

**Senate Economics Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
**Treasury Portfolio**  
Budget Estimates 2014  
3 June to 5 June 2014

**Department/ Agency:** Treasury

**Question:** BET 1043

**Topic:** Boards (for departments or agencies with boards)

**Reference:** Written - 12 June 2014

**Senator:** Ludwig

**Question:**

1043. Since September Additional Estimates in February, 2014;

- a) how often has each board met, break down by board name;
- b) what travel expenses are provided;
- c) what is the average attendance at board meetings;
- d) how does the board deal with conflict of interest;
- e) what conflicts of interest have been registered;
- f) what remuneration is provided to board members;
- g) how does the board dismiss board members who do not meet attendance standards?
- h) Have any requests been made to ministers to dismiss board members since Additional Estimates in February, 2014?
- i) Please list board members who have attended less than 51% of meetings
- j) what have catering costs been for the board meetings held this year; is alcohol served;

**Answer:**

*Australian Competition and Consumer Commission (ACCC)*

The ACCC is not an agency established under the Commonwealth Authorities and Companies Act 1997 and does not have a formal board structure. Formal decisions are made by the ACCC's Commission and the AER Board as per the powers conferred by the Competition and Consumer Act 2010.

a) – j) Not applicable.

*Australian Office of Financial Management (AOFM)*

All the answers to this question relate to the AOFM Advisory Board.

- a) The AOFM Advisory Board has met once (on 16 April 2014).
- b) Travel to and from board meetings is booked and paid for by the AOFM. Travel costs for the period were \$2,578 for airfares and taxis.
- c) Six of seven members were present at the meeting on 16 April 2014.
- d) The charter for the AOFM Advisory Board states that: "Members of the Board shall notify the Chair, in writing, of any potential or actual conflicts of interest they may have in relation to their responsibilities. At the beginning of each Board

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meeting, members are required to declare any potential conflicts of interest that may apply to specific matters on the meeting agenda.”

e) No potential or actual conflicts of interest have been registered.

f) Members of the AOFM Advisory Board that are officers in the Australian Public Service receive no remuneration in connection with their board membership; private sector members of the board receive a semi-annual retainer of \$7,987 plus an amount of \$3,277 for each board meeting they attend. Superannuation is also payable on these amounts.

g) The issue has not arisen. The Chair (the Secretary to the Treasury), in consultation with the CEO of the AOFM, is responsible for appointments to the AOFM Advisory Board.

h) No.

i) Over the past 3 years no board member has been in attendance for less than 51% of meetings.

j) Catering costs incurred for the period 26 February 2014 to 12 June 2014 were \$55 for a working lunch, no alcohol was served.

*Australian Prudential Regulation Authority (APRA)*

Not applicable.

*Australian Securities and Investments Commission (ASIC)*

We are interpreting "board" in the case of ASIC to mean the Commission, which is made up of 5 Commission members.

Since Additional Estimates in February 2014, the Commission has met for 5 Commission meetings on the following dates:

- Commission meeting 668 – 26 February 2014 (scheduled);
- Commission meeting 669 – 27 March 2014 (scheduled);
- Commission meeting 670 – 30 April 2014 (scheduled);
- Commission meeting 671 – 28 May 2014 (scheduled); and
- Commission meeting 672 – 25 June 2014 (scheduled).

a) ASIC pays for Commissioners' travel and accommodation expenses when travelling interstate for ASIC business. Commissioners are also provided with a travel allowance for incidental expenses.

b) The attendance figures for Commissioners at Commission meetings since 7 September 2013 are as follows:

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Name	No. of Commission Meetings Eligible to Attend since February 2014	No. Commission Meetings Attended since February 2014
Greg Medcraft	5	5
Peter Kell	5	5
Greg Tanzer	5	5
John Price	5	5
Cathie Armour	5	5

c) Under s123 of the ASIC Act 2001 (Cth) ('the ASIC Act'), Commissioners have a statutory obligation to declare any material interests to the Minister. ASIC's current agreement with the Minister is for Commissioners to make these disclosures every six months.

Under s124 of the ASIC Act, Commissioners have a statutory obligation to declare any interest that could conflict with the Commissioner's functions in relation to determining a matter. Such disclosures can be made at any time. There is also a standing item on the agenda of scheduled Commission meetings for Commissioners to make such disclosures.

NB Section 124 of the ASIC Act will be repealed from 1 July 2014 and the relevant replacement provision will be section 29 of the Public Governance Performance and Accountability Act 2013.

d) Since February 2014, no conflicts of interest have been registered.

e) The remuneration of Commissioners is set by the Remuneration Tribunal.

Attending Commission meetings is part of Commissioners' duties and Commissioners do not receive any additional remuneration for attending Commission meetings.

f) The Commission does not have the authority to dismiss a Commissioner for failing to meet meeting attendance standards.

Under s111 of the ASIC Act, the Governor-General may terminate a Commissioner's appointment for various reasons including:

- misbehaviour; or
- if the member is absent without leave for 14 consecutive days; or
- if the member is absent without leave for 28 days in any period of 12 months.

Attendance at Commission meetings by Commissioners is reported in the ASIC Annual Report.

g) No.

h) Nil (refer to answer to question 3 above).

i) Since February 2014, catering costs for each Commission meeting have been:

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Commission Meeting No.	Commission Meeting Date	Scheduled/ Unscheduled	Catering Costs
Commission meeting 668	26 February 2014	Scheduled	\$102.70
Commission meeting 669	27 March 2014	Scheduled	\$95.70
Commission meeting 670	30 April 2014	Scheduled	\$136.15
Commission meeting 671	28 May 2014	Scheduled	\$107.80
Commission meeting 672.	25 June 2014	Scheduled	\$165.00

No alcohol is served at Commission meetings.

*Australian Statistics Advisory Council (ASAC)*

ASAC did not meet during 26 February - 12 June 2014.

*Australian Taxation Office (ATO)*

Not applicable.

*Clean Energy Finance Corporation (CEFC)*

The CEFC has one Board.

a) In the period 07 September 2013 to 12 June 2014 there were 12 Board meetings and a further 6 Board-level Committee meetings.

b) For remuneration and allowances please refer to section 20 of the Clean Energy Finance Corporation Act 2012, the Remuneration Tribunal Act 1973, the Remuneration Tribunal's Remuneration Tribunal Determination 2014/08 - Remuneration and Allowances for Holders of Part-Time Public Office and Determination 2013/16: Official Travel by Office Holders, which are all public documents.

c) 93.5% for Board meetings and 94.4% for Board-level Committee meetings held during the relevant period.

d) Please refer to the response to this question at 2013-14 Supplementary Additional Estimates Question No.AET177 of 5 March 2014.

e) Conflicts of interest include financial, commercial, other beneficial, familial and fiduciary conflicts. Please note that mere existence of a conflict of interest is neither indicative that it is a) material in nature or b) representative of a related party interest.

f) See the answer to b. above.

g) Please refer to the response to this question at 2013-14 Supplementary Additional Estimates Question No.AET177 of 5 March 2014.

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h) No.

i) Not applicable.

j) Please refer to the response to this question at 2013-14 Supplementary Additional Estimates Question No. AET177 of 5 March 2014.

*Commonwealth Grants Commission*

Not applicable.

*Corporations and Markets Advisory Committee (CAMAC)*

Not applicable. CAMAC is a statutory committee consisting of members whose only role is to provide specialist advice to the Government on corporate and financial market matters pursuant to s 148 of the ASIC Act. It does not have separate boards.

a) – j) Not applicable.