

Senate Community Affairs Committee
ANSWERS TO ESTIMATES QUESTIONS ON NOTICE
SOCIAL SERVICES PORTFOLIO
2015-16 Supplementary Estimates Hearings

Outcome Number: Cross Outcome - Across Programmes Question No: SQ15-000839

Topic: Departmental Branding

Hansard page: Written

Senator Ludwig, Joe asked:

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. The Secretary of the Department of Social Services is guided by the recommendations from the Australian Public Service Commission (APSC) which are outlined in the document '*Citizenship in the APS*'.

a. The document is available on the APSC website, at

<http://www.apsc.gov.au/working-in-the-aps/your-rights-and-responsibilities-as-an-aps-employee/citizenship-in-the-australian-public-service>

b. The document was reviewed and updated in August 2015.

c. *Citizenship in the APS* sets out basic obligations that arise out of the Public Service Act 1999, and the *Australian Public Service Commissioner's Directions 2013* (the Directions).

2. No.

a. N/A.

b. N/A.

c. N/A.

d. To fill a non-ongoing position where there was a shortage of a particular skill/professional qualification in the Australian labour market.

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3. No.
 - a. N/A.
 - b. N/A.
 - c. Nil.