

**Senate Economics Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

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**Department/Agency: ASIC**

**Question: BET 420-423**

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

**Reference: written - 17 June 2015**

**Senator: Ludwig, Joe**

**Question:**

420. What is the Department/Agency's policy with regard to hiring non-Australian citizens?
421. Does the agency have a Culturally and Linguistically Diverse (CALD) policy? If yes, please provide a summary.
422. How does the Department/Agency determine whether a person is a non-Australian citizen?
423. 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:**

420. It is a condition of employment with the Australian Securities & Investments Commission (ASIC) that an employee be an Australian Citizen. All ongoing employees are required to be an Australian citizens. Non ongoing employees should also be a citizen, however a citizenship waiver may be issued if the employee is working towards citizenship.  
  
Under s22(8) of the Public Service Act 1999, the delegate may review the claims of a non citizen to be employed with ASIC and waive the requirement of citizenship under certain conditions. These conditions are:
  - The position is specialised and the other candidates did not readily demonstrate the skills and experience for the position;
  - You have the necessary visa and work rights extending throughout the period of employment; and
  - That you endeavour to become an Australian citizen as soon as practical.
421. ASIC's vision is set out in our Multicultural Plan 2013-2015. ASIC aims to engage and communicate with communities from Culturally and Linguistically Diverse

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(CALD) backgrounds to improve access and equity to ASIC's information and services when making financial decisions and investing. We aim to ensure our contact with the Australian community is respectful and our policies and programs are inclusive for all.

ASIC currently provides services to CALD communities through:

- providing financial management tools, publications, audio and video in 26 languages on our Money Smart website
- promoting the use of a telephone interpreter service on 131 450 for people who need to speak with an ASIC customer service representative
- providing a Money Management Kit for community settlement workers who work with new arrivals to Australia
- providing assistance to ASIC investigation teams to better understand cultural characteristics
- an ASIC in the Community program designed to benefit the community and environment through workplace giving and fundraising, volunteering and pro bono work;
- training ASIC staff in diversity and CALD issues, and
- by recruiting a culturally diverse workforce.

ASIC also has a 'Diversity and Inclusion Policy'. ASIC is committed to recruiting and maintaining a diverse and inclusive workplace. Our diversity and inclusion principles are to:

- integrate diversity and inclusion into the way we perform our roles and how we make business decisions
- effectively manage the diversity of our people in a manner which supports diversity of thought and the achievement of our values
- recognise that all people are different, and value those differences
- ensure that the principles of diversity and inclusion underpin ASIC's people policies and practices
- support flexible work arrangements
- respect the diversity of our customers and stakeholders, and
- maintain levels of internal awareness and expertise to support a culture which embodies diversity and inclusion.

To achieve these principles, we focus on:

- ensuring recruitment, selection and promotion processes and practices are based on merit

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- ensuring opportunities and participation in learning and development are fairly applied across ASIC
- ensuring performance management and remuneration decisions are fair and consistently applied
- seeking to ensure that the composition of internal boards and committees reflect diverse backgrounds, experience and abilities
- eliminating artificial, unfair and inappropriate barriers to workplace participation
- not tolerating discrimination, bullying or harassment
- providing fair career development opportunities
- increasing the representation of women at executive and senior executive levels, and
- providing flexible work opportunities.

ASIC's commitments to the Indigenous community are outlined in our Reconciliation Action Plan and Indigenous Outreach Program, which are separate to our Multicultural Plan.

422. ASIC job advertisements identify the need for Australian citizenship. Employees undertake a pre-engagement assessment to assess their suitability to be employed. Their citizenship is verified during this process by the ASIC Risk and Security Team. On the few occasions where a non-Australian citizen is identified, ASIC can issue a waiver of citizenship where appropriate to continue with the recruitment process, based on an assessment of the specific skill set available in candidates for the position, the person's current visa and rights to work in Australia, and a commitment that they will endeavour to become an Australian citizen as soon as practicable.
423. Three non-Australian citizens have been hired since the 2013 Federal election.

Surname	Contract Type	Classification	Immigration Status	Lingustic background	Were they hired to satisfy CALD
<b>Employee 1</b>	Temporary ASIC Act	EL2	Partner (Migrant) visa subclass 100	Not recorded	No
<b>Employee 2</b>	Non-Ongoing Specified Term	EL2	NZ Citizen Family Visa , Subclass 461	Not recorded	No
<b>Employee 3</b>	Non-Ongoing Specified Term	ASIC4	Employer Nomination Scheme visa (subclass 186)	Not recorded	No

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