

**Senate Finance and Public Administration Legislation Committee:
Answers to written Questions on Notice
Supplementary Budget Estimates 2015–16
Parliamentary Departments Portfolio
October 2015**

Department	Parliamentary Budget Office
Topic	Staffing – employment of non-Australian citizens
Senator	Senator Ludwig
Question reference number	14
Type of question	Written

Question

I refer to 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 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 yet, 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

- 1 No.
- 2 No.
- 3 No.