

**Senate Finance and Public Administration Legislation Committee
—Supplementary Budget Estimates Hearing—October 2015**

Answers to Questions on Notice

Parliamentary departments, Department of Parliamentary Services

Topic: **Staffing - employment of non-Australian citizens**

Question: **73**

Written **Senator Ludwig**

Date set by the committee for the return of answer: 4 December 2015

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

DPS does not operate under the *Public Service Act 1999*. However, a similar provision (section 22(8)(b)) in the *Parliamentary Services Act 1999* provides the Secretary must not engage an employee who is not an Australian citizen, unless the Secretary considers it is appropriate to do so.

1. Yes, refer to the response to 2015 Senate Budget Estimates Question on Notice No. 53 (attached).
2. Yes.
 - a. The decision to hire a non-Australian citizens is provided to the Director, HR Services and Strategy in order to finalise the on-boarding of the preferred candidate.
 - b. The reporting occurs before the hire has been made
 - c. Yes
 - d. – shortage of the skills or professional qualifications required to perform particular duties unable to be sourced from an Australian citizen
– difficulty attracting experienced candidates within Australia for short term contracts within Australia
– non-Australian citizens with required working visa to work in Australia

– academic qualifications and experience in required industry

3. No.

Senate Finance and Public Administration Legislation Committee —Budget Estimates Hearing—May 2015

Answers to Questions on Notice

Parliamentary departments, Department of Parliamentary Services

Topic: **Non-Australian Citizens Employed by the Department/Agency**

Question: **53**

Written: **Senator Ludwig**

Date set by the committee for the return of answer: 10 July 2015

1. What is the Department/Agency's policy with regard to hiring non-Australian citizens?
2. Does the agency have a Culturally and Linguistically Diverse (CALD) policy? If yes, please provide a summary.
3. How does the Department/Agency determine whether a person is a non-Australian citizen?
4. 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

1. The *Parliamentary Service Act 1999* provides at section 22 that:

(6) The engagement of a Parliamentary Service employee may be made subject to conditions notified to the employee, including conditions dealing with any of the following matters:

(b) citizenship;

(8) A Secretary must not engage, as a Parliamentary Service employee, a person who is not an Australian citizen, unless the Secretary considers it appropriate to do so.

DPS adopts the guidelines published by the Australian Public Service Commission in administering citizenship waiver requests. This is reflected in part 17 of the DPS Governance Paper for Recruitment and Merit Selection, which states:

“For the purpose of engaging employees under the Act, candidates must be Australian citizens. Where there is a request for an exception, a business case is required by the relevant Branch Head to the Director of HR Services for consideration and discussion with the Secretary. This business case must be prepared at the planning stage of the recruitment process (Refer to Section 6).”

2. No.
3. The application process requests candidates to identify whether they are an Australian citizen. As part of the police check process, prior to commencing with the department, each potential employee or contractor is asked to provide documents including birth certificate, passport and/or citizenship papers.
4. Two non-Australian Citizens have been employed by DPS since September 2013:
 - a. Parliamentary Service Level 6 – non-ongoing x 1
Parliamentary Executive Level 1 - non-ongoing x 1.

- b. Temporary Visa (Visa Class: Partner (Residence (class BS) Partner (subclass 801) x 1
Permanent Residency Visa x 1
- c. Canadian x 1
United Kingdom x 1
- d. English.
- e. Not applicable.