

Senate F&PA Committee

Tabled Document

Inquiry: *Supp. Budget Estimates 11-12*

Date/Time: *3:05 pm, 17/10/11*

Witness Name *PM&C*



FILE COPY

Organisation: Australian Government
Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON ACT

SECRETARY

Dr Ken Henry AC
Special Adviser
Department of the Prime Minister and Cabinet
PO Box 6500
CANBERRA ACT 2600

Dear Dr *Ken* Henry

I write to advise you that the Governor-General agreed to your appointment as Special Adviser on 21 April 2011. The appointment was made under section 67 of the Constitution and commenced on 27 April 2011. The term of the appointment is at the Governor-General's pleasure, but I expect that it will be for a period of two years. A copy of the instrument of appointment signed by the Prime Minister and Governor-General is attached for your information.

The instrument of appointment provides that the Prime Minister will determine your functions as Special Adviser. It is envisaged that you would provide advice to the Government through the Prime Minister. I would anticipate that much of the work you will undertake will form the basis of Cabinet deliberations and should therefore be accorded appropriate confidentiality. I understand it is your intention to take a period of leave for some months. I would be pleased to have further discussions with you on a work program and support arrangements closer to your commencement of work in the position.

In the role of Special Adviser, your remuneration and terms and conditions of employment will be the same as those that apply to the person who holds the position of Secretary of the Department of the Treasury at the relevant time. I note that you are interested in undertaking your new duties on a part-time basis so that you have the flexibility to undertake outside employment. I support that proposal. I request, however, that you consult me prior to undertaking outside employment from now on and that you be mindful of any real or perceived conflict of interest. In this context, I would be grateful if you would provide me with a statement of your private interests. A form for that purpose is attached.

If you have any queries about your appointment please do not hesitate to call Mr Barry Sterland, A/g Deputy Secretary, in this department on 6271 5303.

Yours sincerely

Terry Moran

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COMMONWEALTH OF AUSTRALIA

Constitution

Appointment of Special Adviser

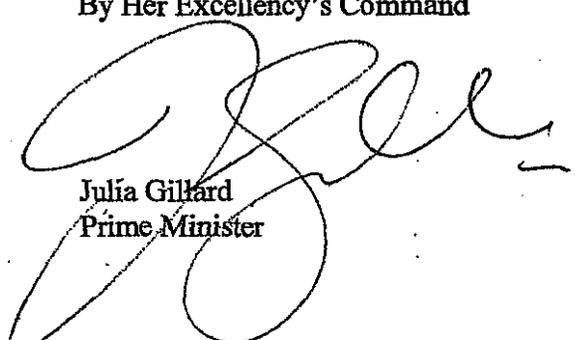
I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and under section 67 of the Constitution, hereby:

- (a) appoint Dr Kenneth Ross Henry AC to the position of Special Adviser from 27 April 2011;
- (b) note that the appointment is to be held at pleasure; and
- (c) direct that:
 - i. the functions and duties of the Special Adviser be as determined by the Prime Minister from time to time;
 - ii. the Secretary of the Department of the Prime Minister and Cabinet be the approving authority for the Special Adviser to the Prime Minister for leave, including long service leave;
 - iii. for any period that the Special Adviser performs the duties of that office on a full-time basis (40 hours per week), the remuneration and other terms and conditions of employment for the Special Adviser be the same as those that apply to the person who holds the position of Secretary of the Department of the Treasury at the relevant time;
 - iv. the Prime Minister may agree that the duties of the Special Adviser are to be performed on a part-time basis; and
 - v. for any period that the Special Adviser performs the duties on a part-time basis, the remuneration referred to in clause (c)(iii) above be payable, and other entitlements accrue, on a pro-rata basis.

Dated 27 April 2011


Governor-General

By Her Excellency's Command


Julia Gillard
Prime Minister

Declaration of Interests

This declaration of financial and other personal interests is to be completed annually and is to be forwarded on completion to the Secretary of the Department of the Prime Minister and Cabinet.

Name _____

Position Title _____

Branch/Division _____

Geographic Location _____

I declare that:

- As Special Adviser I will comply with the APS Values and Code of Conduct as if I were an APS employee. As such, I am aware of my responsibilities under the Code of Conduct to behave honestly and with integrity, to disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with my employment and to not make improper use of (a) inside information, or (b) my duties, status, power or authority, in order to gain, or seek to gain, a benefit or advantage for myself or for any other person;
- I understand the requirement to declare any private interests or relationships which could or could be seen to influence the decisions I am taking or the advice I am giving;
- The attached list at **Annex A** of my private interests and relationships has been prepared on the basis of:
 - the particular roles and responsibilities of the Department of the Prime Minister and Cabinet;
 - my particular roles and responsibilities as Special Adviser.

I undertake to immediately inform the Secretary of the Department of the Prime Minister and Cabinet of any changes to my personal circumstances that could affect the contents of this declaration and to provide an amended declaration/s using this pro forma.

I undertake to declare any private interests or relationships of my immediate family that I am aware of, should circumstances arise in which I consider that they could or could be seen to influence the decisions I am taking or the advice I am giving. I understand that this would require the consent of the family member to the collection by the Department of the Prime Minister and Cabinet of personal information and a declaration that he/she is aware of the purpose for which the personal information has

**Declaration of Consent by Immediate Family Member to the Disclosure of their
Personal Financial and other Interests**

This declaration is to be completed by the immediate family member/s of the employee should circumstances arise in which the employee considers that the personal financial and other interests of the family member/s could or could be seen to influence the decisions they are taking or the advice they are giving.

Name _____

Relationship to Employee _____

I am aware that my information has been collected for the purpose of identifying personal and other interests that could or could be seen to influence the decisions that the employee covered by the declarations policy is taking or the advice he/she is giving. I am aware of the Privacy Principles set out in the *Privacy Act 1988* which authorise the collection and the third parties to whom my personal information may be disclosed. I consent to the collection of my personal information by (the relevant agency).

The attached list at **Annex B** of my private interests and relationships has been prepared on that basis.

[Signature
Name
Date]

Declaration of Personal Financial and other Interests of Immediate Family Members

Please list any private interests or relationships which could or could be seen to influence the decisions that the employee covered by the declaration policy is taking or the advice he/she is giving.

The types of interests and relationships that may need to be disclosed include real estate investments, shareholdings, trusts or nominee companies, company directorships or partnerships, other significant sources of income, significant liabilities, gifts, private business, employment, voluntary, social or personal relationships that could or could be seen to impact upon your responsibilities.

[Signature
Name
Date]