

**Senate Standing Committee on Environment and Communications**  
**Answers to Senate Estimates Questions on Notice**  
**Budget Estimates May 2017**  
**Communications Portfolio**  
**Department of Communications and the Arts**

**Question No: 198**

**Program 2.1**

**Hansard Ref: Written, 07/06/2017**

**Topic: Arts portfolio – Engagement of non-public servants**

**Senator Urquhart, Anne asked:**

1. What are the policies and arrangements within each agency in the arts portfolio (rather than the Department itself) in relation to the engagement of staff members who are not public servants, including senior executives?
2. In relation to each agency, how many staff members are public servants and how many staff members are non-public servants, including contractors?

**Answer:**

**Arts Agencies**

- Australia Council
- Australian Film Television and Radio School
- Australian National Maritime Museum
- Bundanon Trust
- Creative Partnerships Australia
- National Gallery of Australia
- National Film and Sound Archive
- National Library of Australia
- National Portrait Gallery of Australia
- National Museum of Australia
- Old Parliament House
- Screen Australia

**Australia Council**

1. As the Australia Council is a corporate commonwealth entity, rather than an Australian Public Service (APS) agency, staff of the Australia Council are not public servants. Section 43 of the *Australia Council Act 2013* enables the Australia Council to employ staff members under the organisation's terms and conditions. The Australia Council uses merit-based recruitment and selection practices which are formalised through the Australia Council Recruitment and Selection policy. The Australia Council Enterprise Agreement 2011-2014 and a letter of engagement provides the terms and conditions of engagement for all staff except senior managers and executives. Common law employment agreements provide the terms and conditions for senior managers and executives.

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The Chief Executive Officer (CEO) is appointed by the Australia Council Board after consultation with the Minister responsible for the arts portfolio, under section 35(1) of the *Australia Council Act 2013*. Engagement of the CEO is in accordance with relevant legislation, including determinations made by the Remuneration Tribunal.

2. As at 14 June 2017, the Australia Council employs 107 staff and three contractors, none of whom are public servants.

#### Australian Film Television and Radio School (AFTRS)

1. All AFTRS employees are employed under the *Australian Film, Television and Radio School Act 1973*.
2. As of 13<sup>th</sup> June 2017, we have 123 staff and 130 casual staff by headcount. In addition, we currently have 16 contractors commissioned to deliver guest lectures, however they are not employees.

#### Australian National Maritime Museum (ANMM)

1. The ANMM engages employees on short term labour hire contracts to address casual, short term, or urgent requirements for additional resources and/or skills. These contracts are commercial in nature ie. the employees are not covered by the *Public Service Act 1999*. Contracts are negotiated directly by the ANMM with the company supplying the employees, in accordance with its Act and procurement policies and guidelines.
2. As at 16 June 2017, the ANMM has 120 APS employees and has engaged a further 12 employees on labour hire contracts.

#### Bundanon Trust

1. All staff, including senior executives, at Bundanon Trust are contracted, non-public service employees. Staff are recruited based on a merit based application process.
2. There are currently 22 (Full Time Equivalent) non-public service positions at Bundanon Trust. The number of equivalent non-public service personnel as at the most recent payroll (13 June 2017) is 34.

#### Creative Partnerships Australia

1. As Creative Partnerships Australia does not employ staff under the *Public Service Act 1999*, all engaged staff members (including senior executives) are not public servants. Staff are recruited based on a merit based application process.
2. Creative Partnerships Australia employs 18 people (including one contractor) none of whom are employed under the *Public Service Act 1999*.

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##### **National Gallery of Australia (NGA)**

1. The NGA is a Commonwealth Authority established by and staffed under the National Gallery Act 1975. As such, while employed in the Commonwealth public sector, employees, including senior executives, are not technically public servants. The terms and conditions of employment are as determined by the NGA's Council.
2. The NGA therefore employs no public servants. As at 24 May 2017 the NGA had 295 employees (217 Full Time Equivalent positions), and 153 registered contractors, though only some of these are on site at any one time.

##### **National Film and Sound Archive (NFSA)**

1. The NFSA complies with the *Public Service Act 1999*, *Public Service Regulations 1999* and Public Service Commissioner's Directions 1999 in relation to the engagement of staff members.
2. All staff members at the NFSA (total 192) are public servants.

##### **National Library of Australia (NLA)**

1. The NLA does not have a policy or formal documented arrangements for engaging staff members who are not public servants. Arrangements for contractors (engaged through a labour hire company) are governed by the NLA's procurement policies.
2. As at 26 May 2017 there were 429 staff members (includes staff on paid leave and casual employees paid during that pay period) who are public servants and 51 contractors (engaged through a labour hire company and excluding outsourced activities such as cleaning and security).

##### **National Portrait Gallery of Australia (NPGA)**

1. Engagement of non-public servants at the NPGA requires Executive approval and is only for volunteers or in peak business periods.
2. The NPGA currently has a full time equivalent (FTE) of 49 public servants, 0.6 FTE contractors and 0.8 FTE volunteer librarians.

##### **National Museum of Australia (NMA)**

1. The NMA complies with public sector legislation, Australian Public Service Commission (APSC) guidelines and Government policy when engaging employees. The NMA engages non-public servants where the relevant skills or knowledge for the task or project are not available or immediately available within the Australian Public Service.
2. As at 31 May 2017, the NMA had a total of 260 staff, which comprised 249 public servants and 11 non-public servants, including contractors.

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**Museum of Australian Democracy at Old Parliament House**

1. The Agency follows the Commonwealth Procurement Rules and internal Procurement Guidelines in relation to employing contractors.
2. As at 7 June 2017 staff members who are public servants: 91; staff members who are contractors: nil.

**Screen Australia**

1. Screen Australia, through the *Screen Australia Act 2008*, is able to engage employees under either the PS Act (PS employees) or the Screen Australia Act (non-PS employees). The Screen Australia Enterprise Agreement covers both PS and non-PS employees (excluding SES).
2. Headcount as at 30 May 2017:
  - Staff engaged under the PS Act – 8 (7.6 FTE)
  - Staff not engaged under PS Act – 97 (93.12 FTE)