

An Independent ABC Board

The ABC is perhaps Australia's most important cultural and information institution. In spirit and at law the ABC is meant to be independent. The national broadcaster exists to serve the interests of the entire Australian community, not the government of the day.

Over the years, the general public, independent commentators and all of the major political parties have been critical of what they see as the abuse of the process by which the ABC Board is appointed. There have been a number of board members who fulfil neither the criteria of merit or independence, let alone both.

All of the directors appointed since the Howard Government took office are perceived to be formally or informally supporters of the Coalition. In his submission to last year's Senate Inquiry 'Above Board? Methods of appointment to the ABC Board', Ken Inglis, historian and author of *This is the ABC*, concluded that 'political' appointments are becoming more common.

Board stacking endangers the independence and integrity of the ABC. And as the politicisation of an important public body like the national broadcaster occurs, public trust in our institutions generally declines. Respect for politicians, people perceived to be political appointees, and the institutions which they direct is eroded. If not addressed, this practice could ultimately threaten the public's belief in the legitimacy of government.

FABC Policy

Friends of the ABC's policy is that a new system of appointments to the ABC Board must be implemented – one which ensures members are appointed on the basis of merit and their strong commitment to the maintenance of an independent and comprehensive national public broadcaster, and that the board is independent of political parties and the government of the day. FABC believes the position of staff-elected member of the Board should be retained because it allows valuable input from the people who directly produce the programs and run the ABC. Importantly, it is one small counter to boards stacked by governments.

The 'Nolan Rules' - UK's System of Appointments to Public Bodies

Following widespread disquiet about the independence and standard of appointments to public offices, the British Government established a Committee on Standards in Public Life. The Committee, chaired by Lord Nolan, identified 'The Seven Principles of Public Life', the qualities all holders of public office should display, i.e., selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

Lord Nolan's Committee developed a system of appointment to public office, including the positions of governors of the BBC, which is designed to foster transparency, accountability and public confidence.

In 1995, John Major's Conservative government established the machinery recommended by the Nolan Committee to assist in the implementation of these principles. It introduced the post of Commissioner for Public Appointments (CPA), which is independent of both the Government and the Civil Service.

The CPA regulates, monitors and reports on the way in which ministers make appointments to the boards of public bodies. Each relevant government department through which a minister carries out his/her duties to a public body, is responsible to develop and implement the appointment process for that body, subject to requirements of the CPA.

Arising from the Nolan Committee's report, the Office of the Commissioner for Public Appointments (OCPA) developed a *Code of Practice for Ministerial Appointments to Public Bodies*. The Code sets out seven principles which relate to procedures in the public appointments process. Commonly referred to as the Nolan Rules, they are: ministerial responsibility, merit, independent scrutiny, equal opportunities, probity, openness and transparency, and proportionality.

The Code sets out the regulatory framework for the public appointments process – planning, preparation and selection. It provides government departments with steps they must follow and monitors them to ensure they have in place systems which are fair, open and transparent, which produce quality outcomes, and where all appointments to the boards of public bodies are made on merit and can command public confidence.

OCPA's Code requires detailed selection criteria to be developed on every occasion a candidate is sought, keeping in mind the appropriate mix of skills and interests which may be required on a particular public board. All posts must be publicised in an effective but proportionate way. In addition, candidates can be sought through other sources. Anyone can apply and will be assessed by the same formal process. All candidates are required to provide specified information on political activity which is already in the public domain.

OCPA's *Code of Practice* mandates the involvement of an Independent Assessor (IA) in the selection process for every Ministerial appointment to public bodies. An IA is required to oversee and participate in the appointments process in order to provide an assurance that it has conformed with the Code. Departments can select their own IA, subject to criteria laid down by the OCPA, or draw on OCPA's central register.

While the government of the day retains the ultimate decision of who to appoint, the minister is expected to make the final selection from a short list of recommended candidates which has been developed through this process. Any minister who does not adhere to the process, risks public exposure by the CPA.

The Nolan system establishes an independent selection process which fosters transparency and the assessment and shortlisting of candidates on the basis of merit. It extinguished a system of political patronage, replacing it with one of good governance. The system continues today, recommending new codes and principles to cover the behaviour of members of parliament, ministers, civil servants and others in public life.

The Australian Labor Party has a policy to introduce a system of appointments to the ABC Board along the lines of the Nolan Rules, the system used in the United Kingdom to make appointments to public bodies. Such a system is supported by the Greens. The Australian Democrats proposes a different system of appointment. The Liberal-National Coalition believes the present system – of the government making appointments to the ABC Board with no accountability and transparency - should continue.

Write to the media about the need for an independent public appointments process.

Contact Liberal and National Party politicians. Urge them to introduce a Nolan-type system for appointments to the ABC Board.