- b) 3 APS non-ongoing employees, equating to an ASL of 1.4;
- c) 0 labour hire staff;
- d) 0 other contractors.

2) 0 percent of ASEA staff were engaged through labour hire arrangements as at 1 July 2021.

3) The total value of labour hire contracts entered into between 1 January 2021 and 30 June 2021 equalled \$13,466.27.

Attorney-General's Department

1) The staffing profile for the Attorney-General's Department as at 1 July 2021 consisted of:

a) 1784 APS ongoing employees, equating to a Full Time Equivalent (FTE) of 1704.90. The department does not capture Average Staffing Level (ASL) by employment type. The total departmental ASL for all employees was 1807.00;

b) 231 APS non-ongoing employees, equating to a FTE of 169.10. The department does not capture ASL by employment type. The total departmental ASL for all employees was 1807.00;

c) 210 labour hire staff. The department does not record FTE for labour hire staff. This data has been sourced from the HR and Payroll System, Aurion;

d) 171 other contractors. The department does not record FTE for other contractor staff. This data has been sourced from the HR and Payroll System, Aurion;

2) 8.70 percent of the Attorney-General's Department's staff were engaged through labour hire arrangements as at 1 July 2021. These engagements reflect terminating budget measures, royal commissions, and surge requirements to support Fair Entitlements Guarantee measures. This data has been sourced from the HR and Payroll System, Aurion.

3) The total value of labour hire contracts entered into between 1 January 2021 and 30 June 2021 equalled \$14,491,501.41.

Australian Building and Construction Commission

1) The staffing profile for the Australian Building and Construction Commission (ABCC) as at 1 July 2021 consisted of:

a) 148 APS ongoing employees, equating to an Average Staffing Level (ASL) of 135.75;

b) 20 APS non-ongoing employees, equating to an ASL of 17.25;

c) 0 labour hire staff;

d) 0 other contractors.

2) 0 percent of ABCC staff were engaged through labour hire arrangements as at 1 July 2021.

3) The total value of labour hire contracts entered into between 1 January 2021 and 30 June 2021 equalled \$0.

Australian Commission for Law Enforcement Integrity

1) The staffing profile for Australian Commission for Law Enforcement Integrity as at 1 July 2021 consisted of:

- a) 63 APS ongoing employees, equating to an Average Staffing Level (ASL) of 62;
- b) 6 APS non-ongoing employees, equating to an ASL of 4;
- c) 0 labour hire staff;
- d) 1 other contractors, equating to 0.2 FTE position.

2) 0 percent of Australian Commission for Law Enforcement Integrity's staff were engaged through labour hire arrangements as at 1 July 2021.

3) The total value of labour hire contracts entered into between 1 January 2021 and 30 June 2021 equalled \$0.

Australian Financial Security Authority

1) The staffing profile for the Australian Financial Security Authority as at 1 July 2021 consisted of:

- a) 413 APS ongoing employees equating to an Average Staffing Level (ASL) of 392.9;
- b) 29 APS non-ongoing employees, equating to an ASL of 28.1;
- c) 29 labour hire staff, equating to 28 Full-Time Equivalent (FTE) positions;
- d) 0 other contractors.

2) 6 percent of Australian Financial Security Authority staff were engaged through labour hire arrangements as at 1 July 2021.

3) The total value of labour hire contracts entered into between 1 January 2021 and 30 June 2021 equalled \$1,691,328.

Australian Human Rights Commission

1) The staffing profile for the Australian Human Rights Commission as at 1 July 2021 consisted of:

- a) 93 APS ongoing employees, equating to an Average Staffing Level (ASL) of 87;
- b) 91 APS non-ongoing employees, equating to an ASL of 81;
- c) 0 labour hire staff;
- d) 0 other contractors.

2) 0 percent of Australian Human Rights Commission staff were engaged through labour hire arrangements as at 1 July 2021.

3) The total value of labour hire contracts entered into between 1 January 2021 and 30 June 2021 equalled \$64,505.

Australian Law Reform Commission

1) The staffing profile for the Australian Law Reform Commission (ALRC) as at 1 July 2021, consisted of:

- a) 12 APS ongoing employees. The ALRC does not capture Average Staffing Level (ASL) by employment type, but had a total ASL of 12;
- b) 2 APS non-ongoing employees. The ALRC does not capture ASL by employment type, but had a total ASL of 12;
- c) 0 labour hire staff;
- d) 4 other contractors, equating to 2 Full-Time Equivalent positions, being 3 consultants to the ALRC Financial Service Regulation Inquiry and 1 person appointed as Chair to the ALRC Audit and Risk Committee.

2) 0 percent of ALRC staff were engaged through labour hire arrangements as at 1 July 2021;

3) The total value of labour hire contracts entered into between 1 January 2021 and 30 June 2021 equalled \$0.

Comcare

1) The staffing profile for Comcare as at 1 July 2021 consisted of:

- a) 544 APS ongoing employees, equating to an Average Staffing Level (ASL) of 518.99;
- b) 84 APS non-ongoing employees, equating to an ASL of 83;
- c) Labour hire workers and contractors are not separately categorised and recorded by Comcare and numbers of workers engaged under these arrangements are not routinely recorded. However, the estimated number of labour hire workers and contractors as at 1 July 2021 was 27;

Comcare sometimes uses labour hire arrangements and contractors to temporarily backfill roles that become vacant while recruitment processes are undertaken. In addition, ICT personnel are often engaged on a labour-hire/contract basis due to specific skills sets required, the project nature of ICT and the labour market.

d) Please refer to the response above for (c).

2) The estimated number of labour hire workers and contractors as at 1 July 2021 (27) is 4.5 percent of Comcare's FTE as at 1 July 2021 (601.99).

3) The total value of labour hire contracts entered into between 1 January 2021 and 30 June 2021 equalled \$1,355,964.

Commonwealth Director of Public Prosecutions

1) The staffing profile for the Commonwealth Director of Public Prosecutions (CDPP) as at 1 July 2021 consisted of:

- a) 407 APS ongoing employees (including inoperative employees and excluding Statutory Office holders), equating to an Average Staffing Level (ASL) of 384.6 (excluding both inoperative employees and Statutory Office holders);
- b) 12 APS non-ongoing employees, equating to an ASL of 14;
- c) 38 labour hire workers;
- d) 46 other contractors (including Services Providers, Contractors and Consultants);

Note. The CDPP does not capture or record hours for labour hire workers or other contractors and is unable to equate headcount to FTE.

2) 8.3 percent of the CDPP's workforce were engaged through labour hire arrangements as at 30 June 2021.

3) The total value of labour hire contracts entered into between 1 January 2021 and 30 June 2021 equalled \$749,014.84.

Fair Work Commission

1. The staffing profile for the Fair Work Commission (FWC) as at 1 July 2021 consisted of:

- a) 237 APS ongoing employees, equating to 215 Full-Time Equivalent (FTE) positions;
- b) 49 APS non-ongoing employees, equating to 42.19 FTE;
- c) 49 labour hire staff. The FTE for labour hire staff is unavailable as labour hire staff are paid a daily or hourly rate and may not have set work patterns or hours;
- d) FWC does not record headcount or FTE for other contractors.

Note. The above does not include FTE or headcount for Members of the Fair Work Commission as they are not APS staff.

2. 13 percent of Fair Work Commission staff are engaged through labour hire arrangements.

3. The total value of labour hire contracts entered into between 1 January 2021 to 30 June 2021, as per AusTender Contract listing, equalled \$2,985,329 (including GST).

Fair Work Ombudsman

1) The staffing profile for the Fair Work Ombudsman as at 1 July 2021 consisted of:

- a) 873 APS ongoing employees, equating to an Average Staffing Level (ASL) of 756.7;
- b) 74 APS non-ongoing employees, equating to an ASL of 55.5;
- c) 5 labour hire staff, equating to 4.6 Full-Time Equivalent (FTE) positions;
- d) 30 other contractors, equating to 30 FTE positions.

2) 3.7 percent of Fair Work Ombudsman staff were engaged through labour hire arrangements as at 1 July 2021.

3) The total value of labour hire contracts entered into between 1 January 2021 and 30 June 2021 equalled \$1,304,943.18.

Federal Court of Australia (inclusive of the Federal Court, Family Court, Federal Circuit Court and National Native Title Tribunal)

1) The staffing profile for the Federal Court of Australia as at 1 July 2021 consisted of:

- a) 778 APS ongoing employees, equating to a Full Time Equivalent (FTE) of 732.43;
- b) 375 APS non-ongoing employees, equating to a Full Time Equivalent (FTE) 357.96;

The Federal Court is unable to provide Average Staffing Levels for APS ongoing and non-ongoing employees.

- c) 15 labour hire staff, equating to 0.644 Full-Time Equivalent (FTE) positions;
- d) 0 other contractors.

2) Less than 0.01 percent of Federal Court of Australia staff were engaged through labour hire arrangements as at 1 July 2021.

3) The total value of labour-hire contracts entered into between 1 January 2021 and 30 June 2021 is \$44,695.20.

National Archives of Australia

1) The staffing profile for the National Archives of Australia as at 1 July 2021 consisted of:

- a) 314 APS ongoing employees, equating to an Average Staffing Level (ASL) of 294.5;
- b) 42 APS non-ongoing employees, equating to an ASL of 42.4 (excludes casual employees);
- c) 4 labour hire staff. The National Archives has an audit committee and project assurance committee of which the members are not considered FTE as they are appointed by the Accountable Authority in an advisory capacity;
- d) 9 other contractors. The National Archives currently does not record contractors in the HR system and are unable to equate the headcount to FTE.

2) 1.1 percent of National Archives of Australia staff were engaged through labour hire arrangements as at 1 July 2021.

3) The total value of labour hire contracts entered into between 1 January 2021 and 30 June 2021 equalled \$30,000.

Office of Parliamentary Counsel

1) The staffing profile for the Office of Parliamentary Counsel as at 1 July 2021 consisted of:

- a) 111 APS ongoing employees, equating to an Average Staffing Level (ASL) of 104.26;
- b) 2 APS non-ongoing employees, equating to an ASL of 1.6;
- c) 1 labour hire staff, equating to 0.43 Full-Time Equivalent (FTE) positions;
- d) 0 other contractors.

2) 0.88 percent of Office of Parliamentary Counsel staff were engaged through labour hire arrangements as at 1 July 2021.

3) The total value of labour hire contracts entered into between 1 January 2021 and 30 June 2021 equalled \$180,654.00.

Office of the Australian Information Commissioner

1) The staffing profile for the Office of the Australian Information Commissioner (OAIC) as at 1 July 2021 consisted of:

- a) 114 APS ongoing employees, equating to an Average Staffing Level (ASL) of 108;
- b) 25 APS non-ongoing employees, equating to an ASL of 22.5;
- c) 3 labour hire staff. FTE is unavailable as the OAIC does not capture or maintain the FTE for labour hire staff;
- d) The OAIC systems do not capture or maintain headcount or FTE for other contractors.

2) 2 percent of the Office of the Australian Information Commissioner's staff were engaged through labour hire arrangements as at 1 July 2021.

3) The total value of labour hire contracts entered into between 1 January 2021 and 30 June 2021 totalled \$176,202.07.

Office of the Commonwealth Ombudsman

1) The staffing profile for the Office of the Commonwealth Ombudsman as at 30 June 2021 consisted of:

- a) 218 APS ongoing employees, equating to an Average Staffing Level (ASL) of 198;
- b) 14 APS non-ongoing employees, equating to an ASL of 12;
- c) 78 labour hire staff. FTE of labour hire staff is not centrally collated;
- d) 0 other contractors.

2) 25.1 percent of Commonwealth Ombudsman staff were engaged through labour hire arrangements as at 30 June 2021.

3) The total value of labour hire contracts entered into between 1 January 2021 and 30 June 2021 equalled \$4,123,034.19.

Office of the Inspector-General of Intelligence and Security

1) The staffing profile for the Office of the Inspector-General of Intelligence and Security as at 1 July 2021 consisted of:

- a) 34 APS ongoing employees, equating to an Average Staffing Level (ASL) of 32.3;
- b) 1 APS non-ongoing employees, equating to an ASL of 0.21;
- c) 0 labour hire staff;
- d) 1 other contractors, equating to 0.5 FTE positions.

2) 0 percent of Office of the Inspector-General of Intelligence and Security staff were engaged through labour hire arrangements as at 1 July 2021.

3) The total value of labour hire contracts entered into between 1 January 2021 and 30 June 2021 equalled \$0.

Registered Organisations Commission

1) The staffing profile for the Registered Organisations Commission as at 1 July 2021 consisted of:

- a) 32 APS ongoing employees, equating to an Average Staffing Level (ASL) of 29.4;
- b) 0 APS non-ongoing employees;
- c) 0 labour hire staff;
- d) 0 other contractors.

2) 0 percent of Registered Organisations Commission staff were engaged through labour hire arrangements as at 1 July 2021.

3) The total value of labour hire contracts entered into between 1 January 2021 and 30 June 2021 equalled \$0.

Safe Work Australia

1) The staffing profile for Safe Work Australia as at 1 July 2021 consisted of:

- a) 92 APS ongoing employees, equating to an Average Staffing Level (ASL) of 83.31;
- b) 4 APS non-ongoing employees, equating to an ASL of 3.5;
- c) 0 labour hire staff;
- d) 0 other contractors.

2) 0 percent of Safe Work Australia's staff were engaged through labour hire arrangements as at 1 July 2021.

3) The total value of labour hire contracts entered into between 1 January 2021 and 30 June 2021 equalled \$0.