

# Appointments on Merit

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## AUSTRALIAN DEMOCRATS ACTION PLAN APPOINTMENTS ON MERIT ACCOUNTABILITY

*The Democrats are concerned that whenever appointments are made to institutions set up by legislation, independent statutory authorities or quasi-government agencies, the processes by which these appointments are made should be, and be seen to be, transparent, accountable, open and honest. It is still the case that appointments made to public authorities are left largely to the discretion of ministers with the relevant portfolio responsibility.*

*“So long as Australia continues with an information vacuum around appointments, controversy will be generated which could not only hurt the government but also injure our democratic institutions.”*

**Meredith Edwards,  
National Institute of  
Governance, University of  
Canberra.**

## Democrats Action Plan

- Continue with our persistent campaign for appointments on merit amendments to relevant legislation;
- Campaign for umbrella legislation setting standard criteria and processes to guarantee appointments on merit.

## Current ‘system’

It is important that the public have confidence that appointments by the Executive are made against core principles of merit, probity and transparency. Instead there is a widespread perception that Government appointments made through a secret process against unknown criteria, at the discretion of the Minister or the Cabinet, can and do result in partisan patronage to handsomely remunerated positions.

A main failing of the present system is that there is no legislation which sets out a standard process to regulate the procedures for making appointments to statutory authorities and other agencies. Perhaps more importantly, there is no external scrutiny or analysis by an independent body of the procedure and merits of appointments. This entrenches the public perception of ‘jobs for the boys’, especially as the Coalition has rejected dozens of Democrat amendments over the last decade to legislation requiring appointments on merit.

## Valuable lessons from the UK

The issue of appointments on merit was comprehensively examined by the Nolan Committee appointed by the United Kingdom Parliament in 1995. It set out the following principles to guide and inform the making of such appointments:

- A Minister should not be involved in an appointment where he or she has a financial or personal interest;



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Last updated 13/02/2007

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- Ministers must act within the law, including the safeguards against discrimination on grounds of gender or race;
- All public appointments should be governed by the overriding principle of appointment on merit;
- Except in limited circumstances, political affiliation should not be a criterion for appointment;
- Selection on merit should take account of the need to appoint boards which include a balance of skills and backgrounds;
- The basis on which members are appointed and how they are expected to fulfil their roles should be explicit; and
- The range of skills and backgrounds which are sought should be clearly specified.

The UK Government fully accepted the Committee's recommendations. The Office of Commissioner for Public Appointments was subsequently created (with a similar level of independence from the Government as the Auditor General) to provide an effective avenue of external scrutiny.

UK Prime Minister Brown has announced that even better scrutiny will be introduced for appointments in particular areas, including involving Parliament's select committees in the appointment of key officials.

## Australia's challenge

For the health and integrity of Australian democracy, the public must have trust and confidence that the Government will not allow improper or irrelevant considerations, political interest or political obligation, to influence public appointments.

Along with a range of other accountability reforms, the Democrat's Charter of Political Honesty Bill proposes mechanisms to promote appointments on merit.

The structures that this Bill recommends to regulate these appointments are based on the UK's Nolan recommendations. If established, they would make it very difficult for any Government to make an appointment that was not based squarely on merit. They would restore and protect public confidence in the governance of public organisations.