

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Portfolio

Question No. 63

Senator Humphries asked the following question at the hearing on 14 February 2012:

Staffing

1. How many ongoing staff recruited this financial year to date? What classification are these staff?
2. How many non ongoing positions exist or have been created this financial year to date? What classification are these staff?
3. This financial year to date, how many employees have been employed on contract and what is the average length of their employment period?

The answer to the honourable senator's question is as follows:

1-3 Please see the tables at **Attachment A**.

Attachment A

For the period 1 July 2011 to 29 February 2012

Department/Agency	1) Number of ongoing staff recruited	APS1	APS2	APS3	APS4	APS5	APS6	Graduate APS	EL1	EL2	SES1	SES2	SES3
Attorney-General's Department	217	5	0	12	41	15	39	33	52	16	2	2	0
Australian Commission for Law Enforcement Integrity	7	0	0	0	0	2	1	0	3	1	0	0	0
Institute of Criminology	Nil												
Federal Court	7	0	0	0	5	0	1	0	1	0	0	0	0
	Of the 7, 4 were non-ongoing who were selected for on-going positions.												
Office of the Australian Information Commissioner	13	0	0	0	2	2	7	0	0	2	0	0	0
Australian Crime Commission	47	0	0	4	13	2	11	0	13	3	0	1	0
Australian Customs and Border Protection Service	158	Classification		Number									
		Trainee		79									
		Graduate		31									
		CL1		14									
		CL1 WV1		2									
		CL1 WV2		2									
		CL2		8									
		CL3		9									
		CL4		6									
		CL5		5									
	SES 1		2										
	These figures include 5 employees previously in non-ongoing positions who won ongoing positions.												
Australian Federal Police	<p>There were 81 ongoing staff recruited in the 2011 – 2012 Financial year to date. AFP salary classifications do not align with APS classifications. The table below outlines the AFP classifications of these staff.</p> <ul style="list-style-type: none"> • Band 2 – 51 • Band 3 – 14 • Band 4 – 4 • Band 5 – 1 • Band 6 – 3 • Band 7 – 3 												

Department/Agency	1) Number of ongoing staff recruited	APS1	APS2	APS 3	APS4	APS5	APS6	Graduate APS	EL1	EL2	SES1	SES2	SES3
Counsel													
Family Court of Australia	31 ongoing positions were recruited this financial year. These are NOT newly created positions.	0	1	5	2	11	4	0	6	1	0	1	0
Federal Magistrates Court of Australia	7 ongoing positions were recruited this financial year. These are NOT newly created positions.	0	0	1	0	6	0	0	0	0	0	0	0
Administrative Appeals Tribunal	9	0	0	5	1	0	2	0	2	2	1	0	0
The table includes 4 existing employees who were promoted to SES Band 1, EL 2, EL1 and APS6 positions respectively. It also includes 2 existing non-ongoing AAT Broadband 3/4 (APS 3) employees and one APS 6 employee who became ongoing													

Department/Agency	2) Number of non ongoing positions existing or created	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES 1	SES 2	SES3	3) Number of contract staff engaged	Average length of employment (in days)
Attorney-General's Department	115	1	16	23	27	7	17	18	6	0	0	0	115	225
Australian Commission for Law Enforcement Integrity	5 Five full-time non-ongoing positions exist or have been created this F/YTD	0	0	0	1	1	2	0	1	0	0	0	5	132.6
Institute of Criminology	26 positions exist, nil created	0	1	7	8	3	3	1	3	0	0	0	6	16 months
Federal Court	122 exist	0	49	9	5	50	3	6	0	0	0	0	45 employees have been employed on contract this financial year. Of the 45 employees, 33 are Judge's Associates. These contracts are 12 months in length. 4 employees are Casual Court Officers whose contracts are 12 months in length.	
	7 created	0	1	2	1	0	1	1	1	0	0	0		
Office of the Australian Information Commissioner	9	0	0	1	2	1	1	0	3	1	0	0	10	5.8 months
Australian Crime Commission	35 non ongoing staff that continued over into the 2011-12 financial year	0	0	2	4	9	4	14	2	0	0	0	70	291.2
	19 employed during the 2011-12 financial year.	0	0	1	8	3	4	3	0	0	0	0	Note: Secondees from state police jurisdictions employed on non-ongoing contracts have varying secondment terms up to 3 years so	

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													<p>this inflates the average figure.</p> <p>Note: This figure includes 16 people whose contracts have ceased.</p>																						
Australian Customs and Border Protection Service	112	<table border="1"> <thead> <tr> <th>Classification</th> <th>Number</th> </tr> </thead> <tbody> <tr> <td colspan="2">How many positions Exist?</td> </tr> <tr> <td>Non-Ongoing Full Time</td> <td>94</td> </tr> <tr> <td>Non-Ongoing Part Time</td> <td>18</td> </tr> <tr> <td colspan="2">How many of these positions have been created this Financial Year?</td> </tr> <tr> <td>Non-Ongoing Full Time</td> <td>34</td> </tr> <tr> <td>Non-Ongoing Part Time</td> <td>8</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Classification</th> <th>Number</th> </tr> </thead> <tbody> <tr> <td>CL1</td> <td>10</td> </tr> <tr> <td>CL2</td> <td>11</td> </tr> <tr> <td>CL3</td> <td>9</td> </tr> <tr> <td>CL4</td> <td>11</td> </tr> <tr> <td>CL5</td> <td>1</td> </tr> </tbody> </table>						Classification	Number	How many positions Exist?		Non-Ongoing Full Time	94	Non-Ongoing Part Time	18	How many of these positions have been created this Financial Year?		Non-Ongoing Full Time	34	Non-Ongoing Part Time	8	Classification	Number	CL1	10	CL2	11	CL3	9	CL4	11	CL5	1	45	263.787 This average was calculated based on 41 non-ongoing employees with effective end dates.
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Australian Federal Police	The AFP does not create temporary positions. Vacant positions are filled on either an ongoing or non-ongoing basis as the AFP deems to be appropriate. The number of AFP employees engaged on a non-ongoing basis between 01 July 2011 and 29 February 2012 (FYTD) is reported below.											There were 15 non-ongoing employees employed on non-ongoing contracts between 01 July 2011 and 29 February 2012 (FYTD) for an average employment period of 321 days.																							
Australian Government Solicitor	AGS does not have designated non-ongoing positions. Where AGS has a need for duties or a role to be performed for a set period, or for a defined and finite project, it will generally be more suitable for that job to be filled on a fixed term or casual basis. As at 29 February 2012, 65 AGS employees (10% of the workforce) were engaged on this basis. Of this number, 12 were lawyers and 53 were legal and business support.											Please see response to part 2 of the question. The length of contracts varies depending on the nature of the role / vacancy and it is not practical to provide an average period of employment.																							
Australian Human Rights Commission	19	1	0	1	1	1	3	6	5	0	0	0	24	9.5 months																					
Australian Transaction Reports and Analysis Centre	9	0	0	0	3	2	1	0	2	1	0	0	2	7.5 months																					

Department/Agency	2) Number of non ongoing positions existing or created	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES 1	SES 2	SES3	3) Number of contract staff engaged	Average length of employment (in days)
National Native Title Tribunal	58	1	21	6	10	5	10	3	3	0	0	0	58	17 months
Australian Law Reform Commission	1	0	0	0	0	0	0	1	0	0	0	0	Nil	
	(Legal Officer) position which is a maternity leave for 12 months.													
Australian Security Intelligence Organisation	This financial year to date the Organisation has 376 non-ongoing positions. No new non-ongoing positions were created in 2011-12.												4	488
Commonwealth Director of Public Prosecutions	Nil												30	1.33 years
CrimTrac	7	0	1	0	2	1	0	2	1	0	0	0	7	7.4 months
High Court of Australia	28 (excluding casual positions)	High Court Employee 1 = 2 High Court Employee 3= 2 High Court Employee 5= 14 High Court Employee 6 = 1 Executive Level 1= 2 Executive Level 2 = 3 Senior Executive Staff = 4 No non-ongoing positions have been created this year.											28 (excluding casuals)	2.1 years
Insolvency and Trustee Service Australia	92	1	6	58	8	4	10	5	0	0			81	238
Office of Parliamentary Counsel	1	0	0	0	0	1	0	0	0	0	0	0	Nil	
Family Court of Australia	140	0	31	57	27	5	3	9	3 EL2A = 5	0	0	0	167	361.1
	FCoA does not create non-ongoing positions. Vacant on-going positions are filled on either an ongoing or non-ongoing basis as the Court deems to be appropriate. There were 140 FCoA employees engaged on a non-ongoing basis year to date. This number includes full-time, part-time and casual employment.												FCoA does not create non-ongoing positions. Vacant on-going positions are filled on either an ongoing or non-ongoing basis as the Court deems to be appropriate. There are 167 employees, average length of non-ongoing employment 361.1 days. This excludes third party contracts.	

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Federal Magistrates Court of Australia	73	0	1	9	41	9	0	1	11 EL2A = 1	0	0	0	85	466.9
	<p>FMC does not create non-ongoing positions. Vacant on-going positions are filled on either an ongoing or non-ongoing basis as the Court deems to be appropriate. There were 73 employees engaged on a non-ongoing basis year to date. This number may include full-time, part-time and casual employment.</p>												<p>FMC does not create non-ongoing positions. Vacant on-going positions are filled on either an ongoing or non-ongoing basis as the Court deems to be appropriate. There have been 85 employees YTD employed on contract of which the average length of non-ongoing employment was 466.9 days. This excludes third party contracts.</p>	
Administrative Appeals Tribunal	43	0	10	5	21	2	0	0	5	0	0	0	81	505
	<p>Of these positions 5 have been created or have had their non-ongoing status changed from casual to part-time in 2011/12:</p> <ol style="list-style-type: none"> Two EL2 positions and one APS 3 position changed from casual non-ongoing status to non-ongoing part-time status. Two APS 4 positions changed from casual non-ongoing status to full-time non-ongoing status, with one position changing from administrative functions to legal functions. One APS 3 position was the result of a reclassification of the position from an APS2. <p>In addition, 3 non-ongoing positions (1x APS6 and 2x APS 3) have been filled on an ongoing basis. The status of a 4th position (EL1) has also changed from non-ongoing to ongoing and has been recently advertised for filling on an ongoing basis.</p>												<p>This table includes:</p> <ul style="list-style-type: none"> 3 staff whose employment status changed from non-ongoing contract to ongoing during the current financial year; and 3 staff who are ongoing employees in other APS agencies but are seconded to the Tribunal on non-ongoing movements. <p>The high number of employees on contract is primarily due to the fact that the non-ongoing Administrative Assistant Legals/associate positions are generally filled for a period of 12 months. In addition, contract staff are often engaged to act in positions</p>	

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		<p>pending recruitment action or while staff are on leave as the small size of the Tribunal means it has little capacity to internally 'backfill' these vacancies when they arise.</p> <p>The "average length of the employment period" has been calculated on the total length of continuous engagement. This includes casual staff who have been re-engaged under contract following merit selection exercises.</p>												