

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates 24-28 February 2014

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Outcome/Program: 1.1 Prime Minister and Cabinet

Topic: Termination of secretaries

Senator: Senator the Hon Penny Wong

Question reference number: 28

Type of Question: FPA, Monday 24 February 2014, page 111

Date set by the committee for the return of answer: 11 April 2014

Number of pages: 1

Question:

Senator WONG: Clause 4 of the caretaker convention says that in relation to such appointments, only those which it is essential to fill are considered and preferably on an acting or short-term basis unless a minimum or fixed term is prescribed. Then there is a discussion about consultation. Maybe you would like to take that on notice and reflect. I am trying to clarify how I mesh your evidence about compliance with the caretaker conventions with the statutory process around a termination of secretaries which was commenced prior to the government was being sworn in, while the conventions were still in force. Can you also take on notice confirmation that the consultation with the Public Service Commissioner did not occur until the day before the termination was advised to the secretaries.

Answer:

The termination of the secretaries complied with statutory requirements and did not contravene the caretaker conventions.

Paragraph 1.2 of the Guidance on the Caretaker Convention provides that The caretaker period begins at the time the House of Representatives is dissolved and continues until the election result is clear or, if there is a change of government, until the new government is appointed.

The appointments were terminated at a meeting of the Executive Council on 18 September 2013 after the swearing in of the Prime Minister.

The Public Service Commissioner was initially consulted on the day before the secretaries were advised of the intention to terminate their appointments.