

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
[ADDITIONAL ESTIMATES 2010-2011]

[Prime Minister and Cabinet Portfolio]

Department/Agency: Australian National Audit Office

Outcome/Program:

Topic: Merit and Transparency in Senior Public Service appointments

Senator: Ronaldson

Question reference number: PM64

Type of question: Written

Date set by the committee for the return of answer: 15 April 2011

Number of pages: 1

Question:

Referring to the press release titled “New Arrangements for Merit and Transparency in Senior Public Service Appointments” issued on 5 February 2008, and the guidelines thereafter issued:

Of the list of agency heads and statutory office holders identified for coverage under the protocols:

1. On what terms is each of the agency heads and statutory office holders employed?

This answer should include the office holder’s name, date of first appointment to that position, date of expiry of term(s), date of reappointment(s), date of expiry of existing tenure and any special legislative requirements which may be attached to this position.

2. Where a new appointment has been made since 5 February 2008:

- a. On what dates and in which publications were the position advertised?
- b. How many candidates applied?
- c. How many were interviewed?
- d. Was the candidate originally selected by the ‘merit and openness’ process for each position subsequently appointed by the Minister?
- e. For what period of time was the appointment made?

3. For each of the positions covered by the Merit and Transparency process, how many and which ones are positions appointed by the Minister upon the recommendation of a Board

4. What additional criteria apply to each of the positions covered by the Merit and Transparency process?

5. In how many appointments did the Minister seek to make an appointment that was not recommended by the Secretary in the Merit and Transparency process?

- a. In each case, on what date did the Minister write to the Prime Minister seeking approval?
- b. On what date did the Prime Minister respond?
- c. In each case, did the Prime Minister support the Minister’s recommendation?
- d. Can a copy of all relevant correspondence be provided to the committee?

6. How many and which positions have other legislative provisions which relate to an appointment over and above this process?

7. How many and which appointments have been made for less than five years?

- a. Where an appointment has been made for less than five years, how long has it been made for?
- b. In each case, on what date was this request made to the Minister?
- c. In each case, on what date did the Minister and/or the Prime Minister and/or Cabinet approve the request?
- d. On how many and in which cases was the request not approved?

How many and which of the positions identified in the list are also positions under the *Public Service Act*?

Answer:

Question 1

Mr Ian McPhee was appointed as Commonwealth Auditor-General by the Governor General on 11 March 2005 for a ten (10) year term, as specified in the *Auditor-General Act 1997*. There are no provisions in the *Auditor-General Act 1997* to extend the term of an Auditor-General; clause 1.1(4) of Schedule 1 of the Act specifically states that: ‘*A person cannot be appointed as Auditor-General if the person has previously been appointed as Auditor-General under this Act or under the Audit Act 1901*’.

The Auditor-General is an independent officer of the Parliament (section 8.1 of the *Auditor-General Act 1997*).

The *Auditor-General Act 1997* (section 9 and Schedule 1) sets out the conditions of appointment, namely, the Auditor-General is appointed by the Governor-General, on the recommendation of the Minister, for a term of 10 years. The Minister must refer the recommendation for appointment of the Auditor-General to the Joint Committee of Public Accounts and Audit and the Minister must not make a recommendation to the Governor-General unless:

- (a) the Minister has referred the proposed recommendation to the Joint Committee of Public Accounts and Audit for approval; and
- (b) the Committee has approved the proposal.

Questions 2 to 14

Not applicable