



Australian Government

**Department of Infrastructure, Transport,
Regional Development and Communications**

Appointment to the Australian Broadcasting Corporation Board

Position Description

Non-executive Director

September 2020

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Position description – Non-executive Director on the ABC Board

1.1 Selection Criteria

1. **Candidates must demonstrate substantial experience or knowledge in at least one of the following fields:**
 - a) the media industry, including broadcasting, digital media and/or digital technologies
 - b) business or financial management
 - c) corporate governance, including managing large and/or complex operations in the private, public or not-for-profit sectors; and
 - d) cultural industry and/or cultural policy, including its administration

2. **Candidates will possess:**
 - a) demonstrated high level leadership and vision, and the ability to articulate a clear direction for an organisation
 - b) a commitment to high standards of governance
 - c) high-level judgement
 - d) the highest standards of professional and personal integrity; and
 - e) an understanding of the media environment, in particular the ABC, its Charter and its place within the Australian community.

1.2 Merit-based selection process

Under the *Australian Broadcasting Corporation Act 1983* (ABC Act) and the *Special Broadcasting Service Act 1991* (SBS Act), a merit-based process must be followed before the appointment of new non-executive Directors (including the Chairperson) to the ABC and SBS Boards by the Governor-General. A Nomination Panel (the Panel) established under the ABC Act is responsible for conducting the selection process for each ABC and SBS board appointment and assisting the Minister (or Prime Minister in the case of the ABC Chairperson) in identifying suitably qualified candidates to be recommended to the Governor-General for appointment.

Following a request by the Minister for the Panel to conduct a merit-based selection process, the Panel will place advertisements inviting written applications by persons seeking to be appointed to the advertised positions.

The Panel must assess all applicants against the relevant selection criteria (see above) and on the basis of merit. The usual approach is for the Panel to make an initial assessment based on

consideration of the written applications, leading to interviews, referee and probity checks for those selected for further consideration. Following its assessment, the Panel will produce a written report on the outcome of the selection process. The report will contain a shortlist of at least three candidates nominated for each vacancy. The Panel will provide this report to the Minister.

1.3 Categories of persons not eligible for appointment

Current and former members of Parliament and senior political staff members are not eligible for appointment as the non-executive Director while engaged in such positions, or for a period of 12 months beginning on the day the person ceases to hold one of these positions.

The Minister has specified by legislative instrument the classes of persons falling within the definition of 'senior political staff member':

Class A – Federal

- a) A person employed under the *Members of Parliament (Staff) Act 1984* (Cth) and who occupies a position in the 'senior staff' classification as defined by the Commonwealth Members of Parliament Staff Enterprise Agreement 2012-2015 made under the *Fair Work Act 2009*.

Class B – State or Territory

- a) A person employed in a senior position by or on behalf of a member of a State Parliament or a Legislature of a Territory to primarily provide advice about policy matters, the communication of policy matters to the public, and/or parliamentary matters.
- b) Without limiting paragraph (a) a person is deemed to be employed in a senior position if the position is known by one of the following designations:
 - i) Chief of Staff
 - ii) Deputy Chief of Staff
 - iii) Principal Adviser (however described)
 - iv) Senior Adviser (however described)
 - v) Senior Media Adviser (however described)
 - vi) Specialist Adviser (however described).
- c) For the purpose of paragraphs (a) and (b), examples of advice about policy matters include:
 - i) developing policy proposals for the consideration of the member
 - ii) analysing policy proposals and making recommendations to the member

- iii) participating in policy discussions with or on behalf of the member
- iv) where the member is a Minister, working with public sector employees to implement policies.

1.4 The ABC Board – composition and duties

The ABC Board is responsible for overseeing the operations of the ABC. The ABC Board consists of:

- the Managing Director
- the Chairperson
- the staff-elected Director
- not fewer than four nor more than six other non-executive Directors.

The duties of the Board, as set out in the ABC Act, are to decide the objectives, strategies and policies to be followed by the ABC in performing its functions and to ensure that the SBS performs its functions in a proper, efficient, and economical manner with the maximum benefit for the people of Australia.

The duties of the Board, as set out in the ABC Act, include ensuring that the functions of the ABC are performed efficiently with the maximum benefit to the people of Australia, and to maintain the independence and integrity of the ABC. The Board is also responsible for ensuring that the gathering and presentation of news and information is accurate and impartial, in accordance with recognised standards of journalism, and that the ABC complies with all legislative and legal requirements. Finally, the Board is responsible for developing codes of practice relating to programming matters and any datacasting services the ABC has the function of providing, and notifying these codes to the Australian Communications and Media Authority.

1.5 Responsibilities of a non-executive Director on the ABC Board

All members of the ABC Board are expected to make a full contribution to the Board's work and operate as part of a team.

Each Board member has a duty to exercise care and diligence and to ensure that the ABC meets its financial, legal, contractual and reporting obligations. Board members must act in good faith at all times and in the best interests of the ABC.

Board members are guided by, and must comply with obligations under the following legislation:

- the ABC Act
- the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).

Individual Board members are collectively responsible for Board decisions. Board members are expected to familiarise themselves with the organisation as well as their legal and statutory obligations. For example, board members as officials of a Commonwealth entity are required to exercise their powers, perform functions and discharge duties with a reasonable degree of care and diligence.

1.6 Duration of appointment

The non-executive Directors (but not the staff-elected Director and the Managing Director) are appointed by the Governor-General and hold office on a part-time basis for a period of up to five years, as specified in the instrument of appointment, and are eligible for reappointment. The sum of the periods for which a person holds office as either Chairperson or non-executive Director, or both, must not exceed 10 years.

Board members may resign in writing to the Governor-General and the Governor-General may remove a member of the Board in accordance with section 18 of the ABC Act.

1.7 Time commitment

A non-executive Director of the ABC Board hold office on a part-time basis. The ABC Board meets approximately six times per year in various capital city and regional locations. .

Applicants should also take into account the time required to prepare for Board meetings and to participate in Board committee meetings as required.

1.8 Remuneration and expenses

A non-executive Director will receive remuneration and expenses for their service on the ABC Board. Rates are set by the Remuneration Tribunal and reviewed each year. The current remuneration is \$58,670 per annum for all ABC non-executive Directors (as per the Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2020). Allowances for travel are per the Remuneration Tribunal (Official Travel) Determination 2019.

1.9 Conflict of interest

The PGPA Act requires that Directors of a Commonwealth Entity, such as the ABC, declare material personal interests in a matter that relates to the affairs of the entity subject to certain exceptions. Directors must not be present while a matter in which they have a material personal interest is being considered at a meeting of the Board and must not vote on the matter, except in certain circumstances.

Short-listed candidates will be required to complete a Private Interests Declaration form. In addition, the Panel will undertake probity checks via organisations such as the Australian Securities and Investment Commission and Australian Financial Security Authority.

1.10 Equal employment opportunity and diversity

The principles of equal opportunity will be used in the selection process to ensure that fair, equitable and non-discriminatory consideration is given to all applicants within the limits of the selection criteria. The selection process will consider formal experience and qualifications as well as non-traditional career patterns such as community involvement and/or voluntary work that contribute to the ability of a candidate to perform as a non-executive Director on the ABC Board.

1.11 Application process

The Nomination Panel is calling for applications for two non-executive Director positions on the ABC Board. The Department of Infrastructure, Transport, Regional Development and Communications has engaged Watermark Search International to assist the Panel with the selection process.

The non-executive Director positions will become vacant on 11 and 23 November 2020, respectively. It is expected the appointee's term will commence from the date specified in the instrument of appointment.

To apply, please complete and submit the ABC Board Chairperson application form.

Applications should be sent by email, to Alison.Myatt@watermarksearch.com.au

All applications will be acknowledged. If you have not received an acknowledgement within one week of submitting an application, please contact Alison Myatt of Watermark Search International on 0412 630 817.

1.12 Closing date

Expressions of Interest must be submitted **by 5pm (AEDT) on Friday 25 September 2020**.

Late applications will only be accepted at the discretion of the Panel.

1.13 Privacy

On behalf of the Department, Watermark Search International will collect information for the purpose of determining a person's eligibility and suitability for appointment to the position of a non-executive Director on the ABC Board.

Personal information, including documents containing personal information, will be handled and protected in accordance with the *Privacy Act 1988* (Cth) (Privacy Act) which sets standards for the collection, storage, use and disclosure of personal information.

Information collected by Watermark Search International on behalf of the Department may be disclosed to the Panel and the Minister for the sole purpose of completing this appointment process. Except where it is necessary for the performance of these functions, and/or is

authorised or required by law or with the person's consent, we will not use personal information for any other purpose or disclose it to any other person.

Under the Privacy Act, a person has the right to access and correct any personal information held about them by Watermark Search International or the Department. Any requests to access the personal information held by Watermark Search International or the Department, or to discuss any of the issues raised in this privacy statement, should be directed to the Department's Freedom of Information officer on 02 6271 1000.

1.14 Further information

For queries about submitting an application please contact Alison Myatt of Watermark Search International on 0412 630 817.

Visit <http://about.abc.net.au/who-we-are/the-abc-board/> for further information on the ABC Board.