



ACT AUDITOR-GENERAL'S OFFICE

Ms Amanda Bresnan
Chair
Select Committee on Privileges
Legislative Assembly Building
Civic Square, London Circuit
GPO Box 1020
Canberra ACT 2601

IN CONFIDENCE

Dear Ms Bresnan

I am writing in response to your letter of 28 September in which you requested any information which I might have that is pertinent to the inquiry being conducted by the Select Committee on Privileges 2011 (the Privileges Committee).

I have set out below the information within my knowledge which relates to my nomination for the position of, and appointment as, Auditor-General which may be pertinent to the Privileges Committee's inquiry. In particular, I have set out below information relating to three matters which may be relevant to that inquiry. First, information relating to statements I made in response to media enquiries following the announcement of my nomination. Secondly, information relating to my communications with Ms LeCouteur at a community event in the Legislative Assembly on the evening of 31 May 2011. Thirdly, information relating to my interaction with the ACT Auditor-General's Office following the announcement of my nomination and before I commenced in the position of Auditor-General on 8 August 2011.

I wish to note two preliminary matters. First, the process of my appointment to the position of Auditor-General is a matter over which I had no control other than to apply and be interviewed. Secondly, any communication I made regarding the Auditor-General role prior to my appointment was limited to information that was already in the public domain.

(1) Statements made in response to media enquiries

I received calls from the media following the publication of the Chief Minister's press release announcing my nomination for the position of Auditor-General. In speaking with the media I made it clear that I had been nominated for, rather than appointed to, the role of Auditor-General. Apart from making some general comments about the role of the Auditor-General, I made it clear that my nomination for the position was a matter which was before the Public Accounts Committee and that it was therefore inappropriate for me to comment further at that stage.

(2) My communications with Ms Le Couteur on the evening of 31 May 2011

Following the public announcement of my nomination, I was at a community event in the Legislative Assembly on the evening of 31 May 2011. While at that event, I spoke to Ms LeCouteur as I would normally have expected to do in my then role as Commissioner for Sustainability and the Environment with any members of the Legislative Assembly present at such a function. Ms LeCouteur expressed concern to me regarding the Chief Minister's press release announcing my nomination. I informed Ms LeCouteur that I had been contacted by the media, and outlined my response as above. All information discussed with Ms LeCouteur was already in the public domain. The following morning, 1 June 2011, I sent an email to both the Chief Minister and to Ms LeCouteur of notes I was using when contacted by the media, and an example of how this was reported. I have attached to this letter a copy of that email dated 1 June 2011. I note that I requested that all members of the Public Accounts Committee be advised of the information set out in that email.

I note for completeness that other contact with Ms LeCouteur by staff of my then Office of the Commissioner for Sustainability and Environment occurred during and prior to the abovementioned announcement as part of the normal process used in considering a complaint Ms LeCouteur had lodged (initially with the Ombudsman who requested that it be considered by my then Office). All correspondence with Ms LeCouteur in this regard was documented and undertaken primarily by the project manager or her assistant.

(3) Interaction with the ACT Auditor-General's Office

Following the publication of the Chief Minister's press release of 31 May 2011, I contacted the acting Auditor-General to let him know of the announcement and introduce myself. After my nomination was approved by the Public Accounts Committee and this was publically announced, I met with the acting Auditor-General and with him attended the Australian Council of Auditors-General (ACAG) as the in-coming Auditor-General in Sydney on 7 and 8 July 2011. ACAG had provided strong support to the previous Auditor-General and only meets twice a year, hence my attendance at the July meeting. I also, at the invite of the Auditor-General's office, on 27 July attended an all-of-staff meeting. I subsequently commenced in the role of Auditor-General on 8 August 2011.

Yours sincerely



Dr Maxine Cooper
Auditor-General

12 October, 2011

Enclosed: Email dated 1 June 2011 to Chief Minister and Ms LeCouteur.

Cooper, Maxine

From: Schembri, Karen on behalf of GALLAGHER
Sent: Wednesday, 1 June 2011 2:55 PM
To: Cooper, Maxine
Subject: RE: Press Auditor General

Dear Ms Cooper

Thank you for your email of 1 June 2011 which will be provided to the Chief Minister for her attention.

regards

Karen Schembri | Office of the Chief Minister
t: 620 50840 | fx: 620 53030 | karen.schembri@act.gov.au | www.chiefminister.act.gov.au

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From: Cooper, Maxine
Sent: Wednesday, 1 June 2011 10:21 AM
To: GALLAGHER; Le Couteur, Caroline
Cc: Cappie-Wood, Andrew
Subject: Press Auditor General

Dear Chief Minister, Ms Le Couteur (Chair PAC)

Would it please be possible for all members of the PAC to be advised of the information in this email.

Here are the notes I have been using when I speak with the media:

- It is an enormous honour to be nominated for the role of Auditor General. It is an important role in the ACT as this independent position is a key means whereby the Government and Government agencies are publicly held accountable.
- It is a natural extension of my current independent role. While at the moment I focus on sustainability and environmental issues this is a broader role focusing right across government and government agencies and holding them accountable publicly.
- It is a role that adds value – significantly.
- At present the nomination has been referred to a LA Standing Committee – Public Accounts (PAC).

- I wait PAC's response. Therefore it is inappropriate for me to comment further.

Here is an example of what has been reported:

<http://www.canberratimes.com.au/news/local/news/general/top-public-servant-tipped-to-be-next-act-auditorgeneral/2181127.aspx>

- Dr Cooper said yesterday should she win the auditor's job, it would be an extension of her current role as Commissioner for Sustainability and the Environment. "While at the moment I focus on sustainability and environmental issues this is a broader role focusing right across government and government agencies and holding them accountable publicly," she said. "So it's certainly a role that adds value significantly."

Max

Maxine Cooper