

Senate Committee: Education and Employment

**QUESTION ON NOTICE
Supplementary Budget Estimates 2015 - 2016**

Outcome: Agency: ASQA

Department of Education and Training Question No. SQ15-000732

Senator Ludwig, Joe provided in writing.

ASQA - staffing - employment of non-Australian citizens

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."

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

The Australian Skills Quality Authority (ASQA) has provided the following response.

1. ASQA does not have formal policy or guidelines to assess when it is appropriate to hire non-Australian citizens.

If ASQA Human Resources was to recommend that the Agency Head approve the hiring of a non-Australian citizen the recommendation would include details of the special circumstances surrounding the recommendation. For example, the agency may have a particular need at that particular time which can only be filled using a non-Australian citizen.

ASQA had not hired any non-Australian citizens since the Federal election in September 2013.

2. No.
3. No.