

**The current capability of the Australian Public Service (APS)**

**Response to Questions on Notice – CPSU – ACQSC; 20 July 2020**

- 1. Could you provide that correspondence\* in relation to both of those issues? Also, if the union has any other information in relation to that, if you could provide that on notice, that would be of great assistance.**

**Correspondence attached:**

**CPSU to Minister Colbeck: 14 August 2020**

**Minister Colbeck to CPSU: 16 September 2020**

**CPSU to Ministers Hunt, Andrews & Colbeck: 08 July 2021 (no response yet)**



**Community and Public Sector Union**

**The Honorable Senator Richard Colbeck**

**14<sup>th</sup> of August 2020**

**Minister for Aged Care and Senior Australians**

**Minister for Youth and Sport**

By email to:

**Re: Aged Care Quality and Safety Commission (ACQSC) staffing and safety.**

Dear Minister,

The Community Public Sector Union (CPSU) represents staff at the Aged Care Quality and Safety Commission (ACQSC).

Our members at ACQSC are deeply committed to supporting people within the aged care sector through the pandemic. They are also working under immense professional and personal pressure.

This pressure is particularly acute for the high percentage of ACSQC operational staff who are not directly employed by the ACQSC but are employed under labour hire arrangements. Because they are employed as labour hire these workers are denied job security and access to some basic employment conditions – including access to paid leave.

The lack of access to paid leave is, as I am sure you will understand, particularly concerning during a pandemic. It is a major concern for all the affected staff, and also immensely urgent for the ACQSC staff who are involved in conducting visits to aged care facilities in Victoria. CPSU argues that is unacceptable for the Commonwealth to tolerate a situation where people performing a crucially important public health role could be exposed to Covid 19 in the course of their duties but not have access to sick leave if they are required to self-isolate or are infected. And therefore we are writing to seek your urgent assistance to address the problem.

The appropriate solution in all the circumstances would be to convert the labour hire arrangement to direct employment under the Public Service Act. Doing so would provide access to paid leave and would provide employment security for these workers.

Moving to direct employment would also deliver benefits to the Commission and the Commonwealth in terms of costs and improved workforce stability – as the use of labour hire (a product of the Government's Average Staffing Level cap policy) results in higher staffing costs, and in high staff turnover as workers leave to secure permanent work elsewhere. Our members in labour hire tell us that they love the work and want the best outcomes for the Commission and for those in aged care, but that they also need secure jobs to support themselves and their families. This staff turnover leads to increased workloads for other staff and a loss of experience and expertise.

Converting labour arrangements to direct public service employment would take some administrative work and time. However, ACQSC staff require sick leave access immediately. And therefore we ask you to take immediate steps to ensure that ACQSC staff have access to paid pandemic leave.

I trust that you will share our concerns at this situation and agree that it must be urgently addressed. If you require further information or wish to discuss the matter please contact CPSU National Political Coordinator Karen Atherton

Yours Sincerely,

Beth Vincent-Pietsch

Deputy Secretary

Community and Public Sector Union



**SENATOR THE HON RICHARD COLBECK**

Minister for Aged Care and Senior Australians

Minister for Youth and Sport

Ref No: MC20-034065

Ms Beth Vincent-Pietsch  
Deputy Secretary  
Community and Public Sector Union

16 SEP 2020

Dear Ms Vincent-Pietsch

Thank you for your correspondence of 14 August 2020 concerning Aged Care Quality and Safety Commission (the Commission) staffing and safety issues.

You raised concerns about Commission operational staff engaged under labour hire arrangements lacking access to paid leave, and that this was particularly concerning staff involved in conducting visits to aged care facilities in Victoria.

The Commission advises that the reasons for having a proportion of their workforce as contractors include:

- some highly skilled, capable quality assessors prefer to work as contractors rather than employees;
- there is an Average Staffing Level (ASL) Cap that is an approved limit set by Government on the number of Australian Public Service (APS) employees that an APS agency can have. The Commission operates under the agency ASL cap of the Department of Health.

The Commission has implemented a comprehensive risk assessment process and relevant risk controls to minimise the risk of transmission of COVID-19 for Commission staff (including labour hire staff) who conduct visits to aged care facilities in Victoria and elsewhere. This has included provision of the appropriate personal protection equipment and training by infection control specialists supported by state health authorities.

The Commission has advised the CPSU that leave and pay conditions for contractors align to the terms of the contract between the Commission and the labour hire company and remain a matter for the labour hire company. Contractors have been advised to contact their labour hire company to enquire about the support and provisions they have in place should they contract COVID-19 or are required to self-isolate. The Commission has confirmed that a range of options are offered to labour hire staff by their employers if they should become unwell due to performing their duties.

Additionally, contractors are able to access other appropriate government payments should they be unable to carry out their work for the Commission, including the Commonwealth Pandemic Leave Payment for people living in Victoria.

Thank you for raising this matter.

Yours sincerely

Richard Colbeck



8 July 2021

The Hon Greg Hunt MP  
Minister for Health and Aged Care  
Parliament House, Canberra ACT. 2600

*by email:*

The Hon Karen Andrews MP  
Minister for Home Affairs  
Parliament House, Canberra ACT. 2600

*by email:*

Senator the Hon Richard Colbeck  
Minister for Senior Australians and Aged Care Services  
Parliament House, Canberra ACT 2600

*By email:*

Dear Ministers

### **COVID-19 vaccination and public health concerns**

I write to you regarding ongoing concerns with the COVID-19 vaccination roll-out and appropriate testing arrangements for key priority groups of workers in the APS, specifically Australian Border Force Marine Unit officers in the Department of Home Affairs and Aged Care assessors in the Aged Care Quality and Safety Commission.

We are concerned, in both instances, the community and APS workers are being put at risk of contracting and transmitting COVID-19.

Having sought and failed to resolve these issues with the relevant agencies, I am now seeking your assistance.

#### **1. Lack of routine COVID-19 testing for Australian Border Force Marine Unit Officers**

There is **no protocol for COVID-19 testing of Australian Border Force Marine Unit officers** before, during, or after time at sea.

Officers of the Australian Border Force Marine Unit have been concerned for some time about the lack of access to routine COVID-19 testing. The recent changes to the operational tempo mean officers are now highly concerned they may become infectious during a patrol through the course of their duties and then spread the virus to other officers, family and other people in the community. Officers understand the Delta variant of COVID-19 is highly contagious and more likely to be encountered in the course of their duties.

There are testing kits on only two of the vessels in the fleet and the Australian Border Force has directed they must only be used if an officer, on that vessel, has been in contact with a known case or demonstrates symptoms. The people they encounter on patrol do not announce their COVID-19 status and therefore may be unknown cases.

The CPSU is seeking a systematic and consistent testing regime that aligns with those in place for health, hotel quarantine, and airport workers. To date, the Department has refused to adopt routine testing on the basis there is no public health order requiring Australian Border Force Marine Unit officers to be tested.

**We ask the Minister to, with all urgency,** take all necessary steps to ensure COVID-19 testing of Australian Border Force Marine Unit officers before they disembark a vessel at the end of a shift.

## ***2. Facilitating access to COVID-19 vaccinations for priority groups – Australian Border Force Marine Unit Officers***

Approximately 4,300 Departmental officers were included in the priority 1(a) and 1(b) vaccination rollout. Of significant concern, is that more than 650 Departmental staff are yet to receive any vaccination, despite giving consent many months ago. Some officers are reporting having to wait for two months to access a booking.

In particular, the CPSU is very concerned that **only 25% of all Australian Border Force Marine officers intercepting and interacting with foreign nationals across our northern sea border are fully vaccinated.** Vaccine hesitancy is not an issue, with 82% indicating they want vaccination. As at 6 July 2021, the Department reports that among the 534 strong National Marine Unit:

- **233 officers are still waiting on their first dose, despite having consented in May,**
- 68 officers have had their first dose and are waiting for their second dose, and
- 137 are fully vaccinated, or about 25% of all officers.

The Department had delays in providing the names of officers to local health authorities and has relied on officers following up in their home state. There are substantial operational difficulties with this approach, as officers are deployed at sea which significantly limits the opportunities to receive the vaccination.

The CPSU proposed the Department actively liaise with health authorities in ports where vessels dock to facilitate vaccination before or after a shift. This could be coordinated days or even weeks before the vessel docks to ensure the correct amount of vaccine is ready for those officers who consent. Thus far the Department has been unwilling to take this approach.

**We ask the Minister to, with all urgency,** liaise with health authorities in the home ports of Perth, Darwin and Cairns to bring vaccines to the officers before they disembark their vessel at the end of a shift.

### **3. Expansion of priority categories for vaccination**

The CPSU continues to be concerned that groups of APS employees working in arrangements that put themselves and others at an elevated risk of contracting and transmitting COVID-19 have not been vaccinated and are only eligible through their relevant population and/or age grouping.

#### **a) Aged Care Quality Safety Commission – Aged Care assessors**

Of particular concern are Aged Care assessors working in the Aged Care Quality Safety Commission. Given these roles involve direct field work into aged care facilities, the CPSU has long argued for their inclusion with other aged care workers.

Several field staff have advised they have been unable to get vaccinated as part of the general public roll out. Given the difficulty in accessing the COVID-19 vaccine, CPSU members are concerned they may inadvertently contract and transmit COVID-19 to vulnerable members of the community.

ACQSC staff, notably field staff, need to be prioritised in the COVID-19 vaccine roll out. Every time an assessor enters a facility without a vaccination it puts substantial risk to themselves, aged care workers and residents who are the most vulnerable in this pandemic.

While much of the focus of the vaccine rollout has been on residential care facilities vaccine, many vulnerable elderly receive care in their homes. Home care providers have not been prioritised for the vaccine and visit numerous elderly people in their homes over the course of a day, which creates a range of significant risks.

Of specific concern for ACQSC employees, the regulator is under enormous pressure to complete more home care reviews as part of the Royal Commission findings. With more assessments carried out in elderly people's homes the need to prioritise the immunisation of ACQSC assessors is even more pressing.

#### **b) Further groups of APS employees – international ports and face-to-face roles**

There are a range of other APS employees who should be considered for prioritised access to the vaccination program. This includes Australian Border Force employees who work with officers deployed to international ports, including in cargo and mail functions.

I also note there are several agencies with face-to-face services which also carry increased risks around COVID-19, including but not limited to Home Affairs employees undertaking visa work, Services Australia and NDIA employees. Consideration should be given to prioritised access for these groups as well.

Yours sincerely

Melissa Donnelly  
**National Secretary**