

## Department of Justice – Digital Technology Services – Dispute on use of Agency Contractors and Consultants

The Public Service Association listed a Dispute in the Industrial Relations Commission (IRC) against the Department of Justice, Digital and Technology Services (DTS) in relation to the continued use of Agency Contractors as Supervisors. This is contrary to recommendation by the IRC in 2017 and the Crown Employees (Public Service Conditions of Employment) Award 2009.

After hearing the parties, the IRC made the following recommendations:

1. Digital and Technology Services is to review its current supervisory arrangements, to ensure that contingent workers (contractors) and consultants are not supervising public service employees.
2. Digital and Technology Services is to ensure contingent workers (contractors) and consultants do not exercise administrative and financial delegations, as per
  - » Clause 3.64 of the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009*;
  - » Section 27 of the *Government Sector Employment Act 2013*;
  - » Section 12 of the *Public Finance and Audit Act 1983* and
  - » The Secretary's Direction of 31 October 2017.
3. That the Department and the PSA continue to have ongoing discussions on this issue, noting the Departments undertaking to finalise the DTS restructure.

4. Should the parties be unable to resolve this matter within DTS, the matter can be relisted for further conciliation before the Commission.

The PSA will ensure that the Department of Justice complies with these Recommendations. The PSA also invites member feedback if these Recommendations are being breached.

The PSA is also having ongoing discussions with the Department of Justice about recruitment of public sector employees to ongoing roles, as opposed to use of Agency Contractors, as part of its wider Labour Hire Campaign.

### Your PSA staff are:

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### Finance:

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The PSA are looking for delegates in all areas of Justice Corporate Services. If you are interested, get in touch with your PSA Organiser.

### What can you do?

- » Encourage your colleagues to join the PSA online at:  
<https://membership.psa.asn.au/register>
- » Give a copy of this bulletin to your colleagues.
- » Post this bulletin up on your workplace noticeboard.
- » Update your workplace details at –  
<http://psa.asn.au/update-your-details/>

***United we Bargain, Divided we Beg – a unionised workplace is a fairer one!***

