

**Senate Economics Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

**Treasury Portfolio**

Budget Estimates

2014 - 2015

**Department/Agency:** ACCC  
**Question:** BET 388-391  
**Topic:** Non-Australian Citizens Employed by the Department/Agency  
**Reference:** written - 17 June 2015  
**Senator:** Ludwig, Joe

**Question:**

388. What is the Department/Agency's policy with regard to hiring non-Australian citizens?
389. Does the agency have a Culturally and Linguistically Diverse (CALD) policy? If yes, please provide a summary.
390. How does the Department/Agency determine whether a person is a non-Australian citizen?
391. 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?

**Answer:**

388. Section 22(8) of the *Public Service Act 1999* prescribes 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. As the Agency Head of the ACCC/AER, under the *ACCC Citizenship Policy*, the Chairperson may exercise this discretion on a case-by-case basis, taking account of the following:
- the person must be eligible for and actively seeking Australian citizenship, and would obtain it within a reasonable period. The Chairperson must be satisfied that it would, in all the circumstances, be appropriate to appoint the person, or
  - it would be in the ACCC/AER's interests to engage the person, having regard to their skills, qualifications and experience and the availability of similarly skilled persons who are already Australian citizens.
  - the person must have a visa allowing them to work in Australia.

Where the Chairperson waives the citizenship requirement the person will be engaged on a non-ongoing basis pending granting of citizenship or for such period as the Chairperson considers appropriate.

If the person fails to obtain citizenship by an agreed deadline (the end of their term as a non-ongoing employee) their employment will be terminated unless the Chairperson determines otherwise.

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If the person is on transfer or transfer pending promotion, they will return to their original agency if they fail to obtain citizenship by an agreed deadline, unless the Chairperson determines otherwise.

Engagement cannot occur or cannot be extended if the person does not have a valid work visa for the term of the engagement.

389. The ACCC/AER does not have a specific CALD policy, however it does support a diverse workforce through recruitment practices, workforce planning and the Diversity Reference Group (DRG) that oversees the organisation's diversity initiatives. The ACCC/AER also has in place an Agency Multicultural Plan as required under the Government's *Multicultural Access and Equity Policy* which assists Culturally and Linguistically Diverse communities with increasingly accessible and equitable services and information.
390. All people new to the ACCC/AER are required to provide documents (Australian passport, citizenship documents or birth certificate for people born prior to 19 August 1986) to verify they are Australian citizens. Where a person is unable to provide documents that confirm they are an Australian citizen, the ACCC/AER requires a person to provide their passport from their country of citizenship as identification. Details from the person's passport are then used to interrogate the Department of immigration's Visa Entitlement Verification Online resource, verify the person's identity and determine the person's working rights in Australia.
391. One staff member who is not an Australian Citizen has been hired since the Federal Election in September 2013.
- a) APS 5
  - b) New Zealand citizen but will seek Australian Citizenship following his impending marriage.
  - c) Place of birth is New Zealand
  - d) First language is English only
  - e) N/A