

**Senate Finance and Public Administration
Legislation Committee**

**Australian Government Boards (Gender Balanced
Representation) Bill 2015**

**Questions on Notice – Department of the Prime Minister
and Cabinet**

Question 1 (*Hansard, p. 24*)

Senator Waters: Given that we only have one day of hearings and we do not have the benefit of having all the other departments appear before us, although estimates is coming up next week, would it be an unfair ask for you to collate for us the practices that other departments go through—how they are seeking to meet that 40 per cent target?

CHAIR: I do not think it is appropriate to ask these officers to produce the processes that other departments undergo. They can only respond about what PM&C do, which they have done.

Senator Waters: The Office for Women cannot assist us in that regard?

Mr Sloan: We can take that on notice. I think it may be problematic, but we can take it on notice.

Answer 1

Individual portfolios are responsible for ensuring gender balance in board appointment processes, including adherence to the policy on appointments in the Cabinet Handbook and *Merit and Transparency: Merit-based selection of APS agency heads and APS statutory office holders*.

Question 2 (*Hansard, p. 25*)

Senator Gallagher: I have a question on table 4: the gender balance of chair and deputy chair roles. I went back and had a look, and the data for 2012 and 2013 is there. But then the footnote says: 'did not collect comparable statistics' for 2012-13. You might need to take it on notice, but what would the difference in comparable statistics be when that data is provided in the previous year?

Ms Nicholson: Yes, we will take that on notice. We can provide an answer to that.

Answer 2

The comparable statistics for 2012 and 2013 are as follows:

Year (at 30 June)	Total Chair/Deputy Chair positions	Number of Women	Number of Men	%Women
2013	537	167	370	31.1
2012	540	147	393	27.2

Source: *Gender Balance on Australian Government Boards Report 2013-14*.

The Department will issue an amendment to the 2014-15 report to correct the footnote to Table 4.

Question 3 (*Hansard, p. 25*)

Senator Gallagher: Over that four years from 2012 to 2015, from my reading, and at least from 2013, 2014 and 2015, there is a continued decline in the percentage of women holding those roles. Further to that, do you collect data on the gender breakdown of paid versus unpaid roles on government boards?

Ms Nicholson: I am not aware that we do, but I can take that on notice too.

Answer 3

The Department does not collect or extract data on the gender breakdown of paid versus unpaid roles on government boards.

Question 4 (*Hansard, p. 26*)

Senator Xenophon: The bill also asks for a breakdown of new appointments by chair and deputy chair. Is that something that is done under the current policy framework?

Ms Nicholson: It currently is. On page 5 of the current report we have that information for the last two years.

Senator Xenophon: But it does not actually break it down by each department, does it?

Ms Nicholson: No, it does not.

Senator Xenophon: You would have that information anyway, wouldn't you?

Ms Nicholson: To get to this point, I assume we do have that information.

Senator Xenophon: Is that also the case for new appointments for chairs and deputy chairs? Board members are only measured by new appointments, is that right?

Mr Sloan: I would assume that, given this is a snapshot, you would take last year's and see how many have been added or taken away from that, and then you get this year's. I am not 100 per cent sure, but I would suspect that portfolios would have that information.

Senator Xenophon: So there is no breakdown of member, chair and deputy chair?

Mr Sloan: In the report? No, not in the report.

Senator Xenophon: But you would have that raw data, wouldn't you?

Mr Sloan: I would believe so.

Senator Xenophon: I have a question which I think is a key issue in the context of this as a policy framework—

Mr Sloan: Can I clarify that? I believe the portfolios would have it. I do not know if they provide that to us. I would have to check that.

Senator Xenophon: Would you please take that on notice.

Mr Sloan: We can take that on notice, yes.

Answer 4

Portfolio data on the gender breakdown of new appointments to member, chair and deputy chair positions is collected by the portfolio but not included in the report.

Question 5 (*Hansard, p. 26*)

Senator Xenophon: [A]re there any guidelines ministers should follow, either generally or within each department, to engage in a transparent recruiting process?

Mr Sloan: That is set out in the cabinet handbook that is available on the PM&C website.

Senator Xenophon: It is in the cabinet handbook—it sets out the level of transparency required?

Mr Sloan: I have it here in front of me. It is on page 22 of the cabinet handbook.

Senator Xenophon: So page 22 has the relevant criteria, and that applies to all departments?

Mr Sloan: Correct. All portfolios.

Can you tell us—I am concerned about time constraints—what it actually says?

Mr Sloan: The minister needs to confirm several things, including the appropriateness of the expertise that the person brings; the qualifications; the experience; whether it is consistent with any applicable legislation; and whether due regard to gender balance been paid—that is part of it.

Senator Xenophon: Is there any definition of 'due regard'? Is that the wording—'due regard'?

Mr Sloan: 'Due regard' is the wording. I do not know if there is a definition. I am not sure if there is. 'I do not think so' is the answer.

Senator Xenophon: I am happy for you to take that on notice.

Answer 5

There is no definition of due regard in the Cabinet Handbook.

Question 6 (*Hansard, pp 26-27*)

Senator Xenophon: ...In terms of how that broad policy framework operates in its practical effect—its implementation and the processes involved—is there anything behind it that references the policy in the cabinet handbook? In other words, the cabinet handbook sets out the issue of due regard and the policy of 40-40-20. Are there any other documents that portfolios refer to, individually or as a whole, to guide them as to how 'due regard' should be considered?

Mr Sloan: I would say that is a question for portfolios. More generally, there are no such documents that we are aware of.

Senator Xenophon: There is no guidance given to portfolios from PM&C?

...

Senator Xenophon: So there are guidelines as to how to prepare the report, but it does not go to issues of the selection process and the transparency of that process?

Mr Sloan: Now I understand your question. I believe that the APSC has a whole set of guidelines underpinning the cabinet handbook, but we would need to take that on notice.

Senator Xenophon: If you could provide that, that would be very helpful.

...

Senator Xenophon: Just so that there is no ambiguity, I am just trying to work out whether there are actually guidelines about what considerations the minister must take into account—what actually exists.

Mr Sloan: We will set that out.

Answer 6:

The policy frameworks that must be taken into account:

- Cabinet Handbook
- *Merit and Transparency: Merit-based selection of APS agency heads and APS statutory office holders.*