

**PROTECTED: CABINET**

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25. Mr Daniel Walton s 47F

Title and Organisation	Bio
s 47F	



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**PROTECTED: CABINET**

**ATTACHMENT B**

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## APPOINTMENT DETAILS PRO-FORMA

<b>Proposing Minister/s</b>	The Hon Ed Husic MP, Minister for Industry and Science The Hon Katy Gallagher MP, Minister for Finance					
<b>Organisation</b>	National Reconstruction Fund (NRF) Corporation Board					
<b>Proposed Position</b>	Member					
<b>Is this a New Appointment or a Reappointment?</b>	New Appointment					
<b>Proposed Appointee</b>	Mr Daniel Walton					
<b>Nominee's Current Position and / or Relevant Credentials</b>	s 47F					
<b>DOB</b>	s 47F	<b>Gender</b>	M	<b>State of Residence</b>	s 47F	<b>EEO Category*</b>
<b>Proposed Term</b>	For 4 years.				<b>Full time (FT) or Part Time (PT)</b> Part Time (PT)	
<b>Remuneration</b>	Annual fee of \$61,240 plus Tier 1 travel arrangements.				<b>Set by Remuneration Tribunal</b>	
<b>Has the APSC Merit and Transparency policy for Agency Heads and Statutory Offices been followed?</b>	Exempt. The relevant office is part-time.	<b>Is the Private Interests Declaration attached?</b>		Yes		
		<b>Is a current CV attached?</b>		Yes		
<b>For all other vacancies, has the Minister addressed appointment options?</b>	Yes. An independent search firm was engaged in the search process for NRF Board appointments.	<b>Is the current membership list of the body attached?</b>		Yes		
<b>What is the legislative authority?</b>	Section 19, <i>National Reconstruction Fund Corporation Act 2023</i>					
<b>Have all legislative requirements been met?</b>	Yes.					
<b>Who appoints?</b>	The Shareholder Ministers					
<b>Departmental Contact Officer</b>	s 22(1)(a)(ii)			<b>Phone</b>	s 22(1)(a)(ii)	

**CURRICULUM VITAE**

s 47F

## PRIVATE INTERESTS DECLARATION

<b>PROPOSED POSITION &amp; ORGANISATION</b>	<b>MEMBER, NATIONAL RECONSTRUCTION FUND (NRF) CORPORATION BOARD</b>
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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 the provided attachment to this form, signed and dated.** 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> )?	s 47F
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)?	
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?	
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?	
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?	
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?	
7. Have you ever been the subject of a complaint to a professional body which has been substantiated, or is currently under investigation?	
8. Have you ever been dismissed from employment because of a discipline or misconduct issue?	
9. Are you the director of a company? <u>If yes, please provide details in the following page.</u>	
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.	
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.	
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/part-time basis? If yes, please provide details.	
13. Is there any other information which could be relevant to your suitability for the proposed appointment? i.e. advisory roles/not-for-profit boards or any relevant information.	

### ASSURANCE

<p><b>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.</b></p> <p><b>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.</b></p>
<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <p>s 47F</p> <p>Name _____</p> </div> <div style="width: 40%; text-align: center;"> <p>s 47F</p> </div> <div style="width: 20%; text-align: right;"> <p>30/6/2023</p> <p>Date</p> </div> </div>

**PRIVATE INTERESTS DECLARATION - ATTACHMENT**

<b>PROPOSED POSITION &amp; ORGANISATION</b>	<b>MEMBER, NATIONAL RECONSTRUCTION FUND (NRF) CORPORATION BOARD</b>
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Please provide details for all 'yes' answers to any question on the Private Interests Declaration form. Please detail how any conflict(s), actual or perceived, will be managed if appointed. Please note that responses to Q12 may be relevant to remuneration payable for part-time appointments with reference to section 7(11) of the *Remuneration Act 1973*. The Act provides that a person is not entitled to remuneration for part-time appointments when holding certain full-time employment, engagement or appointment. Your responses will be treated as confidential and will only be used for purposes connected with the proposed appointment.

**Please provide any conflict of mitigation strategy/ies for all directorships and advisory board roles.**  
*Please note, a detailed conflict mitigation strategy is required for all directorships and advisory board roles. "No Conflict" is not a sufficient response.*

QUESTION	DETAILS <u>WITH</u> CONFLICT MITIGATION STRATEGY
s 47F	

**ASSURANCE**

<p><b>I declare that to the best of my knowledge, the information provided above is true and correct.</b></p>		
<p>.....</p> <p style="text-align: center;">s 47F</p>	<p>.....</p> <p style="text-align: center;">s 47F</p>	<p>.....30/6/2023....</p>
Name	Signature	Date

Attachment C

Candidates	Geographic & Gender Diversity		Sub-Committee membership		Industry/Manufacturing <i>Industrial Relations s19(2)(j)</i> <i>Industry Growth s19(2)(k)</i>	Commercial/Financial <i>Banking and Finance s19(2)(c)</i> <i>VC, PE or investment by way of lending or provision of credit s19(2)(d)</i> <i>Economics s19(2)(e)</i> <i>Accounting s19(2)(g)</i> <i>Commercialisation of Innovative research s19(2)(ka)</i>	Legal & Governance <i>Law s19(2)(h)</i>	Government <i>Government funding programs or bodies s19(2)(f)</i>	Priority Areas						
			Risk & Audit	HR & Rem					A	B	C	D	E	F	G

s 22(1)(a)(ii)

Walton, Daniel	M	NSW			The Australian Workers' Union, Australian Council of Trade Unions	Australian Super; Chifley Financial Services		NSW Renewable Energy Sector Board; Minerals Industry Advisory Council, Department of Regional NSW; DFAT Ministerial Advisory Council, Commonwealth Agricultural Workforce Working Group	X				X				
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LEGEND

A: Renewables & low emissions technologies	B: Medical science	C: Transport	D: Value-add in agriculture, forestry & fisheries sectors	E: Value-add in resources	F: Defence	G: Enabling capabilities
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Name	Title and Organisation	Comments
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s 22(1)(a)(ii)

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Name	Title and Organisation	Comments
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s 47F

s 22(1)(a)(ii)

## PROTECTED CABINET

## DEPARTMENT OF INDUSTRY, SCIENCE AND RESOURCES

MS23-001288

To: Minister for Industry and Science (For Decision)

**INSTRUMENTS AND LETTERS OF APPOINTMENT FOR THE NATIONAL RECONSTRUCTION FUND (NRF) CORPORATION BOARD AND CHAIR**

**Timing: URGENT** by 11 August to facilitate onboarding of the NRF Board as soon as possible.

**Recommendations:**

Following approval of the NRF Board appointments by the Prime Minister and the Cabinet:

1. That you **sign**, along with the Minister for Finance, the Instruments of Appointment for the National Reconstruction Fund (NRF) Board Chair and members (at Attachment A).

**Signed / Not signed**

2. That you **sign**, along with the Minister for Finance, the letters of appointment provided at Attachment B.

**Signed / Not signed**

**Minister:**

Date:

**Comments:**

<b>Clearing Officer:</b>	Rebecca Manen	A/g Head of Division, Manufacturing & NRF	Mob: s 22(1)(a)(ii)
Contact Officer:	s 22(1)(a)(ii)	Manager, Manufacturing & NRF	Mob: s 22(1)(a)(ii)
<b>For Parliamentary Services' use only.</b> Date Submitted to the Minister's office in PDMS:			04/08/2023

**Key Points:**

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2. Section 19(1)(a) of the *National Reconstruction Fund Corporation Act 2023* (the Act) requires Board members to be appointed by the Ministers by written instrument.
3. Subject to the Prime Minister and the Cabinet's approval of your recommended appointments, you and the Minister for Finance will need to sign an Instrument of Appointment (Attachment A refers) and Letter of Appointment (Attachment B refers) for each candidate.
4. Once signed, the department will send these documents to NRF Board members to finalise the appointment.
5. Board members are unable to exercise functions prescribed under the Act until the legislation commences. We will brief you separately on the process for proclamation of the Act.
6. Separately, the department will send 2 key documents to candidates for completion: a Conflict of Interest Declaration and Confidentiality Deed Poll. These must be signed and returned before the onboarding process can commence.

s 22(1)(a)(ii)

**ATTACHMENTS**

- A:** Instruments of Appointment
- B:** Letters of appointment

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**From:** Minister Husic  
**Sent:** Wednesday, 9 August 2023 12:13 PM  
**To:** s 47F  
**Cc:** Minister Husic; DLO - Finance; NRF Secretariat  
**Subject:** Letter from Senator the Hon Katy Gallagher and the Hon Ed Husic MP - NRFC Appointment [SEC=OFFICIAL]  
**Attachments:** Mr Daniel Walton - NRFC Appointment Letter Enc. Instrument.pdf

**OFFICIAL**

Good afternoon Mr Walton

Please find attached a letter from Senator the Hon Katy Gallagher, Minister for Finance, and the Hon Ed Husic MP, Minister for Industry and Science, regarding your appointment as a Board Member of the National Reconstruction Fund Corporation (NRFC).

Kind regards  
Kate

**Office of the Hon Ed Husic MP | Minister for Industry and Science**  
Ps 22(1)(a)(ii) E s 22(1)(a)(ii)

**OFFICIAL**



**SENATOR THE HON KATY GALLAGHER**  
**Minister for Finance**

**THE HON ED HUSIC MP**  
**Minister for Industry and Science**

Finance ref: MS23-000815  
 Industry ref: MS23-001288

Mr Daniel Walton  
 s 47F

09 AUG 2023

Dear Mr Walton

**Appointment as Board Member of the National Reconstruction Fund Corporation**

We are pleased to appoint you as a Board Member of the National Reconstruction Fund Corporation ('**NRFC**') for a 4 year term. The conditions of the appointment as determined under section 27 of the *National Reconstruction Fund Corporation Act 2023* ('**the Act**') are set out below. Attached to this letter is a copy of the Instrument of Appointment.

***The NRFC's role***

The NRFC will be a Corporate Commonwealth Entity established to provide finance in the form of debt and equity for projects in priority areas to diversify and transform Australia's industry and economy. The Department of Industry, Science and Resources will send you a Conflict of Interest Declaration and Confidentiality Deed Poll. Once you have completed and returned these documents, you will receive a preliminary briefing pack which contains background to the role of the NRFC. Staff from our Departments will provide you with verbal briefings, as required, to supplement the information contained in that preliminary briefing pack and prepare you for your role as Board Member.

***The Board's role***

The role of the Board is to provide stewardship, strategic leadership, governance and oversight of the NRFC. The Board is accountable to us, as the Ministers under the Act, for:

- governance and reporting;
- promoting accountability for Government resources; and
- ensuring sound financial management and commercial operation by the NRFC.

The Board has ultimate fiduciary responsibility for the performance of the NRFC. The Board will decide the strategies and policies to be followed by the NRFC, and ensure the NRFC performs its functions in a manner that is proper, efficient and consistent with sound commercial practice. To that end, we expect the NRFC Board to monitor the integrity and effectiveness of the NRFC's governance processes and to manage potential financial and operational risks.

**Your role**

We are appointing you to the office of Board Member part-time for a period of 4 years from the commencement of the Act.

The remuneration payable to you by the NRFC will be in accordance with the determination of the Remuneration Tribunal, as required by the *Remuneration Tribunal Act 1973*. As a Board member, your remuneration is currently set at \$61,240 per annum with Tier 1 travel allowance, as specified under the *Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination (No.1 2023)*.

In accepting the position of Board member to the NRFC Board, you consent to the publication of your name and remuneration, consistent with the reporting requirements. Your remuneration will also be disclosed in the NRFC's Annual Report.

The NRFC will make superannuation contributions to the superannuation fund chosen by you or your existing "stapled" fund in accordance with legislative requirements. As a Board Member you are eligible to join the PSS accumulation plan administered by Commonwealth Superannuation Corporation which has a higher employer contribution rate than generally required under the superannuation guarantee legislation. You should seek your own advice on your superannuation arrangements.

You would be aware that in certain circumstances, Board Members may find it necessary to seek independent professional advice to carry out their duties. In such cases, you should discuss your requirements with the Chair who will advise the procedures involved and the basis on which the NRFC will bear the costs.

**Governance**

It is important that you familiarise yourself with the Act which includes provisions that are relevant to your appointment as Board Member.

As a non-executive Board Member of the NRFC your fiduciary duties are prescribed in the *Public Governance, Performance and Accountability Act 2013* ('PGPA Act'). For the purpose of the PGPA Act, we remind you of the positive obligation as a member of the Board to govern the NRFC in a way that promotes the proper use and management of public resources for which the Board is responsible. Accordingly, you are required to acquaint yourself with public governance requirements through the NRFC's induction processes. The Department of Finance is available to brief you on the PGPA obligations. It is also the Government's expectation, as good governance practice, that you receive ongoing updates or refresher training on these obligations.

As a Corporate Commonwealth Entity, the NRFC may be subject to both Parliamentary and Commonwealth audit processes. The NRFC is also subject to general public sector performance and accountability obligations, including but not limited to, those set out under the PGPA Act.

**Confidentiality**

Until a Deed of Access, Insurance and Indemnity is entered into, you should treat any information provided to you or which you may receive by virtue of your role as a member of the NRFC Board as confidential to the NRFC and the Commonwealth. Such information may not be disclosed to any person except as specifically authorised by the Board, the Commonwealth (as relevant) or according to legislative requirements, unless that information is already available in the public arena. The obligation to ensure and maintain confidentiality will continue after you cease to be a Board Member.

To address confidentiality requirements until the inaugural board meeting, you are asked to submit and comply with the Confidentiality Deed Poll provided to you by the Department of Industry, Science and Resources.

**Security clearance**

Please note that you will be required to obtain an Australian Government security clearance to perform your role on the NRFC Board. In accepting this position, you agree to take all necessary steps to obtain at least a Baseline level security clearance. You should let us know immediately if you have any concerns about your ability to obtain a Baseline level security clearance.

**Conflicts of interest**

As a Board Member, you have been asked to submit a Conflict of Interest Declaration in the form provided to you by the Department of Industry, Science and Resources. If you become aware of any conflict, potential conflict or perceived conflict of interest, you are required to declare any such conflict immediately. You should make the circumstances known immediately, and follow any relevant policies.

In addition, you must follow relevant policies and provide notice before accepting any subsequent directorships or appointments with another company or entity as well as any changes in your personal circumstances that might impact your ability to perform your role as a Board Member of the NRFC.

**Response**

We would appreciate a response to this letter within 5 days confirming your acceptance of your appointment as a Board member of the NRFC. In responding, we ask that you provide an undertaking to advise us of any changes in your personal circumstances that might impact your ability to perform the role.

Congratulations on your appointment and we look forward to working with you in your role as Board Member of the NRFC.

Yours sincerely

s 47F

s 47F

Katy Gallagher  
Minister for Finance

U

Ed Husic  
Minister for Industry and Science

# INSTRUMENT OF APPOINTMENT



COMMONWEALTH OF AUSTRALIA

NATIONAL RECONSTRUCTION FUND CORPORATION

National Reconstruction Fund Corporation Act 2023

INSTRUMENT OF APPOINTMENT

Board member of the National Reconstruction Fund Corporation

We, Katy Gallagher, Minister for Finance and Ed Husic, Minister for Industry and Science:

- (a) appoint **DANIEL WALTON** under section 19(1) of the *National Reconstruction Fund Corporation Act 2023* (Cth) as a member of the National Reconstruction Fund Corporation Board on a part-time basis for a period of 4 years from commencement of the Act.

s 47F

s 47F

Senator the Hon Katy Gallagher  
Minister for Finance

Dated this ..... day of August 2023

The Hon Ed Husic MP  
Minister for Industry and Science

Dated this ..... day of August 2023

s 22(1)(a)(ii)

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**From:** s 22(1)(a)(ii)  
**Sent:** Thursday, 20 July 2023 3:17 PM  
**To:** s 22(1)(a)(ii)  
**Subject:** FW: NRF Corporation Board [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

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OFFICIAL: Sensitive

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**From:** s 47F  
**Sent:** Thursday, 20 July 2023 3:03 PM  
**To:** s 22(1)(a)(ii)  
**Cc:**  
**Subject:** Re: NRF Corporation Board [SEC=OFFICIAL:Sensitive]

Hi s 22(1)(a)(ii)

Just landed and I'll call shortly.

My current address is:

s 47F

And my date of birth is:

s 47F

Kind regards

Dan

On Thu, 20 Jul 2023 at 1:21 pm, s 22(1)(a)(ii)

wrote:

OFFICIAL: Sensitive

Hi Daniel,

I am following up on a discussion you have been having with Minister Husic and NGS Global recruitment about the NRF Corporation Board.

We have your CV and Public Interest Declaration, but in closing out the paperwork that supports the nomination process we realised we are missing your address and date of both. Can you please send through?

Please give me a call if you have any concerns.

1

Cheers

s 22(1)(a)(ii)

**Tim Wyndham**

**General Manager**

Manufacturing & NRF Division

Department of Industry, Science and Resources

**P:** s 22(1)(a)(ii) | **E:** s 22(1)(a)(ii)

OFFICIAL: Sensitive

OFFICIAL: Sensitive