



Katy Gallagher MLA

CHIEF MINISTER

MINISTER FOR HEALTH

MINISTER FOR INDUSTRIAL RELATIONS

MEMBER FOR MOLONGLO

Ms Amanda Bresnan MLA
Chair, Select Committee on Privileges 2011
Legislative Assembly for the ACT
GPO Box 1020
CANBERRA ACT 2601

Dear Ms Bresnan

Amanda

Thank you for your letter of 28 September 2011 requesting a written submission to the Select Committee on Privileges and your further letter of 11 October 2011 agreeing to a short extension of the deadline to Tuesday 18 October 2011.

Please find enclosed my submission to the Select Committee on Privileges.

Yours sincerely

Katy Gallagher

Katy Gallagher MLA
Chief Minister

18.10.11

ACT LEGISLATIVE ASSEMBLY

Statement by ACT Chief Minister, Katy Gallagher MLA - 18 October 2011

Terms of Reference

1. On Tuesday 20 September 2011, a motion was passed in the Legislative Assembly as follows:

That:

- (1) pursuant to standing order 276, a Select Committee on Privileges be established to examine whether there was improper interference with the free exercise by an Assembly committee of its authority, in relation to:
 - (a) the announcement by the Chief Minister, in a press release, of the Government's proposed nominee for the position of Auditor-General;
 - (b) approaches made to the Chair of the Standing Committee on Public Accounts during the course of the committee's consideration of the proposed nominee to the position of Auditor-General; and
 - (c) any other relevant matters;
 - (2) the Committee shall report back to the Assembly by the last sitting week in November 2011; and
 - (3) the Committee shall be composed of:
 - (a) one member nominated by the Government
 - (b) one member nominated by the Crossbench; and
 - (c) one member nominated by the Opposition.
2. The Assembly has subsequently appointed as members of the Select Committee on Privileges (the Committee) Ms Bresnan MLA (Chair), Mr Corbell MLA (Deputy Chair) and Mr Seselja MLA (Member).
 3. On Wednesday 28 September 2011, I received a letter from the Chair of the Committee inviting me to make a written submission in respect of the matters referred to the Committee.
 4. On the same day, I wrote to the Chair of the Committee advising that I would be making a submission and sought a short extension to 18 October 2011. This is my submission.

Background

5. On 7 December 2010, the former Chief Minister, Mr Jon Stanhope, received a letter from the Chair of the Standing Committee on Public Accounts (PAC), Ms Caroline Le Couteur MLA, advising that the term of the existing Auditor-General would expire on 14 March 2011. The letter noted that a

process for the appointment of a new Auditor-General was in train and that the PAC awaited written advice of the proposed appointment. (See Attachment A.)

6. On 20 December, the Mr Stanhope wrote to Ms Le Couteur advising that a recruitment process had commenced and that the PAC would be consulted once a preferred candidate was identified. (See Attachment B.)
7. On 31 May 2011, following the recruitment process, and in accordance with the Act, I wrote to the Chair of PAC informing the Committee of the Government's proposal to appoint Dr Maxine Cooper to the position of Auditor-General. (See Attachment C.)
8. On the same day, I issued a media release stating I 'announced the proposed appointment of Dr Maxine Cooper to the office of the ACT Auditor-General'. Further, the media release said that 'I have written to the Chair of PAC informing them of the Government's nominee for Auditor-General of the ACT and I look forward to formalising the appointment once the PAC has considered our recommendation'. (See Attachment D.)
9. Also on 31 May 2011, I received a letter from the Chair of PAC regarding two matters. (See Attachment E). The first matter was a request for additional information to assist PAC in its consideration of the nomination including the selection criteria (essential and desirable) used to assess applicants as well as the full *curriculum vitae* for the proposed nominee.
10. The second matter related to my media release of 31 May 2011. The letter stated that 'The Committee is of the view that it would have been courteous for you to have waited until its views had been received, in accordance with the *Auditor-General Act 1996*, prior to making a public announcement.' The letter went on to express the PAC's view that my '...public announcement, prior to completion of the statutory process in accordance with section 8 of the *Auditor-General Act 1996*, was premature with regard to the process and a discourtesy to the important role played by the Committee, on behalf of the Assembly, in the appointment process.'
11. On 2 June 2011, I provided additional information to the Committee Secretary, including material covering the advertisement, job description and selection criteria, along with Dr Cooper's *curriculum vitae*. (See Attachment F.)
12. On 3 June 2011, I wrote to the Chair of PAC stating that 'No discourtesy towards the Committee was intended, and if any was taken, I do unreservedly apologise. I should mention, however, that there is no legislative requirement for confidentiality in respect of the consultation process. On the contrary, it is a legislative requirement for the Minister to notify the Committee of the proposed appointment that the Executive intends to make.' I went on to say that 'It is equally in accordance with the

principles of accountability and transparency that the Government's selection be on the public record. If the Committee disagrees with the proposal then it may do so and would presumably wish its arguments to be subject to the scrutiny of the community.' (See Attachment G.)

13. On 8 June 2011, I received a letter from the Deputy Chair of the PAC, Mr Brendan Smyth MLA, seeking :
 - a. an extension of time to consider the proposal of an additional 30 days, following the initial 14 days; and
 - b. further information in relation to the advertisement and role specification for the position, in particular:
 - i. clarification on the specific selection criteria actually used by the selection committee to assess each applicant's claims;
 - ii. the weighting the selection committee apportioned to each of the above selection criteria; and
 - iii. in relation to 'Appropriate tertiary qualifications are a pre-requisite' – the criterion that the Government approved to determine what tertiary qualifications were considered as an appropriate pre-requisite. (See Attachment H).
14. On 9 June 2011, I wrote to the Chair of PAC responding to both requests. I agreed to an extension of 30 days to allow the Committee further consideration of the appointment.
15. In relation to the items listed under paragraph 13 (b) above, I offered a briefing from the Chair of the Selection Committee, Mr Andrew Cappie-Wood (Head of Service) and myself. (See Attachment I.)
16. On 10 June 2011, the Chair of PAC acknowledged my agreement to an extension of 30 days and confirmed the private briefing would be held on Wednesday 15 June 2011. However, she renewed her request for the provision of further information (as per paragraph 13 (b) above). (See Attachment J.)
17. On 14 June 2011, I wrote to the Chair of PAC advising that 'Mr Andrew Cappie-Wood and I will be meeting with the Committee on Wednesday, 15 June 2011 and we will be happy to discuss the selection process for the Auditor-General in further detail at that time.' (See Attachment K.)
18. During the briefing held on 15 June 2011, the following advice was provided:
 - a. the selection criteria provided to candidates included the general capabilities for ACTPS executive as well as job specific attributes;
 - b. no specific weighting was assigned to the criteria and it is not a requirement of selection. The selection committee, comprising three

senior ACT public servants, two of whom have particular expertise in financial and economic matters, formed a view as to the relative merits of the candidates for the position, taking into account skills, experience and qualifications presented by candidates; and

- c. there are no prescribed tertiary qualifications for appointment to the office of Auditor-General, yet the successful candidate was expected to have tertiary qualifications.
19. On 24 June 2011, I received a letter from the Chair of PAC advising that the Committee 'agrees with the proposal' to appoint Dr Maxine Cooper as the next ACT Auditor-General. (See Attachment L.)
 20. On 28 June 2011, the Deputy Chief Minister and I signed Disallowable Instrument DI2011-155 made under the *Auditor-General Act 1996*. (See Attachment M.) On the same day, I wrote to Dr Cooper confirming her appointment for a period of seven years from 8 August 2011 to 7 August 2018. I also wrote to the Chair of PAC, noting the Committee's agreement to the appointment and thanking them for their timely response.
 21. A media release was also issued on 28 June 2011 confirming the appointment of Dr Cooper to the office of the ACT Auditor-General. (See Attachment N.)
 22. On 12 August 2011, I received a letter from the Chair of PAC seeking authorisation for publication of evidence, as provided at the 15 June briefing in the context of the specifics of the selection process. (See Attachment O.)
 23. On 15 August 2011, I wrote to the Chair of PAC agreeing to the authorisation of the statements as set out in that letter in relation to the private briefing as I regarded the summary in the 12 August letter from the Chair of the PAC to be incomplete, and that my letter in its entirety be made publicly available. In my letter I questioned why the Committee was taking this step after its decision to endorse the proposed appointment of Dr Maxine Cooper as Auditor-General. By that stage the Auditor-General had commenced her duties.
 24. In my letter I observed: 'By endorsing her nomination for the position of Auditor-General following the private briefing and provision of all the information requested, the Committee has undertaken due process and exercised its responsibilities. Following the Committee's deliberations and endorsement of the Executive's nomination the appointment was confirmed. The Auditor-General has now commenced her duties. By wishing to revisit the appointment process, it could be interpreted that the Committee's processes were either deficient or there is intent to undermine the credibility and standing of the Auditor-General. Either of these is concerning'. (See Attachment P.)

25. On the same day, I received a letter from the Chair of the PAC confirming the release of information provided at the private briefing, along with a series of correspondence between myself and PAC from 31 May to 24 June 2011.
26. On 15 August 2011, Mr Smyth wrote to the Speaker, raising a matter of precedence under Standing Order 276 concerning the deliberations of PAC and its role in the appointment of the ACT Auditor-General. He identified three actions that followed the announcement of the Government's nominated appointment, prior to the Committee having the opportunity to consider and report on the nomination. These included:
 - a. on the night the Government nomination was made public, the preferred candidate approached the Chair of the PAC at a public function to discuss her nomination;
 - b. shortly after, I approached the Chair of the PAC; and
 - c. the current Acting Auditor-General is understood to have received a phone call from the Government's preferred nominee.
27. In his letter, Mr Smyth asserts that these '...concerns of the Committee led to the Committee seeking a private briefing...'. These matters were not raised at the private briefing. Mr Smyth goes on to state his '...fundamental concern about the way in which this matter has been handled has been the extra-ordinary and undue pressure which has been placed on the PAC in considering the appointment of the new ACT Auditor-General. Indeed, the imperative for the PAC to complete the consideration of the preferred nominee for this position has been inappropriate' (See Attachment Q.) With respect, the only 'imperative' was to complete the statutory process within the period prescribed by law and, indeed, I agreed to a 30 day extension.
28. Mr Smyth continued to express concern at the process for the appointment, reflected in his resignation as Deputy Chair of the PAC, and in his comments in the Assembly on 17 August 2011, and during question time on 18 August 2011 and on 20 September, when he moved the motion to establish the Select Committee on Privileges 2011.
29. On 20 September 2011, Mr Smyth issued a media release stating that '...Katy Gallagher's interference in the appointment of the new Auditor-General will be examined by a Select Committee of the Legislative Assembly after Brendan Smyth wrote to the Speaker outlining his concerns, it was revealed today in the Assembly.' It goes on to say the role of the Auditor-General '...must be approved by a Committee of the Assembly. The government cannot simply pick their own candidate and install them without proper approval. However, in this case, Katy Gallagher chose her own appointment and announced her conclusion in the media before even informing the correct Committee. This was followed by a pattern of

behaviour that placed extraordinary pressure on the Committee. So clear was the improper behaviour, that the multi-party Public Accounts Committee found there was interference, that, if left unchecked, could create serious interference in the future'. (See Attachment R.)

30. I do not believe I interfered in the appointment nor that I engaged in improper behaviour. I did not install the Auditor-General without 'proper approval'. The question as to whether I have improperly interfered with the PAC is a matter for consideration by this Committee. On the basis of the misleading statements made by Mr Smyth in his media release, a censure motion was moved in the Legislative Assembly and passed against him on 22 September 2011.
31. On Wednesday 28 September 2011, I received a letter from the Chair of the Select Committee inviting me to make a written submission by 14 October 2011. (See Attachment S.)
32. On the same day, I wrote to the Chair of the Select Committee advising that I would be making a submission and sought a short extension to 18 October 2011. (See Attachment T.)
33. On 11 October, I received a letter from the Chair of the Select Committee agreeing to an extension to 18 October 2011. (See Attachment U.)

Matter of Privilege

34. The Select Committee has been established to examine whether there has been improper interference with the free exercise by an Assembly Committee of its authority in relation to consideration of the proposed appointment of the Auditor-General.
35. The basis of the Select Committee's consideration goes to the matters first raised by Mr Smyth MLA in his letter to the Speaker of 15 August 2011 and specified in the motion to establish a Select Committee. These are:
 - (a) the announcement by the Chief Minister in a press release of Government's proposed nominee for the position of Auditor-General;
 - (b) approaches made to the Chair of the Standing Committee on Public Accounts during the course of the committee's consideration of the proposed nominee to the position of Auditor-General; and
 - (c) any other relevant matters.
36. I will address these issues as follows:

Press release of Government's proposed nominee for the position of Auditor-General

37. I did make a public statement that announced the proposed appointment of Dr Maxine Cooper as Auditor-General. It went on to say that section 8 of the Auditor-General Act requires written notice of the proposed appointment to PAC and that the Government looked forward to 'formalising the appointment once the PAC has considered our recommendation'.
38. I received a letter from the PAC Chair (see paragraphs 9 to 14 above) asking for full details of the nominee. The letter also noted the committee's view 'that it would have been courteous for you to have waited until its views had been received.'
39. When aware of the Chair's concerns, I spoke with her directly and apologised. In addition, I responded in writing to the PAC Chair (on 3 June 2011) that no discourtesy or disrespect was intended and if any was taken I unreservedly apologised. In that letter, I was careful to acknowledge the powers and capacity of the PAC to veto the Government's proposed candidate.
40. The position of the Auditor-General is a very important one in the ACT's system of government and plays a critical role in scrutinising the activities of directorates and agencies. The appointment is for seven years and is a critical position in the ACT's accountability framework. Such an important appointment is not made lightly and I recognise and respect the crucial role played by the PAC in the appointment process.
41. Just as the role of Auditors-General has changed over time to reflect greater emphasis on performance auditing, so too has the community's expectations of Government changed. Even in the last seven years since the last appointment, the community now expects to be better informed, if not actively involved in decisions that affect them.
42. I have embraced this community desire for openness in Government and have initiated many improvements since becoming Chief Minister. If I have erred it has been unintentional as my expectations of my colleagues and the public service has been one of openness as a default position.
43. The question of openness is perhaps the real issue to consider. Should the public have the right to know the Government's nominee put up for consideration to the Assembly Committee? Should the Committee's own deliberations also be a matter of public record?
44. The powers and legal position in relation to the nomination process are dealt with in a subsequent section.

Approaches made to the Chair of the Public Accounts Committee

45. Reference has been made to different approaches to the Chair of PAC. Two of those refer to actions purported to have involved the Chair, Dr Maxine Cooper, and the Acting Auditor-General. As these are matters not involving myself I will not make comment.
46. The third matter referred to was a stated approach by myself to the Chair of PAC. As I indicated earlier I spoke to the Chair to reassure her and the PAC that no disrespect was intended by the press release. I assume this is the 'approach' referred to by Mr Smyth. Clearly the personal courtesy to clarify the intent of my action with the Chair was not an attempt to influence the Committee. If anything it was a means of emphasising my concerns that the press release was misconstrued.

Powers, privileges and immunities of the Assembly

47. The Terms of Reference for this inquiry require the Committee to consider whether a "breach of privilege" or "contempt" was committed in the present circumstances.
48. The power of the Assembly to deal with contempt is expressly given by section 24 of the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) (Self-Government Act) which provides that, until the Assembly enacts a law dealing with its powers, they are the same as those "for the time being", or from time to time, of the House of Representatives, its members and committees. Such a law has not been made by the Assembly and on this basis, the Assembly (with the exception of some matters not here relevant) has the same powers as presently exist within the House of Representatives and the *Parliamentary Privileges Act 1987* (Cwth) (Privileges Act) applies.
49. Section 21 of the Self-Government Act, gives the Assembly power to make standing orders with respect to the conduct of business within the Assembly. It does not appear to give any power to make standing orders dealing with contempt or, in any event, standing orders which give broader powers than exist within the House of Representatives.
50. The relevant powers of the House of Representatives appear to have been confined by sections 4 and 6 of the Privileges Act and those limitations apply to any treatment of the issue by the Assembly. Section 4 of the Privileges Act provides that conduct does not constitute an offence against a House unless it amounts, or is intended or likely to amount, to an improper interference with the free performance by a member of his or her duties. Section 6 provides that words or acts shall not be taken to be an

offence against a House by reason only that they are defamatory or critical of the House, a committee or a member.

51. For present purposes, the expression “offence against a House” here refers to “contempt”.
52. For the Assembly, contempt is canvassed within Chapter 26 of the *Standing Orders and Temporary Orders and Continuing Resolutions of the Legislative Assembly*, June, 2011. Standing Order 277 provides “general guidance” as to the matters constituting contempt, noting, in effect, that contempt may be constituted by various means including by improper interference with the free exercise by a committee of the Assembly of its authority, or with the free performance of a Member’s function (Order 277(a)). In the present case there is no suggestion of any conduct such as to enliven Order 277(b) which deals with improper, intimidating or threatening influence upon the conduct of a Member.
53. Standing Order 278 lists criteria for determining when allegations of contempt should be referred by the Assembly to a Select Committee on Privileges. Referrals should occur “only where it is necessary to provide reasonable protection ... for Members against improper acts tending substantially to obstruct them in the performance of their functions, and should not be used in respect of matters which appear to be of a trivial nature” (Order 278(a)).
54. Consideration must be given to “any other remedy” which may be available (Order 278(b)).
55. Even if a finding of contempt is available, consideration must be given to whether a person who committed the relevant act had any reasonable excuse for so doing (Order 278(c)(ii)).
56. I note that the policy of restraint evident in Order 278(a) is consistent with the guidelines that were recommended by the Joint Select Committee on Parliamentary Privilege in 1984 and presented to the House of Representatives in 1987. The Committee recommended in effect that the power to punish for contempt should only be exercised where punishment is “essential” to provide “reasonable protection” from “improper obstruction” which was likely to cause “substantial interference” with the functions of a Member (Ian Harris (Ed), *House of Representatives Practice*, 5th Edition, Canberra, 2005, p 727). A similar approach also appears to be reflected in the language of section 4 of the Privileges Act.
57. The policy of restraint may be a mandatory aspect of the exercise of the power to punish for contempt. I submit, the power to punish for contempt should be limited to that which is reasonably necessary for the proper exercise of the functions of a legislature, following the principles developed in relation to other aspects of the law of parliamentary privilege, such as the

power to compel the production of documents (*Egan v Willis* (1998) 195 CLR 424).

58. A review of matters raised in the House of Representatives as matters of privilege over the course of 100 years, some 200 matters, discloses few instances in which words or conduct were said to have improperly interfered with the performance of a member of the House of Representatives. Most were not given precedence by the Speaker, or were otherwise dealt with by not going to the committee or dismissed. Matters dealt with involved either some attempt by improper means to influence members in the performance of their duties such as by threat or intimidation or other direct words regarding outcomes to be sought.
59. In matter VP 2004-05/79 a claim by two members (Mr Latham and Mr Murphy) that a journalist who had telephoned their offices earlier in the day had tried unreasonably to influence their conduct as members was given precedence by the Speaker. The Committee found that there had been no breach of privilege when the remarks of the journalist were placed in the context of the relationship between members and journalists. The committee, however, included a warning to the media to be conscious in their exchanges with MP's of any appearance of trying to influence members.
60. No findings of contempt appear to have been made, or even complaint made, regarding the mere making of factual statement of matters to be considered by a committee.
61. In issue here is a media release that identifies the government's candidate for a statutory office. The media release sets out the government's proposed appointment, the qualifications and experience of the proposed appointee and that the government has in compliance with the statutory requirements of the *Auditor General Act 1996* given notice to the PAC and invited their response. All these involve purely factual information. On the face of the media release, there is nothing that could be construed as "improper" interference with the free exercise by the PAC (or its members) of its authority.
62. It is important to bear in mind that Order 277 is not intended to codify or enumerate acts or omissions that may be held to constitute contempt, providing only guidance. The Legislative Assembly is at liberty to determine what particular acts constitute contempt.
63. To the extent that allegation has been made that I sought to exert "undue influence" over the committee or its members, I deny it. "Undue influence", which is not part of the guidance offered by Order 277, is generally understood to mean a person is induced not to act in his or her own free will. There must be evidence to prove that the media release induced each member of the PAC not to act in his or her own free will. It is

not apparent at all from the contents of the media release that would or could cause such an effect upon the members or any of them. In my respectful opinion, the media release does not “improperly interfere” with the free exercise by the PAC of its authority. The PAC is free to agree or disagree with the government’s recommendations and respond accordingly.

64. To suggest that the mere identification of the person proposed by the government for appointment is an improper interference with the free exercise by a committee of the Assembly of its authority, or with the free performance of a Member’s function is, with respect, such a remote eventuality in these circumstances as to be almost fanciful.
65. First, it suggests a level of sensitivity and amenity to influence on the part of the members of the PAC that is simply not capable of being reasonably inferred. One is entitled to expect elected representatives to possess a reasonable degree of resilience as should all those in public office and this is reflected in the decisions by the Speaker and privileges committees of the House of Representatives (Ian Harris (Ed), *House of Representatives Practice*, 5th Edition, Canberra, 2005, pp 840 to 881).
66. Secondly, the inferred suggestion that publicly announcing the government candidate will bring pressure to approve that candidate is both illogical and not consistent with experience. In discussions with the PAC prior to its decision it was never suggested that there was any pressure to reach a particular decision.
67. Fourthly and finally, any publication of the government’s candidate was genuinely intended as part of my approach to open government in relation to this important position and process I have apologised both in writing and to the Chair of the PAC personally for any unintended offence that may have been taken and offered what I believe to have been a reasonable explanation.
68. In conclusion, I am not guilty of any contempt of the Legislative Assembly, my conduct is not, I believe, capable of comprising a contempt, and even if it were it was not truly a serious interference with PAC or its members sufficient to warrant a finding of contempt and any offence to the PAC was unintended.
69. The complaint should be dismissed.

Statement by ACT Chief Minister, Katy Gallagher MLA - 18 October 2011 - Attachments

Attachment	Description
A	7 December 2010 – Chair of PAC to CM: Expiry of the term of the Existing Auditor-General
B	20 December 2010 – CM to Chair of PAC: Recruitment process for new Auditor General had commenced
C	31 May 2011 – CM to Chair of PAC – seeking consideration of the ACT Government nominee for the position of Auditor General
D	31 May 2011 – Media Release announcing the proposed appointment of Dr Maxine Cooper
E	31 May 2011 – PAC Chair to CM – seeking additional information on the ACT Government’s proposed nominee and views on the media release
F	2 June 2011 – CM to PAC Secretariat – material covering the advertisement, job description and selection criteria for the position of Auditor-General
G	3 June 2011 – CM to PAC Chair – responding to comments made in PAC Chair’s letter of 31 May 2011
H	8 June 2011 – Deputy PAC Chair to CM – request for extension of time and further information
I	9 June 2011 – CM to PAC Chair – agreeing additional time and offering private briefing
J	10 June 2011 – PAC Chair to CM – renewing request for additional information
K	14 June 2011 – CM to PAC Chair – confirming CM and Head of Service attendance at meeting
L	24 June 2011 – PAC Chair to CM – confirming appointment of Dr Cooper as the next ACT Auditor General
M	28 June 2011 - Disallowable instrument DI2011 – 155 - signed
N	28 June 2011 - Media Release announcing appointment of Dr Cooper
O	12 August 2011 – PAC Chair to CM – request to authorise evidence from private briefing
P	15 August 2011 – CM to PAC Chair – agreeing to authorisation of evidence
Q	15 August 2011 – Mr Smyth MLA to Speaker – raising matter of precedence under standing order 276
R	20 August 2011 – Media Release by Mr Smyth MLA ‘Gallagher to be examined for improper conduct’
S	28 September 2011 – Chair of Select Committee to CM – inviting submissions by 14 October 2011
T	28 September 2011 – CM to Chair of Select Committee – seeking an extension of submission to 18 October 2011
U	11 October 2011 - Chair of Select Committee to CM – agreeing an extension of submission to 18 October 2011
V	
W	



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY
STANDING COMMITTEE ON PUBLIC ACCOUNTS

Caroline Le Couteur MLA (Chair), Brendan Smyth MLA (Deputy Chair), John Hargreaves MLA

Mr Jon Stanhope MLA
Chief Minister
ACT Legislative Assembly
PO Box 1020
Canberra ACT 2601

Dear Chief Minister

Expiry of the term of the existing Auditor-General

I am writing on behalf of the Assembly's Standing Committee on Public Accounts (the Committee) in relation to the term of the current Auditor-General coming to an end.

As you would be aware, the term of the existing Auditor-General will expire on 14 March 2011. The Committee appreciates that the process for the appointment of a new Auditor-General will either be underway or about to commence.

The Committee notes the importance of making sure there is continuity of Office to provide for a smooth transition between the current Auditor-General and the new appointee to the Office.

Accordingly, pursuant to section 8 of the *Auditor-General Act 1996*, the Committee looks forward, in due course, to receiving written advice with regard to the proposed appointment.

Yours sincerely

Caroline Le Couteur

Caroline Le Couteur MLA
Chair

7 December 2010



Jon Stanhope MLA

CHIEF MINISTER

MINISTER FOR TRANSPORT MINISTER FOR TERRITORY AND MUNICIPAL SERVICES
 MINISTER FOR BUSINESS AND ECONOMIC DEVELOPMENT MINISTER FOR LAND AND PROPERTY SERVICES
 MINISTER FOR ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS
 MINISTER FOR THE ARTS AND HERITAGE

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MEMBER FOR GINNINDERRA

Ms Caroline Le Couteur MLA
 Chair
 Standing Committee on Public Accounts
 GPO Box 1020
 Canberra ACT 2610

Dear Ms Le Couteur

Thank you for your letter of 7 December 2010 regarding the expiration of the term of the current Auditor-General on 14 March 2011.

A recruitment process for a new Auditor-General for the ACT has commenced and is likely to be completed in late January 2011.

As soon as a preferred candidate has been identified, the Standing Committee on Public Accounts will be consulted in relation to the proposed appointment in accordance with section 8 of the *Auditor-General Act 1996*.

Once again, thank you for writing.

Yours sincerely

Jon Stanhope MLA
 Chief Minister

20 DEC 2010

ACT LEGISLATIVE ASSEMBLY

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Katy Gallagher MLA

CHIEF MINISTER

TREASURER

MINISTER FOR HEALTH

MINISTER FOR INDUSTRIAL RELATIONS

MEMBER FOR MOLONGLO

Ms Caroline Le Couteur
 Chair
 Standing Committee on Public Accounts
 ACT Legislative Assembly
 London Circuit
 CANBERRA ACT 2601

Dear Ms Le Couteur *Caroline*

In accordance with section 8 of the *Auditor-General's Act 1996* (the Act), I am seeking your consideration of the nominee for appointment as the next ACT Auditor-General.

The selection committee for the position comprised of Mr Andrew Cappie-Wood, Head of Service, Ms Megan Smithies, Director-General, Treasury Directorate and Mr Khalid Ahmed, Executive Director, Policy Coordination and Development Division, Treasury Directorate.

The committee has recommended Dr Maxine Cooper for the position. Dr Cooper has significant public sector management experience and currently occupies the office of the ACT Commissioner for Sustainability and the Environment. The committee considered that Dr Cooper demonstrated the capabilities required for this key public sector position in the Territory. A summary of the nominee's experience is at Attachment A.

I would appreciate your favourable consideration of the nomination and any written comments within the relevant period as stated under section 8 of the Act.

Yours sincerely

Katy Gallagher

Katy Gallagher MLA
 Chief Minister

31 MAY 2011

ACT LEGISLATIVE ASSEMBLY

ACT AUDITOR-GENERAL

RECOMMENDED CANDIDATE:

Dr Maxine Cooper

Dr Cooper is the current ACT Commissioner for Sustainability and the Environment. Dr Cooper has substantial experience and expertise in public sector management, policy, planning, regulation, operation and business arenas. Dr Cooper has successfully led organisations covering disciplines ranging from environmental planning and research, environmental protection; land and resource management; urban and transport planning; sustainability planning; arts; heritage and commercial businesses.

Dr Cooper holds a BA Urban and Regional Studies from Curtin University, 1978, a Master of Environmental Design, University of Calgary 1983 and completed her PhD Environmental Planning, Melbourne University in 1991.

Prior to her current position, Dr Cooper occupied a number of senior executive offices across the ACT Government within the former Departments of Urban Services, Territory and Municipal Services and the Chief Minister's Department.



Katy Gallagher MLA

CHIEF MINISTER

TREASURER

MINISTER FOR HEALTH

MINISTER FOR INDUSTRIAL RELATIONS

MEMBER FOR MOLONGLO

MEDIA RELEASE

MR09CM

New Auditor-General for ACT

Chief Minister, Katy Gallagher, today announced the proposed appointment of Dr Maxine Cooper to the office of ACT Auditor-General.

Dr Cooper currently holds the position of ACT Commissioner for Sustainability and the Environment and had previously held a number of senior executive offices within the ACT Government.

“Dr Cooper will bring to the position significant public sector management experience and expertise.”

“As Commissioner for Sustainability and the Environment, she has performed her duties dutifully as an independent Statutory Office holder and has clearly demonstrated her capacity to work with the ACT Government entities whilst maintaining an independent role,” the Chief Minister said.

Since graduating from Curtin University, Western Australia in 1978 with a Bachelor of Urban and Regional Studies, Dr Cooper has worked in a variety of arenas in both the public and private sectors, including appointment to the statutory positions of Territory Conservator for Flora and Fauna and the Chief Animal Welfare Officer.

Dr Cooper completed her Masters of Environmental Design at the University of Calgary in Canada in 1983 and a PhD in Environmental Planning, Melbourne University in 1991.

“Dr Cooper’s background is one that has encompassed many reviews and investigations and it is these skills which will be called upon in the Auditor General position. I am pleased to recommend Dr Cooper for this key role, one that is an important part of the accountability and transparency structure of government,” the Chief Minister said.

Section 8 of the *Auditor General Act 1996* requires written notice of the proposed appointment to the Public Accounts Committee (PAC) and inviting the committee to respond to the proposal.

“I have written to the Chair of PAC informing them of the Government’s nominee for Auditor-General of the ACT and I look forward to formalising the appointment once the PAC has considered our recommendation,” the Chief Minister concluded.

Statement Ends

Date: 31 May 2011

Media Contact: Tanya Davies Ph: 6205 0242 (w) 0402 399 907 (m)



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY
STANDING COMMITTEE ON PUBLIC ACCOUNTS

Caroline Le Couteur MLA (Chair), Brendani Smyth MLA (Deputy Chair), John Haigreaves MLA

Ms Katy Gallagher MLA
Chief Minister
ACT Legislative Assembly
PO Box 1020
Canberra ACT 2601

COPY

Dear Chief Minister

Proposed nominee to be appointed to the next ACT Auditor-General

I am writing on behalf of the Assembly's Standing Committee on Public Accounts (the Committee) in relation to two matters concerning the current appointment process for the next ACT Auditor-General. Each of these matters is set out below for your consideration.

Firstly, I refer to your correspondence dated 31 May 2011 seeking the Committee's consideration of the nominee for appointment as the next ACT Auditor-General in accordance with section 8 of the *Auditor-General Act 1996*. To assist the Committee in its consideration of the nomination it requests that it be provided with the following information:

- the selection criteria (essential and desirable) used to assess applicants for the Office, and
- a full curriculum vitae for the proposed nominee.

The Committee requests that this information be provided to the Committee Secretary—Andrea Cullen—**by no later than 12 midday, Tuesday 7 June 2011**. On behalf of the Committee, I would appreciate your cooperation in this matter.

Secondly, I refer to your media release—'New Auditor-General for ACT'—issued today, Tuesday 31 May 2011. The Committee is of the view that it would have been courteous for you to have waited until its views had been received, in accordance with the *Auditor-General Act 1996*, prior to making a public announcement. Furthermore, the Committee notes there is also a discourtesy to the proposed nominee as it is yet to consider and provide its views in accordance with the *Auditor-General Act 1996*. Accordingly, the Committee strongly draws to your attention, the nature of the statutory role it has, on behalf of the Legislative Assembly, in the appointment process.

Civic Square, London Circuit, Canberra ACT 2601.
GPO Box 1020, Canberra ACT 2601
Secretary: Telephone: (02) 620 50127 Facsimile: (02) 620 50432
Email: committees@parliament.act.gov.au

In accordance with section 8 of the *Auditor-General Act 1996*, the Executive must not appoint a person to be the Auditor-General until the Committee has been given written notice of the proposed appointment and invited to respond to the proposal within the relevant period. The Committee can either concur with or veto the recommended applicant for the position. The Committee reiterates that a proposed nominee to the Office is not a foregone conclusion until it has considered and provided its views in accordance with the Act.

The Committee's statutory role provides for some degree of Parliamentary involvement in the appointment process of the Auditor-General. The involvement of the Committee in the process is important in safeguarding the independence of the Office and also emphasises the unique relationship the Auditor-General has with the Parliament.

The Committee received today — Tuesday 31 May 2011 — your written correspondence seeking its views concerning the proposed nominee for appointment as the next ACT Auditor-General. As noted earlier, the *Auditor-General Act 1996* sets out the process for the appointment of the Auditor-General. The Committee will consider and deliberate on the proposed nominee in accordance with the Act and will respond to you within the relevant period.

The Committee is therefore of the view that your public announcement, prior to completion of the statutory process in accordance with section 8 of the *Auditor-General Act 1996*, was premature with regard to the process and a discourtesy to the important role played by the Committee, on behalf of the Assembly, in the appointment process.

The Secretary to the Committee is Andréa Cullen who can be contacted on — (02) 6205 0142 or andrea.cullen@parliament.act.gov.au — should you have any questions in relation to this matter.

Yours sincerely



Caroline Le Couteur MLA
Chair

31 May 2011



COPY

Katy Gallagher MLA

CHIEF MINISTER

TREASURER

MINISTER FOR HEALTH

MINISTER FOR INDUSTRIAL RELATIONS

MEMBER FOR MOLONGLO

Ms Andrea Cullen
Secretary
Standing Committee on Public Accounts
ACT Legislative Assembly
London Circuit
CANBERRA ACT 2601

Dear Ms Cullen *Andrea*

The Chair of the Standing Committee on Public Accounts, Ms Le Couteur, has requested further information in relation to the proposed appointment of Dr Cooper as Auditor-General and asked that I send it directly to you.

Accordingly I have attached material covering the advertisement, job description and selection criteria for the position of Auditor-General. I have also attached Dr Cooper's curriculum vitae.

Yours sincerely

Katy Gallagher MLA
Chief Minister

2.6.11

ACT LEGISLATIVE ASSEMBLY

A. Advertisement



ACT AUDITOR-GENERAL'S OFFICE

ACT Auditor-General

The Auditor-General for the Australian Capital Territory is a statutory position under the Auditor-General Act 1996, and is responsible for the audit of all ACT public sector agencies.

The key functions of the Auditor-General's office are to promote public sector accountability, audit financial statements of the Territory, departments, statutory authorities and other bodies, and conduct performance audits.

Candidates should be able to demonstrate:

- Strategic and change management insights relating to assessing and improving the performance of service delivery organisations,
- Leadership, organisational management and people development skills,
- Public sector financial management expertise,
- Knowledge of government and systems that make up a working bureaucracy, and
- The highest personal integrity and judgement.

The appointment is for one term of 7 years.

Appropriate tertiary qualifications are a pre-requisite.

Initial enquiries and requests for documentation including selection criteria may be directed to Rob Pocknee of Amrop Cordiner King on 03 9620 2800.

Information on the ACT Auditor-General's office can be accessed through its website www.audit.act.gov.au

Applications should be received by Amrop Cordiner King, Level 44 Rialto, 525 Collins Street, Melbourne, Vic 3000 (email auditorgeneral@amrop.com.au) by Friday, 17th December 2010. Please note that an executive search is being conducted which may extend beyond the closing date.



Amrop Cordiner King

A. CAPABILITIES

JOB SPECIFIC

Specific responsibilities of the Auditor-General are set out in the *Auditor-General Act 1996*, and the *Financial Management Act 1996*. The Auditor-General also has responsibilities under the *Public Interest Disclosure Act 1994*, the *Government Procurement Act 2001*, and the *Territory-owned Corporations Act 1990*.

The main functions of the ACT Auditor-General are:

- To promote public accountability in the public administration of the Territory;
- To audit annual financial statements of the Territory, departments and Territory authorities; and
- To conduct performance audits.

The most suitable candidates will be able to strongly evidence an ability to add value in undertaking these functions whilst displaying the highest personal integrity and judgement. Candidates will need to demonstrate the following attributes:

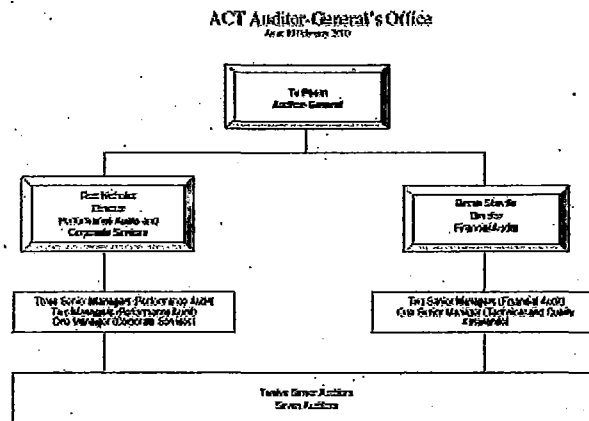
- Strong communication skills; a leader who can gain the confidence and respect of all key stakeholders including Chief Executives and the Legislative Assembly.
- Hands-on leadership as the Chief Executive of a significant organisation managing a team of professionals, using external expert resources when appropriate, and considering alternative delivery models.
- Resilience and ability to cope with the pressures of a demanding high-profile position.
- Strategic and change management insights relating to assessing and improving the performance of service delivery organisations, and one's own organisation.
- Financial management expertise; the ability to deploy the most relevant financial and operational standards and active management of a publicly scrutinised budget.
- Awareness of and sensitivity to the demands of public sector accountability.

Links to Acts mentioned above, are as follows:

- Auditor-General Act 1996: <http://www.legislation.act.gov.au/a/1996-23/default.asp>
- Financial Management Act 1996: <http://www.legislation.act.gov.au/a/1996-22/default.asp>
- Public Interest Disclosure Act 1994: <http://www.legislation.act.gov.au/a/1994-108/default.asp>
- Government Procurement Act 2001: <http://www.legislation.act.gov.au/a/2001-28/default.asp>
- Territory-owned Corporations Act 1990: <http://www.legislation.act.gov.au/a/1990-53/default.asp>

B. THE AUDITOR-GENERAL'S OFFICE

The current organisation structure of the Office of the Auditor-General is:



The Office's Strategic Plan 2008-11 was finalised in May 2008, following consultation with key stakeholders, including members of the Public Accounts Committee, Chief Executives of key agencies and staff of the Office. The Strategic Plan is reviewed annually. The Strategic Plan identifies the two main strategic outcomes for the Office:

- an accountable, effective and efficient ACTPS; and
- a highly valued ACT Audit Office.

The Strategic Plan, which can be found at: <http://www.audit.act.gov.au/role.html> also identifies a number of strategic objectives that are required to be met in order for the Office to achieve its desired outcomes, including:

- to inform the ACT Legislative Assembly and the community of the performance of the ACTPS; and
- to contribute to improving the performance of ACTPS agencies.

Curriculum Vitae

Maxine Anne COOPER

Ph.D. (Environmental Planning) Melbourne 1993
M. Environmental Design (Environmental Science)
Calgary 1983
B.A. (Urban and Regional Studies) Curtin 1978



Profile

As Commissioner for Sustainability and the Environment and as a professional senior executive in the ACT Territory Government, Brisbane City Council, New South Wales Government and in private enterprise I have successfully led a range of organisations covering disciplines ranging from environmental planning and research; environmental protection; land and resource management; parks planning and management; urban and regional planning; transport planning; sustainability planning; arts; heritage policy and planning to businesses (tourism, major venues, linen services, cemeteries, nurseries, bus operations). In doing this I have worked, and lived, in various localities in Australia and North America. Numerous successful results have been achieved in managerial, policy, planning, regulatory, operational and business arenas.

Current Role

The Commissioner for Sustainability and the Environment subsumed and expanded the previous Commissioner for the Environment Office. The Office is an independent body that has the power to investigate the management of the environment by government agencies, if necessary; it is charged with considering complaints made about government agencies with respect to sustainability and environmental issues; it is charged with overseeing the implementation of key Government policies such as the ACT's climate change strategy; it is to report on progress made in relation to sustainability; it is charged with producing the ACT's State of the Environment Report and the Regional State of the Environment Report (that covers the ACT and the 17 councils in NSW that are in the Canberra region) and in so doing makes strategic recommendations that lead in shaping needed changes; and it undertakes major investigations. Since my appointment the Office has prepared two State of the Environment Reports and has undertaken several high-profile major investigations - into endangered natural temperate native grassland planning and management, the management of Canberra's urban trees, and protection of Canberra's nature parks - as well as a multitude of smaller investigations and audits. I am well recognised for being able to bring people together, with diverse views, to find a way forward. I am also respected for making decisive but practical decisions about difficult issues. Accordingly, I am often called upon to give my views on key matters.

When requested, I represent the ACT in national and international forums; for example, I represented the ACT at the Third World Biosphere Congress in Madrid, Spain. I am also a member of the International Climate Change Institute Strategic Advisory Panel, Australian National University.

Previous Role

Before taking up my current role I was appointed, at the Chief Minister's request, as Chair/Executive Director, Water Security Taskforce to advise the Government on the ACT's water security planning, including resolving the controversial issue of adding recycled water from sewerage to Canberra's drinking water. Under my leadership the focus for achieving water security shifted to embrace a more strategic and integrated approach that encompasses interstate water trading, demand management including smart metering, and enhancement of supply infrastructure. I ensured that the community had an opportunity to be involved after being presented with accurate information. Via several roundtable discussions I also ensured that all the diverse stakeholders had an opportunity to provide advice and hear each other's perspectives. Water Security is one the most pressing issues confronting the ACT Government.

Recent Previous Positions

Prior to my recent roles, I was the Executive Director, Enterprise Services, Territory and Municipal Services (TAMS); I reported directly to the Chief Executive Officer, TAMS and liaised with the relevant Ministers. In this role I was charged with leading the ACT Government businesses of Tourism, Major Venues, Action Bus Service, ACT Nursery, Capital Linen Services and the ACT Cemetery. Enterprise Services has around 1000 staff with a budget of around \$114 million. As Executive Director, Enterprise Services, given the changes in administrating the ACT Government Businesses, I assumed the role their Boards had previously performed. Accordingly, I was immediate key leader for shaping their activities and decision-making, and integrating them into the new Government Department of TAMS. I ran these businesses on behalf of the ACT Government to deliver financial and/or community service dividends to the Government.

Prior to the above role I was the Executive Director, Arts, Heritage and Environment (AH&E), Chief Minister's Department (CMD), I reported to the Chief Executive Officer, CMD and liaised directly with the Chief Minister. AH&E had 250 staff with an annual budget of approximately \$50 million. This role covered a very diverse range of activities including all the functions of an environmental protection agency, water resource planning and management through to catchment management and enforcement activities. I held two statutory positions - the Territory's Conservator for Flora and Fauna, and Chief Animal Welfare Officer - and directly, or via delegations to my executive staff, represented the ACT Government on a range of high level groups that supported Ministerial Councils: the Primary Industries Standing Committee, Natural Resource Management Standing Committee, Environment Protection and Heritage Committee, Australian Alps Committee and Cultural Committee. I also represented the ACT on the National Management Group for Agricultural Heads of Agencies; Australian Parks Heads of Agency Group and was on the National Ministerial Animal Welfare Strategy Implementation Group. While with the ACT Government I have also been a Commissioner on the Murray Darling Commission and a member of the national High Level Greenhouse Group.

In previous jurisdictions I have also represented government on high level groups such as the NSW State Road Noise Taskforce, Sydney Metropolitan Air Quality Study Strategy, Canberra-Sydney Corridor Strategy, Federal Advisory Committee on Vehicle

Emissions and Noise (ACVEN), Hawkesbury-Nepean Catchment Advisory Committee, and Third Runway Steering Committee. I served as the AUSTRROADS National Environmental Co-coordinator for several years.

I have also represented jurisdictions at international forums. Recently I represented the ACT at the Third International Biosphere Congress in Madrid, Spain. I also presented a paper on behalf of AUSTRROADS and the NSW RTA at an international OECD Environment-Transport Forum in Palermo, Italy.

Approach to Work

The achievements made in my career have been the result of effective communication and healthy working relationships within the various organisations I have led, and with other agencies (Government and non-Government including and especially Aboriginal groups). This communication is supported by my tenacity, goal-focused approach, high energy, positive work ethic, integrity and ability to be creative and use lateral thinking to foster innovative approaches to complex situations. I routinely blend the demands of politicians, community members, stakeholders and staff to achieve successful outcomes in both everyday and controversial situations. Through my leadership skills I have the ability to achieve results that are both creative and practical.

I have a particularly strong interest in progressing sustainability in all of our activities; to this end I have constantly fostered innovative approaches for integrating environmental, social and economic imperatives. In 1994, I was awarded a Professional Fulbright Award to undertake research in the USA on Ecologically Sustainable Development. This offered the opportunity to consider the various aspects of sustainability by working with key environmental, transport, land use professionals and community groups across the USA.

QUALIFICATIONS AND AWARDS

Degrees Conferred

- 1991: Doctor of Philosophy (Environmental Planning)
University of Melbourne, Australia
- 1983: Master of Environmental Design (Environmental Science)
University of Calgary, Alberta, Canada
- 1978: Bachelor of Arts (Urban and Regional Studies)
Curtin University, Western Australia

Professional Memberships

- Since 2009: International Climate Change Institute Strategic Advisory Panel,
Australian National University
- 2008: Fellow, Planning Institute of Australia
- Since 2007: CEO Circle - personal development group
- 2004 - 2009: Member, Australian Animal Welfare Strategy Committee,
Commonwealth Ministerial appointment)
- Since 1989: Full Member, Environment Institute of Australia and New Zealand
- 1979 - 2007: Full Member, Planning Institute of Australia

(Formerly Royal Australian Planning Institute)

Professional Awards

- 2003: ACT Emergency Award
For outstanding efforts during and after the January 2003 Canberra Bushfires
- 2001: Australian Graduate School of Management Scholarship
For Senior Management Development Program
- 1994: Fulbright Professional Award
For research into sustainability in the USA

Postgraduate Awards

- 1984-87: Australian Commonwealth Postgraduate Ph.D. Research Award
- 1986: Mary Walters' Memorial Bursary, University of Melbourne
- 1985: Amy R Hughes Scholarship, University of Melbourne
- 1980-83: Commonwealth Postgraduate Scholarship, Canada
- 1981-82: Environmental Design Fellowship, University of Calgary
Awarded for outstanding academic achievements and for being the best continuing student in the Faculty of Environmental Design (Urbanism, Architecture and Industrial Design, and Environmental Science, over 150 postgraduate students.)
- 1982-83: Faculty of Environmental Design Scholarships, Calgary Canada
- 1980: Fulbright Fellowship, USA
Offered this fellowship for study in the United States of America (not taken up on account of decision to study in Canada)

Undergraduate Awards

- 1978: Landscape Planning Award
- 1974: Student Planner's Award
- 1972-74: Commonwealth Undergraduate Scholarship

PROFESSIONAL ACTIVITIES

October 2007 to now:
Commissioner for Sustainability and the Environment

The Commissioner for Sustainability and the Environment encompasses and expands the previous Commissioner for the Environment Office. I have shaped Commonwealth, Act and Regional Local Governments policies and actions through independently assessing and reporting on environmental and sustainability issues in the ACT and its region. My independent work on Lowland Native Grassland was the catalyst for the Commonwealth and Territory Government undertaking culling in areas near urban Canberra, something that had not previously been undertaken. I have also fostered actions on sustainable transport and better management of waste in the ACT. In my role I have established exceptionally strong links with a very diverse range of stakeholders, ranging from commercial businesses, academics, developers, land managers, professional institutions, community groups, Commonwealth and ACT

Government agencies and members of the ACT Legislative Assembly. I meet with Commonwealth Government Secretaries, Chief Executives and Executives in ACT Government Departments. My Office is well respected and as such is given access to confidential information, when it is needed, and my views are respected as our recommendations are adopted either in-full or in-principle. I am well recognised for being able to bring people together, with diverse views, to find a way forward. I am also respected for making difficult but practical decisions. I am called upon to give my views on key issues.

May 2007 to October 2007:
Chair/Executive Director
Water Security Taskforce

In response to the ACT's water crisis brought on by the current drought, the Chief Minister established a Water Security Taskforce and requested that I lead it and report to Government on the ACT's water security planning. My work has provided the foundation for the Government's current water security activities.

2006- 2007:
Executive Director, Enterprise Services
Territory and Municipal Services, ACT Government

I was part of the small executive team that led the new Territory and Municipal Services Department (TAMS). This is a large department delivering a very diverse range of services. In this Department there are three Networks of which the Enterprise Services is the one in which the ACT Government businesses of Tourism, Major Venues, Action Bus Service, ACT Nursery, Capital Linen Services and the ACT Cemeteries have been clustered. I reported directly to the Chief Executive Officer, TAMS and served two Ministers; Minister for Sport Recreation and Tourism, and Minister for Territory and Municipal Services. As part of the Executive TAMS team, I was involved in leading the organisation through a major change process. Specifically, in my portfolio, I was charged with integrating ACT Government businesses into a Government organisation from being governed under independent Boards. Concurrently with this integration the Government sought substantial savings that significantly affected some of the businesses. Many achievements were made with some businesses performing better than when they were independent of Government.

2004 - 2006:
Executive Director, Arts, Heritage and Environment,
Chief Minister's Department, ACT Government

I reported to the Chief Minister both directly and via the Chief Executive Officer, Chief Minister's Department and lead a large multidisciplinary division which provided Local and Territory Government services in the areas of environmental planning and research; environmental protection; heritage; arts; animal welfare; primary industries; national park and reserve planning and management; forestry and visitor services. The Division developed policy, undertook research, and had regulatory

functions and operational roles. It directly managed over half of the ACT (64% is in public lands), guided the management of rural lands (18% of the ACT), and significantly influenced the urban fabric of the ACT (18%). The organisation had 250 staff and a budget of approximately \$50 million.

The AH&E Division continually underwent significant changes and I managed to lead it through these while maintaining stability, delivering the Government's policies, fostering effective stakeholder relationships and respecting budgetary parameters. The last major reorganization of the Division included merging ACT Forestry (a commercial enterprise). In doing this the staff culture needed to be changed both in the merging and core organisations; I managed to do this while effectively using the skills of the two groups and maintaining the commitment and morale of all staff. Prior to this merger, the Division was transferred to Chief Minister's Department from Urban Services, while at the same time the Territory's arts programs were absorbed into the Division. This merger was also undertaken successfully. Important components of my success in managing these changes had been my commitment to involving staff in the change processes, effective communication and the formulation of a strategic plan to guide activities.

Concurrently with managing major broad changes, many specific achievements were gained under my stewardship. For example, a review of forestry land management practices in the Lower Cotter Catchment was undertaken, with a long-term plan for guiding the restoration of activities developed. This was achieved by a close working arrangement with ACTEW, Emergency Services, the Office of Sustainability and Treasury. A Namadgi Plan of Management was developed, with a healthy working arrangement achieved with all stakeholders - particularly the Aboriginal members of the Interim Namadgi Board - despite some challenging situations. A comprehensive Bushfire Operational Plan has also developed and implemented. This involved considerable debate and was the subject of community and political focus. All issues were effectively managed while community and political concerns were addressed at the same time as necessary field activities were undertaken.

I led in the development of new legislation and reviews to legislation to achieve better results and processes, with achievements including the ACT Tree Protection Act that will secure the territory-wide protection of significant trees using a strategic targeted approach. Reviews were also undertaken on Animal Welfare, Pest Plant and Water legislation to achieve a better use of resources.

Many achievements in the arts were also made under my leadership, for example the development of the Glassworks Centre as a showcase for glass artists, and for applying sustainability principles in refurbishing an historic building (Kingston Powerhouse). The Arts funding program was revamped to better meet the Government's priorities and be more effectively administered. A new 2% public art program in new commercial developments was developed, a \$1 million public art program initiated, and a public Aboriginal artwork that had previously stalled was progressed. My leadership resulted in public art across ACT agencies being better coordinated. These achievements required cultural change within the arts group.

Working on across-government initiatives and programs was part of the core business of the Division, and therefore I established cooperative working arrangements with a

range of agencies. These included Emergency Services Authority (ESA) for fire management and emergency programs; Department of Urban Services and ACT Planning Authority for a range of projects but notably Gungahlin Drive Extension, Gungahlin to Civic Busway, ACTEW (and ESA) and Office of Sustainability for catchment management planning, Land Development Authority for land development in general, Shaping Our Territory Group (and the Education Department) for Tidbinbilla Planning. These examples are a small sample of achievements in cooperative arrangements that ensure a whole-of-government approach is achieved.

At a National level I have represented the ACT on many high level bodies, including representing the Minister when he was unable to attend the Ministerial meetings pertinent to my portfolio. On these occasions I have ensured that the ACT position was rigorously promoted, both directly as part of the formal meetings and indirectly via the cordial professional relationships I developed with Heads of Agencies in other jurisdictions. This resulted in support being given to the ACT outside these forums. For example, NSW Agriculture Department supplied the ACT rural landholders with training and processed ACT Drought applications for securing Commonwealth funds, at no cost to the ACT.

2001 - 2004:

Executive Director, Environment ACT, Urban Services, ACT Government

The Environment ACT Division was the forerunner to the Arts, Heritage and Environment Division mentioned above. Environment ACT did not include Arts but did include a greenhouse and water policy responsibility that was transferred to the Office of Sustainability when the division was transferred to Chief Minister's Department. I led the Division through several changes including two major ones: one due to internal structural changes and the other due to the 2003 Bushfires. The internal change involved integrating areas that had been separated under a purchaser-provider structure.

The 2003 Bushfires had a significant affect on Environment ACT as it burnt large areas of the lands managed by this Division, many staff members were directly involved in fire combat, several of them lost their own homes, many were involved in the cleanup and all had their work environment changed. After the fires several staff members were involved for extended periods with the coronial inquiry. It was a very traumatic and demanding time for the Division. The organisation changed in many ways but most notably it secured a large capital works budget to reinstate burnt assets. Staff needed to retrain and change roles in order to deliver the capital works budget and undertake fire recovery programs, while also coping with post-traumatic stress and needing to be managed with delicacy and compassion. This period proved that I had the capabilities to perform well under extreme pressure.

Other achievements include the successful completion of a horse cull in Namadgi and a kangaroo cull of the Googong foreshores. These were operationally very difficult, had an international media focus (reaching over 4,000 international papers) via animal liberation groups with local community members being divided on this issue, and were politically sensitive. The culls were successfully completed against these pressures, and are used by other interstate agencies as examples of how to manage a difficult

situation.

Among the many other accomplishments during this period, a strategic plan was developed to shape the actions of the Division post-2003 fires, major planning and restoration works were completed, extensive field surveys on post-fire conditions were undertaken; an unprecedented survey of Aboriginal artefacts completed and staff morale maintained. There were also a number of successful community events held to "welcome back" the community to areas that were badly burnt, for example, the Cotter Picnic Day, Tidbinbilla Extravaganza and Great Aussie Bushwalk. All these have involved new directions and partnerships that I initiated.

Non-fire-or-drought-related achievements included the development and implementation of new Heritage legislation; development of a draft greenhouse strategy; development of the ACT's first major comprehensive water strategy (Think water, Act water); development of integrated natural resource strategies e.g. Woodlands Strategy; creation of the Northern Corroborate Frog recovery program and enhancement of the Brushtail Rock Wallaby endangered animal recovery program; the introduction of Aboriginal cross-cultural awareness training for staff and the implementation of training programs for Aboriginal staff within the Division. During this period I introduced an innovative approach to managing swooping magpies. Where previously they had been shot (a problematic in approach in urban areas), a relocation program based on studies of bird management was successfully implemented.

During this period I also represented the ACT Government on high-level groups and established cooperative working arrangements across agencies and Governments.

2001:

Director, Territory Planning, Urban Services, ACT Government

I was recruited from Brisbane to lead the Territory Planning Branch to better integrate environmental and planning considerations aimed at achieving sustainable planning for the ACT. In the Director's role I had the responsibility for leading strategic planning directions for the ACT. This was a unique planning role as it is a combination of Local and Territory Government roles set within the Country's National Capital. It therefore affected the national planning that was undertaken by the Commonwealth's National Capital Authority. It also had an important regional planning role. I provided leadership on strategic landuse and transport planning, infrastructure programming, community facilities policies, community involvement programs, urban renewal schemes, cultural planning, environmental and resource assessments for major projects, development controls and guidelines, legislative reform, master planning at all levels (residential to town centres), research investigations and fostering sustainable development.

In this role I initiated the development of the North Gungahlin Structure Plan; completed the Griffith Redevelopment Plan, Canberra Central Redesign and Jamison Centre Re-design, and negotiated the integrated plan for the large Section 84 commercial redevelopment site in Civic. A major achievement in this time was to better integrate environmental considerations in the strategic planning processes. I also initiated the development of Canberra's Sustainable Transport Plan, which I

further fostered when I was promoted to Executive Director, Environment ACT.

2000-2001:

Manager, Environment and Parks, Brisbane City Council

1997- 2000:

Manager, Natural Environment Branch, Brisbane City Council

1995-1997:

Director, Environment Management Branch, Brisbane City Council

(All positions with Brisbane City Council were at the Senior Executive level, titles changed due to restructuring and the creation of external Boards (with Directors). All internal Director roles were renamed Manager).

As Director/Manager, I had a leadership and management role for ensuring that Australia's largest municipal council, Brisbane City, adopted and implemented progressive environmental policies and practices which were integrated with development, economic and social considerations. As well as being responsible for environmental issues, I also provided leadership on advancing the Council's Ecologically Sustainable Development agenda. In doing these tasks, I managed a multidisciplinary team who developed policy, undertook regulatory functions, had operational responsibilities and assessed major development applications and environmental impact statements. These programs were structured so that they led all of Council's activities to achieve environmental gains and sustainable outcomes.

I was very involved in the Corporate Planning and Enterprise Bargaining processes as they were key mechanisms for implementing the then Council's reform agenda. I lead in the implementation of these in my Branch, and across Council, on environmental and resource management issues.

I managed a budget of \$67 million (including the expenditure of funds from the then \$35 million bushland acquisition levy) and a diverse group of staff. The range of activities under my jurisdiction was wide, encompassing land and vegetation management, bushland acquisition, ecotourism, natural area management, pollution (air, greenhouse), environmental management systems and supporting computer mapping, ecological assessments, major development assessments, strategic open space planning, fire management, city parks and nature reserve policy and planning, strategic business planning and corporate planning. I was spokesperson for the Council on key committees, eg. Coastal Management Regional Consultative Group and South-East Queensland Regional Air Quality Strategy Committee. Furthermore, I provided guidance to key Council committees, eg. Bushlands, Wetlands and Waterway Committee, Urban Environment Committee, Bushland Acquisition Team, Environmental Management Systems Network Group and Clean Air Task Force. I was also a member of the Development Assessment Committee that had delegated authority from Council to determine the complex and contentious applications.

During this time I successfully led the Branch through several structural changes, developed Council's first Clean Air Policy and actions, initiated and developed their first Energy Policy and program; implemented Council's bushland acquisition fund via negotiations with land owners and their legal counsel (\$35 million), reshaped the paper-based State of the Environment report into an online Sustainability Report; and

initiated partnerships with developers to create ecologically sustainable model developments.

1994:
Professional Fulbright Award, USA

Under a Professional Fulbright Award, four months was spent in the USA working on Ecologically Sustainable Development; Environment-Transport-Landuse policies, programs and practices in Los Angeles, San Francisco, Salem, Oregon, Olympia, Seattle, Denver, Washington DC, Boston and Cambridge, Massachusetts. A range of government, community and industry organisations hosted me during my work.

1991-95:
General Manager, Environment and Community Impact, NSW Roads and Traffic Authority (RTA)

I was the vanguard for the RTA undergoing significant change so that it incorporated environmental and community issues into its engineering practices. The General Manager's position was created in direct response to this initiative. It raised the profile of environmental and community issues by placing me in a senior executive position with the senior management team. In this role I had the responsibility of setting the environmental (including landscaping and urban design) and community involvement policy directions for the Authority. These directions were integrated with all RTA activities via its Corporate Plan. I was on the team that developed this plan. I developed the Authority's first major environmental statement: *The Environmental Vision* which was the subject of a major launch by the Deputy Premier, and which, with the applied environmental work on the Gore Hill Freeway, won the 1992 Vision for Australia Award (Government Category). I was responsible for developing the Authority's response to emerging issues such as ecologically sustainable development, greenhouse gases and air pollution. I was the environmental and community spokesperson for the Authority. At the State level, in conjunction with other agencies, I helped prepare the State's response on issues such as the Third Runway at Sydney Airport.

I represented the Authority on key committees e.g. State Road Noise Task Force, Metropolitan Air Quality Study and ACVEN. I was the national coordinator for AUSTRROADS and represented Australia on the International Roads Committee. I chaired key committees for contentious projects e.g. M5-Wolli Creek Community Advisory Committee. I was responsible for coordinating the activities of the Authority's peak community and environmental bodies, e.g. the RTA Environmental Council and the State Remembrance Driveway Committee.

1989-90:
Environmental Planner, NSW Roads and Traffic Authority

As the Environmental Planner I managed the Environmental Planning Branch which was an operational area with experts with skills in a range of areas, e.g. acoustics, landscape, heritage, statutory, land use and environmental assessment, community involvement, graphic, research and development and project management. I was responsible for setting agendas for the professional composition; financial

management and staffing levels of the Branch. During my time in this position I represented the Authority at its first major public inquiry into a road project (F2) under the *Environmental Planning and Assessment Act*. I also appeared in the Land Environment Court as an expert witness. I initiated and implemented NSW's first comprehensive noise policy.

1988-89:

Senior Environmental Planner, Pak-Poy and Kneebone Consulting

I was involved with a variety of projects, including a high security telecommunications project involving relocating Sydney's major television towers, impact assessments of tourist developments adjacent to national parks, community involvement programs related to these assessments, site assessment and selection for an international motor racing facility, environmental planning and community involvement programs for highways and for public reserves in rural towns, preparation of a master plan (including supporting community consultation) for the visual and environmental management of public corridor reserves along NSW Rivers, Environmental Impact Statement (and Visual Impact Assessments) and an environmental assessment and community consultation work for a by-pass road near Ballina. I project managed the majority of these undertakings, and was responsible for budgeting and marketing of the environmental division's operations.

1987-88:

Senior Landscape Planner, Roads Division, NT Department of Transport and Works

I was contracted to this position in a consultancy role; primarily to formulate guidelines for the incorporation of landscape management plans in the design and maintenance of main roads, in urban, rural and remote areas, for the whole of the Territory.

1987:

Environmental Consultant, Northern Territory

Concurrently with completing my Ph.D. research I carried out consultancy work in my own firm (VERD). I was part of a team preparing an EIS for a proposed powerline through Kakadu National Park, and also did design work for a recreational caravan-camping park in Kakadu.

1984-88:

Doctor of Philosophy Program - University of Melbourne, School of Environmental Planning

The essence of my research was to identify how visual evaluations are made by different users, resource advisory and management groups involved in the planning and management of rural roads, and how such evaluations can assist in resolving multi-use conflicts in the management of these reserves. A multi-disciplinary approach was used, through the application of psychophysical analyses. Concurrently with undertaking this research, I held the following positions:

Member of the Victorian Roadside Conservation Committee

Member of Rural Road Management Committee

Publicity Officer, Executive Member, Association of University Women

- 1983-84: Environmental Planner, WA Forests Department (now CALM)
1980-83: Master of Environmental Design (Environmental Science) Program,
University of Calgary, Alberta, Canada
1980: Planning Officer, NSW Planning and Environment Commission
1979: Acting Chief Planner, State Housing Commission of WA
1979: Part-time tutor in the Landscape Architecture Course, Curtin
University
1978-80: Planning Officer, State Housing Commission of WA
1976-78: Planning Assistant, Town Planning Department WA
1975-76: Planning Assistant, Shire of Kalamunda, WA
1975: Education Officer (Planning), Education Department of WA
1974-75: Planning Assistant, City of Stirling, WA
1973-74: Planning Assistant, Shire of Kalamunda, WA



Katy Gallagher MLA

CHIEF MINISTER
TREASURER
MINISTER FOR HEALTH
MINISTER FOR INDUSTRIAL RELATIONS

MEMBER FOR MOLONGLO

Ms Caroline Le Couteur MLA
Chair
Standing Committee on Public Accounts
ACT Legislative Assembly
London Circuit
CANBERRA ACT 2601

Dear Ms Le Couteur *Caroline*

Thank you for your letter of 31 May 2011 about the proposed appointment of Dr Maxine Cooper as Auditor-General.

I am fully aware of the appointment provisions of the *Auditor-General Act 1996* (the Act) including the capacity of the Public Accounts Committee to veto the selection. This was evident in my media release on 31 May 2011 which made clear that confirmation of the proposed appointment of Dr Cooper was subject to consultation with the Committee.

No discourtesy towards the Committee was intended, and if any was taken, I do unreservedly apologise. I should mention, however, that there is no legislative requirement for confidentiality in respect of the consultation process. On the contrary, it is a legislative requirement for the Minister to notify the Committee of the proposed appointment that the Executive intends to make.

It is equally in accordance with the principles of accountability and transparency that the Government's selection be on the public record. If the Committee disagrees with the proposal then it may do so and would presumably wish its arguments to be subject to the scrutiny of the community.

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. Having said that, Dr Cooper is fully aware that her appointment must be agreed to by the Committee.

I have separately forwarded the material you have sought on the selection criteria and on Dr Cooper's curriculum vitae to the Committee Secretary, in accordance with your request. I have attached a copy for your information.

ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601
Phone (02) 6205 0840 Fax (02) 6205 3030 Email: gallagher@act.gov.au

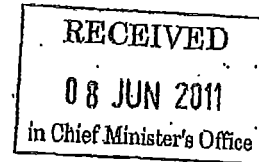
I look forward to the timely outcome of the Committee's deliberation on the proposed appointment of Dr Cooper.

Yours sincerely

Katy Gallagher

Katy Gallagher MLA
Chief Minister

3. 6. 11



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PUBLIC ACCOUNTS

Caroline Le Couteur MLA (Chair), Brendan Smyth MLA (Deputy Chair), John Hargreaves MLA

Ms Katy Gallagher MLA
 Chief Minister
 Legislative Assembly for the ACT
 GPO Box 1020
 CANBERRA ACT 2601

Dear Chief Minister 

Proposed nominee for appointment as the next ACT Auditor-General

I refer to your letter dated 31 May 2011, to the Standing Committee on Public Accounts (the Committee) in relation to the proposed nominee for appointment as the next ACT Auditor-General and subsequent correspondence to the: (i) Committee Secretary (dated 2 June 2011) providing further information as requested by the Committee; and (ii) Committee (dated 3 June 2011) responding to its correspondence dated 31 May 2011.

I am writing on behalf of the Committee in relation to two further matters concerning the current appointment process for the next ACT Auditor-General. Each of these matters is set out below for your consideration.

(1) Request for extension of time

In accordance with section 8 of the *Auditor-General Act 1996*, the Committee requests an extension of time to consider the proposal. Whilst the Committee is seeking an extension time pursuant with the Act, that is 30 days after the end of the 14 days, it is endeavouring to finalise its consideration of this matter before the next sitting period.

The Committee would appreciate your earliest advice with regard its request for an extension of time.

(2) Request for further information

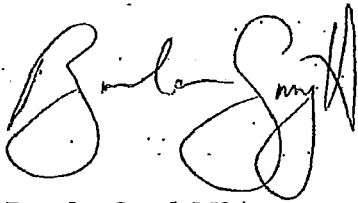
In relation to the advertisement and role specification for the position, the Committee requests the following additional information:

- under capabilities, job specific and general capabilities are detailed. The Committee seeks clarification as to the specific selection criteria actually used by the selection committee to assess each applicant's claims
- the weighting the selection committee apportioned to each of the above selection criteria, and
- in relation to 'Appropriate tertiary qualifications are a pre-requisite'—the criteria, that the Government approved to determine what tertiary qualifications were considered as an appropriate pre-requisite.

To assist the Committee with its timely consideration of this matter it requests that this information be provided to the Committee Secretary—Andréa Cullen—**by no later than COB Thursday 9 June 2011**. On behalf of the Committee, I would appreciate your cooperation in this matter.

The Secretary to the Committee is Andréa Cullen who can be contacted on—(02) 6205 0142 or andrea.cullen@parliament.act.gov.au—should you have any questions in relation to this matter.

Yours sincerely



Brendan Smyth MLA
Deputy Chair

8 June 2011



Katy Gallagher MLA

CHIEF MINISTER

TREASURER

MINISTER FOR HEALTH

MINISTER FOR INDUSTRIAL RELATIONS

MEMBER FOR MOLONGLO

COPY

Ms Caroline Le Couteur MLA
 Chair
 Standing Committee on Public Accounts
 ACT Legislative Assembly
 London Circuit
 CANBERRA ACT 2601

Caroline

Dear Ms ~~Le~~ Couteur

I am writing in response to a letter from Mr Brendan Smyth MLA, Deputy Chair of the Standing Committee on Public Accounts of 8 June 2011, requesting an extension of time for consideration of the proposed appointment of Dr Maxine Cooper as Auditor-General, and further information in relation to the Selection Committee's assessment of applicants for this position.

In accordance with section 8 of the *Auditor-General Act 1996*, I agree to an extension of 30 days to allow the Committee to consider this important appointment. Given the significance of the position I urge the Committee to finalise its consideration of this matter in a timely manner to allow the appointment of a new Auditor-General to proceed.

A rigorous selection process has been undertaken and I have full confidence in the ability of the nominated candidate to undertake this role. In relation to the Mr Smyth's request on behalf of the Committee for more information on the specifics of the selection process I believe these questions would best be answered through a briefing from the Chair of the Selection Committee, Mr Andrew Cappie-Wood, and myself. I would be happy to schedule this briefing at the Committee's earliest convenience.

For further information please contact Ms Sharon Scrivener in my office on 6205 0287.

Yours sincerely

Katy Gallagher

Katy Gallagher MLA
 Chief Minister

9 JUN 2011

ACT LEGISLATIVE ASSEMBLY



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY
STANDING COMMITTEE ON PUBLIC ACCOUNTS

Caroline Le Couteur MLA (Chair), Brendan Smyth MLA (Deputy Chair), John Hargreaves MLA

Ms Katy Gallagher MLA
Chief Minister
Legislative Assembly for the ACT
GPO Box 1020
CANBERRA ACT 2601

Dear Chief Minister

Proposed appointment of the next ACT Auditor-General

I refer to your letter dated 9 June 2011 to the Standing Committee on Public Accounts (the Committee) in relation to the proposed nominee for appointment as the next ACT Auditor-General.

Firstly, thank you for your agreement to an extension of 30 days for the Committee to consider the proposed appointment. Secondly, thank you for your offer to make yourself available, along with the Chair of the Selection Committee, to brief the Committee with regard to the specifics of the selection process. You have kindly agreed to be available for the private briefing on:

- **Wednesday 15 June 2011, 4:30pm to 5:00pm.** The private briefing will be held in Committee room 1.

Notwithstanding your offer to provide a briefing as above, the Committee renews its request for further information it has previously requested in relation to the advertisement and role specification for the position. The Committee therefore asks that it be provided with the following information:

- under capabilities, job specific and general capabilities are detailed. The Committee seeks clarification as to the specific selection criteria actually used by the selection committee to assess each applicant's claims
- the weighting the selection committee apportioned to each of the above selection criteria, and
- in relation to 'Appropriate tertiary qualifications are a pre-requisite' — the criteria, that the Government approved to determine what tertiary qualifications were considered as an appropriate pre-requisite.

Civic Square, London Circuit, Canberra ACT 2600
GPO Box 1020, Canberra ACT 2601
Secretary: Telephone: (02) 620 50127 Facsimile: (02) 620 50432
Email: committees@parliament.act.gov.au

The Committee requests that this information be provided to the Committee Secretary—
Andréa Cullen—by COB Tuesday 14 June 2011. On behalf of the Committee, I would
appreciate your cooperation in this matter.

The Secretary to the Committee is Andréa Cullen who can be contacted on—(02) 6205 0142 or
andrea.cullen@parliament.act.gov.au—should you have any questions in relation to this
matter.

Yours sincerely

Caroline Le Couteur

Caroline Le Couteur MLA
Chair

10 June 2011

COPY



Katy Gallagher MLA

CHIEF MINISTER

TREASURER

MINISTER FOR HEALTH

MINISTER FOR INDUSTRIAL RELATIONS

MEMBER FOR MOLONGLO

Ms Caroline Le Couteur MLA
Chair
Standing Committee on Public Accounts
ACT Legislative Assembly
London Circuit
CANBERRA ACT 2601

Dear Ms Le Couteur

Thank you for your letter of 10 June 2011 regarding the proposed appointment of the next ACT Auditor-General.

As noted in your letter, Mr Andrew Cappie-Wood and I will be meeting with the Committee on Wednesday, 15 June 2011, and we will be happy to discuss the selection process for the Auditor-General in further detail at that time.

Yours sincerely

Katy Gallagher MLA
Chief Minister

14 JUN 2011

ACT LEGISLATIVE ASSEMBLY

COPY



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PUBLIC ACCOUNTS

Caroline Le Couteur MLA (Chair), Brendan Smyth MLA (Deputy Chair), John Hargreaves MLA

Ms Katy Gallagher MLA
Chief Minister
Legislative Assembly for the ACT
GPO Box 1020
CANBERRA ACT 2601

Dear Chief Minister

Proposed nominee for appointment as the next ACT Auditor-General

I refer to your letter dated 31 May 2011 to the Standing Committee on Public Accounts (the Committee) in relation to the proposed appointment of Dr Maxine Cooper as the next ACT Auditor-General.

I also refer to your subsequent correspondence dated 9 June 2011 agreeing to an extension of 30 days for the Committee to consider the proposed appointment.

In accordance with section 8 of the *Auditor-General Act 1996*, sub paragraph b(ii), the majority of the Committee advises that it 'agrees with the proposal'.

Yours sincerely

A handwritten signature in cursive script that reads 'Caroline Le Couteur'.

Caroline Le Couteur MLA
Chair

24 June 2011

Australian Capital Territory

Auditor-General (Appointment) 2011 (No1)

Disallowable instrument DI2011-155

made under the

Auditor-General Act 1996, sch 1, cl 1 (Appointment)

1 Name of instrument

This instrument is the *Auditor-General (Appointment) 2011 (No1)*.

2 Commencement

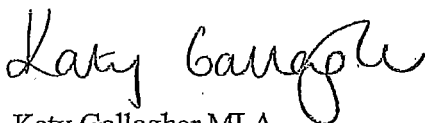
This instrument commences on 8 August 2011.

3 Appointment of Auditor-General

The Australian Capital Territory Executive appoints Dr Maxine Cooper to be the Auditor-General.

4 Term of Appointment

The Auditor-General is appointed for the period 8 August 2011 to 7 August 2018.



Katy Gallagher MLA
Chief Minister

28/6/2011



Andrew Barr MLA
Deputy Chief Minister

28/6/2011



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY
STANDING COMMITTEE ON PUBLIC ACCOUNTS

Caroline Le Couteur MLA (Chair), John Hargreaves MLA (Deputy Chair), Brendan Smyth MLA

Ms Katy Gallagher MLA
Chief Minister
Legislative Assembly for the ACT
GPO Box 1020
CANBERRA ACT 2601

COPY

Dear Chief Minister

Appointment of next Auditor-General—Private briefing—Wednesday 15 June 2011

I refer to the above private briefing to the Standing Committee on Public Accounts (the Committee) as provided by you and the Chair of the Selection Committee, Mr Andrew Cappie-Wood, on the specifics of the selection process. As noted previously, the Committee thanked you and Mr Cappie-Wood for making yourselves available to brief the Committee.

As you would be aware, that briefing was a private briefing to the Committee. In accordance with procedural practice, if the Committee wanted to refer to any information given by you or Mr Cappie-Wood at that private briefing, it first needs to approach you and Mr Cappie-Wood and consider any objection raised. The Committee is very mindful of the importance of respecting the mutual trust that underpins the operation of and willingness to provide private briefings to committees.

The Committee is therefore writing to ascertain whether either you or Mr Cappie-Wood would have any objection to the authorisation of the following evidence, as provided, in the context of the specifics of the selection process for the Auditor-General, at the private briefing on 15 June 2011:

- in relation to the public advertisement and role specification for the position—'Appropriate tertiary qualifications are a pre-requisite'—that appropriate tertiary qualifications were considered to be a qualification greater than a bachelor degree

- the interview format was a fireside chat with guiding questions to commence discussion, and
- that all interviewees were told that the Standing Committee on Public Accounts had a power of veto over the appointment of the Auditor-General.

The Committee requests that you please advise of any objections to the authorisation of the specific evidence, as outlined above, by **3:00pm, Monday 15 August 2011**. The Committee asks that any correspondence be provided directly to the Committee Secretary.

Yours sincerely



Caroline Le Couteur MLA
Chair

12 August 2011



Katy Gallagher MLA

CHIEF MINISTER

MINISTER FOR HEALTH

MINISTER FOR INDUSTRIAL RELATIONS

MEMBER FOR MOLONGLO

Ms Caroline Le Couteur MLA
Chair
Standing Committee on Public Accounts
GPO Box 1020
CANBERRA ACT 2601

Dear Ms ^{Caroline} Le Couteur

I refer to your letter seeking release of information provided to the Standing Committee for Public Accounts (the Committee) resulting from the private briefing on the appointment process for the Auditor General (AG).

In the first instance, I must say that I find it extra-ordinary that the Committee would be seeking to summarise a briefing that exceeded one hour to three dot points. However, in the interest of being helpful, it is important to place the information in the context in which it was given. This is essential as there is no formal record of the private briefing and selective material provided does not do justice to the importance of the selection process. In this regard your letter rightly reinforces the importance of mutual trust that underpins the operation of and willingness to provide private briefings to the Committee.

I would agree to the public release of the following statements in relation to the three matters you mentioned:

- 'Appropriate tertiary qualifications are a prerequisite.'
The public advertisement and role specification for the position contained the prerequisite for appropriate tertiary qualifications. The Committee sought clarification of this prerequisite and its interpretation. In response it was pointed out to the Committee that the role of Auditors-General continues to evolve and that performance auditing is an increasing part of the functions of and Auditor-General. Consequently no specific field of qualification was included in the prerequisite. As was mentioned to the Committee, Auditors-General around Australia have a variety of qualifications. The Committee was informed that in relation to a position of this importance the level of qualification was taken into account and that qualifications of a level greater than a bachelors degree was appropriate.

ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601
Phone (02) 6205 0840 Fax (02) 6205 3030 Email: gallagher@act.gov.au

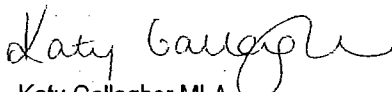
- Interview format and questions
The selection process following the extensive search undertaken by the recruitment consultants involved the interviewing of six highly qualified candidates. As is normal in these circumstances, the Selection Committee undertook a detailed question and answer interview. A series of guiding questions had been developed by the interview committee and were used as a means of drawing out the capacity and capabilities of the candidates. As can be expected from jobs of this level, the varied experience, qualifications and skills of the candidates, it is not suited to a 'tick a box' interview and recruitment process. The decision of the interview committee was based on the written application, curriculum vitae, interview and references.
- I do not recall using the term 'fireside chat' in relation to the interview part of the appointment process.
- All the interviewees were aware of the Public Accounts Committee's role in the selection process.

I cannot help but question why the Committee is taking this step post its decision to endorse the proposed appointment of Dr Maxine Cooper as Auditor-General. By endorsing her nomination for the position of Auditor-General following the private briefing and provision of all the information requested, the Committee has undertaken due process and exercised its responsibilities. Following the Committee's deliberations and endorsement of the Executive's nomination the appointment was confirmed. The Auditor-General has now commenced her duties.

By wishing to revisit the appointment process, it could be interpreted that the Committee's processes were either deficient or there is intent to undermine the credibility and standing of the Auditor-General. Either of these is concerning.

I seek the Committees agreement that this letter in its entirety be made publically available.

Yours sincerely


Katy Gallagher MLA
Chief Minister

15 AUG 2011



Brendan Smyth MLA

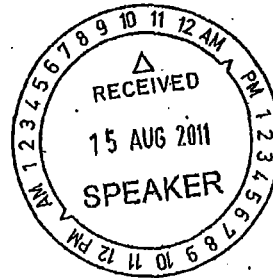
Australian Capital Territory

Deputy Leader of the Opposition

Member for Brindabella

Shadow Treasurer, Shadow Minister for Economic Development,
Business and Tourism, Emergency Services, Territory Owned
Corporations and Gaming & Racing

Mr Shane Rattenbury MLA
Speaker
ACT Legislative Assembly
CANBERRA ACT 2600



Dear Mr Speaker *Shane*

I write to raise a matter of precedence under Standing Order 276 concerning the deliberations of the Standing Committee on Public Accounts (PAC) and its role in the appointment of the ACT Auditor General.

A number of serious incidents occurred during the Committee's consideration of the proposed nomination of the preferred candidate for the position of ACT Auditor-General. As well, I have equally serious concerns about the process which was undertaken by the ACT Government itself in the lead up to the appointment of the new Auditor-General being made. All these matters have contributed to the need for me to write to you seeking your ruling on my belief that a contempt of the Committee and, therefore, of the ACT Legislative Assembly has occurred.

I first became aware that the Government had a preferred candidate for this important position was the announcement, which was made by various media outlets, of the Government's preferred candidate. These media reports included interviews with the preferred candidate, Dr Maxine Cooper. It then emerged that the Chief Minister, Ms Katy Gallagher, had put out a press release making the announcement. Please find a copy of the Press Release at Attachment A, and a subsequent *Canberra Times*' article at Attachment B and the list of interviews given by the preferred candidate at Attachment C.

It appears that the official notification to the Committee of the Government's preferred candidate was a letter, which was hand-delivered, to the office of the Chair of the Public Accounts Committee, Ms Caroline Le Couteur, rather than to Committee Office. This was done just before the Chief Minister's press release was disseminated to the local media.

I am not aware of any instance where the ACT Government has made a public statement about a preferred candidate for a statutory position, before the relevant Committee has had an opportunity to consider and report on the nomination.

Three significant actions followed the release of this public information. These actions add to my concerns about the overall approach to the consideration of the new ACT Auditor-General.

First, on the night on which the nomination became public, the preferred candidate approached the Chair of the PAC at a public function to discuss her nomination. The Chair immediately told all Committee members by email of the conversation. I have attached a copy of the Chair's email at Attachment D.

Second, shortly after this approach by the preferred candidate for the position, the ACT Chief Minister, Ms Katy Gallagher, also approached the Chair of PAC to discuss the progress of the consideration of the nomination.

Third, subsequent to these events, the Chair of PAC told the Committee that she had received a telephone call from the acting Auditor-General. The acting Auditor-General told the Chair that he had received a telephone call from the Government's preferred nominee to see what appointments were in "her" diary and to commence the process of her taking up the position of Auditor-General.

The concerns of the Committee led to the Committee seeking a private briefing with the Chief Minister and the Head of the ACT Public Service to discuss a range of matters concerning the appointment. I understand that, with regard to a statutory appointment, this was an unprecedented action.

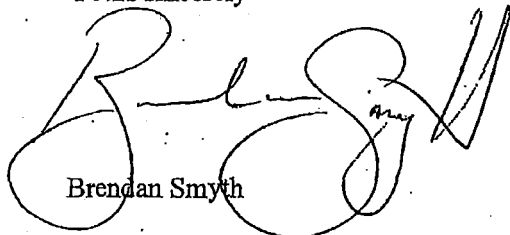
I believe that the history relating to the consideration of the new Auditor-General has raised a number of serious concerns both about the process itself and about the involvement of the Chief Minister and the preferred nominee for the position during the Committee's consideration of the nomination.

My fundamental concern about the way in which this matter has been handled has been the extra-ordinary and undue pressure which has been placed on the PAC in considering the appointment of the new ACT Auditor-General. Indeed, the imperative for the PAC to complete the consideration of the preferred nominee for this position has been inappropriate. Further, this pressure has not contributed to good governance of the Territory and its agencies.

Should you require any further information in relation to my request, I would be happy to provide this to you.

I look forward to your urgent advice on my request.

Yours sincerely



Brendan Smyth

15 August 2011



Katy Gallagher MLA

CHIEF MINISTER

TREASURER

MINISTER FOR HEALTH

MINISTER FOR INDUSTRIAL RELATIONS

MEMBER FOR MOLONGLO

MEDIA RELEASE

MR09CM

New Auditor-General for ACT

Chief Minister, Katy Gallagher, today announced the proposed appointment of Dr Maxine Cooper to the office of ACT Auditor-General.

Dr Cooper currently holds the position of ACT Commissioner for Sustainability and the Environment and had previously held a number of senior executive offices within the ACT Government.

"Dr Cooper will bring to the position significant public sector management experience and expertise."

"As Commissioner for Sustainability and the Environment, she has performed her duties dutifully as an independent Statutory Office holder and has clearly demonstrated her capacity to work with the ACT Government entities whilst maintaining an independent role," the Chief Minister said.

Since graduating from Curtin University, Western Australia in 1978 with a Bachelor of Urban and Regional Studies, Dr Cooper has worked in a variety of arenas in both the public and private sectors, including appointment to the statutory positions of Territory Conservator for Flora and Fauna and the Chief Animal Welfare Officer.

Dr Cooper completed her Masters of Environmental Design at the University of Calgary in Canada in 1983 and a PhD in Environmental Planning, Melbourne University in 1991.

"Dr Cooper's background is one that has encompassed many reviews and investigations and it is these skills which will be called upon in the Auditor General position. I am pleased to recommend Dr Cooper for this key role, one that is an important part of the accountability and transparency structure of government," the Chief Minister said.

Section 8 of the *Auditor General Act 1996* requires written notice of the proposed appointment to the Public Accounts Committee (PAC) and inviting the committee to respond to the proposal.

"I have written to the Chair of PAC informing them of the Government's nominee for Auditor-General of the ACT and I look forward to formalising the appointment once the PAC has considered our recommendation," the Chief Minister concluded.

Statement Ends

Date: 31 May 2011

Media Contact: Tanya Davies Ph: 6205 0242 (w) 0402 399 907 (m)



MEDIA MONITORS



back



Canberra Times
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MTWTFS-

Gallagher's push for new auditor 'miffs' MLA

By Noel Towell
Chief Assembly Reporter

Chief Minister Katy Gallagher could be facing a showdown with a powerful Assembly committee over her choice to fill the position of ACT auditor-general.

The chairwoman of the Public Accounts Committee says the panel will not be treated like a rubber stamp for the Chief Minister's decision and has asked lawyers about the committee's power to block the appointment.

But the Chief Minister said yesterday she respected the committee's role in the process.

Ms Gallagher has nominated the territory's Commissioner for Sustainability and the Environment, Maxine Cooper, as the new auditor-general to replace Tu Pham, whose seven-year term in the job came to an end in March.

Ms Gallagher issued a media release on Tuesday, saying she expected the Assembly's Public Accounts Committee to ratify the nomination.

But the chairwoman of the three-member committee, Greens MLA Caroline Le Couteur, said it had the power to veto the appointment and she was miffed to have found out about the nomination through a media release. Ms Le Couteur said she had sought legal advice on the committee's power to block the appointment.

ACT auditors-general are appointed for fixed, non-renewable seven-

year terms and the Auditor-General Act 1996 requires the chief minister to write to the Public Accounts Committee inviting responses to the proposed appointee.

Ms Le Couteur told *The Canberra Times* yesterday she believed the Chief Minister had disrespected the committee by announcing the nomination before the panel had even met to discuss the job.

"I think it was very discourteous that the nomination was announced in a press release before the process had been completed," Ms Le Couteur said.

Asked if she was rejecting the role of "rubber stamp" for the committee Ms Le Couteur said, "That would be one way of putting it."

The other two members of the committee, Canberra Liberals' Brendan Smyth and Labor's John Hargreaves declined to comment.

But Ms Le Couteur said she was confident that her committee could block the role if it chose.

The controversy was no reflection on the suitability of Ms Cooper for the job.

"It's not about whether or not the person is a good appointment, it's about the process," she said.

Ms Gallagher said she also believed the committee had a central role to play in appointing the new auditor and it had the power to block a nomination for the job.

"It would be very difficult to appoint an auditor-general without the support of the Public Accounts Committee," she said.

Smyth, Brendan

From: Le Couteur, Caroline
Sent: Wednesday, 1 June 2011 3:16 PM
To: Cullen, Andrea; HARGREAVES; Smyth, Brendan
Subject: FW: Press Auditor General

FYI – I've only just got to my email or it would have been sooner to you.

Carollne Le Couteur MLA
ACT Greens Member for Molonglo
ACT Greens Spokesperson for Planning, Territory and Municipal Services, Business and Economic Development,
Land and Property Services, Arts and Heritage
Phone: 6205 0051
GPO Box 1020 Canberra ACT 2601

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."

Smyth, Brendan

From: Le Couteur, Caroline
Sent: Wednesday, 1 June 2011 10:09 PM
To: HARGREAVES; Cullen, Andrea; Smyth, Brendan
Subject: RE: radio recordings 31/5/11 - proposed nominee for office of AG

Agreed re expense

Caroline Le Couteur MLA
ACT Greens Member for Molonglo
ACT Greens Spokesperson for Planning, Territory and Municipal Services, Business and Economic Development,
Land and Property Services, Arts and Heritage
Phone: 6205 0051
GPO Box 1020 Canberra ACT 2601

From: HARGREAVES
Sent: Wednesday, 1 June 2011 11:10
To: Cullen, Andrea; Smyth, Brendan
Cc: Le Couteur, Caroline
Subject: RE: radio recordings 31/5/11 - proposed nominee for office of AG

I don't see the need for any expense in this matter.

John Hargreaves MLA
Member for Brindabella
Government Whip

From: Cullen, Andrea
Sent: Wednesday, 1 June 2011 10:42 AM
To: HARGREAVES; Smyth, Brendan
Cc: Le Couteur, Caroline
Subject: PAC: radio recordings 31/5/11 - proposed nominee for office of AG

Dear Members,

Please find attached radio recordings of interviews/coverage involving the proposed nominee for appointment as the next AG. There are two recordings:

- (i) 666 with Alex Sloan – the proposed nominee is announced at 13:13 into the recording and Alex speaks with Dr Cooper between 14:18 and 18:00. A text re the appointment is mentioned at 22:41
- (ii) 2CC – the proposed nominee is mentioned in the news bulletin at 5:42 to 6:21

The library only does audio recordings. Transcripts can be sourced from media monitors. If the Committee wanted a transcript for the 666 recording, I would need to get the Committee Mgrs approval with regard to funds and expenditure. My suggestion, for your consideration, after listening to the audio, could you please let me know if you feel the 666 interview requires a transcript and I will set the process in train.

Regards,

Smyth, Brendan

From: Le Couteur, Caroline
Sent: Tuesday, 31 May 2011 9:41 PM
To: Cullen, Andrea; HARGREAVES; Smyth, Brendan
Subject: encounter with Dr Cooper

Dear Fellow PAC members and secretary

I have just had a conversation with Max. We were both at the same function tonight – Canberra conversations. I went out of my way to avoid her but she finally button holed me and said she would like to speak to me. She pointed out I had been clearly avoiding her and I said it was because of the very awkward situation created by the Chief Minister's press release and her (Max's) subsequent media interviews. I did my best not to express much in the way of views. I did say that the Chief ministers press release was silly and premature given the statutory process. Max did not seem to fully understand the statutory process and did not think Pac had a veto. She told me that she had been wondering why it was taking so long as she had known for some time she was the preferred candidate. Until today she thought the nomination was with PAC and we were dragging our heels.

She said she had done 5 media interviews. She said we should read the transcript and we would see she had been very to just say she was honoured to be nominated. I did go as far as to say it would be good to avoid media on the subject – she said she just responded as she had to.

She offered to come and meet with us, and I said I would let the committee know about her offer. She said that she had been expecting us to meet with her and had been surprised it hadn't happened.

Max said she would let the Chief minister's office know about our conversation and her offer to meet the committee.

Anyway I hope I have not said too much. I did stress I was not speaking on behalf of the committee.

Caroline Le Couteur MLA
ACT Greens Member for Molonglo
ACT Greens Spokesperson for Planning, Territory and Municipal Services, Business and Economic Development,
Land and Property Services, Arts and Heritage
Phone: 6205 0051
GPO Box 1020 Canberra ACT 2601

From: Cullen, Andrea
Sent: Tuesday, 31 May 2011 1:24 PM
To: Le Couteur, Caroline; HARGREAVES; Smyth, Brendan
Cc: McGhie, Tim; Mallett, Jim; McNeill, Ian; LECOUEUR
Subject: PAC: Private meeting - Tues 31 May 2011 - 4:45pm to 5:00pm

Dear Members,

I have liaised with each of your respective offices to confirm the following time for a PAC Private meeting (today):

- Tuesday 31 May 2011 – 4:45pm to 5:00pm, Committee room 2

The agenda will be provided to each of your offices shortly.

Regards,

Brendan Smyth MLA

Media Release

GALLAGHER TO BE EXAMINED FOR IMPROPER CONDUCT

Katy Gallagher's interference in the appointment of the new Auditor-General will be examined by a Select Committee of the Legislative Assembly after Brendan Smyth wrote to the Speaker outlining his concerns, it was revealed today in the Assembly.

"The appointment of the Auditor General is one of the most important statutory roles in our form of democratic government. It is a unique role with unique responsibilities to keep the government to account," Mr Smyth said.

"That is specifically why this role must be approved by a Committee of the Assembly the government cannot simply pick their own candidate and install them without proper approval.

"However, in this case, Katy Gallagher chose her own appointment and announced her conclusion in the media before even informing the correct Committee.

"This was followed by a pattern of behaviour that placed extraordinary pressure on the Committee. So clear was the improper behaviour, that the multi-party Public Accounts Committee found there was interference, that, if left unchecked, could create serious interference in the future.

"Katy Gallagher behaved in a way that indicated this government believes that normal rules and procedures don't apply to them. Worse still, Katy Gallagher does not seem to be aware how serious this breach is, or of the importance of proper process.

"That's why the Chief Minister now faces a Select Committee. That's why this Assembly must stand up to an ACT government who believes they are above scrutiny and beyond reproach.

"I look forward to the Select Committee examining the interference in this process and putting in place stronger rules to prevent similar interference in the future," Mr Smyth concluded.

20 September 2011



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY
SELECT COMMITTEE ON PRIVILEGES 2011**

MS AMANDA BRESNAN MLA (CHAIR), MR SIMON CORBELL MLA (DEPUTY CHAIR), MR ZED SESELJA MLA

Ms Katy Gallagher MLA
Chief Minister
Legislative Assembly for the ACT
GPO Box 1020
CANBERRA ACT 2601

Dear Ms Gallagher

At its meeting on 20 September 2011, the Legislative Assembly resolved that a Select Committee on Privileges be appointed to examine whether there was improper interference with the free exercise by an Assembly committee of its authority in relation to consideration of the proposed nominee to the position of Auditor-General by the Standing Committee on Public Accounts.

The Select Committee has now met and agreed that the Chief Minister, Auditor-General and all members of the Standing Committee on Public Accounts, in the first instance, be invited to provide information in relation to the committee's terms of reference (attached).

Accordingly, could you please provide to the Select Committee on Privileges any information you may have which is pertinent to this inquiry by Friday, 14 October 2011.

It is the Committee's intention to receive written submissions and then determine whether or not to hold public hearings. However, if this approach causes you any concern and you wish to appear at a public hearing the Committee would be interested to hear your views on this.

Should you have any queries on this matter, you should contact either myself or the secretary to the inquiry, Tom Duncan, on 6205 0191.

Yours sincerely

A handwritten signature in cursive script, appearing to read "A. Bresnan".

Ms Amanda Bresnan MLA
Chair
28 September 2011

3 PRIVILEGES 2011—SELECT COMMITTEE—ESTABLISHMENT

Mr Smyth moved—That this Assembly:

- (1) pursuant to standing order 276, a Select Committee on Privileges be established to examine whether there was improper interference with the free exercise by an Assembly committee of its authority, in relation to:
 - (a) the announcement by the Chief Minister, in a press release, of the Government's proposed nominee for the position of Auditor-General;
 - (b) approaches made to the Chair of the Standing Committee on Public Accounts during the course of the committee's consideration of the proposed nominee to the position of Auditor-General; and
 - (c) any other relevant matters;
- (2) the Committee shall report back to the Assembly by the last sitting week in November 2011; and
- (3) the Committee shall be composed of:
 - (a) one member nominated by the Government;
 - (b) one member nominated by the Crossbench; and
 - (c) one member nominated by the Opposition;to be notified to the Speaker by 4 pm today.

**Katy Gallagher MLA****CHIEF MINISTER**

MINISTER FOR HEALTH

MINISTER FOR INDUSTRIAL RELATIONS

MEMBER FOR MOLONGLO

Ms Amanda Bresnan MLA
Chair, Select Committee on Privileges 2011
Legislative Assembly for the ACT
GPO Box 1020
CANBERRA ACT 2601

Dear Ms Bresnan *Amanda*

Thank you for your letter of 28 September requesting a written submission to the Select Committee on Privileges.

I look forward to making a submission to the committee. However, I respectfully request a very short extension to the October 14 deadline nominated in your letter, to Tuesday 18 October, 2011.

This extension would allow individuals making submissions a clear three weeks from the date of notification to the close of submissions.

I look forward to your consideration of this request.

Yours sincerely

Katy Gallagher
Katy Gallagher MLA
Chief Minister

28 September 2011

ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601
Phone (02) 6205 0840 Fax (02) 6205 3030 Email: gallagher@act.gov.au



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY
SELECT COMMITTEE ON PRIVILEGES 2011**

Ms Amanda Bresnan MLA (Chair), Mr Simon Corbell MLA (Deputy Chair), Mr Zed Seselja MLA

17 OCT 2011

Ms Katy Gallagher MLA
Chief Minister
ACT Legislative Assembly
GPO Box 1020
Canberra ACT 2600

Dear Chief Minister

I am writing in response to your letter of 28 September 2011 regarding a possible extension of time for a submission to the Select Committee on Privileges 2011.

I can confirm that a short extension of time until Tuesday 18 October 2011 is agreeable to all Members of the Committee and I look forward to receiving your submission in due course.

A handwritten signature in cursive script, appearing to read "A. Bresnan".

Amanda Bresnan MLA
Chair

11 October 2011