



Ministerial Submission

**FOR: MS BISHOP
(FOR ACTION)**

From: Pamela O'Grady, A/g Chief of Protocol **Contact Officer:** s 22(1)(a)(ii)
s 22(1)(a)(ii)

Subject: HIGH COMMISSIONER APPOINTMENT - LONDON

<p>Urgency: By 1 February 2018, for the 8 February 2018 Executive Council Meeting</p> <p>Key Issues: On 2 January, the Acting Secretary wrote to you recommending you nominate Senator The Hon George Brandis QC as Australia's next High Commissioner to the United Kingdom of Great Britain and Northern Ireland. Subject to your acceptance of the recommendation, attached are the ExCo documents for your signature. We also seek authority for you to determine the terms and conditions of this appointment.</p>	
<p>Recommendations: That you sign the Minute, Explanatory Memorandum and Commission of Appointment; and initial the CV.</p>	<p>Decision</p> <p><u>Signed/Not Signed</u></p> <p>Please Discuss</p>
<p>Domestic/Media Considerations: No.</p> <p>Action:</p> <p><i>Julie Bishop</i> Julie Bishop 16/1/18</p>	
<p>Information: <u>Noted</u></p>	

s 22(1)(a)(ii)

Pamela O'Grady
A/g Chief of Protocol

File No: s 47E(d)



MINISTER FOR FOREIGN AFFAIRS

Departmental No.2

Minute Paper for the Executive Council

Executive Council Meeting No.

Subject

The Constitution

Termination of Appointment and Commission of Appointment of High Commissioner for Australia to the United Kingdom of Great Britain and Northern Ireland

Recommended for the approval of His Excellency the Governor-General in Council that he:

- (a) terminate the appointment of The Honourable Alexander John Gosse Downer AC as High Commissioner for Australia to the United Kingdom of Great Britain and Northern Ireland on and from a date to be determined by the Minister for Foreign Affairs;
(b) appoint, by Commission in the attached form, The Honourable George Henry Brandis QC to be High Commissioner for Australia to the United Kingdom of Great Britain and Northern Ireland on and from a date to be determined by the Minister for Foreign Affairs, being a date not earlier than the date on which the appointment of the Honourable Alexander John Gosse Downer AC shall terminate and subject to agrément being received from the United Kingdom of Great Britain and Northern Ireland;
(c) authorise that the Honourable George Henry Brandis QC be paid such salary and allowances as may be determined from time to time by the Minister for Foreign Affairs; and
(d) authorise that the appointment of the Honourable George Henry Brandis QC be subject to such other terms and conditions as may be approved from time to time by the Minister for Foreign Affairs.

Approved in Council

Peter Cosgrove Governor-General

Filed in the Records of the Council

Secretary to the Executive Council

Handwritten signature of Julie Bishop, Minister for Foreign Affairs



COMMISSION OF APPOINTMENT OF
HIGH COMMISSIONER FOR AUSTRALIA TO
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and in the exercise of all powers me thereunto enabling, appoint


THE HONOURABLE GEORGE HENRY BRANDIS QC

to be High Commissioner and Plenipotentiary for Australia to the United Kingdom of Great Britain and Northern Ireland on and from such day as is determined by the Minister for Foreign Affairs.

Signed and Sealed with the
Great Seal of Australia on
2018

Peter Cosgrove
Governor-General

By His Excellency's Command


Julie Bishop
Minister for Foreign Affairs

ENTERED ON RECORD by me, in Register of Patents No. _____ page _____, on _____

Secretary to the Federal Executive Council

Minute No. 2 of 2018 - Minister for Foreign Affairs

Subject: *The Constitution*

Termination of Appointment and Commission of Appointment of High Commissioner for Australia to the United Kingdom of Great Britain and Northern Ireland

The power to appoint Australian diplomatic and consular representatives is exercisable by the Governor-General by virtue of Chapter II of the *Constitution* which provides, among other things, that the executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General.

The Minute recommends the termination of the appointment of The Honourable Alexander John Gosse Downer AC as High Commissioner for Australia to the United Kingdom of Great Britain and Northern Ireland, from a date to be determined by the Minister for Foreign Affairs, and the appointment of The Honourable George Henry Brandis QC as High Commissioner for Australia to the United Kingdom of Great Britain and Northern Ireland¹ subject to *agrément* being received from the United Kingdom of Great Britain and Northern Ireland. The granting of *agrément* by the receiving State for the person a sending State proposes to accredit as head of mission is a requirement of the *Vienna Convention on Diplomatic Relations*, to which Australia is a party. The *agrément* of the United Kingdom of Great Britain and Northern Ireland will be sought for this appointment. The Minute also seeks authority for the Minister for Foreign Affairs to determine the salary, allowances and other terms and conditions to apply to this appointment.

Mr Brandis is expected to take up his position in March 2018, succeeding Mr Downer who has been High Commissioner since 2014. Mr Downer is expected to return to Australia to pursue interests outside of the Australian Public Service.

Mr Brandis² has been a serving member of the Federal Parliament since 2000 and was most recently Senator for Queensland. He has previously served as Attorney-General, and Vice-President of the Executive Council (2013-2017); Leader of the Government in the Senate (2015-2017); Federal Minister for the Arts, and Deputy Leader of the Government in the Senate (2013-2015); Shadow Federal Minister for the Arts and Deputy Leader of the Opposition in the Senate (2010-2013); Shadow Attorney-General (2007-2013); and Federal Minister for the Arts and Sport, and Member of the Federal Executive Council (2007).

Mr Brandis holds a Bachelor of Law, University of Oxford, 1983; a Bachelor of Laws (First Class Honours), 1980, and a Bachelor of Arts (First Class Honours in Government), University of Queensland, 1979.

Mr Brandis' curriculum vitae is attached.

The Minute recommends that the appointment be made in the form proposed.



1. The Honourable George Henry Brandis QC is suitable for appointment as High Commissioner for Australia to the United Kingdom of Great Britain and Northern Ireland by virtue of his prior experience and relevant background.



Minister for Foreign Affairs

Authority: Chapter II of
the *Constitution*

CURRICULUM VITAE

Name: The Honourable George Henry Brandis QC

Address: c/- Department of Foreign Affairs and Trade (DFAT)

Date of birth: 22 June 1957

Present position: Senator for Queensland

Educational and professional qualifications: Bachelor of Law, University of Oxford, 1983

Bachelor of Laws (First Class Honours), University of Queensland, 1980

Bachelor of Arts (First Class Honours in Government), University of Queensland, 1979

Relevant language skills: N/A

Relevant experience: 2013-2017: Attorney General, and Vice-President of the Executive Council

2015-2017: Leader of the Government in the Senate

2013-2015: Federal Minister for the Arts, and Deputy Leader of the Government in the Senate

2010-2013: Shadow Federal Minister for the Arts, and Deputy Leader of the Opposition in the Senate

2007-2013: Shadow Attorney-General

2007: Federal Minister for the Arts and Sport, and Member of the Federal Executive Council





MINISTER FOR FOREIGN AFFAIRS

Departmental No.2

Minute Paper for the Executive Council

Executive Council Meeting No.2.....

Subject

The Constitution

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Recommended for the approval of His Excellency the Governor-General in Council that he:

- (a) terminate the appointment of The Honourable Alexander John Gosse Downer AC as High Commissioner for Australia to the United Kingdom of Great Britain and Northern Ireland on and from a date to be determined by the Minister for Foreign Affairs;
(b) appoint, by Commission in the attached form, The Honourable George Henry Brandis QC to be High Commissioner for Australia to the United Kingdom of Great Britain and Northern Ireland on and from a date to be determined by the Minister for Foreign Affairs, being a date not earlier than the date on which the appointment of the Honourable Alexander John Gosse Downer AC shall terminate and subject to agrément being received from the United Kingdom of Great Britain and Northern Ireland;
(c) authorise that the Honourable George Henry Brandis QC be paid such salary and allowances as may be determined from time to time by the Minister for Foreign Affairs; and
(d) authorise that the appointment of the Honourable George Henry Brandis QC be subject to such other terms and conditions as may be approved from time to time by the Minister for Foreign Affairs.

Approved in Council

Peter Cosgrove

Peter Cosgrove Governor-General

8 FEB 2018

Filed in the Records of the Council

Lee Steel Secretary to the Executive Council

Julie Bishop Minister for Foreign Affairs



COMMISSION OF APPOINTMENT OF
HIGH COMMISSIONER FOR AUSTRALIA TO
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and in the exercise of all powers me thereunto enabling, appoint

THE HONOURABLE GEORGE HENRY BRANDIS QC

to be High Commissioner and Plenipotentiary for Australia to the United Kingdom of Great Britain and Northern Ireland on and from such day as is determined by the Minister for Foreign Affairs.

Signed and Sealed with the
Great Seal of Australia on

8th January 2018



Peter Cosgrove
Governor-General

By His Excellency's Command

Julie Bishop
Minister for Foreign Affairs

ENTERED ON RECORD by me, in Register of Patents No. 53 page 3 , on 8 February 2018

RML
Secretary to the Federal Executive Council



PRIME MINISTER

Dear Prime Minister,

The bearer of this letter is the Honourable George Brandis QC, whom the Australian Government has appointed as its High Commissioner to the United Kingdom of Great Britain and Northern Ireland, in succession to the Honourable Alexander Downer AC.

Mr Brandis assumes the position at a time when our common values, close ties and shared interests are increasingly important as we tackle contemporary global challenges.

s 22(1)(a)(ii)

s 22(1)(a)(ii)

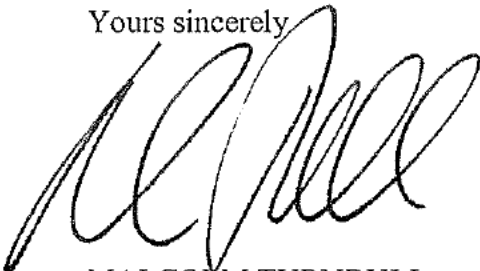
I am confident that Mr Brandis's personal qualities, as well as his experience, will assist him in the important task of maintaining and developing the close and friendly ties between our two countries. Mr Brandis has had a distinguished political career in Australia as a member of the Federal Parliament. His appointments have included Attorney-General, Vice-President of the Executive Council, Leader and Deputy Leader of the Government in the Senate, and Minister for the Arts.

In commending Mr Brandis to you, I would ask that you give your entire credence to all that he may communicate to you in the name of the Australian Government.

I am sure that you and the Government that you lead will afford to him all possible help and cooperation in the fulfilment of his mission.

s 22(1)(a)(ii)

Yours sincerely



MALCOLM TURNBULL

The Rt Hon Theresa May MP
Prime Minister

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

s 22(1)(a)(ii)

08 JUN 2018

Department of Foreign Affairs and Trade

Minute

Mr Lawrence

File No: s 22(1)(a)(ii)

Instrument of engagement signed. ~~Also letter~~

Date: 12 February 2018

TO.

Jennifer Rawson, Deputy Secretary to Mr Brandis

JK 12/2

Through.

Sally Mansfield, Chief People Officer

FM.

David Lawrence, Assistant Secretary, Staffing Branch

INSTRUMENT OF ENGAGEMENT OF AN APS EMPLOYEE: GEORGE BRANDIS

Under Section 39(1) of the *Public Service Act 1999* (the Act), all Heads of Mission/Post (HOM/HOP) must be engaged as employees of the Australian Public Service (APS) prior to commencing their term. For the purposes of section 39(2)(a) of the Act, the Minister for Foreign Affairs directed you to engage Mr George Brandis QC as an APS employee when she agreed to the nomination of Mr Brandis as High Commissioner, London (**Attachment A**).

2. HOM/HOPs engaged from outside the APS under the above provision are employed as non-ongoing employees for the duration of a specified task or for a specified term, as outlined under section 22(2)(b) of the Act. In order to comply with the Act and help mitigate the risk that a non-ongoing HOM/HOP may later be regarded as an ongoing APS employee, we have included a recommendation that you agree to a reasonable estimation of the duration of the HOM/HOP's term of employment.

3. Subject to your agreement on his engagement, Mr Brandis would commence his engagement with the department on 12 February 2018, with an expected start date as High Commissioner, London of 28 March 2018.

Recommendations

4. That you agree to a reasonable estimation of the duration of the engagement of Mr George Brandis in order to take up the appointment of High Commissioner, London, being a period of three years, noting that this is the usual term of appointment for HOMs, subject to any decision by the Minister for Foreign Affairs/Government to extend or shorten the term.

AGREED

PLEASE DISCUSS

5. That you sign the attached Instrument of Engagement (**Attachment B**).

s 22(1)(a)(ii)

SIGNED

PLEASE DISCUSS

David Lawrence
Assistant Secretary
Staffing Branch

FOREIGN AFFAIRS AND TRADE

**THE HON JULIE BISHOP MP
THE HON STEVEN CIOBO MP**

**FOR ACTION
FOR INFORMATION (NO DEADLINE)**

HEAD OF MISSION, LONDON: APPOINTMENT

In a media release on 19 December 2017, the Prime Minister said that he intended to recommend to the Governor-General that Senator George Brandis be appointed as Australia's High Commissioner to the United Kingdom.

2. In order to commence the formal appointment process, I attach a recommendation that you agree to the nomination of Senator Brandis as the next High Commissioner to London.

s 22(1)(a)(ii)

Jennifer Rawson
Acting Secretary
2 January 2018

LONDON

Current occupant: Alexander Downer

ETA: March 2018

Level of HOM position: SES Band 3

Senator the Hon George Brandis has been a Senator for Queensland (Liberal Party) since 2000. Senator Brandis was appointed Attorney-General in 2013, and also served as Vice-President of the Executive Council (2013-17), Minister for the Arts (2013-15), Leader of the Government in the Senate (2015-17), and Deputy Leader of the Government in the Senate (2013-15). He was Minister for Arts and Sport in 2007. He has served on a broad range of parliamentary committees. Prior to his election to the Parliament, Senator Brandis was a barrister.

Senator Brandis's extensive experience in government and parliament, in particular across a range of legal, security and intelligence issues, equip him well to advance further Australia's close and cooperative relationship with the United Kingdom. In his role as Attorney-General, he has established productive working relationships with members of the UK Government, including on security issues. He knows the United Kingdom well, including having obtained a degree at Oxford University.

Subject to your agreement to his nomination and approval of the Executive Council, I note that by your direction Senator Brandis will be engaged by DFAT as an APS employee, as required by Section 39 of the Public Service Act in order for him to take up a HOM position.

I **recommend** you nominate **George Brandis** for the position of **HOM London**.

AGREED **NOT AGREED**

NOTED

PLEASE DISCUSS


JULIE BISHOP
15/1/18

STEVEN CIOBO

/ /

**DEPARTMENT OF FOREIGN AFFAIRS
AND TRADE**

ENGAGEMENT OF APS EMPLOYEE

PUBLIC SERVICE ACT 1999

I, Jennifer Rawson, Deputy Secretary, Department of Foreign Affairs and Trade, acting pursuant to Section 39 of the Public Service Act 1999 (the Act):

- Engage George Henry Brandis as a non-ongoing SES employee under section 22 of the Act for the period covering his appointment as Head of Mission as determined by the Federal Executive Council;
- Allocate to that employee, under subrules 6 and 9 of the Public Service Classification Rules 2000, the classification of Senior Executive Band 3.3; and
- Assign the duties of High Commissioner in London, United Kingdom to the employee under Section 25 of the Act.

s 22(1)(a)(ii)

Jennifer Rawson
Deputy Secretary
Department of Foreign Affairs and Trade

Dated: 12 February 2018

