

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING : 19 October 2015

#### IMMIGRATION AND BORDER PROTECTION PORTFOLIO

#### **(SE15/118) - Provisions over ruling Agency Heads decision to hire a non-Australian Citizen - Internal Product (DIBP)**

Senator Ludwig, Joe (L&CA) written:

Are there any provisions to over-rule a Head of Agency's decision to hire a non-Australian citizen? If yes:

1. Who can over-rule this decision?
2. Under what circumstances can it be over-ruled?
3. How many times has this occurred since the Federal election in September, 2013

*Answer:*

Yes

1. The Federal Court or Federal Circuit Court of Australia through the *Administrative Decisions, (Judicial Review) Act 1977* is able to 'set aside' a decision by an Agency Head made under section 22 (8) of the *Public Service Act 1999*.
2. The *Administrative Decisions, (Judicial Review) Act 1977* outlines the grounds on which a person may apply to the Federal Court or Federal Circuit Court for review.
3. We are not aware of any requests for review of decisions under s22(8) being lodged.