



Parliamentary Joint Committee on the National Anti-Corruption Commission

Report on proposed recommendation for appointment of a Deputy Commissioner of the National Anti-Corruption Commission

24 January 2024

The Parliamentary Joint Committee on the National Anti-Corruption Commission (the committee) was established to provide oversight of the National Anti-Corruption Commission (the Commission).

Under section 178 of the *National Anti-Corruption Commission Act 2022* (the Act), the committee must approve or reject a proposed recommendation referred to the committee by the minister for the appointment of the Commissioner, a Deputy Commissioner, or the Inspector.

On 13 December 2023 the Attorney-General, the Hon Mark Dreyfus KC MP, referred to the committee a proposed recommendation for the appointment of Ms Kylie Kilgour as a Deputy Commissioner of the Commission on a full-time basis for a period of five years.

The committee has unanimously agreed to approve the Attorney-General's proposed recommendation. The committee's approval enables the Attorney-General to recommend the appointment to the Governor-General.

The committee intends that the tabling of this report will satisfy the requirement under paragraph 178(3)(b) of the Act.

The committee thanks Ms Kilgour for putting herself forward to be part of the Commission's leadership team. It also thanks the Attorney-General and his department for supporting the committee to perform its statutory function in relation to appointments.

Previous proposed recommendation

The above decision followed a separate proposed recommendation for the appointment of a Deputy Commissioner that the Attorney-General recently referred to the committee. The committee has agreed to comment on that process in the interests of transparency and to support robust appointments processes in future.

As part of its consideration of the referral, the committee sought information from the Attorney-General's Department about the selection process. The committee appreciates the

department's efforts to inform the committee, but it was not satisfied with the level of information provided. The information provided by the department did not adequately address critical issues that were essential for the committee to undertake its statutory functions. It is extremely important that the department provides the committee with all relevant information that is requested. The committee was not fully confident that all desirable information was gathered by the department in undertaking its assessment. Given the need for the Commission to be above reproach and its need to rapidly establish itself as a credible, trusted and effective anti-corruption commission, these omissions highlighted the importance of the committee's role in reviewing proposed appointments in line with the safeguards of parliamentary oversight built into the Act.

To enable the committee to fulfil its statutory responsibilities, the committee expects to be provided comprehensive information relevant to the candidate and selection process. Considering the statutory timeframes that apply to the committee's work, it is also vital that information be provided in a timely manner.

In this instance, the committee was not required to make a decision on the proposed recommendation because the candidate withdrew their application and, accordingly, the Attorney-General withdrew his referral from the committee.

The committee takes seriously its role in relation to appointments. It looks forward to working with the Attorney-General and his department in future to fulfil its statutory functions and provide important parliamentary oversight in accordance with the Act.

Senator Linda White
Chair