



Submission by the Community and Public Sector Union

Senate Inquiry into ABC Board Appointments

August 7, 2001

Index

The CPSU	3
Introduction	3
Need for a Change in the Method of Appointment	4
Perceptions of Political Bias	4
Failure of the Current Board	6
Models of Appointment	7
Stages of the Selection Process	8
Selection Criteria for Board Appointments	9
Advertising of Board Positions	12
Appointment Process	13
Short Listing of Applications	15
Selection by Parliament or a Committee of Parliament	16
Scrutiny of Appointment by Parliament	17
Announcement of Decision	17
Managing Director	18
Staff Elected Director	18
Reporting of Board Meetings	18
Conclusion	19
Attachment 1 Filling of Board of Governor positions	
Attachment 2 BBC Application form for position of Chair, BBC	
Attachment 3 Filling of Board positions, SABC	
Attachment 4 Filling of Board positions, CBC	
Attachment 5 Council of Europe, procedures for broadcasting sector	
Attachment 6 Hungarian procedures for public foundations	

This submission has been prepared by:

Graeme Thomson, ABC Section Secretary of the CPSU and
Alison Rahill, CPSU Delegate, ABC Radio

Community and Public Sector Union
Level 5, 191 Thomas St
Haymarket, NSW 2001
Ph: 02 8204 6927
Fax: 02 8204 6902
e-mail: graeme_thomson@cpsu.org

The CPSU

1. The CPSU is a trade union representing all ABC employees other than Senior Executives Bands 2 and above and Journalists. The ABC Staff Union amalgamated with a number of other unions in 1989 to form what is now the CPSU.

Introduction

2. The ABC is required by its enabling legislation to carry out its functions independently and with integrity. On occasions this requires it to report critically on the activities of the Government of the day. However, the organisation is dependent on that Government for its funding and the Board, a body charged with protecting the independence of the broadcaster, is appointed by the Government of the day. It is easy to see why this model creates tension. The organisation's dependence on direct funding means that its independence is potentially threatened by a government angered over the way the national broadcaster reports on its activities. Its independence is also potentially threatened by governments stacking the Board to tame the watchdog charged with protecting the organisation's independence.
3. The CPSU has consistently sought two commitments to address these problems:
 - secure adequate long term base funding for the national broadcaster; and
 - a new system of Board appointments that ensures that appointments are based on merit and minimises claims of real or apprehended bias and of political patronage.
4. It is the belief of the CPSU that the system of direct ministerial appointment of ABC board members has served our most important national cultural institution poorly.
5. The major asset of the ABC is its reputation. The national broadcaster is widely regarded as one of the most reliable and trustworthy sources of News and information programming in Australia. Public doubts about the Board and its

political motivation damage the credibility and authority of the national broadcaster.

6. It should go without saying that only suitably qualified people with a commitment to public broadcasting and its ethos should be allowed to become ABC board members. Blatant political appointments undermine the well-deserved credibility earned through the endeavours of its dedicated program-makers. They also short-change the audience, which has every right to expect a Board to provide the most dynamic and progressive leadership available.
7. After extensive research of how other governments around the world have tackled the issue of public broadcasting board independence, the CPSU has formed the view that the Australian system of Board appointment is comparatively closed, lacks accountability and falls short of world best practice.
8. The recommendations made in this submission concerning the filling of Board appointments are limited to the filling of ABC Board positions only.

Need for a Change in the Method of Appointment

9. The claim that the ABC Board has been stacked with political appointments is not new. The Dix Review of the ABC addressed the issue of politicization of the ABC and noted that:

A recurring theme in proposals put to us was, accordingly, the need for some means to be found to 'depoliticise' the appointments process. As a corollary to this, there was seen to be a need for some kind of objectivity in the selection of interests to be represented.

Perceptions of Political Bias

10. All major political parties have objected to the practice of the government of the day stacking the ABC Board.
11. Senator Alston said:

[It will be] a great disappointment to all those who are looking to the Government to take this opportunity to make appointments to the board on the basis of merit and to boost the community standing and reputation of the ABC. This blatant board stacking

exercise endangers the independence and integrity of the ABC and has the potential to do grave danger to Australia's international reputation.

Hansard, 30.06.94)

12. Senator Alston more recently said:

Labor has a long track record of pontificating about "safeguarding the independence of the ABC" while stacking the Board with trade union mates and former Labor Premiers.

13. The Democrats

For nearly two decades, governments from both major parties have placed their mates at the helm of the ABC. We think it's time to stop the practice.

Australian audiences deserve the right to have the ABC protected from government interference. Audiences also deserve an ABC which is governed by Board members willing to fight for the ABC's commercial-free status. We all deserve a Board willing to stand up to government and to defend the ABC.

Vicki Bourne, Australian Democrats

14. The Greens

We ought to be able to put there, a board which is at arms length from politics and which is therefore able to get away from that...the appearance that it's politically biased in one direction or the other depending on which major party's in government.

Bob Brown,

15. The majority report, of the Senate Select Committee on ABC Management and Operations, supported by the Democrats, the Greens and the Coalition stated that:

7.14 However concern about recent Board appointments is not only over their seemingly political nature, but also over their level of expertise which particular Board members can bring to bear on a range of complex technological and financial issues.

16. The ALP:

The Deputy Opposition Leader, Mr Gareth Evans, said Mr Kroger's appointment was disgraceful and likened it to the appointment of revisionist historian David Irving to the board of the Holocaust museum.

Reported in The Age 7 February 1998

17. The consistent position taken by the two major political parties is that the appointments made by the other side have been political but their own appointments have been merit based.

18. The CPSU considers that there has been an established history in Australia of the government of the day making politically motivated appointments to the Board. Despite this, the CPSU considers that there is little merit in attempting to track the political allegiances of all appointments and in attempting to establish whether

these political allegiances may have influenced or coloured their behaviour on the Board. Such a study is unlikely to produce genuine bi-partisan support.

19. The CPSU fully endorses the comments made by John Howard in 1995 when he said:

you not only must have a board that is completely politically neutral but must be seen to be neutral.

20. The CPSU considers that there is a widespread community perception that all governments have abused their position by stacking the ABC Board. Widespread doubts have also arisen about whether members of the Board have acted in the best interests of the national broadcaster or have simply served their political interests. These public perceptions cause considerable damage to the ABC and its reputation as the independent national broadcaster. The CPSU considers that it is essential that a new system of Board appointments be implemented to ensure that the Board is completely neutral and equally importantly, is seen to be completely neutral.

Failure of the Current Board

21. The CPSU considers that the recent management of the ABC has been less than adequate for at least the past 12 months. The Managing Director's restructure of the organisation twelve months ago created a crisis within the organisation. The restructure was the root cause of the collapse of TV production over the past nine months. The commissioning of new program productions stalled because of the introduction of top heavy and bureaucratic commissioning processes that left ABC staff program makers and private sector program makers confused about the programming priorities of the Corporation and who was in fact responsible for clearing program ideas. The crisis has been magnified by the significant shift of resources (both staff and money) away from free to air programming, the sacking of a large number of key creative and management staff, the sacking of large numbers of program makers and the diversion of \$22 million to pay for redundancy payments that otherwise could have been spent on paying program makers to make programs.

22. The CPSU considers that the Board has failed to meet its statutory obligation under section 8 of the Act “to ensure that the functions of the Corporation are performed efficiently and with the maximum benefit to the people of Australia’ and ‘to maintain the independence and integrity of the Corporation’. This is demonstrated by the failure of the Board to properly review important decisions taken by the Managing Director over the restructure of the organisation and the application of its parliamentary appropriation. The CPSU has previously called for the removal of the current Board and its replacement by persons better suited to the performance of the Board’s functions. The CPSU considers that a new method of appointment to the Board must be adopted prior to the removal of the current Board to ensure that public trust and confidence in the ABC and its Board is maintained.

Models of Appointment

23. The CPSU is not proposing a single preferred model of appointment. The CPSU acknowledges that there are faults and problems with all the potential systems it has examined. It does however consider that the current system is even more flawed than many of the alternatives it has examined.

24. The CPSU proposes that a new system of appointment be introduced that promotes public confidence in the ABC, its Board, and the belief that the Board is operating in the best interests of the national broadcaster. To achieve these objectives the CPSU believes the new system should incorporate the following elements:

- The field of candidates must be as broad as possible to facilitate the creation of a Board that reflects the diversity of Australian society and extend the range of candidates beyond those that move in political circles.
- The process should be merit based
- The process of selection must be open, transparent and accountable
- Selection decisions must be made against clear selection criteria
- ‘Public interest’ concerns needs to be given greater weight than individual demands for privacy of applicants

Stages of the Selection Process

25. The CPSU has considered a range of ideas and models that could give effect to these principles. Following a brief description of the model of appointment used in the United Kingdom, the submission discusses how each stage of the selection process could operate in the context of current world best practice. The stages of the selection process identified by the CPSU are:

- Development of Selection Criteria
- Advertising of the vacancies
- A two stage selection process that includes:
 - consideration and short listing of applications
 - the actual Decision or Appointment Process
- Announcement of Decision

Overseas Experience

26. The CPSU has undertaken a review of the appointment processes that apply to national broadcasters around the world. A number of models have been adopted in the filling of public broadcasting Board positions that are designed to promote openness and transparency. The submission includes a brief description of the process adopted in the UK. A detailed description of the UK process is included at Attachment 1. A description of the models used in Canada, the European Union, South Africa and Hungary are also included at attachment.

27. The basic principles and procedures that apply in the UK are part of what are referred to as the Nolan Rules, a system of appointment to public office that is designed to foster transparency and accountability and public confidence. The basic elements of the system are:

- A merit based selection process that draws potential candidates from the widest possible base via invitation, public nomination and advertisements containing job specifications.

- Developing criteria in consultation with the Board that appeals for candidates who possess qualifications and expertise that would contribute to the overall balance of relevant skills and backgrounds of the Board.
- The requirement of all candidates to complete formal applications including: core competencies; areas of knowledge and experience regarding Broadcasting issues; a political activity statement.
- The suitability of all candidates to be assessed, short-listed and interviewed by an advisory panel which includes independent members.
- The Independent Assessor, (preferably a retired senior public servant or member of the judiciary) subject to the same political activity statement, conflict of interest, and code of conduct as applicants.
- The advisory panel to put forward no less than two nominations to the Minister for final selection.
- Press announcement of the successful candidate listing results of the political activity statement, remuneration, term, experience and qualifications.
- Open to Parliamentary questions regarding the integrity of the process and public scrutiny of the appointees ensures a democratic accountable selection process.

Selection Criteria for Board Appointments

28. **Existing Criteria:** Sub Section 12 (5) of the Australian Broadcasting Corporation Act 1983 provides:

A person shall not be appointed as a Director referred to in paragraph (1)(c) unless he or she appears to the Governor-General to be suitable for appointment because of having had experience in connection with the provision of broadcasting services or in communications or management, because of having expertise in financial or technical matters, or because of having cultural or other interests relevant to the oversight of a public organization engaged in the provision of broadcasting services.

29. The CPSU notes that the current selection criteria were introduced following recommendations of the Dix Committee in 1981. The CPSU considers that these

criteria are inadequate and do not provide sufficient guidance in the selection of the most appropriate persons to fill the positions.

30. The CPSU notes that whilst the current legislative framework includes a reference to broadcasting or communications experience, the criteria are not mandatory. Nor is the requirement that they are able to demonstrate a commitment to the principles of public broadcasting. The CPSU acknowledges that other skills and attributes, including financial, managerial and communications experience, are of critical importance and need to be retained on the Board. The CPSU considers however that all appointees must be able to demonstrate their commitment to the principles of public broadcasting.
31. **New Selection Criteria:** The CPSU notes that considerable debate occurred within the UK concerning appointment to all public offices including the positions of Governors of the BBC. In 1995 the UK, under John Major, adopted what are commonly referred to as the Nolan Rules. These Rules, or principles, guide the selection of all appointees to public offices. These Seven Principles of Public Life, stated briefly are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. The UK in adopting these principles also created machinery to assist in the application of these principles: the Office of the Commissioner of Public Appointments (OCPA).
32. Whilst the mere stipulation of these criteria would of itself do little to ensure the principles are applied, the CPSU considers that these criteria should be adopted and incorporated into the advertised selection criteria. The publication of the criteria together with the adoption of transparent processes that assist in the evaluation of applicants against the criteria, would assist in ensuring merit based appointments to the Board.
33. **Should political allegiance prevent appointment to the Board?:** The CPSU does not consider that political allegiance should prevent appointment to the ABC Board. The CPSU notes that many Australian citizens with an interest in and dedication to public affairs and the promotion of a vision for public affairs are drawn to political activism. This should not limit their ability to serve their fellow citizens by sitting on the Board of the ABC. The CPSU however considers that they would be more effective in undertaking this role if they were also able to

demonstrate that they had broad cross party political support for their appointment and that their political allegiances are known and understood in advance.

34. **Recommendation:** The CPSU considers that all applicants should be required to submit a declaration containing all relevant information concerning their political activities. The CPSU notes that this procedure is a requirement under the Nolan Rules. This declaration should include information concerning the applicants political affiliation including:

- Any political office held
- Details of whether they have stood as a candidate and if so their party affiliation
- Details concerning whether they have spoken on behalf of a party or candidate
- Whether they have acted as a political agent
- Details of any office held in a party including a local branch of a party
- Details of any employment by a political party
- Details of whether they have canvassed on behalf of a party or helped at elections
- Details of any other political activity

35. **Potential Conflicts of Interest.** The CPSU considers that all applicants be required to complete a declaration at the time of their application that sets out any potential conflicts of interest that may arise between their other interests and the performance of their Board duties.

36. **Should the appointment conventions be codified?:** There have been a number of conventions that have been applied in the selection of appointments. One of these for example is that the applicants should be drawn from a number of states and territories. The question arises whether these conventions should be codified. The CPSU considers that this would unreasonably limit the selection process. The size of the Board does not permit representation from all branches and territories. The CPSU however does not support the codification of these conventions. The

CPSU notes that the selection criteria must be dynamic and recognise that the overall balance of the Board must be maintained. Of equal importance to geographical representation are other criteria that include for example experience in financial affairs or a knowledge and experience in the performing arts. It may be for example that in a vacancy created by the departure of a Queensland Board member may be more appropriately filled by the appointment from another state where that appointee possesses particular skill that may better balance the overall skills and experience of the Board.

37. On the other hand, the development and publishing of clear selection criteria would assist applicants in deciding whether they should apply, would build public confidence in the selection process as the criteria would provide a measure against which their applications could be measured, and would assist in the process of culling weaker candidates who clearly do not meet the published criteria.
38. **Recommendation:** The CPSU recommends that selection criteria be established in consultation with the Board (or the Chair of the Board). These criteria should include mandatory qualifications that include the requirement that applicants demonstrate their commitment to public broadcasting; the ‘Nolan Rules’; and secondary criteria, namely experience financial or managerial areas or in the fields of the arts or culture. The secondary criteria should be developed in consultation with the Board (or the Chair) and should identify the types of skills and expertise that it requires to better fulfill its obligations. Under this model it is suggested that advertisements be prepared that indicate preference will be given to a person with particular skills eg financial, arts, broadcasting etc and where appropriate from a smaller state, region.

Advertising of Board Positions

39. The current closed process ensures that only those applicants who are close to or move in the same circles as the Minister are likely to come to the attention of the Minister. The open advertising of positions is therefore likely to throw up the names of potential candidates who otherwise would not have come to the attention of the Minister. The CPSU considers that regardless of the model of selection, the process of open advertising should be adopted.

40. The CPSU notes that this model is used for the calling of nominations for a range of Board positions that include the Censorship Board.
41. This model would not preclude the Board inviting particular persons to submit applications or the Minister inviting people to nominate.
42. The CPSU notes that the process of open advertising of vacancies would be more effective if the criteria for selection were clearly specified. This would have a number of benefits. It would assist in filtering out applications from persons clearly unsuitable and it would provide greater transparency in the final selection decision. The CPSU considers that the advertising of the vacancies would be more effective if it is introduced in tandem with the CPSU recommendation concerning development of selection criteria.
43. **Recommendation:** The CPSU recommends that all Board vacancies (other than the staff elected Director) be advertised in the national media

Appointment Process

44. The current process of selection is currently undertaken behind closed doors and provides no public understanding of the basis of the appointment decision.
45. The CPSU considers that the selection process needs to be open and transparent. A transparent process would have a number of benefits. It would discourage political patronage and the perception that an appointment may have been made on this basis. Transparent processes increase public confidence that appointments have been made on the basis of merit and provide greater authority to these people once appointed.
46. The Dix Report received a large number of submissions concerning politicization of the ABC Board and the need to develop new models for filling the positions. The Dix Review however took the view that it was unlikely that the major political parties would be able to ever reach a consensus on a new method. The Committee also took the view that:

We are doubtful that any real consensus could be reached. Inevitably the Government view would prevail, and in the process nominees would be subjected to a degree of public scrutiny which would be at best, unnerving, and at worst, intrusive especially in the event of the nomination's being rejected.

(paragraph 6.22 of the Dix Committee Report)

47. The CPSU strongly suggests that this approach needs to be re-visited. Whilst the CPSU recognises the possible dangers in subjecting potential applicants to excessive public scrutiny that may delve into matters that are irrelevant to the performance of their duties as Board members, further consideration needs to be given to the issue of the balance between the public interest and how the best possible candidates can be identified and placed on the ABC Board, and the rights of potential applicants to be protected against intrusive attacks on their privacy. The CPSU suggests that the debate has considerably shifted in the past 20 years on this issue. The Board appointments are some of the most important and significant positions in Australian society. Australian citizens have a right to know about the Directors of the Board and understand how decisions are made about the filling of the positions.
48. The CPSU notes that since the Dix Report, which at the time was at the international cutting edge of reform, most countries have abandoned this approach and have given ascendancy to the public interest arguments. The Australian approach in filling the positions when compared with other democratic countries around the world reveals Australia to be backward and failing to adequately protect the public interest.
49. **UK Model:** Under the ‘Nolan Rules’, an advisory panel considers and short lists all applications. This panel is comprised of at least three persons: a nominee of the relevant Department, a Board nominee and an independent assessor. The independent assessor tends to be a respected retired judge or public servant. The independent assessors in turn have been through the same selection process. The committee then forms a short list of applicants (minimum two) which is then supplied to the Minister who makes the final decision.
50. **Application of the UK System to Australia:** The major difficulty with transplanting this model to the Australian context is that it relies on the existence of an infrastructure for the selection of a significant number of public officers and appointments. Whilst the CPSU would support this model for all appointments, it lies outside the brief of this committee to make this recommendation. Unless this broader infrastructure is put in place a number of modifications would need to be

put in place before the process could be transposed to Australia. The UK system relies on the existence of a group of independent assessors. In the absence of this infrastructure, the CPSU suggests that a truncated system could operate that replaces the independent assessor drawn from OCPA with an independent assessor proposed by the Prime Minister, on the advice of the Minister and agreed to by the Leader of the Opposition.

Short Listing of Applications

51. A process of assessing applications against clear selection criteria and the short listing of applications by a panel or advisory group other than the final decision maker promotes merit based appointment. This process allows for openness and transparency in the consideration of the respective merits of candidates for the positions. The CPSU considers that the panel or advisory group should operate in an open and transparent manner. The short list of applicants that it provides, together with their rankings and the reasons for the rankings, should be publicly disclosed together with the declarations the applicants have made concerning potential conflicts of interest and their political associations. There should also be sufficient time allowed between the disclosure of this information and the final decision making process to allow for public and parliamentary debate to occur.
52. **Recommendation:** The CPSU recommends that the selection process incorporate a process that allows for the open and transparent assessment and short listing of applications by a committee.

Final Selection Decision

After the processes of developing selection criteria, advertising of vacancies, assessment and short listing of applicants against the criteria by an independent committee that includes an independent assessor, comes the final stage of selection.

Selection by Minister

53. The CPSU considers that if all the CPSU recommendations concerning the initial processes of selection were adopted, namely the development of selection criteria, the advertising of positions; the declaration of political interests and potential

conflicts of interest by applicants and an open and transparent assessment and shortlisting process by a committee that includes an independent assessor, sufficient protection would be built into the system to allow direct Ministerial appointment. Under this model the Minister would be provided with a shortlist of at least two and preferably more potential applicants by the independent assessment committee. The CPSU considers that strict application of the open and transparent advertising, assessment and shortlisting procedures would act to limit the political stacking of the Board by a Minister. Retention of direct ministerial appointment subject to these new procedures would also protect the principle of ministerial responsibility for the decision.

Selection by Parliament or a Committee of Parliament

54. The approach that has received most recent attention in Australia promotes the use of a Joint Party Committee, or House of Representatives or the Senate to make the appointment. Various models have been promoted including the requirement that two-thirds or 75% of the committee (or Parliament) support the appointment.

55. The attractiveness of these models is that they would actively encourage the appointment of persons who have broad community support and would discourage the nomination of persons simply viewed as ‘political hacks’. This approach would also have the benefit of ensuring the ABC is recognised as a creature of Parliament and not executive government.

56. The CPSU supports these models. If a model along these lines were adopted further consideration would need to be given to the mechanics of how Parliament (either as the House or a joint party committee) would meet to make the decision. The CPSU suggests that if this model were to be considered, it would operate more effectively if either:

- a small joint party committee; or
- a committee similar to that proposed in paragraph 50.

assessed all applications in accordance with the procedures detailed in paragraphs 50 and 52 and provided a short list of applicants who met the criteria.

Scrutiny of Appointment by Parliament

57. Another model proposes that appointments would be scrutinised by a joint parliamentary committee. This model was recommended by the Senate Select Committee on ABC Management and Operations, tabled on 30 March 1995:

Recommendation 22

Before the appointment of a person to the Board, the proposed nominee should be required to appear before a joint parliamentary committee to enable the Parliament to scrutinise the person's credentials. The committee would not have a power of veto, but would be able to comment on the suitability of a nominee prior to appointment.

58. A variation of this model has been proposed by the Democrats. This model replaces scrutiny by Parliament with scrutiny by a joint house select committee. Under this model, the committee would have the power to reject the appointment within 44 sitting days.

59. The CPSU considers that this model does not adequately address the need to provide transparency in the appointment decision. Whilst the model provides an opportunity for limited scrutiny of the appointment, it does not allow or promote the canvassing of alternative candidates. The model is at best an improvement over the current procedure but falls well short of world best practice.

Announcement of Decision

60. The CPSU notes that under the UK system, the appointment decision must be accompanied by a formal announcement in the media which includes the mandatory publishing of particular information. The CPSU notes that this requirement is designed to increase public confidence in the appointment by providing relevant information about the selection decision and the successful appointee.

61. The CPSU recommends that this requirement be adopted and that the following information (similar to that required under the Nolan Rules) be published at the time of the appointment:

- Details of the appointee's career
- Level of remuneration

- Other ministerial appointments held

And information contained in the declaration described in paragraph 34.

Managing Director

62. The CPSU notes that the Chief Executive Officer of some national broadcasters are appointed directly by the Government.

63. The CPSU supports the continued authority vested in the Board to appoint the Managing Director. However, a procedure along the lines of the British OCPA would contribute a great deal to re-establishing the public's trust in the ABC Board and Managing Director.

Staff Elected Director

64. The CPSU supports the retention of the position of staff elected Director on the ABC Board. The CPSU recommends that the procedure for election of the Staff Elected Director be amended so that the same method of election used in most Australian Parliaments be adopted, i.e. preferential voting.

Reporting of Board Meetings

65. The CPSU also believes that the task of building public confidence in the ABC Board and the persons appointed to the Board would be enhanced by the introduction of more open methods of reporting on the Board activities. The CPSU is concerned over the excessive secrecy of the ABC Board, and observes that information pertaining to the BBC Board is far more accessible than that of the current ABC Board. In particular, summaries of board meetings are available on the BBC website - 'Accounts of Governor's Meetings'. Minutes or descriptions of key decisions taken by the board and main committees, especially in regard to the allocation of budgets and personnel, should also be made available for public inspection. This relates to standards of disclosure and accountability that currently are non-existent and shrouded in secrecy. The CPSU notes the growing practice of the ABC to claim that many of its decisions are commercial-in-confidence. The CPSU suggests that Australian National Audit Office be requested to provide

clearer guidelines on what types of information held by the ABC should be genuinely treated as commercial-in-confidence.

66. **Recommendation:** The CPSU recommends that the ABC Board regularly publish minutes or descriptions of key decisions taken by the Board and its sub-committees, especially in regard to the allocation of budgets and personnel.

Conclusion

67. The CPSU believes that the system of direct ministerial appointment of ABC board members has served our most important national cultural institution poorly.
68. The CPSU considers that a new system of appointment needs to be introduced that encourages public confidence in the ABC and its Board.
69. A new system must be based on the principles of openness, transparency and accountability.
70. Board appointments should be drawn from the widest possible range of applicants, not just from those known to the Minister. Accordingly all Board vacancies, other than the staff elected Director should be advertised in the national media.
71. Clear selection criteria should accompany the advertisements.
72. All applications should be considered on their merits and measured against the advertised selection criteria.
73. The initial assessment of applications should be undertaken in an open and transparent manner by a panel or committee that includes an independent assessor.
74. All applicants should be required to declare their political affiliations and any potential conflicts of interest.
75. The appointment decision could be undertaken by the Minister, Parliament or a joint party committee from a shortlist of names provided by the assessment panel or committee.
76. Announcement of the appointment should be accompanied by a statement detailing the appointee's career experience, remuneration and other relevant information including their political activities.

77. The Board should be required to make public all of its decisions other than those that are genuinely commercial-in-confidence.