

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING : 19 October 2015

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

**(SE15/116) - Engaging APS employees who are not Australian Citizens
Internal Product (DIBP)**

Senator Ludwig, Joe (L&CA) written:

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:
 1. Please provide a copy.
 2. When did they come into effect?
 3. Can Agency Heads decide to go against the advice? If yes, under what circumstances?

Answer:

1. No, the authority for decision making exists within the *Public Service Act 1999*.