

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Group: 1

Program: Whole-of-Portfolio

Question No. BE15/114

Senator Ludwig asked the following written question from the 27 and 28 May 2015 hearing:

1. What is the Department/Agency's policy with regard to hiring non-Australian citizens?
2. Does the agency have a Culturally and Linguistically Diverse (CALD) policy? If yes, please provide a summary.
3. How does the Department/Agency determine whether a person is a non-Australian citizen?
4. How many staff who were not Australian Citizens have been hired by the Department/Agency since the Federal Election in September, 2013? Please break the numbers down by:
 - a. Levels at which they are employed
 - b. Immigration Status (Visa)
 - c. Cultural Background
 - d. Linguistic Background
 - e. How many were hired to satisfy CALD targets?

The answer to the honourable senator's question is as follows:

1. Agencies, including non-APS agencies, apply subsection 22(8) of the *Public Service Act 1999*, which states that an Agency Head must not engage, as an employee, a person who is not an Australian citizen unless the Agency Head considers it appropriate to do so.

2. The portfolio's response to this question is set out in the table below, and lists only those agencies that have workplace diversity plans or statements.

| Agency | Summary |
|---------------------------------------|---|
| Attorney-General's Department (AGD) | <p><i>AGD Diversity Statement:</i></p> <ul style="list-style-type: none"> • To work with people from diverse backgrounds so that they can reach their full potential within the AGD • Diversity of employees in AGD can be one of our greatest strengths, enriching organisational performance to support AGD's mission of 'achieving a just and secure society', and • The Department has a CALD Network and a CALD Champion at the Deputy Secretary level |
| Administrative Appeals Tribunal (AAT) | <p><i>Workplace Diversity Statement of Commitment:</i></p> <p>The AAT is committed to creating a fair and inclusive working environment that values and utilises the contribution of its members and staff from diverse backgrounds and experiences. The AAT recognises that all people have different qualities, skills, qualifications, experience and attitudes to work and that valuing and making the most of these differences can improve the workplace for individuals and enhance the overall performance of the AAT.</p> <p>The AAT supports the maintenance of the principles of equity and diversity in the Australian Public Service. All members and staff of the AAT can contribute by being familiar with the AAT's workplace diversity objectives and principles, consistent with the AAT's Service Charter, to:</p> <ul style="list-style-type: none"> • treat each other with respect and dignity • make decisions genuinely based on equity and fairness • promote awareness of workplace diversity within the AAT • develop and maintain a highly skilled, diverse and effective workforce, where all employees and members are valued, encouraged and provided with opportunities to develop their potential • develop a supportive workplace culture which allows employees and members to balance their work and personal life • provide a safe, secure and healthy workplace, free of discrimination and harassment • embrace workplace diversity principles in recruitment and selection processes, and • incorporate the principles of equity and diversity in our business activities |
| Australia Council | <p>The Australia Council addresses this within its Cultural Engagement Framework. This framework encompasses a range of policies, strategies and programs aimed at ensuring equity of access to our grants and initiatives.</p> <p>When advertising vacant positions, the Australia Council includes a statement of commitment to equity and inclusion, welcoming applications from diverse Aboriginal, cultural and regional communities, including people with disability. Employees are asked to respond to a questionnaire on commencement of employment as to whether they identify as CALD.</p> |
| Australian Federal Police (AFP) | <p>The <i>AFP Workforce Diversity Plan</i> is designed to:</p> <ul style="list-style-type: none"> • address the findings in the Diversity Audit – the audit provided positive feedback on the AFP's commitment to diversity, |

| Agency | Summary |
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| | <p>and highlighted the need for stronger governance arrangements, and a planning framework</p> <ul style="list-style-type: none"> • build on current workforce planning, recruitment and diversity initiatives • build on initiatives by AFP diversity groups: Women’s Network, Gay and Lesbian Liaison Officer Network (GLLO), and the Malunggang Indigenous Officer Network (MION) • generate more awareness within the organisation of the benefits of workplace diversity, and • profile diversity initiatives across the AFP more effectively. <p>The Plan incorporates four sub-plans that target diversity groups identified as having lower than average workforce participation rates in the AFP. The diversity groups, targeted are:</p> <ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander Australians • Women • People with disabilities • People from culturally and linguistically diverse backgrounds • Gay, lesbian, bisexual, transgender and intersex people <p>The AFP is in the process of developing the AFP Diversity and Inclusion Strategy (DIS) 2015-2020, which will include CALD as one of the AFP’s five diversity target groups. The DIS will propose a number of strategies to attract, recruit and develop employees from CALD backgrounds.</p> |
| Australian Film Television and Radio School (AFTRS) | AFTRS has an Equal Employment Opportunity Policy which is consistent with the <i>Equal Employment Opportunity (Commonwealth Authorities) Act 1987</i> . This commits to ensuring a workplace that utilises and develops the potential of every employee and is free from direct and indirect discrimination as well as enabling and Equal Employment Opportunity Plan. |
| Australian Law Reform Commission (ALRC) | <p>Within the <i>Agency Multicultural Plan</i> the ALRC commits to:</p> <ul style="list-style-type: none"> • working towards meaningful and ongoing dialogue with people from diverse backgrounds • engaging and consulting with diverse groups, individuals and organisations • promoting diverse representation in the ALRC workforce and internship program • promoting understanding of issues relevant to diverse peoples amongst ALRC staff, and • considering the impact on diverse peoples in developing recommendations for reform |
| Museum of Australian Democracy (MOAD) | The MOAD does not currently have a CALD Diversity Policy; however the development of a CALD policy is a future priority. |
| National Museum of Australia (NMA) | The NMA <i>Cultural Diversity Policy</i> which outlines principles to guide the approach to cultural diversity in collecting, exhibitions, programmes, services, and employment. The NMA also has a <i>Diversity Action Plan</i> which lists the actions taken |

| Agency | Summary |
|--|---|
| | to celebrate and value diversity in all tasks, create a fair and respectful workplace culture, and to build and retain diverse capabilities and experience. |
| National Library of Australia (NLA) | The NLA has a <i>Workplace Diversity Policy</i> which focuses on maintaining strong workforce representation of women, people with disability and people from cultural and linguistically diverse backgrounds by providing a working environment for all staff which is inclusive, safe and where all staff are treated with respect. |
| Australian National Maritime Museum (ANMM) | The ANMM supports diversity through the <i>Corporate Plan 2015-2019</i> , the <i>Disability Action Plan</i> , the Welcome Wall, and meeting the Government's <i>Indigenous Employment Strategy</i> . The ANMM is further strengthening their commitment through a new CALD policy currently under development. |

3 On application for a position within the portfolio, candidates are required to confirm citizenship and provide evidence.

4 The portfolio's response to this question is set out in the table below, and lists only those agencies that have engaged non-Australian citizens.

| Agency | Number of people engaged | Position | Immigration status | Cultural background | Linguistic background | Meets CALD targets |
|---|--------------------------|---|--|---|---|---------------------------------|
| Attorney-General's Department | 1 | 1-Baseline | Permanent Resident (has since obtained citizenship) | New Zealand | English | AGD does not have CALD targets |
| Australia Council of the Arts | 5 | AC Band 3 AC Band 3 AC Band 4 AC Band 4 AC Band 5 | Permanent Resident Permanent Resident Permanent Resident New Zealand Citizen New Zealand Citizen | United Kingdom France Germany New Zealand New Zealand | English French German English English | No |
| Australian Federal Police | 1 | AFP Band 7 | Eligibility Waiver (applying for citizenship) | New Zealand | English | No |
| Australian Film Television and Radio School (AFTRS) | 1 | SES Band 2 | 457 Visa | United Kingdom | English | No |
| Australian Financial Security Authority | 1 | APS4 | Permanent Resident, Skilled Nominated SN190 | This information is not recorded | | AFSA does not have CALD targets |

| Agency | Number of people engaged | Position | Immigration status | Cultural background | Linguistic background | Meets CALD targets |
|---|--------------------------|--|--|---|---|---|
| Australian Institute of Criminology | 2 | APS5 APS6 | Permanent Resident Permanent Resident | German Irish | German English | AIC does not have CALD targets |
| Australian National Maritime Museum | 1 | EL2 | Visa 457 | British | English | No |
| Australian Security Intelligence Organisation | 1 | Information cannot be provided | Eligibility Waiver | Information cannot be provided for reasons of national security | | |
| Federal Court of Australia (FCoA) | 3 | EL1 APS 6 APS 6 | Permanent Resident Permanent Resident Permanent Resident | Anglo Celtic Anglo Celtic Asian | English English Tamil | FCoA does not have CALD targets |
| National Library of Australia (NLA) | 6 | APS 2 APS 2 APS 2 APS 2 APS 6 APS 6 | Permanent Resident Permanent Resident Permanent Resident Permanent Resident Permanent Resident Permanent Resident | This information is not recorded | Thai Japanese Japanese Burmese Chinese English | NLA does not have CALD targets |
| Screen Australia | 6 | SA Level 4 SA Level 4 SA Level 5 SA EL 2 SA EL 2 SES Band 1 | Working Holiday visa (subclass 417) New Zealand Citizen New Zealand Citizen Nomination Scheme (subclass 186) New Zealand Citizen Temporary Work (Skilled) visa (subclass 457) | This information is not recorded | | Screen Australia does not have CALD targets |