



## Katy Gallagher MLA

CHIEF MINISTER

MINISTER FOR HEALTH

MINISTER FOR INDUSTRIAL RELATIONS

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MEMBER FOR MOLONGLO

Ms Amanda Bresnan MLA  
Chair, Select Committee on Privileges  
Legislative Assembly  
CIVIC SQUARE ACT 2601

Dear Ms ~~Bresnan~~ *Amanda*

Thank you for your letter of 24 October 2011 seeking further information in relation to the process followed for the appointment of Dr Maxine Cooper as Auditor-General.

As I have indicated in my Submission to the Committee, the Auditor-General is a very important part of the accountability structures in the ACT's system of government and plays a critical role in scrutinising the activities of directorates and agencies. Such an important appointment is not made lightly and I recognise and respect the crucial role played by the Standing Committee on Public Accounts (PAC) in the appointment process.

The Committee would be aware of my statement in the Assembly on 23 June 2011 in relation to open government where I articulated publicly the ACT Government's desire to take "a broad approach to enhance the openness of the way we govern, encompassing transparency, participation and collaboration". It was in this spirit that I issued the press release that is the focus of the Committee's inquiry.

Given the importance of the Auditor-General to the functioning of the ACT's system of government, the term for which Auditors-General are appointed, and the limited circumstances in which an Auditor-General can be removed from office, I consider the appointment process is one which should happen with full public knowledge (subject to paying appropriate regard to the privacy of candidates and around the Government's selection process). Reflecting this importance, the *Auditor-General Act 1996* (the Act) requires the Government seek the PACs agreement to the proposed nomination. I note my press release explicitly referred to this requirement.

The alternative to an open and transparent process is one where significant appointments are made in secret. Such an outcome is not in keeping with the community's expectations of openness and transparency in modern public administration, nor does it support a robust governance framework for the ACT.

ACT LEGISLATIVE ASSEMBLY

I note that the process prescribed by the Act for the appointment of the Auditor-General is unique in that it is both:

- an appointment by the ACT Executive over which the PAC holds a veto; and
- an appointment by the Executive where disallowance by the Assembly is possible (as a result of Schedule 1 to the Act calling up the relevant provisions of the *Legislation Act 2001*).

Division 19.3.3 of the Legislation Act prescribes procedures in relation to consultation with the relevant Assembly Committee in relation to certain appointments made by ministers. Except as outlined above in relation to the Auditor-General, those provisions do not apply to appointments made by the formally constituted ACT Executive.

My letter to Ms Le Couteur MLA at Attachment G to my Submission states:

I also believe it would not be appropriate for the selected applicant or for the other applicants, to be uncertain about the status of the selection process for, potentially, a further 44 days. Making the announcement of who the selected applicant is resolves this situation and is consistent with the approach adopted for other Territory appointments.

Appointment processes for significant senior positions such as the Auditor-General impose very substantial demands on candidates, and it remains my view that uncertainty surrounding the successful candidate should not be prolonged unnecessarily. Subject to the proper processes outlined in the Act being followed and explicitly referred to as they were in my original public statement, an announcement of the Government's nominee for appointment serves to remove this uncertainty for all candidates. It was not intended to assert that other appointments of the Auditor-General position had been subject to contemporaneous release of information.

My comment in the letter referred to "other Territory appointments". In relation to Territory appointments made by the Executive as well as senior public service appointments, there is contemporaneous release of information to the public regarding the appointment. I attach copies of recent examples of relevant media statements for your information.

In addition, the *Summary of Cabinet Outcomes* records the Cabinet decisions for appointments agreed to by Cabinet. This has occurred post the appointment of the Auditor General but since 5 July 2011. These appointments are available online 14 days after Cabinet consideration. I attach copies of the Summary of Cabinet Outcomes for your information.

I hope this has addressed the content of your letter.

Yours sincerely



Katy Gallagher MLA  
Chief Minister

- 2 NOV 2011



## Simon Corbell MLA

ATTORNEY GENERAL  
MINISTER FOR POLICE AND EMERGENCY SERVICES  
MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT  
MINISTER FOR TERRITORY AND MUNICIPAL SERVICES

MEMBER FOR MOLONGLO

# MEDIA RELEASE

## APPOINTMENT OF NEW CHIEF MAGISTRATE

Attorney General, Simon Corbell, has today announced the appointment of Magistrate Lorraine Walker as the new Chief Magistrate for the ACT.

"I am very pleased to announce Magistrate Lorraine Walker's appointment to the role of Chief Magistrate and I am confident she will make an excellent Chief Magistrate," Mr Corbell said.

Magistrate Walker was appointed to the ACT Magistrates Court in April 2010. She is highly respected in this role and by the local profession.

The Government undertook a selection process that included a request for nominations from a wide range of stakeholders and a public notice seeking expressions of interest and nominations to attract a wide range of candidates for the position.

Expressions of interest and nominations were considered by a Selection Advisory Committee consisting of Kathy Leigh, Director-General of Justice and Community Safety Directorate, Judge Graeme Henson the Chief Magistrate of NSW and Mr Michael Peedom, President of the Legal Aid Commission of the ACT.

The panel conducted interviews with a number of candidates including candidates nominated by persons, professional groups and legal bodies and provided advice to the Government.

"I have been impressed by Ms Walker's skill and effectiveness since joining the Magistrates Court early last year, and I am convinced she will bring these skills into her new role," Mr Corbell said.

Prior to her appointment as a Magistrate she had over 20 years experience in the legal profession working as a barrister in the ACT for the 10 years prior to her court appointment.

Magistrate Walker has extensive experience prior to her appointment as a Magistrate including as a partner of a law firm, a crown prosecutor, a solicitor and a legal officer in the Royal Australian Air Force. She also tutored at the Australian National University and mentored junior practitioners.

"I congratulate Magistrate Walker on her appointment, and look forward to working with her into the future."

The Government will immediately commence a selection process to fill the vacancy in the office of Magistrate.

Statement Ends: Thursday October 13, 2011.

**Media Contact:** Patrick Cronan (Office) 6205 0401 (Mobile) 0432 758 224  
[patrick.cronan@act.gov.au](mailto:patrick.cronan@act.gov.au)



## Simon Corbell MLA

ATTORNEY GENERAL  
MINISTER FOR POLICE AND EMERGENCY SERVICES  
MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT  
MINISTER FOR TERRITORY AND MUNICIPAL SERVICES

MEMBER FOR MOLONGLO

# MEDIA RELEASE

## GOVERNMENT ESTABLISHES POSITION OF SOLICITOR GENERAL

The ACT Government has established the role of the Solicitor General, combining the new role with the Office of the Chief Solicitor, Attorney General, Simon Corbell said today.

“The role of Solicitor General is an important one in the government providing high level legal advice to the executive and directorates,” Mr Corbell said.

“This newly created role of Solicitor General properly recognises the value the government places on this position.

“Other jurisdictions across Australia have had this position for some time, and it is appropriate that the ACT bring this role into line to create a consistent approach across borders.”

The role of ACT Solicitor-General in the ACT involves providing written and oral advice on matters of significance to the jurisdiction’s government.

Mr Corbell said the Solicitor-General would also appear as counsel in cases of constitutional significance, international cases, and other cases of special government interest.

“With the increasing complexity of the constitutional framework in which the ACT operates and the introduction of the Human Rights Act 2004, it is evident that the Territory is now in need of the separate position of solicitor-general.

“The Government believes, given the size of the ACT, that efficiency can be achieved by having the one person perform both roles of Solicitor-General and Chief Solicitor.”

The role of Solicitor General will be filled by Mr Peter Garrisson, who is currently the ACT Chief Solicitor.

Statement Ends: Tuesday August 23, 2011.

**Media Contact:** Patrick Cronan (Office) 6205 0401 (Mobile) 0432 758 224  
[patrick.cronan@act.gov.au](mailto:patrick.cronan@act.gov.au)

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**ACT Government**

Phone (02) 6205 0000 Fax (02) 6205 0535



## Simon Corbell MLA

ATTORNEY GENERAL  
MINISTER FOR THE ENVIRONMENT, CLIMATE CHANGE AND WATER  
MINISTER FOR POLICE AND EMERGENCY SERVICES  
MINISTER FOR ENERGY  
MEMBER FOR MOLONGLO

# MEDIA RELEASE

## DR WATCHIRS RE-APPOINTED AS HUMAN RIGHTS COMMISSIONER

Attorney General, Simon Corbell, has announced the re-appointment of Dr Helen Watchirs OAM, as the ACT Discrimination and Human Rights Commissioner for a further five years.

"Dr Watchirs is experienced in the area of human rights and discrimination, and we as Canberrans are lucky to be able to benefit from that knowledge and experience," Mr Corbell said.

"The ACT Human Rights Commission provides a crucial advocacy role for the ACT community, and I welcome Dr Watchir's decision to stay in her position for another five years.

Dr Watchirs has nearly 30 years experience as a human rights lawyer working for Federal Government agencies, and as an employee or consultant to several United Nations agencies in Geneva, including UNAIDS, the World Health Organisation, International Labour Organization, UN Development Program and the Office of the High Commissioner for Human Rights.

Dr Watchirs was awarded the Order of Australia Medal for services to Human Rights in the ACT in 2010.

During her seven years as Human Rights and Discrimination Commissioner, Dr Watchirs has provided legal advice on many contentious issues including anti-terrorism laws and has led the conduct of Human Rights Audits of ACT detention facilities (young people in 2005 & adults in 2007).

She intervened in important court test cases, supervised the handling of over 700 discrimination and harassment cases, and spoken on human rights and discrimination issues at several hundred events.

"The ACT has a proud leadership position in the area of human rights and was the first jurisdiction in Australia to enact a Human Rights Act which provides an explicit statutory basis for respecting, protecting and promoting civil and political rights," Mr Corbell said.

"I look forward to continuing to work with Dr Watchirs to advance human rights and anti-discrimination policy for Canberrans."

Statement Ends: Friday March 4 2011

Media Contact: **Patrick Cronan (Office) 6205 0401 (Mobile) 0432 758 224**  
[patrick.cronan@act.gov.au](mailto:patrick.cronan@act.gov.au)

**ACT Government**

Phone (02) 6205 0000 Fax (02) 6205 0535



**ACT** Summary of Cabinet Outcomes  
Government 5 July 2011

As part of the ACT Government's Open Government commitment, this document is a public summary of matters considered by Cabinet. It is not intended to be a detailed set of minutes and does not cover all matters considered by Cabinet. Among the matters not covered are materials considered in the formation of the ACT budget, commercial and industrial matters under negotiation as well as matters that would impact personal privacy, security and the ACT economy. Nothing in this document can be considered a waiver of the Government's executive privilege.

#### **New Mental Health Act Framework**

Following Government's earlier agreement to revise the *Mental Health (Treatment and Care) Act 1994*, Cabinet agreed a framework which would include 'decision making capacity' for adults as a further criterion to accompany existing criteria for the making of mental health orders. The framework also identified distinct parts in the Act providing for treatment, care and support in the areas of mental illness, mental dysfunction and forensic mental health.

#### **Government Submission to the Standing Committee on Public Accounts on Auditor-General's Report No. 2/2011: Residential Land Supply and Development**

Cabinet agreed the Government Submission to the Standing Committee on Public Accounts on the *Auditor-General's Report No. 2/2011: Residential Land Supply and Development* looking at coordination of roles and responsibilities across Government agencies.

#### **Future Supreme Court building for the ACT and Preferred Location**

Cabinet discussed the future accommodation needs of the Supreme Court. Cabinet agreed to further work being undertaken, including the next stage of design and a business case for refurbishment of the existing structure, for consideration later in 2011.

#### **Appointments**

Cabinet agreed the following appointments:

Ms Anne Cahill Lambert AM as Chair of the Remuneration Tribunal for the period 1 July 2011 to 31 March 2013

Mr Roger Broughton as the part time Deputy Chair of the Government Procurement Board for a period of two years commencing on 4 July 2011; Ms Leanne Cover and Ms Rosemary Kennedy as a part time public employee members of the Government Procurement Board for a period of three years commencing on 4 July 2011

**Cabinet Secretary**



**ACT**  
Government

## Summary of Cabinet Outcomes Tuesday 12 July 2011

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### **Council of Australian Governments**

Cabinet discussed the forthcoming Council of Australian Governments meeting.

### **Direct Sale to French Australian Preschool Association Incorporated**

Cabinet agreed a direct sale of a lease to the French Australian Preschool Association to accommodate growing demand for enrolments. Discussions were had regarding the contribution of the preschool to parking.

### **Appointments**

Cabinet agreed the following appointments:

Ms Mandy Green as the Employer Representative Member, and Mr Neville Betts as the Employees Representative Acting Member to the Work Safety Council, until 13 September 2013.

Mr Michael Chilcott as a part time judicial member and Deputy Chair of the Sentence Administration Board for a period of three years along with the Senior Manager, Community Based Corrections as a part-time non-judicial member.

Ms Christine Macauley, Mr Bruce Cooper, Mr Christopher Peters AM, Ms Agata Pukiewicz and Mr Dara McDaniel as part time members to the Fair Trading Advisory Committee until 18 July 2014.

Mr Ivan Potas, part-time Official Visitor for a period of 12 months commencing 1 August 2011.

Mr Michael Peedom as chair to the ACT Local Hospital Network Council for a 12 month period, supported by Dr Rashmi Sharma, Professor Nicholas Glasgow, Ms Megan Cahill, Ms Lynette Brown, Mr John Runko, Ms Colleen Duff, Ms Darlene Cox, Ms Mary Montgomery and Mr Michael Moore as part time members for various periods of time, commencing 1 July 2011.

**Cabinet Secretary**



## **ACT** Summary of Cabinet Outcomes Government Tuesday 26 July 2011

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### **Next Steps for Implementing One ACTPS**

Cabinet was updated on the implementation of the recommendations contained in the report: *Governing the City State – One ACT Government One ACT Public Service*. Further advice to Cabinet will include collaboration options between the University of Canberra and the Canberra Institute of Technology, improved Budget and Cabinet processes, a whole of government service strategy, a revised approach to the Canberra Plan and continued improvements in shared services.

### **Centenary of Canberra**

Cabinet discussed possible inclusions in the draft program of events, activities and initiatives to enable further discussions with the Commonwealth Government on the Joint National Program that engages a cross section of the community.

### **Government Response to the Standing committee on Public Accounts of Auditor-General's Report No. 6 of 2009: Government Office Accommodation – Interim Report 14 (February 2011)**

Cabinet agreed the Government Response to the Standing Committee on Public Accounts on the *Auditor-General's Report No. 6/2009: Government Office Accommodation- Interim Report 14*. Further information on the ACT Government Office Building is available at [www.economicdevelopment.act.gov.au](http://www.economicdevelopment.act.gov.au).

### **National Solar Schools Program – National Partnership Agreement**

Cabinet agreed to sign the National Solar Schools Program (NSSP) with the Commonwealth Government. Through the NSSP, ACT public schools will receive a total of \$2.341m over three years. These funds will be combined with \$2m from the ACT Solar Schools Program. The objectives of the NSSP are to assist schools to adapt to climate change through the installation of solar panel systems, energy efficiency measures and water efficiency measures. In ACT public schools, data capture and monitoring systems will also be installed to assist students to monitor energy and water usage as well as to compare data with other schools.

## **ACT Submission to Fair Work Australian on the Community Sector Equal Remuneration Case**

Cabinet agreed the ACT's submission to Fair Work Australia (FWA) which is scheduled to meet on 8, 9 and 10 August. The submission details the remuneration profile of Community Sector workers in the ACT and outlines the issues involved in an equal remuneration order upon the Social and Community Sector employers in the ACT as well as funding agencies.

[www.fwa.gov.au/sites/remuneration/submissions/ACT\\_Govt\\_Submission\\_28-Jul-2011.pdf](http://www.fwa.gov.au/sites/remuneration/submissions/ACT_Govt_Submission_28-Jul-2011.pdf)

## **Appointments**

Cabinet agreed the following appointments:

Dr Judith Gibbs as part-time chair of the ACT Children and Young People Death Review Committee, for a period of three years.

Mr Con Kourpanidis as part-time Chair of the ACTTAB Board for a period of two years and Ms Robyn Hardy as part-time Director of the ACTTAB Board for a period of three years.

**Cabinet Secretary**