

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Prime Minister and Cabinet Portfolio

Department of the Prime Minister and Cabinet

Budget Estimates Hearing 25-29 May 2009

Question: PM105a-d

Topic: Appointments process

Senator: Ronaldson

Type of Question: Written

Date set by the committee for the return of answer: 10 July 2009

Number of pages: 2

- a) **Is it correct that prior to the 2007 Federal election, the Labor Party promised that department and agency head vacancies would be advertised well in advance and filled on merit and with more transparency?**
- b) **If such a change of policy regarding the selection of department and agency heads was implemented by the Government, when did it come into effect?**
- c) **Can the Prime Minister point to any instances in which this new procedure has come into play in the choice of a department or agency head?**
- d) **Is it correct that there has been no change in the process for secretaries, and that Terry Moran advises Kevin Rudd on appointments after consulting with the relevant minister?**

Answer:

On 5 February 2008 the Government introduced new arrangements for the selection of most Australian Public Service (APS) Agency Heads and other Statutory Office Holders who work closely with APS staff. The arrangements are summarised below.

- The Minister will advise incumbents, in writing, at least four months before the expiry of their appointment whether it is intended to reappoint them, not reappoint them, or to advertise the position to test the field.
- A merit-based and transparent process will apply for filling vacancies, with the following features:
 - oversight of the advertising process and assessment of applicants' claims are to be undertaken by the relevant portfolio Secretary and the Public Service Commissioner (or their representatives);
 - vacancies will be advertised at a minimum on the APSjobs website and in the national press;

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- selections will be made against a core set of selection criteria, supplemented by additional criteria agreed to by the Minister and Secretary;
- a report endorsed by the Public Service Commissioner, will be provided by the Secretary to the Minister recommending shortlisted candidates.
- Where the Minister wishes to appoint someone not recommended by the panel, the Minister will need to write to the Prime Minister setting out reasons.
- Where legislation provides for specific processes for appointments, those provisions will take precedence to the extent of any inconsistency with this policy.
- Where the appointment of an agency head is made by a board, the chair of the board will have the responsibilities set out above, in lieu of the Secretary and Minister.
- All appointments are to be made for a period of five years unless individual appointees advise in writing that they are seeking a shorter period, or the relevant legislation stipulates a different period, or other special circumstances arise justifying a short term.

Further detail about these procedures and a list of the offices subject to merit based selection can be found on the Australian Public Service Commission's website (<http://www.apsc.gov.au/apsprofile/agencyheadselection.htm>.)

Secretary positions are not covered by the procedures introduced in February 2008. However, while vacancies have not been advertised, a number of commitments relating to the terms and conditions of secretaries have been implemented. None of the Secretaries appointed by the previous Government was terminated following the election, performance pay for Secretaries has been abolished and, with one exception, all appointments have been for five year terms.

As required under the *Public Service Act 1999*, the Secretary of the Department of the Prime Minister and Cabinet prepares a report on a vacancy in the office of Secretary for the Prime Minister, after consultation with the relevant minister.