

**Senate Finance and Public Administration Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

**Budget Estimates Hearing 27 May-6 June 2013**

**Prime Minister and Cabinet Portfolio**

**Department/Agency:** Department of the Prime Minister and Cabinet

**Outcome/Program:** 1.1.3 Support Services for Government Operations

**Topic:** Appointment of AEC commissioner

**Senator:** Senator Ryan

**Question reference number:** 48

**Type of Question:** FPA, Tuesday 28 May 2013, pages 18/19/20

**Date set by the committee for the return of answer:** 12 July 2013

**Number of pages:** 2

**Question:**

Ms Leon: In relation to all appointments, the usual practice is that they are initiated by the relevant minister writing to the Prime Minister proposing an appointment or a re-appointment, and it is then for the Prime Minister to determine the path that will follow. I believe that was the situation in relation to this appointment. If that is not the case I will advise you during the course of the hearings or on notice.

Senator RYAN: Unless advised otherwise—and I take it you do not have everything handy—this would have been the minister, who at that point would probably have been Mr Gray, but I am happy to be corrected if it was Mr Dreyfus, if you get further information—

Ms Leon: I am sure we can check that for you.

Senator RYAN: It would have been the minister writing to the Prime Minister initiating the appointment process. Can you take on notice the provision of a copy of that letter?

Ms Leon: I can take on notice whether we can provide that, yes.

. . . .

Senator RYAN: Are there protocols around the consideration of significant statutory appointments relating to the length of time prior to their expiry that they are made—or considered? I assume a re-appointment would take slightly less time than an initial appointment. But let us assume a couple of months, which is what you implied. That would mean that this process was commenced 10 months before the expiry of the term.

Ms Leon: Without checking the date of the correspondence, I could not say exactly when it was commenced. But I think I have already undertaken to find out for you the correspondence route that it took. I can include in that the date that it was commenced.

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. . . .

Senator RYAN: So, can I take it that you are refusing to indicate whether or not any advice was provided to the Prime Minister about the initiation of the appointment process? I am excluding the cabinet process from this, because I am not questioning that that is not subject to disclosure whatsoever. We can keep wasting everyone's time and going over this, but if you are saying that you are not going to indicate whether such advice was provided—

Ms Leon: I think I said that I would take on notice what the process had been by way of correspondence, and I am happy to also take on notice whether I can say anything more about the advice that was provided.

**Answer:**

The Cabinet Handbook states that for significant appointments ministers must write to the Prime Minister who may, at his/her discretion, submit it to the Cabinet for its deliberation. The Department is unable to provide a copy of the letter as to do so may reveal the content of the Cabinet's deliberations.

The former Special Minister for State, the Hon Gary Gray AO MP, wrote to the Prime Minister proposing the Commissioner's re-appointment on 7 February 2013.