

Senate Standing Committee on Environment and Communications
Answers to Senate Estimates Questions on Notice
Supplementary Budget Estimates Hearings October 2015
Communications Portfolio
National Gallery of Australia

Question No: 149(n)

National Gallery of Australia

Hansard Ref: Written, 02/11/2015

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 Gallery of Australia is not an APS Agency and does not have guidelines but models the APS in relation to this matter – as described on the Gallery website: "To be considered for a vacancy at the National Gallery you must be an Australian citizen or eligible to apply for Australian citizenship within a reasonable period of time. If you accept a job offer from us you will need to provide evidence of citizenship and undertake a security check."
 - b) 2008.
 - 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.

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2) Yes.

- 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.