

**Senate Community Affairs Committee**

ANSWERS TO ESTIMATES QUESTIONS ON NOTICE

HEALTH PORTFOLIO

**Supplementary Budget Estimates 2015 - 2016, 21 October 2015**

**Ref No:** SQ15-000780

**OUTCOME:** 0 - Whole of Portfolio

**Topic:** Staffing - Employment of Non-Australian Citizens

**Type of Question:** Written Question on Notice

**Senator:** Ludwig, Joe

**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:**

1. No – The Department of Health follows the Australian Public Service Commission's (APSC) guidelines.
  - a) Not applicable.
  - b) Not applicable.
  - c) Yes, Agency Heads can decide to employ a non-citizen based on the needs of the Department, such as the skills or professional qualifications required to perform the particular duties (e.g. a specific professional group where there is a recognised domestic labour market shortage).

2. No. The Agency Head (or their delegate) is required to sign a waiver giving permission for a non-citizen to be employed before employment can commence.
  - a) Not applicable.
  - b) Not applicable.
  - c) Not applicable.
  - d) Not applicable.
  
3. No, there is nothing outlined in the APSC's guidelines to indicate that the Agency Head's decision can be over-ruled.
  - a) Not applicable.
  - b) Not applicable.
  - c) Not applicable.