

**Senate Standing Committee on Environment and Communications**

**Answers to Senate Estimates Questions on Notice**

**Additional Estimates Hearings March 2015**

**Communications Portfolio**

**Department of Communications**

**Question No: 68**

**Program 1.1**

**Hansard Ref: Page 9, 19 March 2015**

**Topic: 68 - Appointment review channels**

**Senator Dastyari, Sam asked:**

**Senator DASTYARI:** What is the option available for reviewing a decision once it has been made?

**Mr Clarke:** None that I am aware of, but I am happy to seek advice and take that on notice.

**Answer:**

The statutory merit-based appointment process for non-executive Directors of the ABC and SBS Boards does not provide for third party review.

The Department understands that the Commonwealth Ombudsman is not authorised to investigate matters relating to action taken by any person or body regarding employment in a body corporate, established for a public purpose by an Act, such as SBS; or the appointment to a position or office established by or under an Act. The Ombudsman is also not authorised to investigate action taken by a Minister. This means the Ombudsman is not authorised to investigate the application, what was said in the interview and the appointment of Mr Gupta.

As advised by the Secretary of the Department of Communications at the Senate Estimates hearing on 19 March 2015, the specific information provided by the applicants, and the details of the Nomination Panel's deliberations, are confidential. This is to protect the privacy of the candidates and to ensure that there is full disclosure of relevant facts.

However, given the serious allegations of misleading the Panel, specifically the allegation that Mr Gupta told the panel that Digital Electronics Corporation Australia (DECA) has 200 employees; the Secretary has examined the confidential material and advised the Minister in writing that there is no evidence to support this allegation. The Minister provided this advice to the Chair of the Senate Standing Committee on Environment and Communications on 25 March 2015.