

Pages 1-19 have been removed as they are exempt in full under sections 47c, 34(1)(c), 22(1)(a)(ii) and 34(1)(a) of the FOI Act

**From:** s22(1)(a)(ii)  
**To:** [REDACTED]  
**Subject:** FW: Proposed appointment - Australia Council Board documentation for completion [SEC=OFFICIAL, ACCESS=Personal-Privacy] [SEC=OFFICIAL]  
**Date:** Tuesday, 1 March 2022 5:09:41 PM  
**Attachments:** [image002.png](#)

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OFFICIAL

FYI

s22(1)(a)(ii)  
 M +61 s22(1)(a)(ii)

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OFFICIAL

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**From:** TODD, Alison <Alison.TODD@arts.gov.au>  
**Sent:** Tuesday, 1 March 2022 5:08 PM  
**To:** s22(1)(a)(ii) @arts.gov.au  
**Subject:** FW: Proposed appointment - Australia Council Board documentation for completion [SEC=OFFICIAL, ACCESS=Personal-Privacy] [SEC=OFFICIAL]

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OFFICIAL

Hi s22(1)(a)(ii) See agreement below  
 Ali

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OFFICIAL

**From:** s47F [REDACTED]  
**Sent:** Tuesday, 1 March 2022 4:44 PM  
**To:** TODD, Alison <Alison.TODD@arts.gov.au>  
**Subject:** Re: Proposed appointment - Australia Council Board documentation for completion [SEC=OFFICIAL, ACCESS=Personal-Privacy]

Alison

I can confirm this is agreeable to me.

Regards  
 Don Harwin

On Tue, Mar 1, 2022 at 4:03 PM TODD, Alison <[Alison.TODD@arts.gov.au](mailto:Alison.TODD@arts.gov.au)> wrote:

OFFICIAL, Personal-Privacy

Dear Mr Harwin,

Thank you for providing your Private Interests Declaration and your CV.

I understand that you would retire from the Parliament of New South Wales before your proposed appointment to the Australia Council Board would commence. The Remuneration Tribunal has advised that Australian Government policy requires a reduction in remuneration for former State/Territory parliamentarians who are appointed to a Commonwealth 'office of profit' and I am required to seek your agreement to this reduction in remuneration prior to your appointment.

If you will be in receipt of a state parliamentary pension, could you please confirm by return email that you agree to have your Australia Council fee adjusted through a Remuneration Tribunal determination to take account of your state parliamentary pension?

We anticipate that the adjustment would be minimal as a State MP can earn up to \$33,430 per annum from a Commonwealth office of profit (such as the Australia Council) before this adjustment is required. The remuneration rate for a member of the Board of the Australia Council is currently \$33,540 per annum. A copy of the advice from the Rem Tribunal is included below which contains more detail.

Apologies for this extra step in the process and please let me know if you have any questions.

Kind regards

Ali

#### [Advice from Rem Tribunal](#)

A former State/Territory parliamentarian who is appointed to a Commonwealth office of profit, can earn up to 20 percent of a current Federal Member of Parliament's parliamentary allowance, before their remuneration would be affected. If their remuneration exceeds the 20 percent threshold, it would need to be reduced by 50 cents in the dollar for every dollar over the threshold up to a maximum of half their pension.

The current parliamentary allowance is \$167,150 per annum (base salary of \$211,250 per annum, less \$44,100 that is not a parliamentary allowance for the purposes of the *Parliamentary Contributory Superannuation Act 1948*). Therefore, a former State/Territory MP can earn up to \$33,430 per annum (20 per cent of \$167,150) when appointed to a Commonwealth office of profit (i.e. the Australia Council Board), without reduction. Any amount that exceeds the 20 percent threshold would be reduced by 50 cents in the dollar for every dollar over the threshold. As discussed, the amount exceeding the threshold is \$110, which would be reduced by \$55 – taking the fee to \$33,485.

Former State/Territory parliamentarians who are proposed for appointment to a Commonwealth office are required to agree to this reduction in remuneration prior to appointment. Usually we would ask for advice as to the amount of the officeholder's pension in order to complete calculations – in this case, confirmation that they are in receipt of a pension will be sufficient (given the small amount over the threshold).

**Alison Todd**

Assistant Secretary • Arts Development & Investment • Office for the Arts

[Alison.Todd@arts.gov.au](mailto:Alison.Todd@arts.gov.au)

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

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### OFFICIAL, Personal-Privacy

**From:** s47F  
**Sent:** Tuesday, 1 March 2022 1:09 PM  
**To:** TODD, Alison <[Alison.TODD@arts.gov.au](mailto:Alison.TODD@arts.gov.au)>  
**Subject:** Re: Proposed appointment - Australia Council Board documentation for completion [SEC=OFFICIAL, ACCESS=Personal-Privacy]

Alison

Thank you for your assistance. I have attached the relevant documentation. Let me know if there are any issues.

Don Harwin

On Mon, Feb 28, 2022 at 6:06 PM TODD, Alison <[Alison.TODD@arts.gov.au](mailto:Alison.TODD@arts.gov.au)> wrote:

### OFFICIAL, Personal-Privacy

Dear Mr Harwin

Thank you for agreeing to be considered for appointment as a Member of the Australia Council Board.

s22(1)(a)(ii) the Arts Adviser for the Hon Paul Fletcher MP, has passed on your details so we can arrange the necessary paperwork for your appointment to be considered by the Cabinet.

Could you please provide a CV and Private Interests Declaration using the attached templates and return them to me as soon as possible? Please note that if you answer 'yes' to any question on page 1 of the Private Interests Declaration, please include details on page 2. This includes stating how conflict(s), actual or perceived, will be managed if appointed. For example, you may want to use wording such as: 'I do not foresee any conflict of interest, but if one arose I would recuse myself from any relevant deliberations'.



Feel free to call me on the numbers listed below if you have any questions.

Kind regards  
Alison

### Alison Todd

Assistant Secretary • Arts Development & Investment • Office for the Arts

[Alison.Todd@arts.gov.au](mailto:Alison.Todd@arts.gov.au)

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**OFFICIAL, Personal-Privacy**

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# PROTECTED CABINET

 <b>Australian Government</b> <b>Department of Infrastructure, Transport, Regional Development and Communications</b>	<b>Ministerial Submission</b> MS22-000531
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**To:** Minister for Communications, Urban Infrastructure, Cities and the Arts,  
the Hon Paul Fletcher MP (for decision)

**Subject:** Board of the Australia Council – Members – Instruments of Appointment

**Critical Date:** Urgent, please action by 23 March 2022 to ensure the appointment of the Hon Donald (Don) Harwin takes effect from the requested date.

**Recommendations for Minister Fletcher:** That you

1. Sign and date the instruments of appointment at <b>Attachment A</b> for s22(1)(a)(ii) and The Hon Donald (Don) Harwin, as members of the Australia Council Board, each for a period of three years.	Signed and dated / Not signed
2. Sign the notification letters to s22(1)(a)(ii) Mr Harwin and s22(1)(a)(ii) at <b>Attachment B</b> .	Signed / Not Signed
s22(1)(a)(ii)	Signed / Not Signed
<b>Minister's Signature:</b> .....	<b>Date:</b> ....../....../ 2022
<b>Minister's Comments</b>	<b>Quality Rating</b>
	1. Very Poor 2. Poor 3. Satisfactory 4. Good 5. Excellent

**Purpose:**

1. To seek your signature on the instruments of appointment at **Attachment A** to reappoint s22(1)(a)(ii) and appoint s22(1)(a)(ii) and Mr Harwin as members of the Australia Council Board on a part-time basis for a period of three years, letters of notification to the appointees and the Chair of the Australia Council at **Attachment B** and a s22(1)(a)(ii)

**Key Issues:**

s34(3)

## PROTECTED CABINET

### Sensitivities:

3. Mr Harwin is a current sitting member of the NSW Parliament Legislative Council. Your office has advised that his appointment would be contingent on, and take effect following, his retirement. Your office has advised that 23 March 2022 is the appropriate commencement date.

### Financial Implications:

4. The Remuneration Tribunal has determined an annual fee of \$33,540 for Australia Council Board members. The Remuneration Tribunal will make a determination to set Mr Harwin's fee as he will separately receive a parliamentary pension. These costs are met by the Australia Council.

### Background/Issues:

5. Under the *Australia Council Act 2013* (the Act), Board members (excluding the Chief Executive Officer) are appointed by the Minister by written instrument (section 17(1)), are part time (section 17(5)) and hold office for the period specified in the instrument of appointment not exceeding three years.

### Communication/Media Activities:

6. We will work with your office regarding announcement of these appointments.

### Consultation:

7. The Department of the Prime Minister and Cabinet and the Remuneration Tribunal.

### Attachments:

Attachment A: Instruments of Appointment for s22(1)(a)(ii) Mr Harwin  
Attachment B: Notification letters to s22(1)(a)(ii) Mr Harwin and s22(1)(a)(ii)  
Attachment C: s22(1)(a)(ii)

Contact Officer:	Alison Todd	Cleared by:	Greg Cox
Position:	Assistant Secretary	Position:	First Assistant Secretary
Branch:	Arts Development & Investment	Branch:	Creative Economy and the Arts
Phone/Mobile:	6271 1084 / s22(1)(a)(ii)	Phone/Mobile:	6271 1901 / s22(1)(a)(ii)

Instructions for MAPS: Please notify line area prior to dispatching the letters.

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

Distribution CC List: s22(1)(a)(ii), Simon Atkinson, Stephen Arnott, Greg Cox, Alison Todd, s22(1)(a)(ii)

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

Pages 27-29 have been removed as they are exempt in full under section 22(1)(a)(ii) of the FOI Act





## Australia Council Board (Member) Appointment 2022

I, PAUL FLETCHER, Minister for Communications, Urban Infrastructure, Cities and the Arts, under paragraph 17(1) of the *Australia Council Act 2013* (the Act) appoint The Hon Donald Harwin as a Member of the Board of the Australia Council for a period of three years beginning on 23 March 2022.

Dated 22 March 2022

PAUL FLETCHER

Minister for Communications, Urban Infrastructure, Cities and the Arts

Page 31 has been removed as it is exempt in full under section 22(1)(a)(ii) of the FOI Act





# PAUL FLETCHER MP

Federal Member for Bradfield  
Minister for Communications,  
Urban Infrastructure,  
Cities & the Arts

MS22-000531

The Hon Donald (Don) Harwin

s47F

Dear Mr <sup>Don</sup>Harwin

I am pleased to advise you that I have today signed the attached Instrument of Appointment which appoints you as Member of the Australia Council Board (the Board) for a period of three years from 23 March 2022.

Thank you for your willingness to serve on the Board. I trust that you will act in accordance with your obligations as an official under the *Public Governance and Accountability Act 2013* and the *Australia Council Act 2013*, and hope your time on the Board will be rewarding.

If you have any questions regarding your role and responsibilities, please contact Ms Alison Todd, Assistant Secretary, Arts Development and Investment, Department of Infrastructure, Transport, Regional Development and Communications on 02 6271 1804.

I have written separately to Mr Robert Morgan, Chair of the Australia Council, to notify him of your appointment.

Yours sincerely

Paul Fletcher

24 3/ 2022

Enc.

Pages 33-36 have been removed as they are exempt in full under section 22(1)(a)(ii) of the FOI Act

**From:** [RemTrib Enquiry](#)  
**To:** s22(1)(a)(ii) [RemTrib Enquiry](#)  
**Cc:** s22(1)(a)(ii)  
**Subject:** RE: Board remuneration arrangements for former State and Territory parliamentarians [SEC=PROTECTED]  
**Date:** Friday, 18 March 2022 11:55:12 AM  
**Attachments:** [image001.png](#)  
[image003.jpg](#)  
[image005.jpg](#)  
[image006.jpg](#)  
[image002.jpg](#)

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**PROTECTED**

Hi s22(1)(a)(ii)

Thanks for this advice. We'll prepare a brief for the Tribunal's consideration. As I mentioned below, the Tribunal is likely to hold an extraordinary meeting in early April, so any decision is likely to be formalised in a determination by the end of April.

Kind regards

s22(1)(a)(ii)

---

**From:** s22(1)(a)(ii) @arts.gov.au>  
**Sent:** Friday, 18 March 2022 11:22 AM  
**To:** RemTrib Enquiry <enquiry@remtribunal.gov.au>  
**Cc:** s22(1)(a)(ii) @arts.gov.au>; s22(1)(a)(ii) @arts.gov.au>  
**Subject:** RE: Board remuneration arrangements for former State and Territory parliamentarians [SEC=PROTECTED, CAVEAT=SH:CABINET] [SEC=PROTECTED]

**PROTECTED**

Hi s22(1)(a)(ii)

Confirming that the potential appointee will be resigning from NSW State Parliament on Tuesday 22 March – the Hon Don (Donald) Harwin- see [this article](#) announcing his retirement. We have drafted appointment instruments which have a commencement date for his role as a part-time member on the Australia Council board on Wednesday 23 March. I'll let you know once they've been signed.

Please let us know if you need anything further before the determination can be made.

Kind regards,

s22(1)(a)(ii)

Assistant Director • Arts Policy and Development/Arts Development and Investment Branch • Office for the Arts

s22(1)(a)(ii) [@arts.gov.au](#)

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

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**From:** RemTrib Enquiry <[enquiry@remtribunal.gov.au](mailto:enquiry@remtribunal.gov.au)>

**Sent:** Friday, 11 March 2022 9:57 AM

**To:** s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@arts.gov.au](mailto:s22(1)(a)(ii)@arts.gov.au)>

**Cc:** s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@arts.gov.au](mailto:s22(1)(a)(ii)@arts.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@arts.gov.au](mailto:s22(1)(a)(ii)@arts.gov.au)>

**Subject:** RE: Board remuneration arrangements for former State and Territory parliamentarians [SEC=PROTECTED, CAVEAT=SH:CABINET]

PROTECTED//CABINET

Hi s22(1)(a)

Glad to see it's all moving swiftly for the appointment. Apologies I missed your call – I was on another one at the time.

Yes, I can confirm we received Minister Fletcher's letter yesterday and will send an acknowledgement to him in the next day or so. The Tribunal will potentially make an indicative decision at an extra-ordinary meeting in early April, so if the appointment proceeds we may be able to include the individual in a determination by the end of April.

Best of luck today.

Regards

s22(1)(a)(ii)

**From:** s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@arts.gov.au](mailto:s22(1)(a)(ii)@arts.gov.au)>

**Sent:** Friday, 11 March 2022 9:28 AM

**To:** RemTrib Enquiry <[enquiry@remtribunal.gov.au](mailto:enquiry@remtribunal.gov.au)>

**Cc:** s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@arts.gov.au](mailto:s22(1)(a)(ii)@arts.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@arts.gov.au](mailto:s22(1)(a)(ii)@arts.gov.au)>

**Subject:** RE: Board remuneration arrangements for former State and Territory parliamentarians [SEC=PROTECTED, CAVEAT=SH:CABINET]

PROTECTED, SH:CABINET

Good morning s22(1)(a)(ii)

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

Thanks again for all your assistance to date.

I haven't been able to reach you this morning, so I'm just providing an update via email. We understand the potential appointment will be considered earlier than we initially expected as he's made the list for today's cabinet meeting. Noting that he has yet to announce his retirement we are still pending confirmation of when his appointment would start and when the determination can be made.

We'll let you know when we have more certainty over when the determination can be made without prematurely revealing his retirement. Can you confirm that you've received the letter from Minister Fletcher regarding this appointment as well?

Happy to discuss.

Kind regards,

s22(1)(a)(ii)

Assistant Director • Arts Policy and Development/Arts Development and Investment Branch • Office for the Arts

s22(1)(a)(ii) [@arts.gov.au](mailto:s22(1)(a)(ii)@arts.gov.au)

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

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**PROTECTED, SH:CABINET**

**OFFICIAL**

**From:** RemTrib Enquiry <[enquiry@remtribunal.gov.au](mailto:enquiry@remtribunal.gov.au)>

**Sent:** Tuesday, 1 March 2022 2:41 PM

**To:** s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@arts.gov.au](mailto:s22(1)(a)(ii)@arts.gov.au)>

**Cc:** RemTrib Enquiry <[enquiry@remtribunal.gov.au](mailto:enquiry@remtribunal.gov.au)>

**Subject:** Board remuneration arrangements for former State and Territory parliamentarians  
[SEC=OFFICIAL]

**OFFICIAL**

Hi s22(1)(a)(i)

Confirming our conversation about the proposed appointment to the Australia Council Board.



As discussed, Government policy requires a reduction in remuneration for former State/Territory parliamentarians who are appointed to a Commonwealth 'office of profit'.

A former State/Territory parliamentarian who is appointed to a Commonwealth office of profit, can earn up to 20 percent of a current Federal Member of Parliament's parliamentary allowance, before their remuneration would be affected. If their remuneration exceeds the 20 percent threshold, it would need to be reduced by 50 cents in the dollar for every dollar over the threshold up to a maximum of half their pension.

The current parliamentary allowance is \$167,150 per annum (base salary of \$211,250 per annum, less \$44,100 that is not a parliamentary allowance for the purposes of the *Parliamentary Contributory Superannuation Act 1948*). Therefore, a former State/Territory MP can earn up to \$33,430 per annum (20 per cent of \$167,150) when appointed to a Commonwealth office of profit (i.e. the Australia Council Board), without reduction. Any amount that exceeds the 20 percent threshold would be reduced by 50 cents in the dollar for every dollar over the threshold. As discussed, the amount exceeding the threshold is \$110, which would be reduced by \$55 – taking the fee to \$33,485.

Former State/Territory parliamentarians who are proposed for appointment to a Commonwealth office are required to agree to this reduction in remuneration prior to appointment. Usually we would ask for advice as to the amount of the officeholder's pension in order to complete calculations – in this case, confirmation that they are in receipt of a pension will be sufficient (given the small amount over the threshold).

A letter from the Minister to the President of the Remuneration Tribunal should be sent once the appointment is fairly certain. I would suggest something along the lines of "I am writing to request that the Remuneration Tribunal determine a personal rate of remuneration for a soon-to-be appointed Member of the Board of the Australia Council. [Name of appointee] is proposed for appointment to the Board from [date]. [name] previously held a position in [state government] and receives a state parliamentary pension. Consistent with the relevant requirements in relation to remuneration arrangements for former parliamentarians, [name] has agreed to have their Australia Council fee adjusted to take account of their state parliamentary pension." The Tribunal's decision would be communicated to the Minister and would be formalised in a determination.

Let me know if you have any other questions.

Kind regards

s22(1)(a)(ii)

s22(1)(a)(ii)

Advisor | Executive Remuneration and Statutory Offices Group

**Australian Public Service Commission**

Level 5, B Block, Treasury Building, Parkes Place West, PARKES ACT 2600

GPO Box 3176 CANBERRA ACT 2601

t: 02 s22(1)(a)(ii) w: [www.apsc.gov.au](http://www.apsc.gov.au)



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**From:** s22(1)(a)(ii)  
**To:** "RemTrib Enquiry"  
**Cc:** s22(1)(a)(ii)  
**Subject:** RE: Board remuneration arrangements for former State and Territory parliamentarians [SEC=PROTECTED]  
**Date:** Thursday, 24 March 2022 8:37:01 AM  
**Attachments:** [image001.png](#)  
[image003.jpg](#)  
[image005.jpg](#)  
[image006.jpg](#)  
[image004.png](#)  
[image008.jpg](#)  
[Instrument of Appointment – Donald Harwin – March 2022.pdf](#)

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PROTECTED

Thank you s22(1)(a)(ii)

Please find attached the Hon Donald (Don) Harwin's appointment instrument, which took effect yesterday (23 March).

Kind regards,

### Firstname Lastname

Position • Section/Branch • Office for the Arts

[Firstname.Lastname@arts.gov.au](mailto:Firstname.Lastname@arts.gov.au)

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**From:** RemTrib Enquiry <[enquiry@remtribunal.gov.au](mailto:enquiry@remtribunal.gov.au)>

**Sent:** Friday, 18 March 2022 11:55 AM

**To:** s22(1)(a)(ii) @arts.gov.au; RemTrib Enquiry <[enquiry@remtribunal.gov.au](mailto:enquiry@remtribunal.gov.au)>

**Cc:** s22(1)(a)(ii) @arts.gov.au; s22(1)(a)(ii)

s22(1)(a)(ii) @arts.gov.au>

**Subject:** RE: Board remuneration arrangements for former State and Territory parliamentarians [SEC=PROTECTED]

PROTECTED

Hi s22(1)(a)(ii)

Thanks for this advice. We'll prepare a brief for the Tribunal's consideration. As I mentioned

below, the Tribunal is likely to hold an extraordinary meeting in early April, so any decision is likely to be formalised in a determination by the end of April.

Kind regards

s22(1)(a)(ii)

From: s22(1)(a)(ii) <[redacted]@arts.gov.au>

Sent: Friday, 18 March 2022 11:22 AM

To: RemTrib Enquiry <enquiry@remtribunal.gov.au>

Cc: s22(1)(a)(ii) <[redacted]@arts.gov.au>; s22(1)(a)(ii)

s22(1)(a)(ii) <[redacted]@arts.gov.au>

**Subject:** RE: Board remuneration arrangements for former State and Territory parliamentarians [SEC=PROTECTED, CAVEAT=SH:CABINET] [SEC=PROTECTED]

PROTECTED

Hi s22(1)(a)(ii),

Confirming that the potential appointee will be resigning from NSW State Parliament on Tuesday 22 March – the Hon Don (Donald) Harwin- see [this article](#) announcing his retirement. We have drafted appointment instruments which have a commencement date for his role as a part-time member on the Australia Council board on Wednesday 23 March. I'll let you know once they've been signed.

Please let us know if you need anything further before the determination can be made.

Kind regards,

s22(1)(a)(ii)

Assistant Director • Arts Policy and Development/Arts Development and Investment Branch • Office for the Arts  
s22(1)(a)(ii) <[redacted]@arts.gov.au>

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PROTECTED

**From:** RemTrib Enquiry <[enquiry@remtribunal.gov.au](mailto:enquiry@remtribunal.gov.au)>

**Sent:** Friday, 11 March 2022 9:57 AM

**To:** s22(1)(a)(ii) <[REDACTED]@arts.gov.au>

**Cc:** s22(1)(a)(ii) <[REDACTED]@arts.gov.au>; s22(1)(a)(ii) <[REDACTED]@arts.gov.au>

**Subject:** RE: Board remuneration arrangements for former State and Territory parliamentarians [SEC=PROTECTED, CAVEAT=SH:CABINET]

## PROTECTED//CABINET

Hi s22(1)(a)(ii)

Glad to see it's all moving swiftly for the appointment. Apologies I missed your call – I was on another one at the time.

Yes, I can confirm we received Minister Fletcher's letter yesterday and will send an acknowledgement to him in the next day or so. The Tribunal will potentially make an indicative decision at an extra-ordinary meeting in early April, so if the appointment proceeds we may be able to include the individual in a determination by the end of April.

Best of luck today.

Regards

s22(1)(a)(ii)

---

**From:** s22(1)(a)(ii) <[REDACTED]@arts.gov.au>

**Sent:** Friday, 11 March 2022 9:28 AM

**To:** RemTrib Enquiry <[enquiry@remtribunal.gov.au](mailto:enquiry@remtribunal.gov.au)>

**Cc:** s22(1)(a)(ii) <[REDACTED]@arts.gov.au>; s22(1)(a)(ii) <[REDACTED]@arts.gov.au>

**Subject:** RE: Board remuneration arrangements for former State and Territory parliamentarians [SEC=PROTECTED, CAVEAT=SH:CABINET]

## PROTECTED, SH:CABINET

Good morning s22(1)(a)(ii)

Thanks again for all your assistance to date.

I haven't been able to reach you this morning, so I'm just providing an update via email. We understand the potential appointment will be considered earlier than we initially expected as he's made the list for today's cabinet meeting. Noting that he has yet to announce his retirement we are still pending confirmation of when his appointment would start and when the determination can be made.

We'll let you know when we have more certainty over when the determination can be made without prematurely revealing his retirement. Can you confirm that you've received the letter from Minister Fletcher regarding this appointment as well?



Happy to discuss.

Kind regards,

s22(1)(a)(ii)

Assistant Director • Arts Policy and Development/Arts Development and Investment Branch • Office for the Arts

s22(1)(a)(ii) [@arts.gov.au](mailto:s22(1)(a)(ii)@arts.gov.au)

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

GPO Box 594 Canberra, ACT 2601

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[arts.gov.au](https://arts.gov.au)

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

**PROTECTED, SH:CABINET**

**OFFICIAL**

**From:** RemTrib Enquiry <[enquiry@remtribunal.gov.au](mailto:enquiry@remtribunal.gov.au)>

**Sent:** Tuesday, 1 March 2022 2:41 PM

**To** s22(1)(a)(ii) [@arts.gov.au](mailto:s22(1)(a)(ii)@arts.gov.au)

**Cc:** RemTrib Enquiry <[enquiry@remtribunal.gov.au](mailto:enquiry@remtribunal.gov.au)>

**Subject:** Board remuneration arrangements for former State and Territory parliamentarians  
 [SEC=OFFICIAL]

**OFFICIAL**

Hi s22(1)(a)(ii)

Confirming our conversation about the proposed appointment to the Australia Council Board.

As discussed, Government policy requires a reduction in remuneration for former State/Territory parliamentarians who are appointed to a Commonwealth 'office of profit'.

A former State/Territory parliamentarian who is appointed to a Commonwealth office of profit, can earn up to 20 percent of a current Federal Member of Parliament's parliamentary allowance, before their remuneration would be affected. If their remuneration exceeds the 20 percent threshold, it would need to be reduced by 50 cents in the dollar for every dollar over the threshold up to a maximum of half their pension.

The current parliamentary allowance is \$167,150 per annum (base salary of \$211,250 per annum, less \$44,100 that is not a parliamentary allowance for the purposes of the *Parliamentary Contributory Superannuation Act 1948*). Therefore, a former State/Territory MP can earn up to \$33,430 per annum (20 per cent of \$167,150) when appointed to a Commonwealth office of

profit (i.e. the Australia Council Board), without reduction. Any amount that exceeds the 20 percent threshold would be reduced by 50 cents in the dollar for every dollar over the threshold. As discussed, the amount exceeding the threshold is \$110, which would be reduced by \$55 – taking the fee to \$33,485.

Former State/Territory parliamentarians who are proposed for appointment to a Commonwealth office are required to agree to this reduction in remuneration prior to appointment. Usually we would ask for advice as to the amount of the officeholder's pension in order to complete calculations – in this case, confirmation that they are in receipt of a pension will be sufficient (given the small amount over the threshold).

A letter from the Minister to the President of the Remuneration Tribunal should be sent once the appointment is fairly certain. I would suggest something along the lines of "I am writing to request that the Remuneration Tribunal determine a personal rate of remuneration for a soon-to-be appointed Member of the Board of the Australia Council. [Name of appointee] is proposed for appointment to the Board from [date]. [name] previously held a position in [state government] and receives a state parliamentary pension. Consistent with the relevant requirements in relation to remuneration arrangements for former parliamentarians, [name] has agreed to have their Australia Council fee adjusted to take account of their state parliamentary pension." The Tribunal's decision would be communicated to the Minister and would be formalised in a determination.

Let me know if you have any other questions.

Kind regards

s22(1)(a)(ii)

s22(1)(a)(ii)

Advisor | Executive Remuneration and Statutory Offices Group

**Australian Public Service Commission**

Level 5, B Block, Treasury Building, Parkes Place West, PARKES ACT 2600

GPO Box 3176 CANBERRA ACT 2601

t s22(1)(a)(ii) w: [www.apsc.gov.au](http://www.apsc.gov.au)




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## Australia Council Board (Member) Appointment 2022

I, PAUL FLETCHER, Minister for Communications, Urban Infrastructure, Cities and the Arts, under paragraph 17(1) of the *Australia Council Act 2013* (the Act) appoint The Hon Donald Harwin as a Member of the Board of the Australia Council for a period of three years beginning on 23 March 2022.

Dated 22 March 2022

PAUL FLETCHER

Minister for Communications, Urban Infrastructure, Cities and the Arts

**From:** [Minister](#)  
**To:** [TODD, Alison](#); s22(1)(a)(ii)  
**Cc:** [Minister](#)  
**Subject:** FW: Letter from the Remuneration Tribunal [SEC=OFFICIAL]  
**Date:** Wednesday, 6 April 2022 5:03:20 PM  
**Attachments:** [image001.jpg](#)  
[image003.jpg](#)  
[image004.jpg](#)  
[FLETCHER Minister re Don Harwin 20220406.pdf](#)  
[image005.jpg](#)

---

**OFFICIAL**

Hi Ali and s22(1)(a)(ii)

For your information and appropriate action.

s22(1)(a)(ii)

Senior Department Liaison Officer • Office of the Hon Paul Fletcher MP  
 Minister for Communications, Urban Infrastructure, Cities and the Arts

s22(1)(a)(ii) [@communications.gov.au](mailto:s22(1)(a)(ii)@communications.gov.au)

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

Suite MG.48, Parliament House, Canberra ACT 2600

---

**OFFICIAL**

**From:** s22(1)(a)(ii)

**Sent:** Wednesday, 6 April 2022 3:09 PM

**To:** Minister

**Subject:** Letter from the Remuneration Tribunal [SEC=OFFICIAL]

**OFFICIAL**

Dear Minister

Please find attached a letter from the President of the Remuneration Tribunal regarding the fee for the Hon Don Harwin in his role as a Member of the Australia Council.

Regards

s22(1)(a)(ii)

A/g Senior Advisor | Executive Remuneration and Statutory Offices Group

**Australian Public Service Commission**

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

t: 02 s22(1)(a)(ii) w: [www.apsc.gov.au](http://www.apsc.gov.au)

**Remuneration Tribunal Secretariat**

PO Box 281, Civic Square ACT 2608

t: 02 s22(1)(a)(ii) w: [www.remtribunal.gov.au](http://www.remtribunal.gov.au)

*The APSC supports flexible working arrangements. If you receive an email from me outside of normal business hours, I'm sending it at a time that suits me. I'm not expecting you to read or reply until normal business hours.*




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## REMUNERATION TRIBUNAL

John C Conde AO  
President

The Hon Paul Fletcher MP  
Minister for Communications, Urban Infrastructure,  
Cities & the Arts  
Parliament House  
CANBERRA ACT 2600

Dear Minister *Paul*

Thank you for your letter of 3 March 2022 regarding the proposed appointment of a former Member of the NSW Legislative Council to the Board of the Australia Council. Your Department has confirmed the appointment of the Hon Don Harwin to the Board of the Australia Council from 23 March 2022.

You indicated that Mr Harwin is aware that as a former state parliamentarian his fee will be reduced from that determined by the Tribunal for the office, and that Mr Harwin has agreed to accept the appointment on that basis.

Consistent with the Government's policy on the appointment of former state parliamentarians in receipt of a parliamentary pension, the Tribunal will determine a reduced fee of \$33,485 to apply to Mr Harwin during the term of his appointment. The personal fee will be included in a future Remuneration Tribunal determination, a copy of which will be forwarded to the relevant contact officer in your Department.


If you wish to discuss this matter, please contact me on s22(1)(a)(ii). Should your officials require information on the implementation of these arrangements, the appropriate contact in the Tribunal's Secretariat is s22(1)(a)(ii) who can be contacted on (02) s22(1)(a)(ii).

Yours sincerely

s22(1)(a)(ii)

John C Conde AO  
President

6 April 2022

**From:** s22(1)(a)(ii)  
**To:**   
**Subject:** Remuneration Tribunal advice- pay prior to determination [SEC=OFFICIAL]  
**Date:** Thursday, 7 April 2022 2:23:27 PM  
**Attachments:** [image001.png](#)

## OFFICIAL

Hi s22(1)(a)(ii)

As you predicted the determination does not take effect until it is made. s22(1)(a)(ii) from the Remuneration Tribunal advised that the following approach should be taken, which should be relatively straightforward for payroll.

- Until the determination is made pay Mr Harwin at the standard rate for part time Board members- \$33,540 annually.
- Once the determination is made payroll will need to adjust his pay to the new rate (\$33,485 annually) and also have a reduction in pay to take into account the additional pay he received before the determination was made. She suggested that that might mean that he receives a bit less than \$33,485 annually for a few fortnights and then goes to the rate the Tribunal sets.

s22(1)(a)(ii)

Kind regards,

s22(1)(a)(ii)

Assistant Director • Arts Policy and Development/Arts Development and Investment Branch • Office for the Arts  
 s22(1)(a)(ii) [@arts.gov.au](mailto:s22(1)(a)(ii)@arts.gov.au)

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

GPO Box 594 Canberra, ACT 2601

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## OFFICIAL



**From:** s22(1)(a)(ii)  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Ltr from the Rem Tribunal [SEC=OFFICIAL]  
**Date:** Thursday, 7 April 2022 2:48:32 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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**OFFICIAL**

Hi s22(1)(a)(ii)

Further to s22(1)(a)(ii) email- I received the following advice from the Remuneration Tribunal today on how to approach Mr Harwin's pay before and after the determination is made.

- The determination does not have effect until it is made.
- Until the determination is made Mr Harwin should be paid at the standard rate for part time Board members- \$33,540 annually.
- Once the determination is made payroll will need to adjust his pay to the new rate (\$33,485 annually) and also have a reduction in pay to take into account the additional pay he received before the determination was made. She suggested that that might mean that he receives a bit less than pay reflecting a \$33,485 annual rate for a few pay periods and then goes to the rate the Tribunal sets making sure he receives the \$33,485 across the year.

Please let me know if you have any questions.

Kind regards,

s22(1)(a)(ii)

Assistant Director • Arts Policy and Development/Arts Development and Investment Branch • Office for the Arts

s22(1)(a)(ii) [@arts.gov.au](mailto:s22(1)(a)(ii)@arts.gov.au)

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**OFFICIAL**

**From:** s22(1)(a)(ii)  
**Sent:** Thursday, 7 April 2022 7:02 AM  
**To:** s22(1)(a)(ii)  
**Cc:** s22(1)(a)(ii)  
**Subject:** Re: Ltr from the Rem Tribunal [SEC=OFFICIAL]  
s22(1)(a)(ii)

Kind regards

s22(1)(a)(ii)

Manager Corporate Planning

---

**From:** s22(1)(a)(ii) [@arts.gov.au](mailto:s22(1)(a)(ii)@arts.gov.au)  
**Sent:** Thursday, April 7, 2022 6:59:04 AM  
**To:** s22(1)(a)(ii) [@australiacouncil.gov.au](mailto:s22(1)(a)(ii)@australiacouncil.gov.au)  
**Cc:** s22(1)(a)(ii) [@arts.gov.au](mailto:s22(1)(a)(ii)@arts.gov.au); s22(1)(a)(ii) [@australiacouncil.gov.au](mailto:s22(1)(a)(ii)@australiacouncil.gov.au)

**Subject:** Ltr from the Rem Tribunal [SEC=OFFICIAL]

**OFFICIAL**

Morning s22(1)(a)(ii)

Please see attached advice to the Minister.

The Tribunal will formalise this advice in a Determination. I will forward that to you once we receive it.

Kind regards

s22(1)(a)(ii)

A/g Director • Arts Policy & Development • Office for the Arts

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

M s22(1)(a)(ii)

GPO Box 594 Canberra, ACT 2601

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**OFFICIAL**

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**From:** [TODD, Alison](#)  
**To:** ["Don Harwin"](#)  
**Subject:** RE: Proposed appointment - Australia Council Board documentation for completion [SEC=OFFICIAL, ACCESS=Personal-Privacy] [SEC=OFFICIAL]  
**Date:** Tuesday, 1 March 2022 1:16:00 PM  
**Attachments:** [image001.png](#)

## OFFICIAL

Thank you so much Mr Harwin.

We will review the paperwork and come back to you if we need any further information.

Thanks again

Ali

### Alison Todd

Assistant Secretary • Arts Development & Investment • Office for the Arts

[Alison.Todd@arts.gov.au](mailto:Alison.Todd@arts.gov.au)

P +61 2 6271 1084 • M s22(1)(a)(ii)

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## OFFICIAL

**From:** Don Harwin

**Sent:** Tuesday, 1 March 2022 1:09 PM

**To:** TODD, Alison

**Subject:** Re: Proposed appointment - Australia Council Board documentation for completion [SEC=OFFICIAL, ACCESS=Personal-Privacy]

Alison

Thank you for your assistance. I have attached the relevant documentation. Let me know if there are any issues.

Don Harwin

On Mon, Feb 28, 2022 at 6:06 PM TODD, Alison <[Alison.TODD@arts.gov.au](mailto:Alison.TODD@arts.gov.au)> wrote:

## OFFICIAL, Personal-Privacy

Dear Mr Harwin

Thank you for agreeing to be considered for appointment as a Member of the Australia Council Board.

s22(1)(a)(ii) the Arts Adviser for the Hon Paul Fletcher MP, has passed on your details so we can arrange the necessary paperwork for your appointment to be considered by the Cabinet.

Could you please provide a CV and Private Interests Declaration using the attached templates and return them to me as soon as possible? Please note that if you answer 'yes' to any question on page 1 of the Private Interests Declaration, please include details on page 2. This includes stating how conflict(s), actual or perceived, will be managed if appointed. For example, you may want to use wording such as: 'I do not foresee any conflict of interest, but if one arose I would recuse myself from any relevant deliberations'.

Feel free to call me on the numbers listed below if you have any questions.

Kind regards

Alison

**Alison Todd**

Assistant Secretary • Arts Development & Investment • Office for the Arts

[Alison.Todd@arts.gov.au](mailto:Alison.Todd@arts.gov.au)

P +61 2 6271 1084 • M s22(1)(a)(ii)

GPO Box 594 Canberra, ACT 2601

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OFFICIAL, Personal-Privacy

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## CURRICULUM VITAE

Name: The Honourable DONALD THOMAS HARWIN

Residential address:

s47F

Date of birth:

s47F

Present position: Member of the NSW Legislative Council

Educational and professional qualifications:

1982-85 Bachelor of Economics (Honours)  
University of Sydney

2022 Member of Australian Institute of Company  
Directors (MAICD)

Member of Australian Institute of  
Superannuation Trustees

Relevant experience:	2017-21	Leader of the Government in the NSW Legislative Council and Vice President of the Executive Council
	2017-21	Cabinet Minister, State Government of New Wales ( <i>Portfolios included Arts, Energy and Utilities, Resources, Employee Relations and the Public Service, Aboriginal Affairs, Heritage</i> )
	2011-17	President of the NSW Legislative Council
	1999-	Member of the NSW Legislative Council
	1995-99	Self-employed Public Affairs Consultant
	1988-95	Ministerial Adviser, State Government of New South Wales ( <i>Portfolios included Environment, Electoral Matters, Attorney General, Consumer Affairs, State Development, Arts, Multicultural and Ethnic Affairs</i> )

Current board memberships:

2003-	Trustee Member, NSW Parliamentary Contributory Superannuation Fund Deputy Chair of Trustees since 2011
-------	---

## Former board memberships:

2011-17	Vice Patron, Commonwealth Day Council of NSW
2015-17	Director, Australia Youth Trust
2006-12	Board Member, NSW State Archives and Records
2002-06	Member, Sesquicentenary of Responsible Government in NSW Committee

## EEO categories:

nil



# PRIVATE INTERESTS DECLARATION

FOI 24-009 - Document 9

**AUSTRALIA COUNCIL**  
Board Member

The Honourable DONALD THOMAS HARWIN

Please answer the following questions by circling the reply that applies to your personal circumstances. **If you answer "yes" to any question, please provide details in a signed and dated attachment to this form.** Please note that answering "yes" to any question does not necessarily preclude you from being appointed. Your response will be treated as confidential and will only be used for purposes connected with this proposed appointment.

1. Do you have any disclosable criminal convictions, i.e. convictions as an adult that form part of your criminal history other than those protected by the Spent Convictions Scheme (see Part VIIC of the <i>Crimes Act 1914</i> )?	Yes / <input checked="" type="radio"/> No
2. Are you, or have you been, the respondent or defendant in any civil or criminal court action (including as a company director or other office holder)?	Yes / <input checked="" type="radio"/> No
3. (a) Have you ever been declared bankrupt, entered into a debt agreement under Part IX of the Bankruptcy Act 1996 (the Bankruptcy Act) or entered into a personal insolvency agreement under Part X of the Bankruptcy Act?  (b) If you are in a partnership, have any of your partners ever been declared bankrupt, entered into a debt agreement under Part IX of the Bankruptcy Act or entered into a personal insolvency agreement under Part X of the Bankruptcy Act?	Yes / <input checked="" type="radio"/> No or N/A
4. Has any business or commercial enterprise for which you, or if applicable your partner(s), have had responsibility ever gone into receivership or a similar scheme or arrangement?	Yes / <input checked="" type="radio"/> No
5. During the last 10 years have you, or if applicable your partner(s), been the subject of a court order in connection with monies owing to another party?	Yes / <input checked="" type="radio"/> No
6. Have you ever been summonsed or charged concerning non-payment of tax or outstanding tax debts, investigated for tax evasion or defaults, or negotiated with the Australian Taxation Office over outstanding tax debts?	Yes / <input checked="" type="radio"/> No
7. Have you ever been the subject of a complaint to a professional body which has been substantiated, or is currently under investigation?	Yes / <input checked="" type="radio"/> No
8. Have you ever been dismissed from employment because of a discipline or misconduct issue?	Yes / <input checked="" type="radio"/> No
9. Are you the director of a company? If yes, please provide details.	<input checked="" type="radio"/> Yes / <input type="radio"/> No
10. Do you or your immediate family have any financial interest in any company or business, or are you or your immediate family employed or engaged by any company or business, which might have dealings with, or an interest in the decisions of, the office to which you may be appointed? If yes, include advice in a separate attachment on how this conflict of interest would be managed.	Yes / <input checked="" type="radio"/> No
11. Are you a lobbyist registered on the Australian Government's Lobbyists Register or the register of a state or territory? If yes, please provide details in a separate attachment.	Yes / <input checked="" type="radio"/> No
12. Are you currently employed by the Commonwealth, the Administration of a Territory, or a public statutory corporation or incorporated company owned by the Commonwealth on a full-time basis? If yes, please provide details.	Yes / <input checked="" type="radio"/> No
13. Is there any other information which could be relevant to your suitability for the proposed appointment?	Yes / <input checked="" type="radio"/> No

## ASSURANCE

I advise that to the best of my knowledge my private, business and financial interests, including taxation affairs, would not conflict with my public duties or otherwise cause embarrassment to myself or to the Government during my term of appointment.

I also undertake to advise the responsible minister should a situation arise in the future which might cause a conflict of interest with my responsibilities under this appointment.

DONALD THOMAS HARWIN

Name

[Signature]

Signature

1.3.22

Date

5 of 6



# PRIVATE INTERESTS DECLARATION - ATTACHMENT

Form 24-009 - Document 9

<b>AUSTRALIA COUNCIL</b> Board Member	The Honourable DONALD THOMAS HARWIN
--	-------------------------------------

Please provide details for all 'yes' answers to any question on the Private Interests Declaration form. Please detail how conflict(s), actual or perceived, will be managed if appointed. Your responses will be treated as confidential and will only be used for purposes connected with the proposed appointment.

QUESTION	DETAILS AND CONFLICT MITIGATION STRATEGY
9	<p>I am a Trustee Member and Deputy Chair of Trustees of the NSW Parliamentary Contributory Superannuation Fund.</p> <p>There are no conflicts. The Fund is a closed defined-benefit fund with all administration outsourced to Mercer Australia and funds management to the Treasury Corporation of NSW.</p>

## ASSURANCE

I declare that to the best of my knowledge, the information provided above is true and correct.

DONALD THOMAS HARWIN

Name

*[Handwritten Signature]*

Signature

1.3.22

Date

Page 62 has been removed as it is exempt in full under section 34(1)(c) of the FOI Act

s22(1)(a)(ii)

**From:** TODD, Alison  
**Sent:** Thursday, 17 March 2022 4:32 PM  
**To:** s22(1)(a)(ii)  
**Cc:**  
**Subject:** Date of appointment [SEC=OFFICIAL]

OFFICIAL

Hi s22(1)(a)(ii)

Could you please update Mr Harwin's date of apt to be from next Wednesday? And can you also update the critical date on the front page of the submission to Wednesday next week. Should read 'Urgent, please action by x date to ensure the appointment takes affect from the requested date.' And re- allocate brief to me. I will clear it tonight or tomorrow.

Can you also send me the MS number as I'll need to seek s22(1)(a)(ii) approval to break the 10 day rule on the date for the Minister to sign.

Thanks  
Ali

OFFICIAL

Pages 64-68 have been removed as they are exempt in full under section 47(c) of the FOI Act

**From:** [TODD, Alison](#)  
**To:** s22(1)(a)(ii) [REDACTED]  
**Cc:** s22(1)(a)(ii) [REDACTED]  
**Subject:** FW: Proposed omnibus arts appointments media release [SEC=PROTECTED, CAVEAT=SH:CABINET]  
**Date:** Wednesday, 23 March 2022 1:52:00 PM  
**Attachments:** [image001.png](#)

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**PROTECTED, SH:CABINET**

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

We've had a few in both of your areas. Could you please send a list to Ann?

s22(1)(a)(ii) [REDACTED] – s22(1)(a)(iii) [REDACTED] just told me that Harwin, s22(1)(a)(ii) [REDACTED] instruments have been signed but not scanned into the system yet, so suggest including those. And add any others.  
s22(1)(a)(ii) [REDACTED]

Thanks

A

s47C



**From:** [TODD, Alison](#)  
**To:** s22(1)(a)(ii)  
**Subject:** RE: Don Harwin [SEC=OFFICIAL]  
**Date:** Tuesday, 22 March 2022 10:04:00 AM  
**Attachments:** [image002.png](#)

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OFFICIAL

Happy with your approach – thank you!

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OFFICIAL

**From:** s22(1)(a)(ii)  
**Sent:** Tuesday, 22 March 2022 9:31 AM  
**To:** TODD, Alison  
**Subject:** FW: Don Harwin

In case of any media calls, which we will of course flag with you and the office, our proposed response would be:  
*Appointments to the Australia Council Board, including their announcement, are a matter for the Minister.*

---

**From:** s22(1)(a)(ii)  
**Sent:** Tuesday, 22 March 2022 9:08 AM  
**To:** TODD, Alison <[alison.todd@arts.gov.au](mailto:alison.todd@arts.gov.au)>  
**Subject:** Don Harwin  
FYI in case you haven't seen

## HARWIN HEADS OFF

The Daily Telegraph Tuesday 22nd March 2022 at 12:00am | 116 words, 66cm<sup>2</sup>



[Download PDF](#)

[FORMER Arts Minister Don Harwin](#) has quit parliament's upper house after securing a plum new job.

[The Daily Telegraph can reveal Mr Harwin has been given a golden handshake and has a new job in a federal arts body.](#) The role is set to be announced as early as this week.

[Mr Harwin, who has quit politics after more than 20 years, has been looking for a new job since he was dumped from the frontbench in Premier Dominic Perrottet's ministry.](#)

[At the time, Mr Harwin said he had told the Premier he did not want to be considered for a frontbench role because he had decided not to recontest the election.](#)

s22(1)(a)(ii)

Head of Public Affairs

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Visit our [access page](#) for information and support.

We are located at Level 5, 60 Union St  
Pymont Sydney.

We acknowledge the Traditional Custodians of this land and pay our respects to Elders past, present and future.

Pages 71-74 have been removed as they are exempt in full under section 47(c) and 45 of the FOI Act