

Chief Operating Officer

## REQUEST FOR APPROVAL TO ENGAGE A CONTRACTOR UNDER A LABOUR-HIRE ARRANGEMENT

I am seeking approval to commence the process of engaging with a recruitment agency to procure the services of a contractor under a labour-hire arrangement.

### Details of vacancy

Branch	Program Delivery Branch
Team	ACT Strategy and FOI
Position Title	Review officer
Classification	s 47
Location of position	Canberra
Period of contract	31 August 2020 - 31 December 2020
Required security clearance level (if any)	Baseline
Job profile	See attached
Reasons for this request	Staff movements leaving a gap in FOI team
Impact if the position is not filled	The team may be unable to meet strict legislative timeframes for FOI reviews and to complete projects and strategy work that we have committed to
Reasons for not filling the position with an ongoing or non-ongoing employee	Legal and FOI experience required for this position – currently we do not have an available ongoing or non-ongoing staff member with these skills to fill this role
List any special requirements/attributes required for the role	Law degree required

**Approvals**

<b>REQUESTING OFFICER</b>	
Name: Anika	Title: Assistant Director
Signed: <b>s 47F</b>	Date: 28/7/2020

<b>SENIOR ASSISTANT OMBUDSMAN</b>	
Supported / Not Supported	
Name:	
Signed:	Date:

<b>CORPORATE</b>			
<b>Team</b>	<b>Cleared (Y/N)</b>	<b>Name and Signature</b>	<b>Date</b>
Finance			
Property			
IT			
HR			

<b>CHIEF OPERATING OFFICER</b>	
Approved / Not Approved	
Name:	
Signed:	Date:

## Checklist

Once approval to engage a contractor under a labour-hire arrangement has been given follow the below checklist to ensure all Corporate requirements are met prior to the commencement of a contractor.

Step	Detail	Check
<b>Finding a contractor and labour-hire firm</b>	<p>Contact recruitment agencies in your area and ask to be sent the resumes of job seekers on their books who meet the requirements of the position. Send them a copy of the job profile for their information.</p> <p>Arrange to meet with, or contact by phone, any who seem suitable.</p> <p>Once an ideal job seeker has been identified advise the recruitment agency and enquire about their fees.</p> <p><u>NOTE:</u> We are encouraged to engage contractors through recruitment agencies who are party to a <b>Standing Offer/Panel arrangement for the provision of recruitment services</b>.</p> <p>If you are seeking a quote from a recruitment agency through a Panel arrangement, you must ask for the quote to be provided under the Panel conditions, otherwise the rates can be significantly higher.</p> <p>If you have identified an individual to refer to the recruitment agency, you must also only use a firm under a <b>Standing Offer/Panel arrangement for the provision of recruitment services</b>.</p> <p>If you have referred an individual to a recruitment agency, you should also include a clause that the Office will not pay a fee if the individual is engaged on a non-ongoing or ongoing arrangement. You should seek to remove any clause providing that the individual cannot be employed directly by the Office for any period (often referred to as a 'withholding period').</p> <p>If you have any concerns, or require assistance, consult with the <b>Procurement Team</b></p>	
<b>Spending approvals</b>	<p>Once the fees of the recruitment agency are known complete the <b>Public Governance, Performance and Accountability (PGPA) Act 2013 section 23 – rule 18</b> approval template. Check the <b>delegations</b> for the correct delegate based on the expected expenditure.</p> <p><u>TIP:</u> Ensure you include at least a 10% contingency into the PGPA approval, as any expenditure over the approved amount is a breach of the <b>Commonwealth Procurement Rules</b>.</p>	

<b>Work order</b>	<p>Once you have received the above approval, you can complete a work order.</p> <p>Contact the <b>Procurement Team</b> and ask:</p> <ol style="list-style-type: none"> <li>1. whether you need to complete an Instrument of Acceptance with the recruitment agency (and if so, provide a copy)</li> <li>2. for a Work Order template to complete for the engagement.</li> </ol> <p>Once you have completed the Instrument of Acceptance (if necessary) and the Work Order, provide these to the <b>Procurement Team</b> for review.</p> <p><u>TIP:</u> There are some mandatory terms for some sections of the Work Order – the <b>Procurement Team</b> can guide you on these.</p> <p>Once the <b>Procurement Team</b> has reviewed the Instrument of Acceptance (if necessary) and the Work Order, email them to the recruitment agency for consideration.</p> <p><u>TIP:</u> Ask the recruitment agency to provide any amendments in track change, otherwise to sign and provide you with a scanned copy.</p> <p><u>TIP:</u> Once you have received a signed version of the Instrument of Acceptance (if applicable) and the Work Order, check the document to ensure that there have not been any inadvertent amendments.</p> <p><u>REMEMBER:</u> The Commonwealth signs after all other parties to the agreement have signed.</p> <p><i>If you have any concerns about the contract you can speak with the <b>Legal Team</b>.</i></p>	
<b>Prior to contractor commencement</b>	<p>A copy of the following signed documents are to be provided to both the Procurement and HR Teams:</p> <ol style="list-style-type: none"> <li>1. Request for approval to engage a contractor under a labour-hire arrangement,</li> <li>2. PGPA Act approval, and</li> <li>3. Instrument of Acceptance (if applicable) and Work Order.</li> </ol> <p>Upon receiving all of the above HR will send an email with all the required new starter paperwork the contractor will need to complete and return prior to commencement.</p> <p>Once all the new starter paperwork is returned HR will advise IT of the contractors' commencement. HR will also email the Director a <b>Manager's</b></p>	

	<p><b>Checklist for New Starters</b> which will need to be completed and returned to HR within the first 6 weeks of commencement.</p> <p><u>NOTE:</u> There is a minimum of 5 working days from the date HR receives all the completed new starter paperwork before the contractor can start.</p>	
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--