



FW: For your approval: NCA CEO recruitment process [SEC PROTECTED, CAVEAT SH.CABINET]

From s22(1)(a)(ii)@infrastructure.gov.au
Date Wed 25/10/2023 17:37
To s22(1)(a)(ii)@infrastructure.gov.au

~~PROTECTED, SH.CABINET~~

FYI

s22(1)(a)(ii)
Executive Officer to David Mackay, Deputy Secretary • Regions, Cities and Territories Group
s22(1)(a)(ii)@infrastructure.gov.au • M s22(1)(a)(ii)

~~PROTECTED, SH.CABINET~~

From: French, Angela <Angela.French@infrastructure.gov.au>
Sent: Wednesday, 25 October 2023 4:42 PM
To: MACKAY, David <David.Mackay@infrastructure.gov.au>; Betts, Jim <Jim.Betts@infrastructure.gov.au>
Cc: s22(1)(a)(ii)@infrastructure.gov.au; VANDENBROEK, Sarah <Sarah.Vandenbroek@infrastructure.gov.au>; CHRISTIE, Jane <Jane.Christie@infrastructure.gov.au>
Subject: RE: For your approval: NCA CEO recruitment process [SEC PROTECTED, CAVEAT SH.CABINET]

~~PROTECTED, SH.CABINET~~

Thanks David, Jim has approved the approach outlined below, and is happy for the team to move the process forward as described.

Thanks
Ange

Angela French
Chief of Staff
angela.french@infrastructure.gov.au
M +61 s22(1)(a)(ii)
GPO Box 594 Canberra, ACT 2601

Department of Infrastructure, Transport, Regional Development, Communications and the Arts
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*I would like to acknowledge the traditional custodians of this land on which we meet, work and live.
I recognise and respect their continuing connection to the land, waters and communities.
I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islanders.*

~~PROTECTED, SH.CABINET~~

Released under the Freedom of Information Act 1982 by the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

From: MACKAY, David <David.Mackay@infrastructure.gov.au>
Sent: Tuesday, 24 October 2023 10:17 PM
To: Betts, Jim <Jim.Betts@infrastructure.gov.au>
Cc: French, Angela <Angela.French@infrastructure.gov.au>; s22(1)(a)(ii) [REDACTED]; s22(1)(a)(ii) [REDACTED] <[\[REDACTED\]@infrastructure.gov.au](mailto:[REDACTED]@infrastructure.gov.au)>; VANDENBROEK, Sarah <Sarah.Vandenbroek@infrastructure.gov.au>; CHRISTIE, Jane <Jane.Christie@infrastructure.gov.au>
Subject: For your approval: NCA CEO recruitment process [SEC=PROTECTED, CAVEAT=SH: CABINET]

[REDACTED, SH: CABINET]

Hi Jim,

As discussed, the National Capital Authority (NCA) Chief Executive, Sally Barnes, gave notice of her [resignation](#) to Minister McBain. Her effective resignation date is 29 February 2024. We've stood up a recruitment process to identify a new Chief Executive, with the aim of having a suitable candidate appointed to commence on 1 March 2024. The Minister has expressed a strong preference for no gap between Ms Barnes' last day in the role and the commencement of a new CEO.

Ultimately this will be dependent on s47C [REDACTED] timings, but I have said to the Minister that we will move as quickly as we can to ensure there are no delays from the Department's part of the process.

Below, I seek your agreement to:

- delegate the chairing of this process to me as we discussed last week,
- our proposed selection panel, and
- the selection criteria for assessing candidates.

Interview panel

The Government's [merit and transparency policy](#) (the merit policy) sets out the framework for filling vacancies in statutory offices. As Secretary, you are responsible for overseeing the selection process for a new Chief Executive, including selecting panel members to interview and assess applicants. You are also required to chair the panel or delegate this role.

I recommend the following panel members:

- David Mackay (chair)
- Terry Weber, Chair of the NCA Board
- Ben Ponton, Director-General of the ACT's Environment, Planning and Sustainable Development Directorate
- A female Deputy Secretary from another Portfolio to represent the APS Commissioner

Both Mr Weber and Mr Ponton have been approached and are happy to assist with the recruitment of a new Chief Executive. Mr Ponton was involved in a previous appointment process for the NCA board, on the recommendation of Minister McBain.

We discussed last week that you would like to delegate the chairing of this recruitment process to me – this email also seeks formal confirmation of that delegation.

Under the merit policy, the APS Commissioner is automatically a member of the panel. However, the APS Commissioner may elect to send a representative in his place. I have approached Dr Rachel Bacon, Deputy Secretary at PM&C, who has agreed to be the Commissioner's representative subject to confirmation of timing and the Commissioner's agreement.

Selection criteria

The core criteria for agency head positions are set out in the merit policy, as follows:

- Demonstrates high level leadership and vision

- sets a strategic vision and inspires others to achieve this
- innovative in dealing with issues
- articulates a clear direction for their organisation
- Manages large and/or complex operations
 - achieves results within the context of organisational and/or Government policy
 - strong people management skills
 - strong financial management, ensuring efficient, effective and ethical use of resources
 - understanding of and commitment to quality organisational governance
- Works with others to meet objectives
 - operates collaboratively with others to meet organisational objectives
 - cultivates productive relationships
 - listens to people and values different perspectives
- High level of judgement
- Demonstrates a high standard of professional and personal integrity and capacity to promote these in an organisation. sets out the following selection criteria

Subject to your agreement, we propose to assess candidates against the above selection criteria. The proposed selection criteria will also be put to the Minister this week for her consideration.

A copy of the criteria, alongside a draft position description, has also been provided to Mr Weber, Chair of the NCA board, for his consideration and input.

Timeframes

The Minister is keen that there is no gap between substantive NCA Chief Executives – a new Chief Executive will therefore need to be ready to commence on 1 March 2024. To meet this objective, the recruitment process will need to formally start next week and end in November. Advertising is proposed to commence next Monday, with ads to be placed online and in newspapers for 2 weeks. We're proposing to go with the Canberra Times and the Weekend Australian (subject to cost) and will be guided by the department's comms and recruitment teams for online and other media outlets.

A high level timetable for the recruitment process is below.

Recruitment phase	
Stage	Timing
Advertising	Week commencing Monday 30 October 2023, for 2 weeks
Shortlisting	Week commencing Monday 13 November 2023, for 3 days
Interviews	Week commencing Monday 20 November 2023, for 2-3 days
Reference checks, selection report and final endorsement of merit pool	Week commencing Monday 27 November 2023
Brief to Secretary to provide a formal report for you to send to the Minister	Week commencing Monday 27 November 2023

Next steps

We're aiming to brief the Minister tomorrow, and seek the Minister's formal approval to commence the merit-based recruitment. We need your agreement to the points above before we can brief the Minister. I'd be grateful if you could therefore confirm your agreement to the above approach as soon as possible, so that the team can continue to move the process forward.

Please let me know if you have any questions or would like to discuss any of the points above.

Best,

David

~~PROTECTED, ON CABINET~~



RE: For urgent advice - appointment of a new Chief Executive to the National Capital Authority
~~[SEC PROTECTED, CAVEAT - SH.CABINET]~~

From Executive Remuneration Statutory Offices <ExecRemStatOffices@apsc.gov.au>

Date Thu 26/10/2023 10:42

To Executive Remuneration Statutory Offices <ExecRemStatOffices@apsc.gov.au>; s22(1)(a)(ii)@infrastructure.gov.au

Cc s22(1)(a)(ii) <s22(1)(a)(ii)@infrastructure.gov.au>

📎 1 attachment (25 KB)

Certification - Commissioner's Representative.DOCX;

Hi s22(1)(a)(ii)

~~PROTECTED/CABINET~~

Thanks for your well-timed call.

As discussed, the Commissioner is unavailable to participate on this selection panel but has endorsed Dr Bacon as his representative. Please find attached a copy of the form that Dr Bacon will need to complete at the end of the process.

As also mentioned, the Commissioner has asked if an adjustment can be made to the panel to provide greater gender balance.

Please let me know if you have any questions.

Kind regards,

s22(1)(a)(ii)

Senior Advisor | Executive Remuneration and Statutory Offices Branch
 Authorised Officer | *Public Interest Disclosure Act 2013*

Australian Public Service Commission

t: 02 s22(1)(a)(ii) e: s22(1)(a)(ii)@apsc.gov.au w: www.apsc.gov.au

Level 2, E Block, Treasury Building, King Edward Terrace, PARKES ACT 2600
 GPO Box 3176 CANBERRA ACT 2601

Remuneration Tribunal Secretariat

t: 02 s22(1)(a)(ii) e: s22(1)(a)(ii)@RemTribunal.gov.au w: www.remtribunal.gov.au

GPO Box 419, Canberra ACT 2601

Defence Force Remuneration Tribunal Secretariat

t: 02 s22(1)(a)(ii) e: s22(1)(a)(ii)@dftrt.gov.au w: www.dftrt.gov.au

GPO Box 2761, Canberra ACT 2601

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From: Executive Remuneration Statutory Offices <ExecRemStatOffices@apsc.gov.au>
Sent: Wednesday, 25 October 2023 9:47 AM
To: s22(1)(a)(ii)@infrastructure.gov.au; Executive Remuneration Statutory Offices <ExecRemStatOffices@apsc.gov.au>
Cc: s22(1)(a)(ii)@infrastructure.gov.au; RemTrib Enquiry <enquiry@remtribunal.gov.au>
Subject: RE: For urgent advice - appointment of a new Chief Executive to the National Capital Authority
 [SEC=PROTECTED, CAVEAT=SI.CABINET]

PROTECTED//CABINET

Hi s22(1)(a)(ii)

Thanks for your email. We will liaise with the Commissioner's office and advise you of his participation/endorsement of the proposed representative.

I note you are seeking a response by COB tomorrow. As per my email yesterday, we ask that agencies allow 5 business days for a response. I will note your timeline with the Commissioner's office but do not expect a response will be received until early next week.

I'll be in touch again when I've received a response from the Commissioner's office.

Kind regards,

s22(1)(a)(ii)

Senior Advisor | Executive Remuneration and Statutory Offices Branch
 Authorised Officer | *Public Interest Disclosure Act 2013*

Australian Public Service Commission

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 GPO Box 2761, Canberra ACT 2601

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From: s22(1)(a)(ii)@infrastructure.gov.au
Sent: Wednesday, 25 October 2023 9:35 AM
To: Executive Remuneration Statutory Offices <ExecRemStatOffices@apsc.gov.au>
Cc: s22(1)(a)(ii)@infrastructure.gov.au; RemTrib Enquiry <enquiry@remtribunal.gov.au>
Subject: RE: For urgent advice - appointment of a new Chief Executive to the National Capital Authority
 [SEC=PROTECTED, CAVEAT=SI.CABINET]

PROTECTED, SI.CABINET

Hi s22(1)(a)(ii)

Thank you again for your assistance.

As noted, our Minister is keen to ensure there is no gap between appointments. We will therefore be looking to undertake the recruitment as soon as possible, and would appreciate a response regarding the Commissioner's availability or endorsement of his representative by **COB tomorrow, 26 October 2023**. Please advise if there is an issue with this timing.

The proposed key dates for the recruitment process is below.

Recruitment phase	
Stage	Timing
Advertising	Week commencing Monday 30 October 2023, for 2 weeks
Shortlisting	Week commencing Monday 13 November 2023, for 3 days
Interviews	Week commencing Monday 20 November 2023, for 2-3 days
Reference checks, selection report and final endorsement of merit pool	Week commencing Monday 27 November 2023

The other proposed panel members, subject to approval by our Secretary, are:

- David Mackay, Deputy Secretary, Department of Infrastructure, Transport, Regional Development, Communications and the Arts, as the Secretary's representative
- Terry Weber, Chair, National Capital Authority
- Ben Ponton, Director-General of the ACT's Environment, Planning and Sustainable Development Directorate

The proposed representative should the APS Commissioner not be available to participate is Rachel Bacon, Deputy Secretary, Department of the Prime Minister and Cabinet. Should the Commissioner be available to participate, we will look to include an additional female panel member for gender balance on the panel.

Please let me know if there are any issues.

Many thanks

s22(1)(a)(ii)

s22(1)(a)(ii)

Assistant Director • Mainland Territories Policy • Territories Division

s22(1)(a)(ii)

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I recognise and respect their continuing connection to the land, waters and communities.

I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islanders.

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From: Executive Remuneration Statutory Offices <ExecRemStatOffices@apsc.gov.au>
Sent: Tuesday, 24 October 2023 1:07 PM
To: s22(1)(a)(ii) <[REDACTED]>@infrastructure.gov.au>; Executive Remuneration Statutory Offices <ExecRemStatOffices@apsc.gov.au>
Cc: s22(1)(a)(ii) <[REDACTED]>@infrastructure.gov.au>; RemTrib Enquiry <enquiry@remtribunal.gov.au>
Subject: RE: For urgent advice - appointment of a new Chief Executive to the National Capital Authority
~~[SEE PROTECTED, ON-CABINET]~~

~~PROTECTED#CABINET~~

Hi s22(1)(a)(ii) <[REDACTED]>

With respect to an appropriate level for the Commissioner's representative for this process, a Deputy Secretary would be at an appropriate level.

The policy isn't prescriptive with respect to requirements for a Secretary's representative. In practice though, it is typically a Deputy Secretary from the responsible portfolio department who represents the Secretary if the Secretary doesn't participate on the panel.

Kind regards,

s22(1)(a)(ii) <[REDACTED]>

Senior Advisor | Executive Remuneration and Statutory Offices Branch
 Authorised Officer | *Public Interest Disclosure Act 2013*

Australian Public Service Commission

t: 02 s22(1)(a)(ii) <[REDACTED]> e: s22(1)(a)(ii) <[REDACTED]>@apsc.gov.au w: www.apsc.gov.au
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 GPO Box 3176 CANBERRA ACT 2601

Remuneration Tribunal Secretariat

t: 02 s22(1)(a)(ii) <[REDACTED]> e: s22(1)(a)(ii) <[REDACTED]>@RemTribunal.gov.au w: www.remtribunal.gov.au
 GPO Box 419, Canberra ACT 2601

Defence Force Remuneration Tribunal Secretariat

t: 02 s22(1)(a)(ii) <[REDACTED]> e: s22(1)(a)(ii) <[REDACTED]>@dftr.gov.au w: www.dftr.gov.au
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From: s22(1)(a)(ii) <[REDACTED]>@infrastructure.gov.au>
Sent: Tuesday, 24 October 2023 12:53 PM
To: Executive Remuneration Statutory Offices <ExecRemStatOffices@apsc.gov.au>
Cc: s22(1)(a)(ii) <[REDACTED]>@infrastructure.gov.au>; RemTrib Enquiry <enquiry@remtribunal.gov.au>
Subject: RE: For urgent advice - appointment of a new Chief Executive to the National Capital Authority
~~[SEE PROTECTED, ON-CABINET]~~

~~PROTECTED, ON-CABINET~~

Hi s22(1)(a)(ii) <[REDACTED]>

Thank you very much for providing the below information.

In regards to the proposed representative being at an appropriate level, noting the vacancy is Chief Executive, can you please advise whether a Deputy Secretary would be at the appropriate level?

Further, I note the Merit and Transparency Policy also states the Secretary may choose a representative to participate in the panel. Can you please advise whether the Secretary's representative be a Deputy Secretary within the Department?

Many thanks
s22(1)(a)(ii)

~~PROTECTED, ON CABINET~~

From: Executive Remuneration Statutory Offices <ExecRemStatOffices@apsc.gov.au>

Sent: Tuesday, 24 October 2023 12:40 PM

To: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)>; Executive Remuneration Statutory Offices <ExecRemStatOffices@apsc.gov.au>

Cc: s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)>; RemTrib Enquiry <enquiry@remtribunal.gov.au>

Subject: RE: For urgent advice - appointment of a new Chief Executive to the National Capital Authority

~~SEE PROTECTED, ON CABINET~~

~~PROTECTED/CABINET~~

Hi s22(1)(a)(ii)

Thanks for your email.

As you've noted, as a role to which the Government's Merit and Transparency Policy applies, the APS Commissioner or an endorsed representative will need to participate on the panel. To seek the APS Commissioner's participation or his endorsement of a representative, you will need to write to us at this email address with the following information.

- Key dates such as advertising, shortlisting, interviews, etc
- Details of the other panel members
- The name of a proposed representative should the APS Commissioner not be available to participate.

Please note, the proposed representative must be:

- be an APS employee or a statutory office holder in an APS agency;
- be at an appropriate level, having regard to the vacancy;
- be outside the Regional Government, Local Government and Territories portfolio; and
- contribute to overall gender balance on the panel.

We will then liaise with the APS Commissioner's office and advise you if he will participate or if he endorses the proposed representative. We note that you will need to allow 5 business days between providing the above information and receiving a response as to whether the Commissioner will be participating or has endorsed a representative.

If the Commissioner is available to participate, then future engagement on the selection process can occur directly with his office. If the Commissioner is unavailable and instead endorses a representative, there are additional steps required. The representative will need to complete a certification form at the end of the process (we'll provide this to you if a representative will be on the panel) and this form, along with a copy of the final signed selection report will need to be sent to us at this email address for the Commissioner's endorsement prior to a report on the selection process being provided to the Portfolio Minister. You will need to allow 5 business days between providing the representative's certification and selection report and receiving advice of the Commissioner's endorsement of the report.

Beyond the requirements of the Merit and Transparency Policy, when undertaking recruitment for the office please ensure remuneration arrangements for the office are correctly reflected. The Remuneration Tribunal's [determination](#) for the office is total remuneration of \$384,970 per annum. Total remuneration represents the value, calculated at the total cost to the employing authority of the office holder (including fringe benefits tax), of the following in relation to the office holder: (a) salary, allowances and lump sum payments; (b) benefits; and (c) the employer superannuation contribution. s47F

I trust the above is of assistance. However, please let me know if you have any further questions.

Kind regards,

s22(1)(a)(ii)

Senior Advisor | Executive Remuneration and Statutory Offices Branch
Authorised Officer | *Public Interest Disclosure Act 2013*

Australian Public Service Commission

t: 02 s22(1)(a)(ii) e: s22(1)(a)(ii) @apsc.gov.au w: www.apsc.gov.au

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From: s22(1)(a)(ii) @infrastructure.gov.au>

Sent: Tuesday, 24 October 2023 11:32 AM

To: Executive Remuneration Statutory Offices <ExecRemStatOffices@apsc.gov.au>

Cc: s22(1)(a)(ii) @infrastructure.gov.au>

Subject: For urgent advice - appointment of a new Chief Executive to the National Capital Authority

~~FOI - PROTECTED, CAMEL CH CABINET~~

~~PROTECTED, CH CABINET~~

Good morning

I'm seeking advice as we commence a recruitment process for a new Chief Executive to the National Capital Authority (NCA). As you may have seen, the resignation of the current Chief Executive, Sally Barnes, was [announced](#) by Government last week. Her effective end date is 29 February 2024.

Our Minister is keen to ensure there is no gap between appointments. To make this happen, we will need to have an appointment recommendation ready s47C, giving us about a month and a half to complete the recruitment process. As you can appreciate, this is quite tight.

I understand that as this appointment is for an APS agency head, the recruitment process is required to be undertaken in accordance with the Government's merit and transparency policy. We understand the Public

Service Commissioner, or their representative, is therefore required to be involved in the recruitment process.

Can you please provide advice on how we should engage with the Commissioner in regards to his, or his representative's, participation in the recruitment process? We would also be grateful if you could advise whether there is any other information we need to be aware of for this recruitment beyond the Merit and Transparency Policy.

We would be very grateful for your advice/thoughts by today, if possible. This will allow us to finalise our brief to our Minister this week.

We would also be very happy to organise a meeting with you if required.

Kind regards

s22(1)(a)(ii)

s22(1)(a)(ii)

Assistant Director • Mainland Territories Policy • Territories Division

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P +61 2 6274 s22(1)(a)

GPO Box 594 Canberra, ACT 2601

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MS23-004713



Australian Government

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

To: The Hon Kristy McBain MP, Minister for Regional Development, Local Government and Territories (for decision)

cc: The Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government

Subject: Recruitment for upcoming National Capital Authority (NCA) Chief Executive vacancy

Critical Date: Please action by 26 October 2023 to enable advertising of the position in week commencing 30 October 2023.

Recommendations:

1. That you **agree** for the department to undertake a merit-based process to identify a list of suitable candidates, from which a preferred candidate can be selected to fill the upcoming NCA Chief Executive vacancy.

Agreed / Not Agreed

2. That you **agree** to the Chief Executive position being advertised on the APS Jobs website, online, and in select metropolitan and national newspapers, for a period of two weeks.

Agreed / Not Agreed

3. That you **note** the draft selection criteria (**Attachment A**) to be applied to assessing the suitability of candidates, and following consultation with the selection panel the department will work with your office to finalise the criteria.

Noted / Please Discuss

s22(1)(a)(ii)

The Hon Kristy McBain MP

Date: 27/10/23

Comments: I agree, but would like a recruitment agency involved for job advertising with same recruitment panel.

Key Points:

1. Ms Sally Barnes, NCA Chief Executive, informed you on 18 October 2023 that she intends to resign effective 29 February 2024. We understand your strong preference is to have this vacancy filled through a merit-based process, and for there to be no gap between Ms Barnes' last day in the role and the commencement of a new Chief Executive.

- a. The Chief Executive is a statutory appointment made by the Governor-General under section 33 of the *Australian Capital Territory (Planning and Land Management) Act 1988* (PALM Act).^{s47C}

~~PROTECTED Sensitive: Cabinet~~

MS23-004713

10. s47C [REDACTED]

Acting appointments

11. Should there be a delay in the appointment of a new Chief Executive, you may appoint a person to act for up to three months as the full-time member when there is a vacancy in the office of that member (subsection 37(1) of the PALM Act and Cabinet Handbook).
12. If the need arises for a short acting arrangement, we will brief you on the process and recommendations for an acting appointment.

Background

13. The PALM Act sets out the constitution of the NCA and its membership. There are five members – a part-time Chairperson, three part-time non-executive members and a full-time Chief Executive.

Financial impacts: Costs in advertising and recruitment will be absorbed by the department.

Legal/Legislative impacts: N/A

Stakeholder Implications: The inclusion of Mr Ponton in the recruitment panel provides input from the ACT Government in the recruitment process.

Consultation: Department of the Prime Minister and Cabinet, Australian Public Service Commission

Media Opportunities: A media release opportunity to advertise the vacancy will be discussed separately with the office.

Attachments:

Attachment A: Selection criteria for Chief Executive, National Capital Authority

Attachment B: Draft position description for Chief Executive

Attachment C: High-level recruitment timeline

Cleared By: Sarah Vandebroek
 Position: First Assistant Secretary
 Group: Territories Division
 Ph: 02 s22(1)(a)(ii)
 Mob: s22(1)(a)(ii)
 Cleared Date: 25 October 2023

Contact Officer: Jane Christie
 Position: Assistant Secretary
 Branch: Mainland Territories Branch
 Ph: 02 s22(1)(a)(ii)
 Mob: s22(1)(a)(ii)

Instructions for MPS: Nil

Do you require a signed hardcopy to be returned: No

Responsible Adviser: s22(1)(a)(ii)

PDMS Distribution List: Jim Betts, David Mackay, Sarah Vandebroek, Jane Christie, s22(1)(a)(ii)

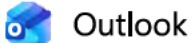
~~PROTECTED Sensitive: Cabinet~~

NCA Chief Executive Recruitment Timeline

Week	23 Oct	30 Oct	6 Nov	13 Nov	20 Nov	27 Nov	4 Dec	11 Dec	18 Dec	25 Dec	1 Jan	8 Jan	15 Jan	22 Jan	29 Jan	5 Feb	12 Feb	19 Feb	26 Feb
Advertising																			
Shortlisting																			
Interviews																			
Reference checks																			
Finalise selection report																			
APS Commissioner's endorsement																			
Applicant Personal Interests Declaration etc.																			
Brief to Minister McBain – suitable candidate/s, letter to Prime Minister and ExCo documents																			
s47C																			
Governor-General consideration*								14 Dec											

^ The Cabinet Handbook requires that appointment proposals reach the Prime Minister's office at least 15 working days before the Cabinet meeting at which the appointment may be raised for consideration.

* The Executive Council Handbook requires that documents are provided 7 working days before the Executive Council meeting at which the appointment is to be considered by the Governor-General.



FW: NCA CEO recruitment process [SEC=OFFICIAL]

From VANDENBROEK, Sarah <Sarah.Vandenbroek@infrastructure.gov.au>

Date Fri 27/10/2023 07:42

To CHRISTIE, Jane <Jane.Christie@infrastructure.gov.au>; s22(1)(a)(ii)@infrastructure.gov.au; s22(1)(a)(ii)@infrastructure.gov.au; s22(1)(a)(ii)@infrastructure.gov.au

OFFICIAL

For info.

OFFICIAL

From: s22(1)(a)(ii)@MO.regional.gov.au

Sent: Friday, 27 October 2023 7:41 AM

To: VANDENBROEK, Sarah <Sarah.Vandenbroek@infrastructure.gov.au>

Cc: DLO Mcbain <dlo.mcbain@mo.regional.gov.au>; MACKAY, David <David.Mackay@infrastructure.gov.au>; Scott-Murphy, Kate <s22(1)(a)(ii)@MO.regional.gov.au>

Subject: Re: NCA CEO recruitment process [SEC=OFFICIAL]

OFFICIAL

Thanks for the update and assistance on this matter Sarah.

Happy for you to proceed with the additional panel member without providing a new brief.

Kind regards

s22(1)(a)(ii)

OFFICIAL

From: "VANDENBROEK, Sarah" <Sarah.Vandenbroek@infrastructure.gov.au>

Date: Thursday, 26 October 2023 at 4:08:00 pm

To: s22(1)(a)(ii)@MO.regional.gov.au

Cc: "DLO Mcbain" <dlo.mcbain@mo.regional.gov.au>, "MACKAY, David" <David.Mackay@infrastructure.gov.au>

Subject: NCA CEO recruitment process [SEC=OFFICIAL]

OFFICIAL

Hi s22(1)(a)(ii)

OFFICIAL

Thanks for the call earlier about the appointment of a new NCA Chief Executive.

In response to the Minister's comments on the brief, I can confirm that we're in the process of procuring the services of an executive recruitment agent to support this process. In terms of advertising, we're required to go through Universal McCann, as the Government's central media agency.

Also, we've been advised today that the APS Commissioner has requested an adjustment to the selection panel to provide greater gender balance. To address this, we are adding **Maree Bridger**, Chief Operating Officer in the department to the panel. This doesn't change the substance of the brief the Minister has signed so I'm not proposing to re-submit unless the Minister would like us to.

Regards,
Sarah V



RE: [FOR URGENT REVIEW AND CLEARANCE] Updated CEO NCA position description [SEC=OFFICIAL:Sensitive]

From MACKAY, David <David.Mackay@infrastructure.gov.au>

Date Mon 30/10/2023 15:49

To s22(1)(a)(ii)@infrastructure.gov.au

Cc VANDENBROEK, Sarah <Sarah.Vandenbroek@infrastructure.gov.au>; CHRISTIE, Jane <Jane.Christie@infrastructure.gov.au>; s22(1)(a)(ii)@infrastructure.gov.au; s22(1)(a)(ii)@infrastructure.gov.au

📎 1 attachment (158 KB)

NCA Chief Executive - Draft position description - dm final.docx;

OFFICIAL:Sensitive

Thanks s22(1)(a)(ii)

- 1. Position description cleared as attached
- 2. I agree to a second round of print advertising in the week commencing 6 November
- 3. I am happy with a 2-page statement of claim and a 4-page CV as the requirement to apply.

Best,

David

OFFICIAL:Sensitive

From: s22(1)(a)(ii)@infrastructure.gov.au

Sent: Monday, 30 October 2023 3:23 PM

To: MACKAY, David <David.Mackay@infrastructure.gov.au>

Cc: VANDENBROEK, Sarah <Sarah.Vandenbroek@infrastructure.gov.au>; CHRISTIE, Jane <Jane.Christie@infrastructure.gov.au>; s22(1)(a)(ii)@infrastructure.gov.au; s22(1)(a)(ii)@infrastructure.gov.au

Subject: RE: [FOR URGENT REVIEW AND CLEARANCE] Updated CEO NCA position description [SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive

Hi David,

Position description – for clearance

Apologies for holding you back from reviewing the Position Description earlier. s47C

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Released under the Freedom of Information Act 1982 by the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

Let us know if you have any questions/concerns about the Position Description. We can work with you to finalise as needed. We can also prepare an email for you to send to the panel, if required.

Advertising – update

We are at the final stages of organising the ads through our central media agency, Universal McCann. At this stage, the cost is expected to be about \$10,000, inclusive of:

- Advertising between Wednesday 1 November to Sunday 19 November
 - We expanded the advertising date slightly over two weeks, noting that interviews can't take place until 27 November due to availabilities of the panel
- Digital advertising: APS Jobs, LinkedIn, Seek, the Australian, Canberra Times
- Print advertising: once only in the Weekend Australian and Canberra Times

We have the option of putting out another round of print ads in the week commencing 6 November. This would take the total cost of advertising to about \$16,400. We'd be grateful for your views on whether you think this necessary/appropriate. We can also work with our external recruiter to see if they have any thoughts.

Statement of Claim and CV – update

In the course of developing the ads, we landed on the following requirements for applications:

- a two page statement, drawing out why the applicant is interested in the role, what they offer to the agency, their skillset, relevant career history and achievements, and leadership attributes; and
- a CV of no more than four pages.

Let us know if you have any concerns with this approach. It seems pretty standard across the APS.

External recruiter – update

We received three responses to our RFQ earlier today. We're finalising our review and am aiming to have a contract in place by tomorrow.

s22(1)(a)(ii)

Director • Mainland Territories Policy Section • Territories Division

s22(1)(a)(ii) @infrastructure.gov.au

P (02) s22(1)(a)(ii) M s22(1)(a)(ii)

GPO Box 594 Canberra, ACT 2601

Department of Infrastructure, Transport, Regional Development, Communications and the Arts
CONNECTING AUSTRALIANS • ENRICHING COMMUNITIES • EMPOWERING REGIONS

infrastructure.gov.au

I would like to acknowledge the traditional custodians of this land on which we meet, work and live.

I recognise and respect their continuing connection to the land, waters and communities.

I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islanders.

OFFICIAL:Sensitive

OFFICIAL:Sensitive

From: VANDENBROEK, Sarah <Sarah.Vandenbroek@infrastructure.gov.au>

Sent: Monday, 30 October 2023 1:51 PM

To: MACKAY, David <David.Mackay@infrastructure.gov.au>, s22(1)(a)(ii)
 s22(1)(a)(ii) @infrastructure.gov.au>

Cc: s22(1)(a)(ii) @infrastructure.gov.au>; s22(1)(a)(ii)
 s22(1)(a)(ii) @infrastructure.gov.au>

Subject: FW: [FOR URGENT REVIEW AND CLEARANCE] Updated CEO NCA position description
[SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive


Hi David – updated position description taking up Rachel’s suggestions is attached for your consideration.

Regards,
Sarah V

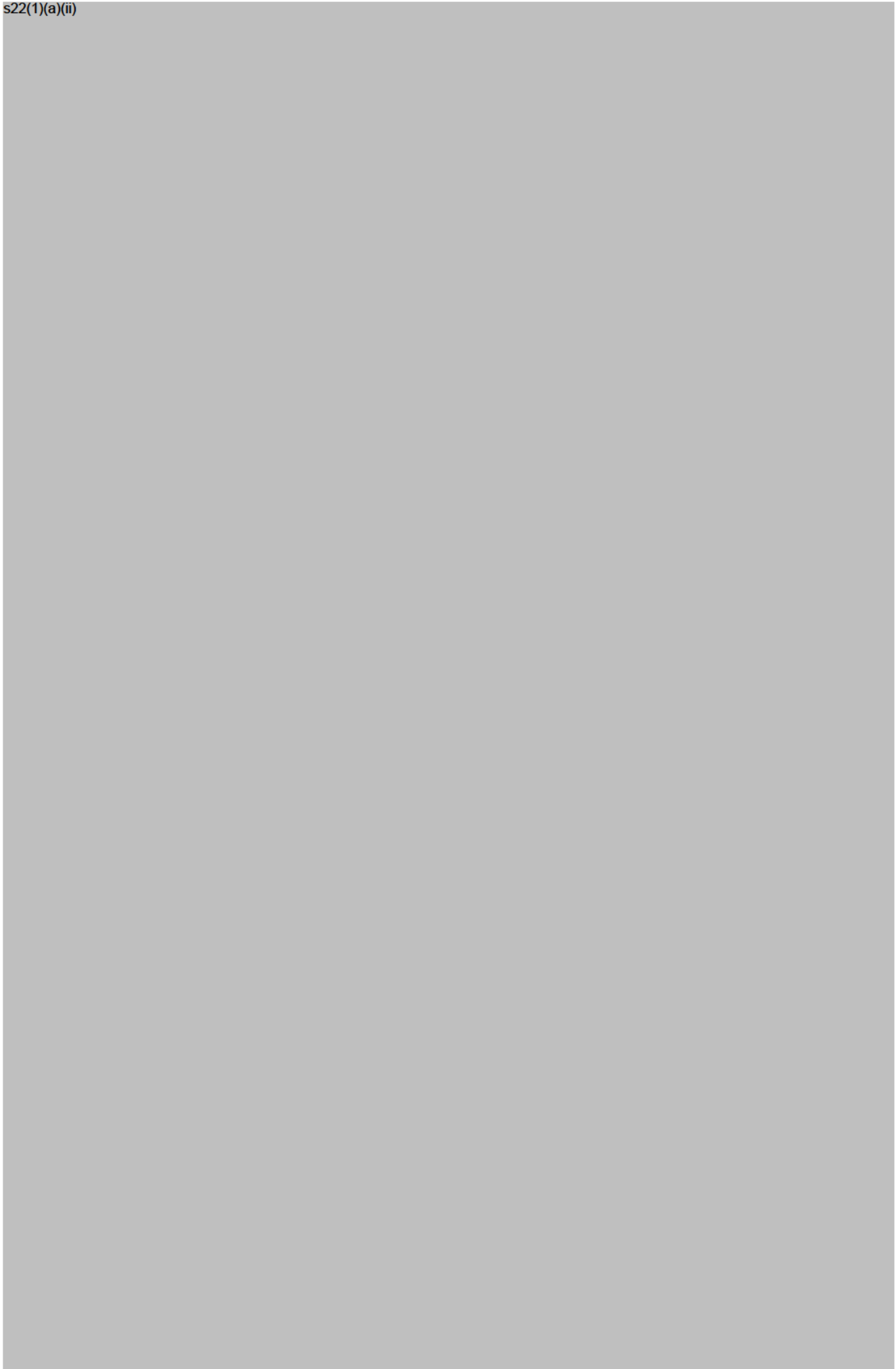
5

OFFICIAL:Sensitive

s22(1)(a)(ii)



s22(1)(a)(ii)



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s22(1)(a)(ii)



Released under the President John F. Kennedy Act 1962 by the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

OFFICIAL: SENSITIVE



Australian Government

Department of Infrastructure, Transport,
Regional Development, Communications and the Arts

Chief Executive, National Capital Authority

Position description

October 2023

National Capital Authority

The National Capital Authority (NCA) is established under the *Australian Capital Territory (Planning and Land Management) Act 1988* (the PALM Act). The NCA is an Australian Government agency within the Infrastructure, Transport, Regional Development, Communications and the Arts portfolio. The NCA is responsible to the Minister for Regional Development, Territories and Local Government.

The NCA performs the role as trustee of the National Capital, and in this capacity, serves the interests of the Australian Government, the nation and its people. The NCA is responsible for: shaping the National Capital into the future; managing and enhancing the nationally significant parts of Canberra; and fostering awareness of Canberra as Australia's National Capital.

The NCA's mission is to shape Canberra as a capital that all Australians can be proud of by ensuring it is well planned, managed and promoted, consistent with its enduring national significance.

The NCA's current key strategic objectives are:

- National Role, Engagement and Awareness
- Enhancing the Citizen and Visitor Experience
- Creating and Maintaining Place

Further information is available in the NCA's Corporate Plan for 2023-24 to 2026-27, available at [nca.gov.au](https://www.nca.gov.au).

The position

The NCA is currently seeking a new Chief Executive to commence on 1 March 2024. The Chief Executive is a statutory office holder appointed by the Governor-General, pursuant to section 33 of the PALM Act. The Authority (known as the NCA Board), referred to in the PALM Act, is the accountable authority under the *Public Governance, Performance and Accountability Act 2013*.

The Chief Executive has the responsibility of an Agency Head under the *Public Service Act 1999* and manages the day-to-day affairs of the NCA. As a full-time member of the NCA Board, the Chief Executive is responsible for implementing the NCA's Corporate Plan and strategic priorities established by the Board.

As Chief Executive of this important and influential organisation, you will have operational responsibility for the NCA's financial sustainability, governance, leadership and general management. This will include proactive and responsive advice to the Minister for Regional Development, Local Government and Territories on matters affecting the planning, management, development and promotion of the National Capital.

You will be accountable for implementing a strong organisational culture of innovation and continuous improvement at the NCA. You will build and maintain effective working relationships with key stakeholders, including the Department of Infrastructure, Transport, Regional Development, Communications and the Arts and the Australian Capital Territory (ACT) Government. You will work to engage the broader community in NCA decision-making processes.

You may be called upon to be the public face of the NCA in both local and national media.

Specific duties

The Chief Executive's duties include:

- Leading, directing, coordinating and managing the operations of a small but fast-paced Commonwealth agency, with direct responsibility for the stewardship of the National Capital and related assets;
- Managing significant issues and challenges which fall within the scope of the NCA's operations and advising the Minister, as required, on these matters;
- Working with the Chair to provide ongoing support and advice to the NCA Board and implementing decisions of the Board;
- Developing strategies to engage communities from across Australia in shaping and influencing planning within their National Capital;
- Providing advice to the Minister on matters affecting the planning, management, maintenance, development and promotion of the National Capital, including education and information outreach;
- Working closely and in partnership with the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the department) in its advisory role to the Minister, and on policies and legislation affecting the National Capital;
- Fostering and maintaining effective working relationships across the Commonwealth;
- Working collaboratively and effectively with stakeholders, including the ACT Government, ACT residents, and industry and community interest groups;
- Managing and appropriately responding to media interest in NCA matters, including working with the Minister and the department as required;
- Performing statutory functions as a member of the NCA, as set out in the Act; and
- Representing the NCA in relation to its functional responsibilities.

Relevant experience/who are we looking for?

To be a strong contender, you must be an outstanding senior leader who is well recognised for leading organisations in complex environments. You will have demonstrated organisational leadership, including the ability to deliver strategic direction and goals for an organisation. You will have strong interpersonal skills with the capacity to develop enduring relationships with key stakeholders and the community.

OFFICIAL: SENSITIVE
OFFICIAL: Sensitive

Your impressive business acumen, supported by financial management and governance experience will ensure sound management of a large portfolio of national assets including roads, bridges, open spaces and waterways. These qualities will be complemented by an innovative approach to complex problem-solving and a clear focus on delivering outcomes. You will have a good understanding of the impact of planning and design on long term community health and economic wellbeing. You will have the capacity to develop strategies and deliver outcomes that are both visionary, practical and environmentally sustainable.

Relevant qualifications and/or substantial experience in relevant disciplines such as urban planning, asset management, business development, corporate governance and public administration will be well regarded.

Remuneration

The Remuneration Tribunal's [determination](#) for the office is total remuneration of \$384,970 per annum. This includes salary, allowances and lump sum payments; benefits; and the employer superannuation contribution.

Tenure

The successful candidate will be offered a fixed term appointment for up to five years.

Eligibility

- **Citizenship:** Candidate must be an Australian citizen
- **Security Clearance:** The successful candidate must be able to obtain and/or maintain a security clearance of Negative Vetting 1 (NV1). You must be willing to disclose all relevant and required information. More on the security clearance vetting process is available on the Australian Government Security Vetting Agency (AGSVA) website.

Released under the Freedom of Information Act 1982 by the Department of
Infrastructure, Transport, Regional Development, Communications, Sport and the ArtsOFFICIAL: SENSITIVE
OFFICIAL: Sensitive

Certification of Agency Head / Statutory Office Holder Selection Exercise by Public Service Commissioner's Representative

Recruiting Agency/Department: Department of Infrastructure, Transport, Regional Development, Communications and the Arts

Job Title of Advertised Vacancy: Chief Executive, National Capital Authority

Advertisement	
Was the vacancy advertised on APS jobs?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Was the vacancy advertised in the national press?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Assessment Panel	
Was gender balance achieved on the selection panel?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Assessment of Candidates	
I was fully involved in considering the applications and shortlisting applicants	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Where initial shortlisting was undertaken by an executive search firm, the selection committee endorsed the shortlisting	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
The assessment of candidates was based on merit *	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Selection Report	
I agree with the final report which recommends a shortlist of suitable candidates	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Do you have any additional comments you would like to make in regards to the selection process?

Dr Rachel Bacon 11/12/2023

§22(1)(a)(ii)

Signature

*** Definition of merit for the purpose of Agency Head/Statutory Office Holder shortlist**

- an assessment is made of the relative suitability of the candidates for the duties, using a competitive selection process; and
- the assessment is based on the relationship between the candidates' work-related qualities and the work-related qualities genuinely required for the duties; and
- the assessment focuses on the relative capacity of the candidates to achieve outcomes related to the duties; and
- the assessment is the primary consideration in making the decision.

Released under the Freedom of Information Act 1982 by the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts



Australian Government

Department of Infrastructure, Transport,
Regional Development, Communications and the Arts

Selection Report

Chief Executive, National Capital Authority

Vacancy Details	
Position Reference Number	AF-141-1HE1K8L9L
Position Title	Chief Executive
Division / Branch / Section	National Capital Authority
Date Advertised – APS Jobs	1/11/2023
Date Advertised – Other Platforms	1/11/2023
Number of Applications Received	16
Number of Candidates Selected for Further Assessment	5
Names of Candidates Withdrawn	0
Scribe Name, Contact and Recruitment Agency	s47F Elliot Gray Recruitment

Selection Panel Recommendations

The Selection Panel has confirmed the successful candidates meet all eligibility criteria for employment with the National Capital Authority as a Chief Executive.

The Selection Panel has identified a short list of suitable candidates to fill the vacant position and recommends the following candidates to be appointed to the merit pool:

s47E(c), s47F [Redacted]

Panel Member	Name	Signature	Date
Chair	David Mackay	s22(1)(a)(ii) [Redacted]	11/12/2023
Member	Terry Weber	[Redacted]	11/12/2023
Member	Maree Bridger	[Redacted]	11/12/2023
Member	Ben Ponton	[Redacted]	11/12/2023
Member	Rachel Bacon	[Redacted]	11/12/2023

Conflicts of Interest

David Mackay

- s47E(c), s47F [Redacted]
- s47E(c), s47F [Redacted]

Terry Weber

- s47E(c), s47F [Redacted]

Ben Ponton

- s47E(c), s47F [Redacted]
- s47E(c), s47F [Redacted]
- s47E(c), s47F [Redacted]
- s47E(c), s47F [Redacted]

s47E(c), s47F

• s47E(c), s47F

• s47E(c), s47F

• s47E(c), s47F

Rachel Bacon

• s47E(c), s47F

Position description

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Relevant qualifications and/or substantial experience in relevant disciplines such as urban planning, asset management, business development, corporate governance and public administration will be well regarded.

Remuneration

The Remuneration Tribunal's [determination](#) for the office is total remuneration of \$384,970 per annum. This includes salary, allowances and lump sum payments; benefits; and the employer superannuation contribution.

Tenure

The successful candidate will be offered a fixed term appointment for up to five years.

Eligibility

- **Citizenship:** Candidate must be an Australian citizen
- **Security Clearance:** The successful candidate must be able to obtain and/or maintain a security clearance of Negative Vetting 1 (NV1). You must be willing to disclose all relevant and required information. More on the security clearance vetting process is available on the Australian Government Security Vetting Agency (AGSVA) website.

Assessment Methodology

Assessment Steps / Capabilities Assessed	Application and CV	Individual Interview	Referee Report
Demonstrates high level leadership and vision <ul style="list-style-type: none"> sets a strategic vision and inspires others to achieve this innovative in dealing with issues articulates a clear direction for their organisation 	X		X
Manages large and/or complex operations <ul style="list-style-type: none"> achieves results within the context of organisational and/or Government policy strong people management skills strong financial management, ensuring efficient, effective and ethical use of resources understanding of and commitment to quality organisational governance 	X		X
Works with others to meet objectives <ul style="list-style-type: none"> operates collaboratively with others to meet organisational objectives cultivates productive relationships listens to people and values different perspectives 		X	X
High level of judgement		X	X
Demonstrates a high standard of professional and personal integrity and capacity to promote these in an organisation	X	X	X

Rating Scale

Rating	Suitable/not Suitable	Description
5	Suitable	The candidate has consistently demonstrated exceptional skills and abilities that align with the capability assessed.
4		The candidate has exceeded the basic requirements for the capability assessed and demonstrates a solid level of performance, indicating potential for success in the role.
3		The candidate meets the basic requirements against the capability assessed and has demonstrated strong potential and/or suitability.
2	Not Suitable	The candidate has inconsistently demonstrated the necessary skills and abilities required for the capability assessed, indicating a need for further development.
1		The candidate has shown limited potential for development and lacks the required skills and abilities required for the capability assessed.
0		Assessor unable to make an informed evaluation. Candidate failed to demonstrate their competency in relation to the capability assessed.

Pages 9 – 19 of Document 7 deleted (s22)

Exempt in full s47E(c) and s47F

Attachments to Document 7 (deleted)

Exempt in full s47E(c) and s47F

~~PROTECTED CABINET~~

MS23-004821



Australian Government

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

Dispatched to MO

11 DEC 2023

To: The Hon Kristy McBain MP, Minister for Regional Development, Local Government and Territories (for decision)

cc: The Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government

Subject: Appointment of a new National Capital Authority (NCA) Chief Executive

Critical Date: Please action by 15 December 2023 to progress the appointment process

Recommendations:	
1.	That you note the selection panel's report prepared following a merit-based process to identify suitable candidates to fill the NCA Chief Executive vacancy, at Attachment A . Noted // Please Discuss
2.	s47C [REDACTED] to the NCA Chief Executive position, at the conclusion of Ms Sally Barnes' term on 29 February 2024. Preferred candidate: <u>Karen Doran</u>
<p>s22(1)(a)(ii) [REDACTED]</p> <p>The Hon Kristy McBain MP Date: <u>15/12/23</u></p> <p>Comments:</p>	

Key Points:

1. On 27 October 2023, you agreed for the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to advertise and undertake a merit-based selection process for the NCA Chief Executive position to identify a shortlist of preferred candidates in accordance with the Australian Government's merit and transparency policy and using established departmental processes (MS23-004713 refers).

2. The department established a selection panel with the following members: Mr David Mackay Deputy Secretary, Chair and representative for the Secretary; Dr Rachel Bacon, Deputy Commissioner, representative for the Public Service Commissioner; Mr Terry Weber, NCA Chair; Ms Maree Bridger, Deputy Secretary; and Mr Ben Ponton, Director-General, ACT Environment, Planning and Sustainable Development Directorate.

~~PROTECTED CABINET~~

MS23-004821

3. To seek suitably qualified and experienced candidates, the position was advertised from 1 November 2023 to 19 November 2023 on the APS Jobs website, Seek, LinkedIn, The Australian Online and in print in The Canberra Times and Weekend Australian.
- The selection panel received 16 applications spanning diverse fields, including professional, government and non-government experience, and gender diversity.
 - The selection panel assessed all applications and shortlisted the following five candidates for interview: s47E(c), s47F [redacted] Ms Karen Doran, s47E(c), s47F [redacted] s47E(c), s47F [redacted]
4. Based on application, interview and referee reports, the selection panel assessed s47E(c), s47F [redacted] and Ms Doran to have demonstrated the required skills and capabilities, and were found suitable.
- Information about the assessment of the candidates is contained in the Selection Report at **Attachment A**. The selection process has been endorsed by the Public Service Commissioner in accordance with the Government's merit and transparency policy.
5. In accordance with the merit and transparency policy you can meet with one or more of the recommended candidates, consult more widely with colleagues, the assessment panel or others, prior to making a final decision.

Next steps

6. Once you have advised the department of your preferred candidate, we will engage with the preferred candidate to undertake pre-appointment checks and prepare a ministerial submission for you to write to the Prime Minister, the Hon Anthony Albanese MP, seeking approval. s47C [redacted]
- s47C [redacted] the appointment will then be considered by the Federal Executive Council and will take effect once approved by the Governor General. We will work towards having this process complete prior to the resignation of Ms Sally Barnes on 29 February 2024.

Financial impacts: Remuneration and allowances are set by the Remuneration Tribunal.

Legal/Legislative impacts: N/A

Stakeholder Implications: The inclusion of Mr Ponton in the recruitment panel provided input from the ACT Government in the recruitment process.

Consultation: N/A

Media Opportunities: N/A

Attachments:

Attachment A: Selection panel report for the NCA Chief Executive vacancy

Cleared By: Sarah Vandebroek
 Position: First Assistant Secretary
 Group: Territories Division
 Mob: s22(1)(a)(ii) [redacted]
 Cleared Date: 14 December 2023

Contact Officer: Jane Christie
 Section: Mainland Territories Policy
 Ph: s22(1)(a)(ii) [redacted]

Instructions for MPS: Nil

Do you require a signed hardcopy to be returned: No

Responsible Adviser: s22(1)(a)(ii) [redacted]

PDMS Distribution List: Jim Betts, David Mackay, Sarah Vandebroek, Jane Christie, s22(1)(a)(ii) [redacted]

~~PROTECTED CABINET~~