

s 22



**From:** s 22 [redacted]@TREASURY.GOV.AU>

**Sent:** Tuesday, 28 April 2020 12:25 PM

**To:** Pai, Neena <Neena.Pai@TREASURY.GOV.AU>

**Subject:** RE: Nicholas Moore's request for indemnity from suit [~~SEC OFFICIAL Sensitive,~~  
~~ACCESS Legal Privilege~~]

~~OFFICIAL: Sensitive~~  
~~Legal Privilege~~

OK

s 22 [redacted]

Senior Advisor - Financial Services  
Office of the Treasurer  
The Hon. Josh Frydenberg MP  
Parliament House, Canberra

Mobile: s 22 [redacted]

Email: s 22 @treasury.gov.au

~~OFFICIAL: Sensitive  
Legal Privilege~~

---

**From:** Pai, Neena <Neena.Pai@TREASURY.GOV.AU>

**Sent:** Tuesday, 28 April 2020 12:24 PM

**To:** s 22 @TREASURY.GOV.AU>

**Cc:** Codina, Martin <Martin.Codina@TREASURY.GOV.AU>; Brown, Diane <Diane.Brown@TREASURY.GOV.AU>; s 22 @TREASURY.GOV.AU>; Reid, Tom <Tom.Reid@TREASURY.GOV.AU>; Legal Advice <LegalAdvice@TREASURY.GOV.AU>; O'Rourke, Kate <Kate.ORourke@TREASURY.GOV.AU>; s 22 @TREASURY.GOV.AU>; s 22 @TREASURY.GOV.AU>

**Subject:** RE: Nicholas Moore's request for indemnity from suit [~~SEC OFFICIAL: Sensitive, ACCESS Legal Privilege~~]

~~OFFICIAL: Sensitive  
Legal Privilege~~

Excellent s 22 – thank you for that prompt response. I'm interpreting the email as the Treasurer is happy for Treasury to work it out with Mr Moore.

We will work with the Department of Finance on the terms of an indemnity - I expect that is more in line with what Mr Moore will expect compared with a release.

Once we've landed a position that Treasury, the Department of Finance and Mr Moore are satisfied with, we will make a recommendation to the Treasurer.

Thanks  
Neena

**Neena Pai**

Principal Adviser  
Markets Group  
The Treasury, Langton Crescent, Parkes ACT 2600  
Phone: +61 2 6263 2774 | Mobile: s 22

s 22

~~OFFICIAL: Sensitive  
Legal Privilege~~

---

**From:** s 22 @TREASURY.GOV.AU>

**Sent:** Tuesday, 28 April 2020 12:15 PM

**To:** Pai, Neena <Neena.Pai@TREASURY.GOV.AU>

**Cc:** Codina, Martin <Martin.Codina@TREASURY.GOV.AU>; Brown, Diane <Diane.Brown@TREASURY.GOV.AU>; s 22 @TREASURY.GOV.AU>; Reid, Tom <Tom.Reid@TREASURY.GOV.AU>; Legal Advice <LegalAdvice@TREASURY.GOV.AU>; O'Rourke, Kate <Kate.ORourke@TREASURY.GOV.AU>; s 22 @TREASURY.GOV.AU>; s 22 @TREASURY.GOV.AU>

**Subject:** Re: Nicholas Moore's request for indemnity from suit [~~SEC OFFICIAL Sensitive,~~  
~~ACCESS - Legal Privilege~~]

Tsr is happy for Tsy to work it out with him.

s 22

s 22

Senior Advisor - Financial Services  
Office of the Treasurer  
The Hon. Josh Frydenberg MP  
Parliament House, Canberra

Mobile: s 22

Email: s 22 [@treasury.gov.au](mailto:s 22@treasury.gov.au)

s 42



s 22

**From:** O'Rourke, Kate <Kate.ORourke@TREASURY.GOV.AU>  
**Sent:** Tuesday, 30 June 2020 9:53 AM  
**To:** TSR Ministerial Submission Distribution  
<TSRMinisterialSubmissionDistribution@TREASURY.GOV.AU>  
**Cc:** MG Markets Taskforce Leaders <MGMarketsTaskforceLeaders@TREASURY.GOV.AU>; Reid, Tom <Tom.Reid@TREASURY.GOV.AU>  
**Subject:** MS20-000911 - Mr Nicholas Moore - Indemnity [~~SEC-PROTECTED~~,  
~~CAVEAT-SH.CABINET~~]

Dear Treasurer,

Attached is a Ministerial submission regarding the Government granting an indemnity in favour of Nicholas Moore. The Ministerial submission includes a draft letter to the Minister for Finance, draft indemnity deed and a role description for Nicholas.

Kind regards,

**Kate O'Rourke**

Head, Markets Taskforce

Treasury

p: (02) 6263 4177 m: ~~s 22~~

Level 29, 201 Kent Street

SYDNEY NSW 2000

[www.treasury.gov.au](http://www.treasury.gov.au)

~~PROTECTED//CABINET~~

**From:** s 22  
**To:** [O'Rourke, Kate](#); s 22  
**Cc:** [MG Markets Taskforce Leaders](#); [Reid, Tom](#); s 22; [Tsr DLOs](#); [MSprocessing](#)  
**Subject:** SIGNED: MS20-000911 - Mr Nicholas Moore - Indemnity (~~SEC - PROTECTED, CAVEAT - SH: CABINET~~)  
**Date:** Friday, 10 July 2020 3:06:09 PM  
**Attachments:** [MS20-000911.pdf](#)  
[NICHOLASMOORE.pdf](#)

---

Hi Kate and s 22,

Please find attached signed MS and signed letter. The letter has been sent to the Finance Minister.

Cheers

s 22

Departmental Liaison Officer  
Office of the Treasurer, the Hon Josh Frydenberg MP

---

P s 22 | M s 22 | E s 22 [@treasury.gov.au](mailto:s22@treasury.gov.au)

---

**From:** O'Rourke, Kate <Kate.ORourke@TREASURY.GOV.AU>  
**Sent:** Tuesday, 30 June 2020 9:53 AM  
**To:** TSR Ministerial Submission Distribution  
<TSRMinisterialSubmissionDistribution@TREASURY.GOV.AU>  
**Cc:** MG Markets Taskforce Leaders <MGMarketsTaskforceLeaders@TREASURY.GOV.AU>; Reid, Tom <Tom.Reid@TREASURY.GOV.AU>  
**Subject:** MS20-000911 - Mr Nicholas Moore - Indemnity (~~SEC - PROTECTED, CAVEAT - SH: CABINET~~)

Dear Treasurer,

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Kind regards,

**Kate O'Rourke**

Head, Markets Taskforce  
Treasury  
p: (02) 6263 4177 m: s 22  
Level 29, 201 Kent Street  
SYDNEY NSW 2000  
[www.treasury.gov.au](http://www.treasury.gov.au)

**From:** s 22  
**To:** [O'Rourke, Kate](#); s 22  
**Cc:** [MG Markets Taskforce Leaders](#); [Reid, Tom](#); s 22; s 22; s 22; [Tsr DLOs](#); [Processing Coordination](#); [Treasurer Correspondence](#)  
**Subject:** LTR Cormann to Frydenberg re Moore indemnity ~~[CEC - PROTECTED, CAVEAT - SH.CABINET]~~  
**Date:** Wednesday, 15 July 2020 4:04:55 PM  
**Attachments:** [200714 LTR Cormann to Frydenberg.pdf](#)

---

Good afternoon Kate and s 22,

For your information – please find attached a signed letter from the Finance Minister, replying to the Treasurer's letter re indemnifying Mr Nicholas Moore (re MS20-000911).

Cheers,

s 22

s 22

Departmental Liaison Officer

Office of the Treasurer, the Hon Josh Frydenberg MP

t: s 22 | m: s 22 | e: s 22 [@treasury.gov.au](mailto:s 22@treasury.gov.au)

---

**From:** s 22 <s 22@treasury.gov.au>

**Sent:** Friday, 10 July 2020 3:06 PM

**To:** O'Rourke, Kate <Kate.ORourke@TREASURY.GOV.AU>; s 22

s 22@TREASURY.GOV.AU>

**Cc:** MG Markets Taskforce Leaders <MGMarketsTaskforceLeaders@TREASURY.GOV.AU>; Reid, Tom <Tom.Reid@TREASURY.GOV.AU>; s 22@TREASURY.GOV.AU>; Tsr DLOs <TsrDLOs@TREASURY.GOV.AU>; MSprocessing <MSprocessing@TREASURY.GOV.AU>

**Subject:** SIGNED: MS20-000911 - Mr Nicholas Moore - Indemnity ~~[CEC - PROTECTED, CAVEAT - SH.CABINET]~~

Hi Kate and s 22,

Please find attached signed MS and signed letter. The letter has been sent to the Finance Minister.

Cheers

s 22

Departmental Liaison Officer

Office of the Treasurer, the Hon Josh Frydenberg MP

P s 22 | M s 22 | E s 22 [@treasury.gov.au](mailto:s 22@treasury.gov.au)

---

**From:** O'Rourke, Kate <[Kate.ORourke@TREASURY.GOV.AU](mailto:Kate.ORourke@TREASURY.GOV.AU)>

**Sent:** Tuesday, 30 June 2020 9:53 AM

**To:** TSR Ministerial Submission Distribution

<[TSRMinisterialSubmissionDistribution@TREASURY.GOV.AU](mailto:TSRMinisterialSubmissionDistribution@TREASURY.GOV.AU)>

**Cc:** MG Markets Taskforce Leaders <[MGMarketsTaskforceLeaders@TREASURY.GOV.AU](mailto:MGMarketsTaskforceLeaders@TREASURY.GOV.AU)>; Reid,

Tom <[Tom.Reid@TREASURY.GOV.AU](mailto:Tom.Reid@TREASURY.GOV.AU)>

**Subject:** MS20-000911 - Mr Nicholas Moore - Indemnity [~~SEC-PROTECTED,~~  
~~CAVEAT-SH.CABINET~~]

Dear Treasurer,

Attached is a Ministerial submission regarding the Government granting an indemnity in favour of Nicholas Moore. The Ministerial submission includes a draft letter to the Minister for Finance, draft indemnity deed and a role description for Nicholas.

Kind regards,

**Kate O'Rourke**

Head, Markets Taskforce

Treasury

p: (02) 6263 4177 m: § 22

Level 29, 201 Kent Street

SYDNEY NSW 2000

[www.treasury.gov.au](http://www.treasury.gov.au)

~~PROTECTED//CABINET~~



**SENATOR THE HON MATHIAS CORMANN**  
**Minister for Finance**

REF: MC20-002033

The Hon Josh Frydenberg MP  
Treasurer  
Parliament House  
CANBERRA ACT 2600

Dear Treasurer

Thank you for your letter of 10 July 2020 seeking my approval to grant an indemnity under section 60 *Public Governance, Performance and Accountability Act 2013*. I understand the indemnity is to be granted to Mr Nicholas Moore <sup>s 47G(1)(a)</sup> [redacted]. The indemnity relates to roles that Mr Moore takes on to support the Government's response to COVID-19, but only where the role has been endorsed by Cabinet and Mr Moore has been notified that the indemnity applies to that role. <sup>ss 47E(d) and 47G(1)(a)</sup> [redacted]  
[redacted]  
[redacted]

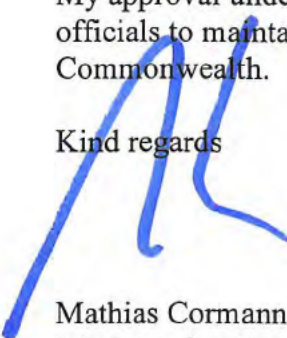
I understand that Treasury have advised that a risk assessment of the proposed indemnity has occurred consistent with *Resource Management Guide No. 414 Indemnities, guarantees and warranties by the Commonwealth* and that appropriate risk mitigation strategies are in place.

Based on the information provided, I approve that the accountable authority of Treasury, or their delegate, can, on behalf of the Commonwealth grant the indemnity to Mr Nicholas Moore <sup>s 47G(1)(a)</sup> [redacted]

Please be aware that my approval under section 60 does not create an appropriation, nor does it provide funds to meet any claims against the Commonwealth.

My approval under section 60 to grant the indemnity does not remove the responsibility on officials to maintain adequate risk mitigation strategies in order to limit the exposure to the Commonwealth.

Kind regards

  
Mathias Cormann  
**Minister for Finance**

14 July 2020





**Australian Government**

**The Treasury**

**Instrument of Delegation – Public Governance, Performance and  
Accountability Act 2013, Section 60**

---

I, **Steven Kennedy**, Accountable Authority for the Department of the Treasury, under section 110(1)(b) of the *Public Governance, Performance and Accountability Act 2013* (the Act) delegate to Roxanne Kelly, Deputy Secretary, Department of the Treasury, the power under section 60 of the Act delegated to me by the Finance Minister on 14 July 2020.

Dated 7 July 2020

A handwritten signature in black ink, appearing to read 'S. Kennedy', written over a diagonal line that extends from the signature down towards the typed name below.

**Steven Kennedy**  
Secretary, Department of the Treasury

**From:** s 22  
**To:** [Pai, Neena](#)  
**Cc:** [Quinn, Meghan](#); [O'Rourke, Kate](#); [Reid, Tom](#); s 22; s 22; s 22; s 22; [Kelly, James](#); [Kelley, Roxanne](#)  
**Subject:** RE: For action - Nicholas Moore indemnity - indemnity deed [~~SEC - OFFICIAL Sensitive, ACCESS - Legal Privilege~~]  
**Date:** Friday, 17 July 2020 3:12:05 PM  
**Attachments:** [RKsigned Part A- Deed.pdf](#)  
[RK signed Minute 17 July 2020.pdf](#)

~~OFFICIAL: Sensitive  
Legal Privilege~~

Hi Nina,

Please find attached signed documents from Roxanne Kelley, I will hold onto the hard copies. Please arrange collection if required, thank you.

s 22

Kind regards

s 22

Executive Assistant to Ms Roxanne Kelley  
Deputy Secretary | Corporate and Foreign Investment Group  
Ph: s 22

~~OFFICIAL: Sensitive  
Legal Privilege~~

**From:** Pai, Neena <Neena.Pai@TREASURY.GOV.AU>  
**Sent:** Friday, 17 July 2020 12:03 PM  
**To:** Kelley, Roxanne <Roxanne.Kelley@TREASURY.GOV.AU>  
**Cc:** Quinn, Meghan <Meghan.Quinn@TREASURY.GOV.AU>; O'Rourke, Kate <Kate.ORourke@TREASURY.GOV.AU>; Reid, Tom <Tom.Reid@TREASURY.GOV.AU>; s 22 @TREASURY.GOV.AU>; s 22 @TREASURY.GOV.AU>; s 22 @TREASURY.GOV.AU>; s 22 @TREASURY.GOV.AU>; s 22 @TREASURY.GOV.AU>; Kelly, James <James.Kelly@TREASURY.GOV.AU>  
**Subject:** For action - Nicholas Moore indemnity - indemnity deed [~~SEC - OFFICIAL Sensitive, ACCESS - Legal Privilege~~]

Hi Roxanne,

Thank you. As the Secretary has delegated his authority (granted by the Minister for Finance) to you, as the Secretary's delegate, you have the power to determine whether the Commonwealth should grant an indemnity in favour of Mr Moore under section 60 of the PGPA Act.

To assist you in making a decision in relation to the proposed indemnity and to appropriately record the decision-making, **attached** please find a covering minute including:

a draft of the proposed indemnity deed,

role description for Mr Moore,

letter from the Minister for Finance

delegation instrument from the Secretary, and  
legal advice from the Australian Government Solicitor  
a risk management plan in relation to the indemnity.

If you agree to grant the indemnity, we'd ask that you please sign the indemnity deed at  
**Attachment A.**

Should you require any additional information or should you wish to meet to discuss the minute,  
please let me know.

Many thanks

Neena

**Neena Pai**

Principal Adviser  
Markets Taskforce  
The Treasury, Langton Crescent, Parkes ACT 2600  
Phone: +61 2 6263 2774 | Mobile: s 22

s 22

---

**From:** Kelley, Roxanne <[Roxanne.Kelley@TREASURY.GOV.AU](mailto:Roxanne.Kelley@TREASURY.GOV.AU)>  
**Sent:** Friday, 17 July 2020 8:43 AM  
**To:** Pai, Neena <[Neena.Pai@TREASURY.GOV.AU](mailto:Neena.Pai@TREASURY.GOV.AU)>  
**Cc:** Quinn, Meghan <[Meghan.Quinn@TREASURY.GOV.AU](mailto:Meghan.Quinn@TREASURY.GOV.AU)>; O'Rourke, Kate  
<[Kate.ORourke@TREASURY.GOV.AU](mailto:Kate.ORourke@TREASURY.GOV.AU)>; Reid, Tom <[Tom.Reid@TREASURY.GOV.AU](mailto:Tom.Reid@TREASURY.GOV.AU)>; s 22  
s 22 <[s 22@TREASURY.GOV.AU](mailto:s 22@TREASURY.GOV.AU)>; s 22 <[s 22@TREASURY.GOV.AU](mailto:s 22@TREASURY.GOV.AU)>; s 22  
s 22 <[s 22@TREASURY.GOV.AU](mailto:s 22@TREASURY.GOV.AU)>; s 22 <[s 22@TREASURY.GOV.AU](mailto:s 22@TREASURY.GOV.AU)>;  
s 22 <[s 22@Treasury.gov.au](mailto:s 22@Treasury.gov.au)>; Kelly, James <[James.Kelly@TREASURY.GOV.AU](mailto:James.Kelly@TREASURY.GOV.AU)>  
**Subject:** RE: Nicholas Moore indemnity - process for signing [~~GEC - OFFICIAL Sensitive,~~  
~~ACCESS - Legal Privilege~~]

~~OFFICIAL: Sensitive~~  
~~Legal Privilege~~

Hi Neena

Thank you for this advice and have seen the email with signed instrument.

Regards

Roxanne

**Roxanne Kelley**

Deputy Secretary

Corporate and Foreign Investment Group

The Treasury, Langton Crescent, Parkes ACT 2600

Ph: +61 2 6263 4716 | M: s 22 | Email: [Roxanne.Kelley@TREASURY.GOV.AU](mailto:Roxanne.Kelley@TREASURY.GOV.AU)

[www.treasury.gov.au](http://www.treasury.gov.au)

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*The Treasury acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, water and community. We pay our respects to them and their cultures and to elders both past and present.*

~~OFFICIAL: Sensitive  
Legal Privilege~~

**From:** Pai, Neena <[Neena.Pai@TREASURY.GOV.AU](mailto:Neena.Pai@TREASURY.GOV.AU)>

**Sent:** Thursday, 16 July 2020 10:38 AM

**To:** Kelley, Roxanne <[Roxanne.Kelley@TREASURY.GOV.AU](mailto:Roxanne.Kelley@TREASURY.GOV.AU)>

**Cc:** Quinn, Meghan <[Meghan.Quinn@TREASURY.GOV.AU](mailto:Meghan.Quinn@TREASURY.GOV.AU)>; O'Rourke, Kate

<[Kate.ORourke@TREASURY.GOV.AU](mailto:Kate.ORourke@TREASURY.GOV.AU)>; Reid, Tom <[Tom.Reid@TREASURY.GOV.AU](mailto:Tom.Reid@TREASURY.GOV.AU)>; s 22  
s 22 <[s 22@TREASURY.GOV.AU](mailto:s 22@TREASURY.GOV.AU)>; s 22 <[s 22@TREASURY.GOV.AU](mailto:s 22@TREASURY.GOV.AU)>; s 22

s 22 <[s 22@TREASURY.GOV.AU](mailto:s 22@TREASURY.GOV.AU)>; s 22 <[s 22@TREASURY.GOV.AU](mailto:s 22@TREASURY.GOV.AU)>;

s 22 <[s 22@Treasury.gov.au](mailto:s 22@Treasury.gov.au)>; Kelly, James <[James.Kelly@TREASURY.GOV.AU](mailto:James.Kelly@TREASURY.GOV.AU)>

**Subject:** Nicholas Moore indemnity - process for signing [~~SEC - OFFICIAL: Sensitive, ACCESS - Legal Privilege~~]

~~OFFICIAL: Sensitive  
Legal Privilege~~

Hi Roxanne,

The Minister for Finance has now agreed to the Treasury Secretary, or their delegate, granting an indemnity to Nicholas Moore. When we'd previously discussed this, you'd indicate that it was your preference that you sign the indemnity, rather than the Secretary – which we and Meghan Quinn also support.

s 42

I will shortly be providing the Secretary with a brief that sets out the relevant background on the indemnity and the instrument of delegation. Just making you aware in case the Secretary has some questions. I will copy you and James on the email.

Many thanks

Neena

**Neena Pai**

Principal Adviser

Markets Taskforce

The Treasury, Langton Crescent, Parkes ACT 2600

Phone: +61 2 6263 2774 | Mobile: s 22

s 22

**From:** O'Rourke, Kate  
**Sent:** Wednesday, 23 September 2020 2:57 PM  
**To:** Kelley, Roxanne  
**Cc:** Quinn, Meghan; Reid, Tom; s 22 s 22 s 22 s 22  
 s 22 s 22  
**Subject:** For action – Ivan Power indemnity - indemnity deed [~~CEO - OFFICIAL Sensitive, ACCESS - Legal Privilege~~]  
**Attachments:** Attachments A to D.pdf; Covering minute.pdf  
**Categories:** 0. Urgent

~~OFFICIAL Sensitive~~  
~~Legal Privilege~~

Hi Roxanne,

Further to your decision to grant the indemnity for Mr Nicholas Moore, we have also considering whether the Commonwealth should grant an indemnity in favour of Mr Ivan Power who has also been engaged by Treasury to assist the Markets Taskforce <sup>ss 47E(d) and 47G(1)(a)</sup> [redacted]. Our recommendation is to grant an indemnity, <sup>ss 47E(d) and 47G(1)(a)</sup> [redacted].  
<sup>ss 47E(d) and 47G(1)(a)</sup> [redacted]

As the Secretary's delegate, you have the power to determine whether the Commonwealth should grant an indemnity in favour of Mr Power under section 60 of the PGPA Act.

To assist you in making a decision in relation to the proposed indemnity and to appropriately record the decision-making, **attached** please find a covering minute, and a separate attachment with:

- A. a draft of the proposed indemnity deed,
- B. role description for Mr Power,
- C. a risk management plan in relation to the indemnity, and
- D. legal advice from the Australian Government Solicitor.

If you agree to grant the indemnity, we'd ask that you please sign the indemnity deed at **Attachment A**.

Should you require any additional information or should you wish to meet to discuss the minute, please let me know.

Kind regards,  
Kate

**Kate O'Rourke**  
 Head, Markets Taskforce  
 Treasury  
 p: (02) 6263 4177 m: s 22  
 Level 29, 201 Kent Street  
 SYDNEY NSW 2000  
[www.treasury.gov.au](http://www.treasury.gov.au)

~~OFFICIAL Sensitive~~  
~~Legal Privilege~~

## ACCOUNTABLE AUTHORITY INSTRUCTIONS

These Accountable Authority Instructions (AAIs) are issued under section 20A of the Public Governance, Performance and Accountability (PGPA) Act 2013 and give instruction to Treasury officials<sup>1</sup> on PGPA legislation.

These AAIs are the primary source of information and advice for officials on the internal financial management and procurement practices of the Department of the Treasury (Treasury) and have been promulgated to ensure the organisation complies with the financial legislation and associated policies affecting financial activities and sustainability. Non-compliance with the PGPA Act may be reportable and officials may incur sanctions under the Public Service Act 1999.

These AAIs are based on a model set of AAIs, issued by the Department of Finance. A Glossary of Terms is available on the intranet.

Financial delegations empower officials to execute their responsibility for specified financial tasks. Officials holding financial delegations are personally responsible and accountable for the decisions and actions taken when exercising their powers and are obliged to act in accordance with any issued directions.

s 22



### Delegation of other PGPA powers, functions and duties

Delegation of other powers, functions and duties (under sections 23, 36, 45 and 60 of the PGPA Act; sections 11, 17 and 29 of the PGPA Rule; and sections 18, 19, 20 and 22 of the *Government Procurement (Judicial Review) Act 2018*) are hereby delegated, under PGPA Act section 110(1)(a) and, where relevant, under Direction 6.1(4) of the Finance Ministers Delegation, to the Deputy

---

<sup>1</sup> Treasury Officials are employees of Treasury who meet the definition of Officials as per Section 13 of the PGPA Act 2013 and includes Commonwealth Officials formally seconded to Treasury.

Secretary CSBSG, who is able to sub-delegate them to the occupants of specific Treasury positions via a Delegation Instrument.

**Revocations**

The current Accountable Authority Instructions (issued under section 20A of the PGPA Act in July 2019) are hereby revoked.

s 22



The delegation of powers, functions and roles specified in these AAls take effect on the date as signed below.

A handwritten signature in black ink, appearing to be 'SK', written over a faint, illegible printed name.

Steven Kennedy PSM  
Secretary  
September 2019



**Australian Government**

---

**The Treasury**

**ACCOUNTABLE  
AUTHORITY  
INSTRUCTIONS**



## **AAI 2 - APPROVAL AND COMMITMENT OF RELEVANT MONEY**

This AAI provides instruction to Treasury officials on approving and committing relevant money and entering into, varying or administering arrangements. It includes instructions in relation to:

- approving proposed commitments of relevant money and entering into arrangements;
- guarantees, indemnities, warranties and other contingent liabilities;
- official travel;
- official hospitality; and
- sponsorships.

s 22



## **AAI 2.2 - GUARANTEES, INDEMNITIES, AND WARRANTIES, ON BEHALF OF THE COMMONWEALTH**

The Finance Minister has delegated to the Secretary the power to enter into an indemnity, guarantee or warranty on behalf of the Commonwealth. The delegation comes from section 60 of the PGPA Act and is subject to terms and conditions. The Secretary has delegated this power to the Deputy Secretary of Corporate Services and Business Strategy Group, who is able to sub-delegate it to Treasury officials. [Refer to the Treasury Delegation instrument](#). The Finance Minister has not delegated the power to enter into loan guarantees.

### **Instructions – All officials**

**You cannot enter into an arrangement that includes the giving of an indemnity, guarantee or warranty, unless you have been delegated the power to grant an indemnity, guarantee or warranty on behalf of the Commonwealth (from an SES official).**

**You must comply with the directions in the authorisation when entering into an arrangement that involves an indemnity, guarantee or warranty.**

**Debt guarantees (including loan and equity guarantees) must be authorised by the Finance Minister.**

**You cannot enter into an arrangement that involves an indemnity, guarantee or warranty with another non-corporate Commonwealth entity.**

**Instructions – Delegates**

**You must comply with the directions set out in Schedule 1 Part 6 of the Finance Minister's Delegation.**

Refer Operational Guideline [2.2 Guarantees, indemnities, warranties, on behalf of the Commonwealth](#) for detailed procedural guidance to support this AAI.

s 22





**Australian Government**

**The Treasury**

**Deputy Secretary - Corporate Services and Business Strategy Group**  
***Public Governance, Performance and Accountability Act 2013; and Government***  
***Procurement (Judicial Review) Act 2018* Delegation Instrument**

I, Matthew Flavel, Deputy Secretary of the Department of the Treasury, further to the powers conferred upon me by the Secretary in the Accountable Authority Instructions:

- (a) delegate the powers, but not the power to sub delegate, functions or duties in the provisions specified in the headings of Tables 1, 2 and 3 below to the Officials (as defined in Section 13 of the PGPA Act 2013, including Commonwealth Officials formally seconded to Treasury) performing the duties of the positions specified in the left-hand column subject to the conditions specified in those tables (the abbreviations and terms used in this instrument have meaning set out in Table 4);
- (b) delegate to the Chief Financial Officer the power, function or duty where there is no delegate available to exercise a delegated power, function or duty; and
- (c) declare that this instrument takes effect on the date as signed below.

The delegations are to be exercised in accordance with the Accountable Authority Instructions.

  
.....

5 September 2019

**Table 2: Financial Delegations – Other powers, functions or duties**

	s 22	5 Authorise an Indemnity, Guarantee or Warranty on behalf of the Commonwealth
PGPA Act Section or Rule		PGPA Act s60
Deputy Secretaries		✓
Chief Financial Officer		✓
Head of People and Organisational Strategy Division		✓
SES2 and SES1		✓

(i) Chief Risk Officer

(ii) Staff debt

s 22

**Table 4: Glossary of Terms and Acronyms**

Acronym/Term	Explanation
AC	Administrative Coordinator
ASO	Administrative Support Officer
CFOD	Chief Financial Officer Division
COS	Chief of Staff
CSRD	Commonwealth-State Relations Division
DH	Division Head
EA	Executive Assistant
EL1	Executive Level 1
EL2	Executive Level 2
EO	Executive Officer
General Expenditure	All expenditure including domestic travel, consultants, contractors and other suppliers, but <b>excludes</b> international travel (with the exception of Visas, Passports and The Travel Doctor), official hospitality, grants, sponsorships, ICT (both hardware and software), facilities and property (rent, property maintenance, office fit-out, furniture, fittings and office equipment).
ICT	Information and Communication Technology (hardware and software)
IPED	International Policy and Engagement Division
ISD	Information Services Division
LOAF	Up to the Limit of Available Funds, i.e. budget allocation less commitments already made.
LSP	Up to Limit of Spending Proposal
PGPA	Public Governance, Performance and Accountability
POSD	People and Organisational Strategy Division
SEA	Senior Executive Assistant
SES1	Senior Executive Service Band 1
SES2	Senior Executive Service Band 2