

Senate Standing Committee on Environment and Communications
Answers to Senate Estimates Questions on Notice
Supplementary Budget Estimates Hearings October 2015
Communications Portfolio
National Film and Sound Archive

Question No: 149(m)

National Film and Sound Archive
Hansard Ref: Written, 2/11/2015

Topic: Staffing - employment of non-Australian citizens

Senator the Hon Joe Ludwig asked:

I refer you to section 22 (8) of the Public Service Act 1999 which says:

"An Agency Head must not engage, as an APS employee, a person who is not an Australian citizen, unless the Agency Head considers it appropriate to do so."

1. Does the department have guidelines or similar to assist Agency Heads to assess when it is appropriate to hire non-Australian citizens? If no, do individual agencies have their own guidelines? If yes to either:
 - a) Please provide a copy.
 - b) When did they come into effect?
 - c) Can Agency Heads decide to go against the advice? If yes, under what circumstances?
2. Are Agency Heads required to provide a reason to anyone for hiring non-Australian citizens? If yes:
 - a) Who are they required to report the reason to?
 - b) Does this reporting happen before or after the hire has been made?
 - c) Is this reason provided in writing? If no, how is it provided?
 - d) Can you please provide a list of reasons that have been used since the Federal election in September, 2013.
3. Are there any provisions to over-rule a Head of Agency's decision to hire a non-Australian citizen? If yes:
 - a) Who can over-rule this decision?
 - b) Under what circumstances can it be over-ruled?
 - c) How many times has this occurred since the Federal election in September, 2013.

Answer:

- 1)
 - a) The National Film and Sound Archive adheres to the Public Service Act 1999 and require employees to be an Australian citizen, or be eligible to apply for Australian citizenship. The Archive does not have specific guidelines.
 - b) Not applicable.
 - c) Yes – if no Australian Citizens are found suitable for an advertised position, or where an applicant is in the process of applying for citizenship.
- 2) Yes.

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- a) The Agency Head is required to formally waive the requirement to fill a position with an Australian Citizen via memo to Head of Human Resources Management (HRM).
 - b) This reporting happens prior to a non-citizen being employed.
 - c) The reason is included in the memo to Head of HRM.
 - d) This occurred in one instance. The applicant was in the process of obtaining citizenship; the occupation was on the Consolidated Skilled Occupations List as defined by Department of Immigration and no Australian citizens applied for the position.
- 3) No.