



Outlook

RE: Payman Private Senators' Bill [SEC=OFFICIAL:Sensitive]

From s 22(1)(a)(ii) @dfat.gov.au>
 Date Wed 2026-09-16 16:48
 To Anita Dwyer <Anita.Dwyer@dfat.gov.au>; Jonathan Muir <Jonathan.Muir@dfat.gov.au>; Sridhar Ayyalaraju <Sridhar.Ayyalaraju@dfat.gov.au>; Lauren Henschke <Lauren.Henschke@dfat.gov.au>
 Cc s 22(1)(a)(ii) @dfat.gov.au>; Anita Wise <Anita.Wise@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; Elizabeth Wilde <Elizabeth.Wilde@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>

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Dear Jonathan

Please see PPD's response below.

Overall assessment

People Division has concerns about the proposed bill, in particular reduced ministerial discretion in appointments; extended HOM/HOP appointment timeframes and reduced workforce flexibility.

Key concerns**1. Incomplete appointment framework**

- The Bill establishes Selection Committees but does not explain who would be on the selection committee or how candidates would be identified, assessed, shortlisted or compared before consideration
- This creates uncertainty about how merit would be determined in practice.

2. Longer appointment timeframes

- Additional stages, including committee deliberations and potential parliamentary processes, are likely to significantly extend appointment timeframes.
- This could reduce the Government and DFAT's ability to respond quickly to vacancies and operational requirements.

3. Reduced operational flexibility

- Restrictions on recent politician and limitations on acting appointments may narrow the available candidate pool.
- The Bill does not account for workforce planning, succession management or broader deployment priorities across the overseas network.

4. Interaction with existing APS arrangements

- The Bill does not align clearly with APS employment requirements, including the Minister's role in directing engagement under the *Public Service Act 1999*.
- This creates uncertainty about how appointments would operate in practice.

5. Increased reputational and diplomatic risk

- A larger number of participants and potential parliamentary involvement increases the risk of confidential information being disclosed.
- Premature disclosure could have reputational consequences for candidates and diplomatic implications for Australia's international relationships.
- The designation of the selected positions could be interpreted as signaling that they are Australia's most desirable, prestigious or strategically important diplomatic postings. This distinction may not accurately reflect Australia's contemporary foreign

policy priorities and could create unintended perceptions regarding the relative importance of other overseas missions.

6. Governance and accountability issues

- The Bill constrains ministerial discretion while Ministers may remain publicly accountable for appointment outcomes.
- It also transfers aspects of diplomatic appointment decision-making from the Executive to independent committees and, in some cases, Parliament.

7. Administrative burden

- Establishing and supporting Selection Committees for individual appointments would create ongoing governance, conflict management and secretariat requirements.

Practical implications for DFAT

If enacted, the Bill would:

- Introduce independent selection processes for specified senior diplomatic appointments (for former politicians, but the bill doesn't mention other types of non-career appointees such as senior business/board figures).
- Restrict recent non-career individuals from appointment to certain posts.
- Increase transparency through publication and potential parliamentary scrutiny (similar to US Senate confirmation of appointments process).
- Reduce ministerial discretion by requiring appointments to follow Committee recommendations.
- Increase appointment timeframes, administrative complexity and implementation risk.

Regards

s 22(1)(a)(ii)

Director
SES/HOM Services Section (SHS)
People Operations Branch
People Division

s 22(1)(a)(ii)

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From: Anita Dwyer <Anita.Dwyer@dfat.gov.au>

Sent: Wednesday, September 16, 2026 1:17 PM

To: Jonathan Muir <Jonathan.Muir@dfat.gov.au>; Sridhar Ayyalaraju <Sridhar.Ayyalaraju@dfat.gov.au>; Lauren Henschke <Lauren.Henschke@dfat.gov.au>

Cc: s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; Anita Wise

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Jonathan

While the bill is focused on the appointments process, the proposed changes could create several flow-on **operational risks for posts**:

- **Increased risk of prolonged vacancies in key posts.** The proposed selection and approval processes may extend appointment timeframes, increasing the risk of vacancies in strategically important missions. Extended vacancies could affect continuity of bilateral engagement, crisis response, senior representation and delivery

of government priorities. The restrictions on acting appointments may also reduce the pool of suitably qualified personnel available to fill temporary vacancies.

- **Reduced flexibility to respond to rapidly changing contexts:** The bill has the potential – due to the lengthy appointment process and disqualifying factors – to reduce government's ability to quickly appoint a HOM in response to emerging issues. The restrictions on acting arrangements further reduce flexibility to appoint interim leaders when vacancies arise.

In summary, successful post operations depends on continuity of leadership and timely deployment of senior representatives. The bill has the potential to extend appointment timeframes and constrain the available candidate pool, which may affect operational continuity at some strategically important posts.

Anita

Anita Dwyer

Assistant Secretary

International Operations and Preparedness Branch | Executive Division

Department of Foreign Affairs and Trade

s 22(1)(a)(ii)

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From: Jonathan Muir <Jonathan.Muir@dfat.gov.au>

Sent: Friday, 11 September 2026 1:02 PM

To: Sridhar Ayyalaraju <Sridhar.Ayyalaraju@dfat.gov.au>; Lauren Henschke <Lauren.Henschke@dfat.gov.au>; Anita Dwyer <Anita.Dwyer@dfat.gov.au>

Cc: s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) .gov.au; Anita Wise <Anita.Wise@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au

Subject: Fw: Payman Private Senators' Bill [SEC=OFFICIAL:Sensitive]

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Dear Sri, Lauren, Anita

Please see tasking below from FMO on proposed legislative amendments regarding political appointments to 'desirable posts'. At this stage they are looking for high level guidance rather than detailed analysis.

Grateful OPB, GCB and IOB provide views on workforce, legal and operational risks and considerations should the proposed framework be implemented.

PRB will address policy and reputational risks and considerations, including reflecting on real-world outcomes for sending States with multi-stakeholder approvals for HOM appointments.

They have requested the department's initial response by 2 October. PRB has been asked to coordinate the response. Grateful for your teams' one-page input by 25 September.

s 22(1)(a)(ii)

Inbox - s 22(1)(a)(ii) - Outlook

Kind regards
JM

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From: "Anna Oldmeadow" <Anna.Oldmeadow@dfat.gov.au>
Date: Tuesday, 8 September 2026 at 07:35:50
To: "Craig Maclachlan" <Craig.Maclachlan@dfat.gov.au>
Cc: "s 22(1)(a)(ii)" <[s22\(1\)\(a\)\(ii\)@aph.gov.au](mailto:s22(1)(a)(ii)@aph.gov.au)> "s 22(1)(a)(ii)" <[s22\(1\)\(a\)\(ii\)@aph.gov.au](mailto:s22(1)(a)(ii)@aph.gov.au)>
Subject: FW: Payman Private Senators' Bill [SEC=OFFICIAL:Sensitive]

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Hi Craig,

See below – this isn't something we've had to do before. Senator Payman has introduced this bill on our patch. s 47E(d)

Either way, who is best placed to assist with this – Protocol, People Division or EXD? In addition to arguments around practice / convention I wondered if there was a legal argument around parliamentary involvement in executive appointments.

To underscore, we're not looking for political points, just assistance with law and convention, and background around the appointments framework and our exemption from it.

I'll lead on this for FMO with ^{s 22(1)(a)(ii)} assistance on parliamentary matters.

Best,

Anna

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s 22(1)(a)(ii)

From: s 22(1)(a)(ii) (Sen P. Wong) s 22(1)(a)(ii) @aph.gov.au>

Sent: Monday, 7 September 2026 5:58 PM

To: Anna Oldmeadow <Anna.Oldmeadow@dfat.gov.au>; Kristina Hickey <Kristina.Hickey@dfat.gov.au> s 22(1)(a)(ii)
@dfat.gov.au>; Taylah Hill <Taylah.Hill@dfat.gov.au>; s 22(1)(a)(ii) 22(1)(a)(ii)
@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>

Subject: Payman Private Senators' Bill

Good afternoon,

Senator Payman introduced the [Diplomatic Appointments \(Selection Process\) Bill 2026](#) in the Senate today. Attached is the EM and First Reading copy of the bill.

s 47E(d)

Senator Payman is not rostered for a PSB spot for the remainder of this year. However, Senators regularly swap their spots, so this could be listed any time from next week onwards.

Let me know if there is anything I can do to help.

Regards,

s 22(1)(a)(ii)

Adviser - Parliament

Office of Senator the Hon Penny Wong

Leader of the Government in the Senate

Minister for Foreign Affairs

s 22(1)(a)(ii)

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