

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

ATTORNEY-GENERAL'S DEPARTMENT

**Portfolio**

**Question No. 78**

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

Contractors

For this financial year to date:

1. How many contractors are currently employed in the department/agency?
2. How many contractors have been under contract for a period of more than 2 years?
3. How many contractors have been under contract for a period of more than 5 years?
4. How many contractors have been under contract for a period of more than 10 years?
5. Does the department/agency make a habit of employing contractors to fill positions on a permanent basis?

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

See tables below

**Australian Law Reform Commission**

1.	Nil
2.	Nil
3.	Nil
4.	Nil
5.	No

## Attorney Generals Department

1.	156 (36 of the 156 are casual employees with majority of these 36 employees working on the National Security Hotline)
2.	16
3.	3
4.	0
5.	No. AGD adheres to the Public Service Regulations 1999 which stipulates the reasons where non-ongoing employment arrangements can be utilised.

## Office of Parliamentary Counsel

1.	Nil
2.	Nil
3.	Nil
4.	Nil
5.	No

## **Australian Government Solicitor (AGS)**

AGS refers to 'contractors' as those persons who are engaged to provide a specialised service but who are not AGS 'non-ongoing' employees (ie employed on a term or casual basis).	
1.	5
2.	1
3.	1
4.	0
5.	No. Contractors are only used in AGS for a role that either requires a specific skill set, or where only a short term need exists. Typically the contractors employed in AGS are in specialised support roles, for example IT and systems.

## **Federal Court of Australia**

1.	4 contractors are currently employed at the Federal Court.
2.	Nil
3.	Nil
4.	Nil
5.	No

## **Australian Human Rights Commission**

1.	Two
2.	Nil
3.	Nil
4.	Nil
5.	No

## Family Court

1.	There are currently 15 IT contractors engaged by the Family Court of Australia (FCoA). Contractors (other than IT contractors) are generally engaged at a local registry (state) level within the FCoA on an ad-hoc, and generally short term, basis. Data on these contractors is not maintained at a central level and therefore is not available.
2.	Eight
3.	Four
4.	None
5.	No

## Federal Magistrates Court

1.	There are no IT Contractors currently employed by the Federal Magistrates Court of Australia (FMC). Contractors (other than IT contractors) are generally engaged at a local registry (state) level within the FMC on an ad-hoc, and generally short term, basis. Data on these contractors is not maintained at a central level and therefore is not available.
2.	Not Applicable
3.	Not Applicable
4.	Not Applicable
5.	No

## Office of the Australian Information Commissioner

1.	One
2.	None
3.	None
4.	None
5.	No

## Administrative Appeals Tribunal

1.	3 (less than 1.5 FTE)
2.	2
3.	1
4.	Nil
5.	No. Contractors have been used for internal audit and casual records management as the need for continuing specialist knowledge but limited hours makes it difficult to recruit and retain employees in these areas. During 2011-12 a librarian has been engaged on a contract basis pending a review of the Tribunal's requirements in this area.

## CrimTrac

1.	There are 12 contractors employed in the agency.
2.	There is 1 contractor which has been under contract for a period of more than two years.
3.	No contractors have been under contract for a period of more than 5 years
4.	No contractors have been under contract for a period of more than 10 years
5.	No. Contractors are only used where there is a short term/project requirement.

## Australian Institute of Criminology

<p>The AIC only became subject to the Public Service Act in July 2011 and at this point transferred most employees under a s74 determination from employment under the Criminology Research Act to the PS Act. Therefore all references to contract period are with reference to employment under the PS Act. The contractors listed are all on-going employees employed under the PS Act.</p>	
1.	22
2.	Nil
3.	Nil
4.	Nil
5.	No

## Australian Transaction Reports and Analysis Centre (AUSTRAC)

1.	61.
2.	23.
3.	10.
4.	Nine.
5.	AUSTRAC's current policy is to use contractors to fill specific roles where specialist skills are required for a given project. AUSTRAC has a legacy of longstanding contractors dating from the inception of the agency, at which time a full outsourcing approach was adopted. AUSTRAC is actively working to convert this legacy workforce to APS roles where appropriate, but without jeopardising the agency's operations by losing critical skilled individuals.

## **ACLEI**

1.	Nil
2.	Nil
3.	Nil
4.	Nil
5.	Nil

## **National Native Title Tribunal**

1.	No contractors are currently employed by the NNTT
2.	Not applicable
3.	Not applicable
4.	Not applicable
5.	No

## **Australian Crime Commission**

1.	19
2.	0
3.	0
4.	0
5.	No

## **Insolvency and Trustee Service Australia**

1.	112
2.	11
3.	3
4.	0
5.	ITSA fills all permanent positions on a permanent basis (ongoing) where possible. However, due to the changing trends in insolvency there is a need to keep a level of flexibility in each area of the business to cover for this variation. ITSA never employs a non-ongoing employee for more than 3 years in the same position.

## **ASIO**

1.	48 contractors are currently employed by the Organisation.
2.	8 of these contractors have been engaged for a period of more than 2 years.
3.	1 of these contractors has been engaged for a period of more than 5 years.
4.	None of the contractors have been engaged for a period of more than 10 years.
5.	Where appropriate contractors are used to fill permanent positions.

## **Australian Customs Border Protection Service (Customs and Border Protection)**

1.	As at 29 February 2012, there are 184 contractors currently employed within Customs and Border Protection.
2.	As at 29 February 2012, 43 contractors have been under contract for a period of more than 2 years.
3.	As at 29 February 2012, 5 contractors have been under contract for a period of more than 5 years.
4.	Customs and Border Protection has no contractors that have been under contract for more than 10 years.
5.	Customs and Border Protection engage contractors to provide services to the agency generally requiring specialist skills. No agency policy exists that requires contractors to be engaged to fill positions on a permanent basis. Customs and Border Protection endeavours to fill positions on a permanent basis with departmental staff wherever possible.



## **The Office of the Director of Public Prosecutions (CDPP)**

1.	Nil
2.	Nil
3.	Nil
4.	Nil
5.	No

## **Australian Federal Police**

1.	As at 29 February 2012 the AFP had 334 contractors.
2.	Of the 334 contractors, 169 have been employed for a period of more than 2 years.
3.	Of the 334 contractors, 27 have been employed for a period of more than 5 years.
4.	None of the 334 contractors have been employed for a period of more than 10 years.
5.	AFP engages contractors to provide services generally requiring specialist skills. No policy exists that requires contractors to be engaged to fill positions on a permanent basis. The AFP endeavours to fill positions on a permanent basis with departmental staff wherever possible.

## **The High Court of Australia**

1.	One
2.	Nil
3.	Nil
4.	Nil
5.	No