



The Hon Tony Burke MP

Shadow Minister for Finance
Manager of Opposition Business
Member for Watson

Dr Martin Parkinson PSM
Secretary
Department of the Prime Minister and Cabinet
1 National Circuit
BARTON ACT 2600

Dear Dr Parkinson

I refer to the opinion piece written by the Chairman of NBN Co, Dr Ziggy Switkowski, published in The Sydney Morning Herald today.

In writing this opinion piece, Dr Switkowski has used his role as Chairman of NBN Co to run a contestable script to the specific advantage of the Prime Minister and the Liberal Party.

Dr Switkowski's intervention is a clear breach of the Caretaker Conventions and the Commonwealth Government Business Enterprise Governance and Oversight Guidelines.

Caretaker Conventions

As you are aware, the Caretaker Conventions are directed, among other matters, to prevent Commonwealth resources being used to advantage a particular party.

The Conventions also provide that government companies "*should observe the conventions and practices unless to do so would conflict with their legal obligations or compelling organisational requirements*".

I specifically draw your attention to clause 1.5 and 1.6 of the Caretaker Conventions.

Government Business Enterprise Governance and Oversight Guidelines

NBN Co is a Government Business Enterprise.

Clause 2.5 of the Government Business Enterprise Governance and Oversight Guidelines states that Government Business Enterprises must "*in undertaking their business, avoid activities that could give rise to questions about their political impartiality*".

Immediate inquiries

I ask that you immediately undertake inquiries in relation to this matter.

Specifically, please inquire as to whether the Department of the Prime Minister and Cabinet, the Department of Communications, the Department of Finance or its Shareholder Ministers or their offices provided any advice or approval or had any communications with NBN Co in relation to this opinion piece before its publication.

Please inquire what, if any, advice was provided to NBN Co in relation to this opinion piece before its publication by the Department of the Prime Minister and Cabinet, the Department of Communications, the Department of Finance or its Shareholder Ministers or their offices.

In making these inquiries, I ask that you inquire into any proposed or draft opinion piece, article, comment or statement by NBN Co in the nature of today's opinion piece.

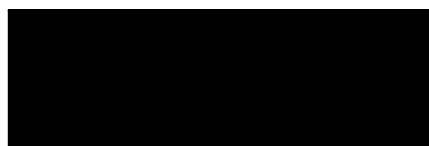
I also ask that you seek a written undertaking from NBN Co that there will be no further breach of the Caretaker Conventions or the Government Business Enterprise Governance and Oversight Guidelines.

I am sure that you recognise the importance of ensuring that government companies are seen to be politically impartial and that Commonwealth resources are not used for the advantage of any political party.

Thank you for your consideration of this matter.

I look forward to your reply.

Yours sincerely



Tony Burke

28 May 2016

CC Dr Heather Smith PSM, Secretary, Department of Communications
Jane Halton, AO PSM, Secretary, Department of Finance