

From: s22
To: Rachael Spalding
Cc: s22
Subject: Workplace relations legislative compliance
Date: Tuesday, 10 December 2024 7:12:00 PM

Hi Rachael

As discussed, at the request of the Chief People Officer, I will be sending through appropriate procurement documentation in the coming days for your delegate approval to seek procurement services from a suitably experienced consultancy provider to assess agency maturity and compliance with the Australian Public Service employment legislative frameworks, specifically (but not limited to) Part 2-9 of the *Fair Work Act 2009* (right to disconnect), and the *Workplace Health and Safety Act 2011* (psychosocial safety at work).

As you are aware, the AEC is the largest employer for one day, every three to four years to run a federal election. AEC employees are required to undertake a complex array of tasks to support the largest logistical exercise in Australia. The AEC is acutely cognizant of the requirement to comply with the new national right to disconnect laws that commenced on 26 August 2024 and the model WHS regulations last amended in September 2024. This work will be funded using existing budget in the People Branch cost centre (under \$80k) in an effort to determine whether the higher than anticipated workers compensation premium (September 2024 budget versus actuals) is associated with our workplace relations posture.

I propose to use a limited tender approach using exemption 17, in Appendix A of the Commonwealth Procurement Rules (CPRs) (allows for entities to directly engage a small and medium enterprise (SME) for procurements valued up to \$500,000 (including GST), providing value for money can be demonstrated). The supplier is s47F. s47F is the former acting Assistant Commissioner of the Economics and International Labour Branch at the Department of Employment and Workplace Relations. s47F was instrumental in leading the changes to the s47F for all national system employees, including the supporting implementation material for the s47F to assist government departments comply with the new obligations. Further, s47F is an expert in Commonwealth agency workplace relations legislative requirements and understands the APS context in which we are required to operate.

Given the legislation has been newly introduced, it is assumed that all APS agencies are all in the process of assessing their maturity and compliance, and as such, it is unlikely the market is not yet ready to offer other suitably experienced suppliers within the timeframe required. As outlined above, s47F is arguably the most knowledgeable person to undertake this work for the AEC given her recent experience and is available to commence early in the new year to give us the best opportunity to implement any urgent changes (if required based on risk) following a preliminary assessment by the end of February 2025.

Kind regards,

s22

s22 (she/her)

Director | Strategic Priorities

Enabling and Regulation Group

s47F