

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
**Budget Estimates Hearing 25-29 May 2015**

Prime Minister and Cabinet Portfolio

**Department/Agency:** Aboriginal Hostels Limited

**Outcome/Program:** Outcome 2: Indigenous

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

**Senator:** Senator the Hon Joe Ludwig

**Question reference number:** 230

**Type of question:** Written

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

**Number of pages:** 2

**Question:**

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

How many were hired to satisfy CALD targets? NIL

**Answer:**

1. To be eligible for employment with AHL, all applicants must be Australian Citizens as per the *Public Service Act 1999*, unless the Chief Executive Officer, AHL, determines otherwise and provides a waiver. All applicants are asked to declare their citizenship status on the application for employment form.
2. No, AHL does not have a CALD policy.  
AHL's workforce comprises over 70% Indigenous employees who deliver a range of accommodation related services to Indigenous peoples through an Australia-wide hostel network. AHL's policies are therefore focussed on Indigenous cultural and linguistic diversity.
3. New employees of AHL are required to produce documentation in line with the 100 points of ID check which must include proof of citizenship with either an Australian passport or birth certificate.
4. Two casual employees were employed at AHL in the month of September 2013. Both individuals were subsequently unable to provide proof of Australian Citizenship and their employment was subsequently terminated.
  - a. Both casuals employed at the APS 1 level.
  - b. Both were permanent residents.
  - c. One was Sudanese and the other, Indian.
  - d. One spoke another language other than English and the other did not disclose.

These two casuals were not hired to satisfy CALD targets.

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
**Budget Estimates Hearing 25-29 May 2015**

**Prime Minister and Cabinet Portfolio**

**Department/Agency:** Anindilyakwa Land Council

**Outcome/Program:** Outcome 2: Indigenous

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

**Senator:** Senator the Hon Joe Ludwig

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  1. Levels at which they are employed
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  4. Linguistic Background

How many were hired to satisfy CALD targets?

**Answer:**

1. The Agency has adopted a formal policy on anti-discrimination and equal employment opportunity. The Agency commits to making employment decisions that are based on merit, not on irrelevant attributes or characteristics that an individual may possess.

2. No
3. The Agency does not record Citizenship Status
4. The number is unknown as that data is not recorded.

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
**Budget Estimates Hearing 25-29 May 2015**

**Prime Minister and Cabinet Portfolio**

**Department/Agency:** Central Land Council

**Outcome/Program:** Outcome 2: Indigenous

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

**Senator:** Senator the Hon Joe Ludwig

**Question reference number:** 230

**Type of question:** Written

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  1. Levels at which they are employed
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  3. Cultural Background
  4. Linguistic Background

How many were hired to satisfy CALD targets?

**Answer:**

1. The Central Land Council will only employ people who are legally able to work in Australia and if they are from overseas they must have the appropriate work permit.

2. The Central Land Council does not have a specific CALD policy. However, the CLC is committed to increasing the proportion of Indigenous employees.

3. Applicants are asked if they are an Australian citizen, if not, if they have the right to work in Australia and to provide visa and evidence verifying eligibility to work in Australia.

4. The Central Land Council has employed seven employees since September 2013 who were not Australian Citizens

- Levels at which they are employed – Professional Skilled Roles
- Immigration Status (Visa) – 3 x New Zealand; 2 x Permanent Residents (Germany & Malaysia); 1 x France; 1 x India; - Visa + Bridging A (Skilled Regional)
- Cultural Background - As above
- Linguistic Background – Unknown

How many were hired to satisfy CALD targets? – NONE

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
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**Prime Minister and Cabinet Portfolio**

**Department/Agency:** Indigenous Business Australia

**Outcome/Program:** Outcome 2: Indigenous

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

**Senator:** Senator the Hon Joe Ludwig

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  1. Levels at which they are employed
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How many were hired to satisfy CALD targets?

**Answer:**

1. IBA employs a small number of non-Australian citizens. Applicants must have Permanent Residency status to be considered for ongoing positions. Applicants will be considered for non-ongoing positions if they have working visas which allow such employment.

2. No.

3. Applicants are required to supply a birth certificate and passport. Where the birth certificate indicates they were not born in Australia and they do not have an Australian passport, they are asked to provide evidence of Permanent Residency status or visa allowing them to work in Australia. Where an applicant has a working visa, they are not offered employment beyond the expiry date of the visa.

4. 1. 2 at the IBA6 (EL1) level, 1 at the IBA4 (APS5) level.

2. All permanent residents

3. 1 South African citizen, 1 French citizen and 1 United Kingdom citizen

4. 2 English as a first language and 1 French as a first language.

All hired through merit selection.



**Senate Finance and Public Administration Legislation Committee**  
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**Budget Estimates Hearing 25-29 May 2015**

**Prime Minister and Cabinet Portfolio**

**Department/Agency:** Indigenous Land Corporation

**Outcome/Program:** Outcome 2: Indigenous

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

**Senator:** Senator the Hon Joe Ludwig

**Question reference number:** 230

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  1. Levels at which they are employed
  2. Immigration Status (Visa)
  3. Cultural Background
  4. Linguistic Background
5. How many were hired to satisfy CALD targets?

**Answer:**

1. ILC staff are employed under the ATSI Act 2005 not the Australian Public Service Act. The ILC does not have a policy with regard to hiring non-Australian citizens. However, all advertised positions state that candidates are required to be Australian residents.
2. The ILC does not have a Culturally and Linguistically Diverse (CALD) policy.
3. The ILC does not record whether a person is an Australian citizen or not. Non-Australian residents are not considered in the recruitment process.
4. The ILC does not record whether a staff member is a non-Australian citizen.
5. The ILC does not have a CALD employee target.

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
**Budget Estimates Hearing 25-29 May 2015**

Prime Minister and Cabinet Portfolio

**Department/Agency:** Northern Land Council  
**Outcome/Program:** Outcome 2: Indigenous  
**Topic:** Non-Australian Citizens Employed by the Department/Agency

**Senator:** Senator the Hon Joe Ludwig  
**Question reference number:** 230  
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  1. Levels at which they are employed
  2. Immigration Status (Visa)
  3. Cultural Background
  4. Linguistic Background

How many were hired to satisfy CALD targets?

**Answer:**

1. The Northern Land Council does not have a policy outlining a process for hiring non-Australians. However, the Northern Land Council is an Equal Employment Opportunity Employer and recruit staff under a merits based principle.
2. The Northern Land Council does not have a Culturally and Linguistically Diverse (CALD) policy. However, the Northern Land Council is the peak Aboriginal organisation in the Top End and has a culturally and linguistically diverse workforce.
3. During recruitment process, applicants are required to complete the *Northern Land Council – Application Form* which has a question in regards to Australian Citizenship. An extract is provided:

*Citizenship or residency status:*

*Are you an Australian Citizen? Yes / No*

*If not, do you have permanent residency status? Yes / No*

4. Since the September 2013 federal election, staff employed who were not Australian Citizens were:
  - 4.1 and 4.2  
One female Anthropologist is employed at the SPO(C) (\$71,808 to \$80,568 per annum) salary classification. That person is on a 457 Visa Arrangement.  
  
One female Finance Officer is employed at the AS03(C), \$46,093 per annum salary classification. That person is on a 457 Sponsored Dependent Visa.
  - 4.3 and 4.4  
From the data obtained in reference to point 3, one employee is German who speaks German and one employee is Indian Fijian who speaks Hindi.
4. As per point 2, the Northern Land Council does not have CALD policy and therefore no specific targets.

**Senate Finance and Public Administration Legislation Committee**  
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**Prime Minister and Cabinet Portfolio**

**Department/Agency:** Office of the Registrar of Indigenous Corporations  
**Outcome/Program:** Outcome 2: Indigenous  
**Topic:** Non-Australian Citizens Employed by the Department/Agency

**Senator:** Senator the Hon Joe Ludwig

**Question reference number:** 230

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  1. Levels at which they are employed
  2. Immigration Status (Visa)
  3. Cultural Background
  4. Linguistic Background

How many were hired to satisfy CALD targets?

**Answer:**

1. All of the staff of the Office of the Registrar of Indigenous Corporations (ORIC) are departmental staff of the Department of Prime Minister & Cabinet (the Department). recruitment matters are therefore dealt with in accordance with the Department's processes and policies. In line with subsection 22(8) of the *Public Service Act 1999*, the Department's policy is that a person intended to be engaged by the Department must be an Australian citizen. This requirement can be waived at times, however is only done in exceptional circumstances.
2. Yes, this forms part of the Department's Agency Multicultural Plan. The Agency Multicultural Plan addresses the six dimensions of the broader Multicultural Access and Equity Policy—leadership, engagement, performance, capability, responsiveness and openness.

3. New starters to the Department are required to provide proof of citizenship which may include an Australian Birth Certificate, Australian Passport, certificate of Australian citizenship or a certificate of evidence of Australian citizenship, depending on when and where the new starter was born.
4. No non-Australian citizens have been hired by ORIC since the Federal Election in September 2013.

No non-Australian citizens have been hired by ORIC to satisfy CALD targets.

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
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**Prime Minister and Cabinet Portfolio**

**Department/Agency:** Office of Township Leasing

**Outcome/Program:** Outcome 2: Indigenous

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

**Senator:** Senator the Hon Joe Ludwig

**Question reference number:** 230

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  1. Levels at which they are employed
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  3. Cultural Background
  4. Linguistic Background

How many were hired to satisfy CALD targets?

**Answer:**

The position of the Executive of Director Township Leasing is an independent statutory officer established by s20B of the *Aboriginal Land Rights (Northern Territory) Act 2007* and falls within the responsibility of the Minister of Indigenous Affairs in the Prime Minister and Cabinet portfolio.

The Office of Township Leasing exists to provide operational support to the Executive Director Township Leasing. The Office of Township Leasing is staffed by public servants engaged under the *Public Service Act 1999* who are employed by the Department of the Prime Minister and Cabinet. The Office is not a separate corporate entity from the Department.

The Office of Township Leasing complies with the policies and processes of the Department of the Prime Minister and Cabinet.

- 1) What is the Department/Agency's policy with regard to hiring non-Australian citizens?

**The Office of Township Leasing complies with the policies of the Department of the Prime Minister and Cabinet.**

- 2) Does the agency have a Culturally and Linguistically Diverse (CALD) policy? If yes, please provide a summary.

**The Office of Township Leasing complies with the policies of the Department of the Prime Minister and Cabinet. It does not have a separate policy.**

- 3) How does the Department/Agency determine whether a person is a non-Australian citizen?

**The Office of Township Leasing complies with the policies of the Department of the Prime Minister and Cabinet.**

- 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

How many were hired to satisfy CALD targets?

**The Office of The Office of Township Leasing complies with the policies of the Department of the Prime Minister and Cabinet in relation to staff hiring. No non-**

**Australian Citizens have been hired to work within the Office of Township Leasing during this period.**



**Senate Finance and Public Administration Legislation Committee**  
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**Budget Estimates Hearing 25-29 May 2015**

**Prime Minister and Cabinet Portfolio**

**Department/Agency:** Outback Stores Pty Ltd  
**Outcome/Program:** Outcome 2: Indigenous  
**Topic:** Non-Australian Citizens Employed by the Department/Agency

**Senator:** Senator the Hon Joe Ludwig  
**Question reference number:** 230  
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**Question:**

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:
  1. Levels at which they are employed
  2. Immigration Status (Visa)
  3. Cultural Background
  4. Linguistic Background

How many were hired to satisfy CALD targets?

**Answer:**

1. Our policy in regards to hiring a non Australian is that we will only hire non-Australians when we are unable to recruit Australian citizens for a particular vacancy.
2. No.

3. We ask them to identify themselves and establish the validity of the provided information through certified documentation such as their Passport, Visa document, Birth certificate etc. Further verification is done against the Department of Immigration and Border Protection's VEVO system.

4. We have hired a total of 16 non Australians as of September 2013.

A. Levels at which they are employed

There are no PSE levels in Outback Stores.

B. Immigration Status (Visa)

UC/457	4
SP/489	1
TY/444	1
SN/190	2
417	1
UK-820	1
BC-100	1
VC-485	2
SI/189	1

C. Cultural Background

UC/457	4	3 Irish, 1 Pakistani
SP/489	1	Filipino
TY/444	1	New Zealander
SN/190	2	2 Pakistanis
417	1	British
UK-820	1	Taiwanese
BC-100	1	German
VC-485	2	1 Malaysian, 1 Bangladeshi
SI/189	1	Indian

D. Linguistic Background

English.

E. How many were hired to satisfy CALD targets?

Nil.

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Prime Minister and Cabinet Portfolio

**Department/Agency:** Department of the Prime Minister and Cabinet

**Outcome/Program:** Outcome 2: Indigenous

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

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How many were hired to satisfy CALD targets?

**Answer:**

1. Section 7(6) of the *Aboriginal Land Rights (Northern Territory) Act 1976*, “All members of a Land Trust shall be Aboriginals living in the area of the Land Council in the area which the land of the Land Trust is situated or whose names are set out in the register maintained by that Land Council in accordance with section 24.”

The method of choice utilised by the Trustees in forming the Land Council, provides for the selection by the Trustee of up to four Aboriginals from each of the eight family group areas of the Tiwi Islands.

Land Council is provided the power to employ staff under section 27(1) (a). There are six employees of the Land Council with specific skills. Appointment of these six has been on merit and closest fit with the desired outcomes of the Land Council. Of the six employees none are non-Australian citizens.

2. No
3. Application of the Tiwi Land Council's Personal Security Policy(attached) will involve direct questioning, review of employee curriculum vitae's, gathering of taxation file numbers declarations for submission to the Australian Taxation Office, in order to validate current and future employees citizen status.
4. Nil



## Personnel Security Policy

### Purpose and Objectives

The security of TLC ultimately relies on the integrity of its people. TLC should design its recruitment process, contract management strategies, probationary programs, performance management policies, programs and general operations to promote and encourage the integrity and honesty of all its representatives and contracted service providers.

The objectives of this policy are:

- To support the Tiwi Land Council (TLC) Protective Security Framework in the context of personnel security;
- Align the personnel security procedures with the business of TLC and relevant Australian Government standards;
- Recognise ownership of personnel security within TLC; and
- Define the various levels of security clearances relevant to TLC.

### Background

The TLC Protective Security Framework provides the highest level of direction for the protection of its people, assets and business. This policy document supports the TLC security program in the context of **Personnel Security**.

The **Australian Government Security Vetting Agency** (AGSVA) within the Department of Defence is responsible for security vetting for all Commonwealth agencies (apart from exempt agencies), TLC will use the AGSVA for all its vetting requirements unless an exemption is granted by the Attorney Generals Department.

TLC remains responsible for some aspects of employees' ongoing clearance requirements.

Last drafted on 27 / 10 / 2014      This manual scheduled for review on 27 / 10 / 2015

*Failure to comply with TLC code of conduct and other policies and procedures will be subject to appropriate investigation. In serious cases, the penalty for an offence, or repeat offence, may include dismissal. Staff need to be aware that some forms of misconduct may lead to criminal prosecution.*

The TLC security program is governed by a suite of policies addressing PSPF Tier 4 requirements.

The Personnel Security Policy is ultimately the responsibility of the Chief Executive Officer (CEO). It is managed by the Agency Security Advisor (ASA) on a day to day basis. Any questions in relation to the security clearance status of agency employees, contractors or temporary staff or any other Australian Government employee should be directed to the ASA.

## Definitions

**Security Clearance:** An administrative determination by competent authority that an individual is eligible and suitable to access Australian Government resources.

**Baseline Vetting:** Ongoing access to security unclassified information or resources classified up to PROTECTED (including Cabinet material) or other situations where an agency might determine it needs a high level of assurance of a person's suitability to perform a particular role.

**DSAP - Designated Security Assessed Positions,** encompassing the following:

**Negative Vetting Level 1:** Ongoing access to information or resources classified PROTECTED, CONFIDENTIAL and SECRET, or other situations where an agency might determine it needs a higher level of assurance of a person's suitability to perform a particular role.

**Negative Vetting Level 2:** Ongoing access to information or resources classified PROTECTED, CONFIDENTIAL, SECRET and TOP SECRET, or other situations where an agency might determine it needs a higher level of assurance of a person's suitability to perform a particular role.

**Negative Vetting Level 2 (Positive Vet):** Permits access to information or resources at all classification levels including certain types of caveated, compartmented and codeword information. Positive vetting requirements are managed by the Inter-Agency Security Forum on behalf of the Australian Intelligence Community.

Last drafted on 27 / 10 / 2014      This manual scheduled for review on 27 / 10 / 2015

*Failure to comply with TLC code of conduct and other policies and procedures will be subject to appropriate investigation. In serious cases, the penalty for an offence, or repeat offence, may include dismissal. Staff need to be aware that some forms of misconduct may lead to criminal prosecution.*

## Policy Statements

Ref	Mandatory Requirement	Policy Statement	Rationale
<b>PerSec1</b>	<p>TLC must ensure that all employees, contractors and temporary staff who require ongoing access to official information and resources;</p> <ul style="list-style-type: none"> <li>• are eligible to have access</li> <li>• have had their identity established</li> <li>• are suitable to have access and</li> <li>• are willing to comply with the standards that safeguard those resources against misuse</li> </ul>	<p>TLC will comply with the Australian Government Personnel Security Protocol (PERSEC1) as outlined in the Commonwealth Protective Security Policy Framework (PSPF).</p>	<p>This protocol provides detailed advice to better enable TLC to meet the relevant personnel security requirements of the PSPF for baseline and negative vetted clearances.</p>

*This policy should be read in conjunction with the TLC Protective Security Framework, TLC Security Handbook and Procedure on applying for a security clearance.*

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*Failure to comply with TLC code of conduct and other policies and procedures will be subject to appropriate investigation. In serious cases, the penalty for an offence, or repeat offence, may include dismissal. Staff need to be aware that some forms of misconduct may lead to criminal prosecution.*

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Prime Minister and Cabinet Portfolio

**Department/Agency:** Torres Strait Regional Authority

**Outcome/Program:** Outcome 2: Indigenous

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

**Senator:** Senator the Hon Joe Ludwig

**Question reference number:** 230

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  1. Levels at which they are employed
  2. Immigration Status (Visa)
  3. Cultural Background
  4. Linguistic Background

How many were hired to satisfy CALD targets?

**Answer:**

1. The TSRA includes Australian Citizenship as a condition of engagement in accordance with section 22(6) of the Act.
2. No



3. Through provision of an original birth certificate or citizenship papers, or a copy certified by a Justice of the Peace or a Commissioner of Declarations.

4. Nil

**Senate Finance and Public Administration Legislation Committee**  
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Prime Minister and Cabinet Portfolio

**Department/Agency:** Wreck Bay Aboriginal Community Council

**Outcome/Program:** Outcome 2: Indigenous

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

**Senator:** Senator the Hon Joe Ludwig

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  4. Linguistic Background

How many were hired to satisfy CALD targets?

**Answer:**

1. No formal written policy but if the future non – Australian is considered qualified in meeting the selection criteria and is, thereafter, the preferred candidate; then such person would be employed.

2. No.
3. This has not arisen to date with this Council but proof of citizenship would be required at the time that the applicant applies for the position that is vacant.
4. Nil.