

Merit and transparency in appointments to the ABC and SBS Board

Guidelines and information for potential applicants for non-executive Director positions on the ABC and SBS Board

July 2016

Contents

1. Preface	3
2. The Nomination Panel	4
3. The merit-based selection process	5
3.1 Selection criteria.....	5
3.2 Definition of ‘merit’	5
3.3 Eligibility for appointment.....	6
3.4 Advertising vacancies and EOI Information Kit	6
Expression of Interest cover sheet	6
Position Description	6
Appointments to the ABC and SBS boards: Information about merit-based appointments to the ABC and SBS boards (Department of Communications and the Arts).....	6
3.5 Private Interests Declaration, probity checking	7
3.6 External recruitment services.....	7
3.7 Final selection report.....	7

1. Preface

This document sets out the merit-based selection process that will be followed by the Nomination Panel for ABC and SBS Board Appointments (the Panel). The Panel will use this process to identify suitable applicants for appointment by the Minister as non-executive Directors on the boards of the Australian Broadcasting Corporation (ABC) and the Special Broadcasting Service (SBS). It is intended to be a reference document for applicants preparing an expression of interest (EOI) for a vacancy on the ABC Board or the SBS Board.

An EOI Information Kit, containing all of the information needed to submit an application for a specific position, is issued on behalf of the Panel and made available on the Department of Communications and the Arts' (the Department) website when a new appointment round commences. Persons interested in a position on either board are encouraged to regularly check the Department's website.

Information about the current boards can be found at:

ABC Board: <http://about.abc.net.au/who-we-are/the-abc-board/>

SBS Board: www.sbs.com.au/aboutus/board-of-directors.

2. The Nomination Panel

The Panel is established under the *Australian Broadcasting Corporation Act 1983* (ABC Act). The Panel comprises a Chair and two or three other members, appointed on a part-time basis by the Secretary of the Department of the Prime Minister and Cabinet for terms of up to three years. A quorum of the Panel comprises three members.

The current Nomination Panel is comprised of Mr Ted Evans AC (Chair), Ms Anne Fulwood, Dr Sally Pitkin and the Hon Neil Brown QC.

The functions of the Panel, as set out in the ABC Act and the *Special Broadcasting Service Act 1991* (SBS Act), include:

- a) to conduct a selection process for each appointment of a non-executive Director to the ABC Board and the SBS Board, with the exception of the staff-elected Director on the ABC Board
- b) to assess all applicants for an appointment against the selection criteria determined by the Minister by legislative instrument and any additional selection criteria notified in writing by the Minister to the Panel in relation to a particular appointment
- c) to assess all applicants for an appointment on the basis of merit
- d) to give a written report:
 - i. if the appointment is for the Chairperson of the ABC — to the Prime Minister and the Minister or
 - ii. if the appointment is not for the Chairperson of the ABC — to the Ministeron the outcome of the selection process that contains a list of at least three candidates who are nominated for an appointment and a comparative assessment of those candidates.

The Panel is responsible for establishing the processes used to assess applicants. The usual approach is for the Panel, assisted as appropriate by an external recruitment agency (see 3.6), to make an initial assessment based on consideration of the written applications, leading to interviews of those selected for further consideration. Prior to interview, referee reports and probity checks will be conducted on short-listed applicants. At the conclusion of the process, the Panel will nominate at least three candidates for each vacancy.

Prior to the commencement of a selection process, the Chair of the Panel may consult with the Chair of the ABC and/or SBS board on the skills requirements for each board.

The Panel may conduct a single selection process for two or more appointments.

3. The merit-based selection process

When the Minister notifies the Panel of a forthcoming vacancy on the ABC Board and/or the SBS Board, the Panel must conduct a merit-based selection process in accordance with the ABC and SBS Acts. As noted above, the Panel must assess all applicants against the relevant selection criteria on the basis of merit.

3.1 Selection criteria

Under the ABC and SBS Acts, the Minister must determine selection criteria for the appointment of non-executive Directors to the ABC and SBS boards by legislative instruments. The selection criteria for the positions are intended to reflect the duties, skills and desirable attributes of non-executive Directors on the ABC and SBS boards.

The Minister may also notify the Panel of additional selection criteria for a particular appointment. For example, if a particular vacancy has job-specific elements that are required to maintain the overall balance of skills on the relevant board. Any additional selection criteria will be binding on the Panel for a particular appointment, but will not apply with respect to all appointments to that board.

The selection criteria for each position, plus any additional selection criteria, will be included in the Position Description as part of the EOI Information Kit, on the Department's website when a vacancy is advertised.

3.2 Definition of 'merit'

The ABC and SBS Acts provide that the assessment of applicants for appointment as non-executive Directors is based on merit if:

- an assessment is made of the comparative suitability of the applicants for the duties of that Director, using a competitive selection process
- the assessment is based on the relationship between the applicants' experience, skills and competencies and the experience, skills and competencies genuinely required for the duties of that Director
- the assessment focuses on the capability of the applicants to achieve outcomes related to the duties of that Director
- the assessment is the primary consideration in nominating the candidates for that appointment.

The principle of merit will be interpreted broadly in the selection process. Formal qualifications and traditional work experience will form only one element of the Panel's assessment of an applicant's experience, skills and competencies. Non-traditional activities and career paths may also be recognised and valued as suitable qualifications which contribute to an applicant's overall suitability for appointment.¹

¹ *National Broadcasting Legislation Amendment Act 2012*, Explanatory Memorandum, page 8.

3.3 Eligibility for appointment

The following persons are not eligible for appointment to the ABC Board or the SBS Board as a non-executive Director:

- a current member or former member of the Parliament of the Commonwealth
- a current member or former member of the Parliament of a State, of the Legislative Assembly for the Australian Capital Territory or of the Legislative Assembly of the Northern Territory
- a person who is or was a senior political staff member (within the meaning of the ABC Act).

This eligibility restriction applies while engaged in such positions, or for a period of 12 months, beginning on the day the person ceased to hold one of the positions described above.

3.4 Advertising vacancies and EOI Information Kit

The Panel must publish advertisements inviting written applications from persons seeking to be appointed to the position(s) on the Department's website; and in one or more forms that are readily accessible to potential applicants, for example, on a website other than the Department's website.

When a new appointment round is announced, an updated EOI Information Kit will be made available on the Department's website. The documents will be available for downloading in various formats. The EOI Information Kit will include the following:

[Expression of Interest cover sheet](#)

This form must be completed by all applicants for a position on the ABC or SBS Board (only one form is required if you are applying for both the ABC and SBS Board).

The cover sheet should be accompanied by a current curriculum vitae (three pages or less) and a statement of three pages or less which addresses the person's suitability for appointment to the relevant Board (or both the ABC and SBS Board). The statement should address the selection criteria for the position, including by reference to relevant experience, knowledge, skills and attributes.

[Position Description](#)

This document includes the selection criteria for the relevant Board positions that have been advertised (there is a separate Position Description for the ABC Board and for the SBS Board). The document will note any specific issues that applicants should be aware of before applying for a position, and will include general information about the relevant Board and the role of a non-executive Director on that Board. The document also provides contact details for queries about the application process, as well as the closing date for applications and information that must be provided with applications.

[Appointments to the ABC and SBS boards: Information about merit-based appointments to the ABC and SBS boards \(Department of Communications and the Arts\)](#)

This document describes the entire board appointment process, the legislative framework and the roles of the Panel, the Prime Minister, the Minister for Communications and the Arts, the Secretary for the Department of the Prime Minister and Cabinet, the Department of Communications and the Arts and the Governor-General.

3.5 Private Interests Declaration, probity checking

Short-listed candidates will be required to complete a Private Interests Declaration form. Probity checks will also be conducted through the Australian Securities and Investment Commission and the Australian Financial Security Authority.

3.6 External recruitment services

The Department will engage an external recruitment agency to assist the Panel with various stages of the merit-based selection process.

3.7 Final selection report

Following its assessment of all applicants, the Panel is required to provide a written report to the Minister (or to the Prime Minister and the Minister if the appointment is for the Chairperson of the ABC Board) about the selection process. The report must nominate at least three candidates for each vacancy and must include a comparative assessment of those candidates against the applicable selection criteria determined and notified by the Minister.

The Minister or the Prime Minister are not bound to recommend to the Governor-General a person nominated by the Panel. However, certain requirements will need to be satisfied if the Minister or Prime Minister seek to appoint someone not nominated by the Panel (for further information, refer to the Department's document, *Appointment to the ABC and SBS Board: Information about the appointments process*).