



PRIME MINISTER

Reference: MS19-000768

28 FEB 2019

The Hon Shane Stone AC QC  
[sselect@ozemail.com.au](mailto:sselect@ozemail.com.au)

Dear Mr Stone

A handwritten signature in black ink, appearing to read 'Shane', written over the name 'Mr Stone'.

I would like to thank and congratulate you on your appointment as the Chief Executive Officer for the North Queensland Livestock Industry Recovery Agency (the Agency). As we have discussed, the response to the flood event is my top priority, and your role is to drive a comprehensive whole of government recovery and reconstruction of the industry and region and to be the public face of this effort.

I attach a copy of the Governor General's Executive Order creating the Agency and the instrument of your appointment (Attachment A and Attachment B respectively). I have asked the President of the Commonwealth Remuneration Tribunal to consider a submission to determine your remuneration and expect this to be considered promptly.

You will report directly and regularly to me on the Agency's progress. In line with normal practice, the Cabinet will set Government policy, and Ministers will develop and implement policy in accordance with their portfolio responsibilities. A summary of your statutory obligations and responsibilities under the *Public Service Act 1999* and the *Public Governance, Performance and Accountability Act 2013* is set out at Attachment C.

I ask that you work with other relevant ministers, in particular the Deputy Prime Minister, the Hon Michael McCormack MP, the Minister for Agriculture and Water Resources, the Hon David Littleproud MP, and the Assistant Minister for Home Affairs, Senator the Hon Linda Reynolds CSC.

An Advisory Board will be established to support the Agency, with membership to be comprised of senior Commonwealth officials, Queensland Government officials, Industry, and the local community. The Board will ensure that the long term recovery and reconstruction plan is developed and implemented rapidly, while taking into account the needs of the affected community, and in a coordinated fashion.

You will need to establish strong working relationships with senior Queensland officials, local government representatives, with key industry groups and private organisations to ensure a well-coordinated response and recovery effort.

I ask that you provide me a situation report weekly and prepare an operational plan for my consideration within the four weeks of commencing as CEO, which sets out amongst other things the process for developing the long term recovery and reconstruction plan.

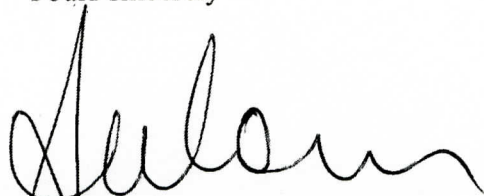
To support you and this work, my Department has established a Joint Agency Taskforce. The Taskforce will help with the establishment of, and transition to, the Agency. I understand you have been in close contact with Departmental officials on the set-up of the Taskforce.

Should you identify that new or amended approaches are required, please provide advice to me and relevant Ministers.

I look forward to your regular updates on this important national priority.

I have copied this letter to the Deputy Prime Minister, the Minister for Agriculture and Water Resources and the Assistant Minister for Home Affairs.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Morrison', written in a cursive style.

SCOTT MORRISON



## COMMONWEALTH OF AUSTRALIA

*Public Service Act 1999*

### **Order to Establish the North Queensland Livestock Industry Recovery Agency as an Executive Agency**

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and under section 65 of the *Public Service Act 1999*:

- (a) establish the North Queensland Livestock Industry Recovery Agency as an Executive Agency;
- (b) allocate the name North Queensland Livestock Industry Recovery Agency to the Executive Agency;
- (c) allocate the name Chief Executive Officer to the Head of the Executive Agency;
- (d) identify the Prime Minister as the Minister responsible for the Executive Agency;
- (e) specify the functions of the North Queensland Livestock Industry Recovery Agency be as follows:
  - i. to provide strategic leadership and coordination for the Commonwealth's recovery and reconstruction activities in the flood affected areas of North, Far North and Western Queensland following the North and Far North Queensland Monsoon Trough (25 January – 14 February 2019);
  - ii. to design, develop, consult on and coordinate the delivery of a long-term plan for the recovery and reconstruction of these areas;
  - iii. to build and maintain effective working relationship with stakeholders in these areas to inform recovery and reconstruction priorities;
  - iv. to provide advice to the Prime Minister on how existing and new Commonwealth policies and programs can best contribute to the recovery and reconstruction efforts in these areas;
  - v. to provide a coordination point for information on associated Commonwealth recovery and reconstruction activities;
  - vi. to provide advice to the Prime Minister on matters relevant to the North Queensland Livestock Industry Recovery Agency; and
  - vii. to undertake other relevant tasks as the Prime Minister may require from time to time.

This Order will commence on the date of Gazettal.

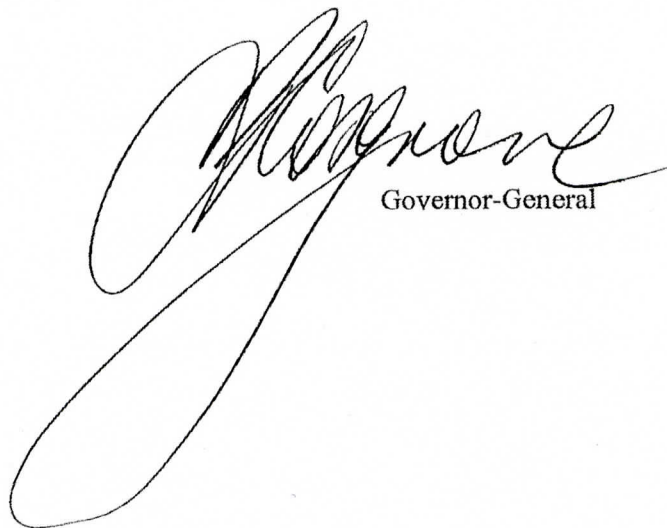
Dated

21 February 2019

By His Excellency's Command

A handwritten signature in black ink, appearing to read "Morrison".

Scott Morrison  
Prime Minister

A large, stylized handwritten signature in black ink, likely belonging to the Governor-General.

Governor-General



**COMMONWEALTH OF AUSTRALIA**

*Public Service Act 1999*

**Appointment of the  
Chief Executive Officer  
North Queensland Livestock Industry  
Recovery Agency**

I, SCOTT JOHN MORRISON, Prime Minister, under section 67 of the *Public Service Act 1999*, having received a report from the Secretary of the Department of the Prime Minister and Cabinet, hereby appoint the Hon Shane Stone AC QC as the Chief Executive Officer of the North Queensland Livestock Industry Recovery Agency effective from 1 March 2019 for a period of five years.

Dated 28 February 2019

A handwritten signature in black ink, appearing to read 'Scott Morrison', written in a cursive style.

Prime Minister

## ATTACHMENT C

### SUMMARY OF STATUTORY OBLIGATIONS AND RESPONSIBILITIES

#### Public Service Act 1999 (PS Act)

An Executive Agency consists of the agency head (who is appointed, and whose appointment may be terminated, by the minister responsible for the agency) and the APS employees assisting the agency head.

The PS Act provides that the agency head is directly accountable to the minister responsible for the agency. Section 66 describes the responsibilities of heads as follows:

- The Head of an Executive Agency, under the Agency Minister, is responsible for managing the Agency
- The Head of an Executive Agency must assist the Agency Minister to fulfil the Agency Minister's accountability obligations to the Parliament to provide factual information, as required by the Parliament, in relation to the operation and administration of the Agency, and
- The Head of an Executive Agency is accountable to the government, the Parliament and the public in the same way as the Secretary of a Department.

It is important to note, however, that a departmental secretary still retains a role in overseeing the governance of an Executive Agency. This is because the agency minister, before appointing an agency head, must have received a report about the vacancy from the relevant secretary. Also, before terminating an appointment, the agency minister must have received a report about the proposed termination from the relevant secretary. For these purposes, the relevant secretary is the secretary of any department that is administered by the same minister who is the agency minister. Accordingly, the relevant secretary will need to be aware at a broad level about the operations of Executive Agencies in order to be able to prepare both reports.

After the end of each financial year, the head of an Executive Agency is required to give a report to the agency minister, for presentation to the Parliament, on the agency's activities during the year. This annual report must be prepared in accordance with guidelines approved on behalf of the Parliament by the Joint Committee of Public Accounts and Audit.

It is now the practice for an Executive Agency to be prescribed as a listed entity under the *Public Governance, Performance and Accountability Act 2013* because, if it were not so prescribed, the head of the Executive Agency would be subject to the resourcing, financial and appropriations authority of the secretary of the department, while having autonomy in terms of staffing decisions and being responsible for managing the agency.

Public Governance, Performance and Accountability Act 2013 (PGPA Act)

As an accountable authority (being the Head of an Executive Agency) you are an official under the PGPA Act and subject to the general duties of officials in sections 25 to 29.

Sections 15 to 19 of the PGPA Act impose additional duties on you in relation to governing your Commonwealth entity. Each of these duties is as important as the others.

**General duties as an official**

You must exercise your powers, perform your functions and discharge your duties:

- with the degree of care and diligence that a reasonable person would exercise if the person had the same responsibilities as you (section 25), and
- honestly, in good faith and for a proper purpose (section 26) .

You must not improperly use your position, or information you obtain in that position, to:

- gain, or seek to gain, a benefit or an advantage for yourself or any other person (section 27), and
- cause, or seek to cause, detriment to your entity, the Commonwealth or any other person (section 28).

Like all officials, you must disclose material personal interests that relate to the affairs of your entity (section 29) and you must meet the requirements of the finance law.

Accountable authorities who do not comply with these general duties can be subject to sanctions, including termination of employment or appointment.

**General duties as an accountable authority**

The additional duties imposed on you as an accountable authority are to:

- properly govern your Commonwealth entity (section 15)
- establish and maintain appropriate systems relating to risk management and oversight and internal controls (section 16)
- encourage officials to cooperate with others to achieve common objectives (section 17)
- take into account the effects of imposing requirements on others (section 18), and
- keep your minister and the Finance Minister informed (section 19).