

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

Portfolio

Question No. 131

Senator Humphries asked the following question at the hearing on 24 May 2012:

Staffing

- a) How many ongoing staff recruited this financial year to date? What classification are these staff?
- b) How many non-ongoing positions exist or have been created this financial year to date? What classification are these staff?
- c) 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:

a.

Australian Government Solicitor (AGS)

As AGS is a government business enterprise operating on a commercial and competitive basis in providing legal and related services to government and its agencies, it is not subject to the *Public Service Act 1999* and its employees are not Australian Public Service (APS) employees. AGS has a broadband classification structure which is significantly different to that for APS agencies. Of the 76 ongoing staff recruited this financial year to date, 49 were lawyers and 27 were legal and business support.

See table below for remaining information.

a)

Department/Agency	Trainee/ Cadet	Graduate	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SESB1	SESB2	SESB3	Total
Administrative Appeals Tribunal	0	0	0	0	5	2	0	2	3	4	1	0	0	17
Attorney-General's Department	2	33	3	0	14	37	12	41	52	16	1	3	0	214
Australian Commission for Law Enforcement Integrity	0	0	0	0	0	0	2	1	3	1	0	0	0	7
Australian Crime Commission	0	0	0	0	4	14	6	14	19	5	1	1	0	64
Australian Customs and Border Protection Service	79	31	0	0	69	0	43	54	44	19	2	0	0	341
Australian Federal Police	0	0	0	68	16	4	1	3	5	2	3			102
Australian Government Solicitor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	76
Australian Human Rights Commission	0	0	0	0	2	0	0	7	3	2	0	0	0	14
Australian Institute of Criminology	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Australian Law Reform Commission	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Australian Security Intelligence Organisation	0	0	0	4	3	9	45	3	17		0	0	0	108
Australian Transaction Reports and Analysis Centre	0	0	0	7	8	12	6	2	0	0	0	0	0	35
Commonwealth Director of Public Prosecutions	0	0	0	0	3	6	4	1	3	2	2	0	0	21
CrimTrac	0	0	0	0	2	4	13	15	13	1	0	0	0	48
Family Court of Australia	0	0	0	4	10	4	7	4	7	0	0	0	0	36
Federal Court	0	0	0	5	0	1	1	0	0	0	0	0	0	7
Federal Magistrates Court of Australia	0	0	0	0	1	6	2	0	1	0	0	0	0	10

High Court of Australia	0	0	0	0	1	4	1	2	2	0	0	0	0	10
Insolvency and Trustee Service Australia	0	0	0	0	20	7	8	15	4	4	0	0	0	58
National Native Title Tribunal	0	0	0	1	1	3	0	0	0	0	0	0	0	5
Office of Parliamentary Counsel	0	0	0	0	0	3	0	0	0	0	0	0	0	3
Office of the Australian Information Commissioner	0	0	0	0	0	2	4	13	0	2	0	0	0	21

b)

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 30 April 2012, 59 AGS employees (9% of the workforce) were engaged on this basis. Of this number, 12 were lawyers and 47 were legal and business support.

Australian Federal Police

The AFP does not create non-ongoing positions; however vacant positions are filled by staff with an ongoing or non-ongoing status as the AFP deems to be appropriate.

See tables below for remaining information.

b)

Department/Agency	APS1		APS2		APS3		APS4		APS5		APS6	
	Existing	Created	Existing	Created	Existing	Created	Existing	Created	Existing	Created	Existing	Created
Administrative Appeals Tribunal	0	0	10	0	5	0	21	0	2	0	0	0
Attorney-General's Department	0	0	0	0	0	0	0	0	0	0	0	0
Australian Commission for Law Enforcement Integrity	0	0	0	0	0	0	1	0	1	0	2	0
Australian Crime Commission	0		0		18		11		16		21	
Australian Customs and Border Protection Service	0	0	0	0	46	0	0	0	25	0	18	0
Australian Federal Police	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Australian Government Solicitor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Australian Human Rights Commission	1	0	0	0	4	0	2	0	3	0	6	0
Australian Institute of Criminology	0	0	1	1	7	0	8	0	4	1	2	0
Australian Law Reform Commission	0	0	0	0	0	0	0	0	0	1	0	0
Australian Security Intelligence Organisation	0	0	50	0	14	0	58	0	79	0	115	0
Australian Transaction Reports and Analysis Centre	0	0	0	0	1	0	2	1	3	0	1	0
Commonwealth Director of Public Prosecutions	0	0	0	0	0	0	0	0	0	0	0	0
CrimTrac	0	0	1	0	0	0	3	0	1	0	0	0
Family Court of Australia	0	0	0	0	0	0	23	0	0	0	1	0
Federal Court	0	0	49	1	9	2	5	1	50	0	3	1
Federal Magistrates Court of Australia	0	0	0	0	0	0	0	0	0	0	0	0
High Court of Australia	2	0	0	0	2	0	1	0	14	0	1	0
Insolvency and Trustee Service Australia	1	0	8	0	64	0	8	0	5	0	10	0

National Native Title Tribunal	1	0	28	0	6	0	13	0	6	0	10	0
Office of Parliamentary Counsel	0	0	0	0	0	0	0	0	1	0	0	0
Office of the Australian Information Commissioner	0	0	0	0	1	0	2	0	1	0	0	0

b) (cont.)

Department/Agency	EL1		EL2	
	Existing	Created	Existing	Created
Administrative Appeals Tribunal	0	0	5	0
Attorney-General's Department	0	0	0	0
Australian Commission for Law Enforcement Integrity	0	1	0	0
Australian Crime Commission	21		7	
Australian Customs and Border Protection Service	19	0	6	0
Australian Federal Police	N/A	N/A	N/A	N/A
Australian Government Solicitor	N/A	N/A	N/A	N/A
Australian Human Rights Commission	6	0	5	0
Australian Institute of Criminology	1	1	3	0
Australian Law Reform Commission	0	0	0	0
Australian Security Intelligence Organisation	104			
Australian Transaction Reports and Analysis Centre	0	0	2	0
Commonwealth Director of Public Prosecutions	0	0	0	0
CrimTrac	2	0	0	0
Family Court of Australia	0	0	0	0
Federal Court	6	1	0	1
Federal Magistrates Court of Australia	0	0	0	0
High Court of Australia	2	0	3	0
Insolvency and Trustee Service Australia	6	0	0	0
National Native Title Tribunal	4	0	2	0
Office of Parliamentary Counsel	0	0	0	0
Office of the Australian Information Commissioner	5	0	1	0

b. (cont.)

Department/Agency	SESB1 Existing	SESB2 Existing	SESB3 Existing
Administrative Appeals Tribunal	0	0	0
Attorney-General's Department	0	0	0
Australian Commission for Law Enforcement Integrity	0	0	0
Australian Crime Commission	1	0	0
Australian Customs and Border Protection Service	0	0	0
Australian Federal Police	N/A	N/A	N/A
Australian Government Solicitor	N/A	N/A	N/A
Australian Human Rights Commission	0	0	0
Australian Institute of Criminology	0	0	0
Australian Law Reform Commission	0	0	0
Australian Security Intelligence Organisation	10	4	0
Australian Transaction Reports and Analysis Centre	1	0	0
Commonwealth Director of Public Prosecutions	0	0	0
CrimTrac	0	0	0
Family Court of Australia	0	0	0
Federal Court	0	0	0
Federal Magistrates Court of Australia	0	0	0
High Court of Australia		4	
Insolvency and Trustee Service Australia	0	0	0
National Native Title Tribunal	0	0	0
Office of Parliamentary Counsel	0	0	0
Office of the Australian Information Commissioner	0	0	0

No agencies created any additional SES positions throughout the financial year.

c)

Australian Government Solicitor

See response to part b 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.

See table below for remaining information.

Department/Agency	Number of employees	Average Employment period (years)
Administrative Appeals Tribunal*	87	1.32
Attorney-General's Department	195	0.72
Australian Commission for Law Enforcement Integrity	5	0.43
Australian Crime Commission	95	0.54**
Australian Customs and Border Protection Service	80	0.69
Australian Federal Police	17	0.91
Australian Government Solicitor	N/A	N/A
Australian Human Rights Commission	30	0.53
Australian Institute of Criminology	7	1.19
Australian Law Reform Commission	1	0.50
Australian Security Intelligence Organisation	5	1.29
Australian Transaction Reports and Analysis Centre	3	0.81
Commonwealth Director of Public Prosecutions	45	1.32
CrimTrac	7	0.71
Family Court of Australia	119	0.36
Federal Court	45	1.00
Federal Magistrates Court of Australia	50	0.56
High Court of Australia	29	2.20
Insolvency and Trustee Service Australia	89	0.67
National Native Title Tribunal	70	1.50
Office of Parliamentary Counsel	0	0.00
Office of the Australian Information Commissioner	11	0.46

*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 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.

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.

** Secondees from state police jurisdictions employed on non-ongoing contracts have varying secondment terms up to 3 years which may inflate the average length.