



Australian Government
Attorney-General's Department

Corporate Services Group

Employee Relations Advice

WORKING FOR THE ATTORNEY-GENERAL'S DEPARTMENT – AUSTRALIAN CITIZENSHIP REQUIREMENT – No. 12/2008

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This Employee Relations Advice (ERA) replaces ERA No.2/2004 *Working for the Attorney-General's Department – Australian Citizenship Requirement* and applies to all employees of the Department.

PURPOSE

1. This ERA informs employees of the Australian citizenship requirement for the engagement of APS employees by the Department and for people involved in the performance of services for the Department under contract for service arrangements between the Department and labour hire organisations.

BACKGROUND

2. It has been a long-standing requirement in respect of employment in the Australian Public Service that employees hold Australian citizenship unless exceptional circumstances apply. In this regard, Subsection 22(8) of the *Public Service Act 1999* provides that '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'.

3. Additionally, due to the large amount of security related work undertaken by the Department, it is considered prudent that work performed for the Department through contracted labour hire agencies is undertaken by Australian citizens.

POLICY

4. A requirement for Australian citizenship applies to the engagement of APS employees by the Attorney-General's Department or to people who are employed by a labour hire organisation contracted to perform work for the Department. Subject to paragraphs 5 and 7 below, all vacancy advertisements, tender documentation and contracts etc are to reflect the Australian citizenship requirement.

5. In circumstances where a recruitment delegate is of the view that a suitable field of applicants for a particular vacancy is not likely to be available if the Australian citizenship requirement is applied, the delegate may seek approval from the Secretary to waive the citizenship requirement for that vacancy.
6. In circumstances where a recruitment action results in a non-Australian citizen who is an APS employee in another agency being the preferred candidate, action must be taken to finalise any security clearance requirement before the recruitment action is finalised. However, if there is no security clearance requirement, the selection should precede subject only to the normal merit selection requirements of the Public Service Act.
7. The Secretary's approval must also be sought if it is proposed to engage a labour hire organisation without stipulating in the contract that people who work for the labour hire organisation on Departmental business must be Australian citizens.

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