

Senate Community Affairs Legislation Committee

SUPPLEMENTARY BUDGET ESTIMATES – 22 OCTOBER 2015 ANSWER TO QUESTION ON NOTICE

Department of Human Services

Topic: Staffing – Employment of Non-Australian Citizens

Question reference number: HS 35

Senator: Ludwig

Type of question: Written

Date set by the committee for the return of answer: 11 December 2015

Number of pages: 2

Question:

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."

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

Answer:

- a) The Department of Human Services complies with section 22(8) of the *Public Service Act 1999* with regard to employment decisions relating to the engagement of non-Australian citizens. In addition, to support the delegate in making informed decisions the

Department currently utilises the policy and guidance available from the Australian Public Service Commission see [Citizenship in the APS - APSC](#).

1. Not applicable.
 2. Not applicable.
 3. An agency head can approve the engagement of a non-Australian citizen in exceptional circumstances dependent on the requirements of the role. For example the occupant may require specific professional qualifications or specialised skills.
- b) There is no requirement for the Department to advise anyone of the reasons for hiring non-Australian citizens.
1. Not applicable.
 2. Not applicable.
 3. Not applicable.
 4. There have been two instances where non-Australian citizens have been engaged. Both candidates worked with the information and communication technology area and held specialist IT skills that are difficult to source.
- c) No.
1. Not applicable.
 2. Not applicable.
 3. Nil.