

Senate Economics Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Supplementary Budget Estimates

2015 - 2016

Department/Agency: ACNC

Question: SBT 176-178

Topic: staffing-employment of non-Australian citizens

Reference: written - 30 October 2015

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."

176. 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:
- Please provide a copy.
 - When did they come into effect?
 - Can Agency Heads decide to go against the advice? If yes, under what circumstances?
177. Are Agency Heads required to provide a reason to anyone for hiring non-Australian citizens? If yes:
- Who are they required to report the reason to?
 - Does this reporting happen before or after the hire has been made?
 - Is this reason provided in writing? If no, how is it provided?
 - Can you please provide a list of reasons that have been used since the Federal election in September, 2013.
178. Are there any provisions to over-rule a Head of Agency's decision to hire a non-Australian citizen? If yes:
- Who can over-rule this decision?
 - Under what circumstances can it be over-ruled?
 - How many times has this occurred since the Federal election in September, 2013.

Answer:

The ACNC utilises ATO recruitment services and as such works within their policies and guidelines. The ATO responds to questions 176 to 178, inclusive of ACNC data. Please refer to ATO response SBT 197-199.