

DEPARTMENT OF THE PRIME MINISTER AND CABINET

PM&C  
Secretary  
Ms Foster  
Mr Reid  
Mr Rush

APSC  
Mr Woolcott

PMO  
Dr Kunkel

To: Prime Minister (for decision and signature by Tuesday 3 December 2019, for Executive Council meeting on Thursday 5 December 2019)

CHANGES TO THE STRUCTURE OF DEPARTMENTS

Recommendations - that you:

1. Agree to recommend to the Governor-General, His Excellency General the Honourable David Hurley AC DSC (Retd), changes to administrative arrangements including the abolition and renaming of departments, and transfer of functions between departments, as summarised below and detailed in the attachments.

Agreed / Not Agreed

s 22(1)(a)(ii)

Agreed / Not Agreed

3. Sign the letter to the Governor-General conveying your recommendations (Attachment A).

Signed / Not Signed

4. Sign the Executive Council documents (Attachments B – G).

Signed / Not Signed

s 22(1)(a)(ii)

SCOTT MORRISON

Date:

4.12.19


Key Points:

1. We have prepared documents to give effect to your proposals to reduce the number of departments from 18 to 14, to transfer relevant functions between departments, s 22(1)(a)(ii)
2. The attached letter asks the Governor-General to consider your recommended changes at a special Executive Council meeting at 10am on Thursday 5 December (to take effect on 1 February 2020).

## PROTECTED CABINET

3. The following changes are required to achieve the new structure:
- a. Abolish the department known as Services Australia (formerly known as the Department of Human Services) and transfer its functions to the Department of Social Services.
  - b. Establish a new Executive Agency, to be known as Services Australia, under the Department of Social Services.
  - c. Abolish the Department of Communications and the Arts, and transfer its functions to the renamed Department of Infrastructure, Transport, Regional Development and Communications.
  - d. Rename the Department of the Environment and Energy as the Department of Agriculture, Water and the Environment, and transfer energy functions to the renamed Department of Industry, Science, Energy and Resources.
  - e. Abolish the Department of Agriculture, and transfer its functions to the renamed Department of Agriculture, Water and the Environment.
  - f. Rename the Department of Industry, Innovation and Science as the Department of Industry, Science, Energy and Resources.
  - g. Rename the Department of Education as the Department of Education, Skills and Employment.
  - h. Abolish the Department of Employment, Skills, Small and Family Business and transfer small business functions to the renamed Department of Industry, Science, Energy and Resources and transfer the remaining functions to the renamed Department of Education, Skills and Employment.
  - i. Rename the Department of Infrastructure, Transport, Cities and Regional Development as the Department of Infrastructure, Transport, Regional Development and Communications.

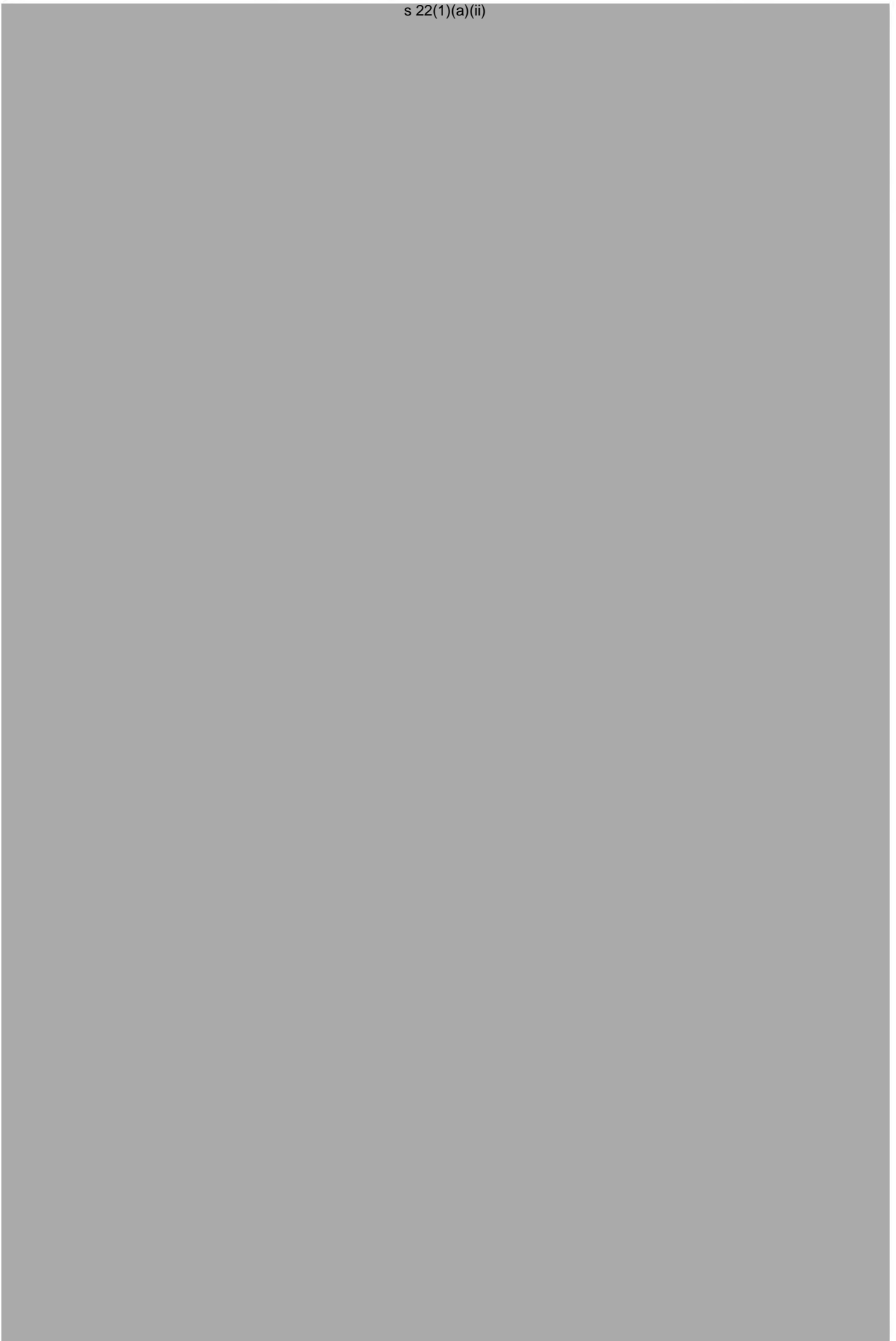
s 22(1)(a)(ii)



PROTECTED CABINET

**PROTECTED CABINET**

s 22(1)(a)(ii)

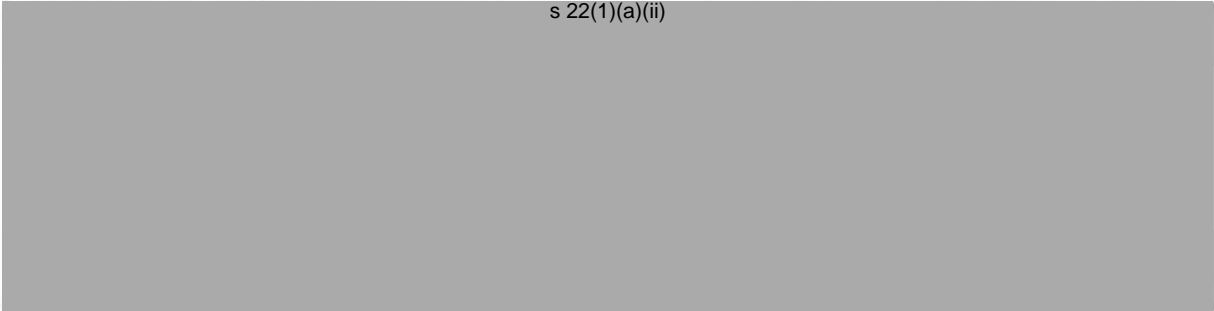


**PROTECTED CABINET**

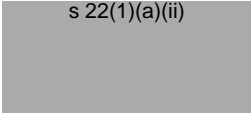
## PROTECTED CABINET

11. Because of the abolition of some departments, the Governor-General will need to revoke and re-appoint six Ministers to administer relevant departments (to take effect on 1 February 2020). No changes to Ministerial titles are proposed and a swearing-in ceremony is not required.
- a. Details of the necessary changes to Ministers' appointments are provided at Attachment G.
  - b. Instruments of revocation and appointment are attached for your signature and to be attached to your letter to the Governor-General for his approval and counter-signature.

s 22(1)(a)(ii)



s 22(1)(a)(ii)



Philip Gaetjens  
Secretary

4 December 2019

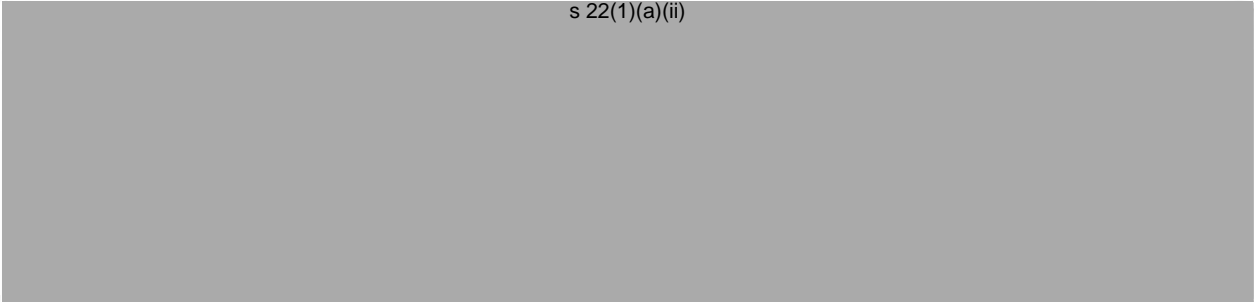
PROTECTED CABINET

## **PROTECTED CABINET**

### **ATTACHMENTS**

- A LETTER TO THE GOVERNOR-GENERAL**
- B EXCO DOCUMENTS TO ABOLISH AND RENAME DEPARTMENTS (MINUTE AND E.M.)**
- C EXCO DOCUMENTS TO ISSUE A NEW ADMINISTRATIVE ARRANGEMENTS ORDER (MINUTE, E.M., INSTRUMENT AND SCHEDULE)**
- D EXCO DOCUMENTS TO ESTABLISH SERVICES AUSTRALIA AS AN EXECUTIVE AGENCY (MINUTE, E.M. AND ORDER)**

s 22(1)(a)(ii)



- G MINISTRY RE-APPOINTMENTS (DETAILS, INSTRUMENTS OF REVOCATION AND APPOINTMENT)**

**PROTECTED CABINET**




## PROTECTED CABINET

### Attachment G: Details of Ministry re-appointments

1. The Minister for Agriculture, **Senator the Hon Bridget McKenzie**, is currently appointed to administer the Department of Agriculture which will be abolished. She will need to be re-appointed to administer the Department of Agriculture, Water and the Environment.
2. The Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism, **Senator the Hon Jonathan Duniam**, is currently appointed to administer the Department of Agriculture which will be abolished, as well as the Department of Foreign Affairs and Trade. He will need to be re-appointed to administer the Department of Agriculture, Water and the Environment and the Department of Foreign Affairs and Trade.
3. The Minister for Employment, Skills, Small and Family Business, **Senator the Hon Michaelia Cash**, is currently appointed to administer the Department of Employment, Skills, Small and Family Business which will be abolished. She will need to be re-appointed to administer the Department of Education, Skills and Employment and the Department of Industry, Science, Energy and Resources following the transfer of small business functions to that department.
4. The Assistant Minister for Vocational Education, Training and Apprenticeships, **the Hon Steve Irons MP**, is currently appointed to administer the Department of Employment, Skills, Small and Family Business which will be abolished. He will need to be re-appointed to administer the Department of Education, Skills and Employment.
5. The Minister for Communications, Cyber Safety and the Arts, **the Hon Paul Fletcher MP**, is currently appointed to administer the Department of Communications and the Arts which will be abolished. He will need to be re-appointed to administer the Department of Infrastructure, Transport, Regional Development and Communications.
6. The Minister for Energy and Emissions Reduction, **the Hon Angus Taylor MP**, is currently appointed to administer the Department of the Environment and Energy and will need to be re-appointed to administer the Department of Industry, Science, Energy and Resources following the transfer of energy functions to that department.

s 22(1)(a)(ii)



His Excellency General the Honourable David Hurley AC DSC (Retd)  
Governor-General of the Commonwealth of Australia  
Government House  
CANBERRA ACT 2600

Your Excellency

I write to recommend changes to administrative arrangements including the abolition and renaming of departments, and transfer of functions between departments, s 22(1)(a)(ii)

I understand you have agreed these matters be considered at a special Executive Council meeting at 10.00am on Thursday, 5 December 2019.

I propose the following changes to the structure and functions of Departments of State (to take effect on 1 February 2020):

- Abolish the department known as Services Australia (formerly known as the Department of Human Services) and transfer its functions to the Department of Social Services.
- Establish a new Executive Agency, to be known as Services Australia, under the Department of Social Services.
- Abolish the Department of Communications and the Arts, and transfer its functions to the renamed Department of Infrastructure, Transport, Regional Development and Communications.
- Rename the Department of the Environment and Energy as the Department of Agriculture, Water and the Environment, and transfer energy functions to the renamed Department of Industry, Science, Energy and Resources.
- Abolish the Department of Agriculture, and transfer its functions to the renamed Department of Agriculture, Water and the Environment.
- Rename the Department of Industry, Innovation and Science as the Department of Industry, Science, Energy and Resources.
- Rename the Department of Education as the Department of Education, Skills and Employment.

- Abolish the Department of Employment, Skills, Small and Family Business and transfer small business functions to the renamed Department of Industry, Science, Energy and Resources and transfer the remaining functions to the renamed Department of Education, Skills and Employment.
- Rename the Department of Infrastructure, Transport, Cities and Regional Development as the Department of Infrastructure, Transport, Regional Development and Communications.

These changes would reduce the number of Departments of State from 18 to 14. <sup>s</sup>  
22(1)  
(a)(ii)

s 22(1)(a)(ii)

The Executive Council documents necessary to give effect to my proposals to reduce the number of departments from 18 to 14, to transfer relevant functions between departments, <sup>s</sup>  
22(1)(a)(ii), are attached.

As a result of the abolition of some departments, I also recommend the revocation and re-appointment of six Ministers to administer relevant departments, with effect on and from 1 February 2020. No changes to Ministerial titles are proposed and, subject to your approval, I propose that no swearing-in ceremony take place. Instruments, of revocation and appointment, signed by me, are attached for your counter-signature.

Yours sincerely

SCOTT MORRISON



## EXPLANATORY MEMORANDUM

Minute No. \_\_\_\_\_ of 2019 - Prime Minister

Subject - *The Constitution*

Abolition and Renaming of Departments of State

Section 64 of the *Constitution*, in so far as it is relevant, provides that the Governor-General may appoint officers to administer such Departments of State of the Commonwealth as the Governor-General in Council may establish.

Section 64 has been construed as clearly implying a power to create, abolish and rename departments. The then Attorney-General, the Hon Nigel Bowen QC, advised in 1968 that, in his view, action taken under section 64 to create, alter or abolish a Department of State has a corresponding effect on a Department of the Public Service.

s 22(1)(a)(ii)

The Minute recommends the abolition of the Department of Agriculture, the Department of Employment, Skills, Small and Family Business, the Department of Communications and the Arts, and Services Australia.

The Minute also recommends the renaming of:

- the Department of the Environment and Energy as the Department of Agriculture, Water and the Environment;
- the Department of Education as the Department of Education, Skills and Employment;
- the Department of Industry, Innovation and Science as the Department of Industry, Science, Energy and Resources; and
- the Department of Infrastructure, Transport, Cities and Regional Development as the Department of Infrastructure, Transport, Regional Development and Communications.

It is also proposed to amend the Administrative Arrangements Order to reflect the reallocation of functions between Departments of State. This is the subject of a separate Minute.

The Minute recommends that Departments of State be abolished and renamed in the form proposed, and to take effect on and from 1 February 2020.

Authority: Chapter II of the *Constitution*



## PRIME MINISTER

Departmental No. /2019

Executive Council  
Meeting No. ....

Approved in Council

David Hurley  
Governor-General

Filed in the Records  
of the Council

Secretary to the Executive Council

### Minute Paper for the Executive Council

#### Subject

*The Constitution*

Abolition and Renaming  
of Departments of State

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

- (a) abolish, under section 64 of the *Constitution*, the following  
Departments of State:

Department of Agriculture

Department of Employment, Skills, Small and Family  
Business

Department of Communications and the Arts

Services Australia

to take effect on and from 1 February 2020.

- (b) rename, under section 64 of the *Constitution*, the  
Departments of State specified in Column 1 to the name  
specified in Column 2 opposite the first-mentioned name.

Column 1

Department of the  
Environment and Energy

Column 2

Department of  
Agriculture, Water and  
the Environment

Department of Education

Department of Education,  
Skills and Employment

Department of Industry,  
Innovation and Science

Department of Industry,  
Science, Energy and  
Resources

Department of  
Infrastructure, Transport,  
Cities and Regional  
Development

Department of  
Infrastructure, Transport,  
Regional Development  
and Communications

to take effect on and from 1 February 2020.

Scott Morrison  
Prime Minister

## **EXPLANATORY MEMORANDUM**

Minute No.     of 2019 – Prime Minister

Subject -            *The Constitution*

Administrative Arrangements Order

The Administrative Arrangements Order stems directly from the *Constitution*. Section 61 of the *Constitution* places the executive power of the Commonwealth in The Queen and provides that it is exercisable by the Governor-General. Section 62 provides for the Executive Council and section 64 provides that the Governor-General may appoint Ministers of State to administer such Departments of State of the Commonwealth as the Governor-General in Council establishes.

An Administrative Arrangements Order specifies the names of Departments of State, the principal matters they deal with and the legislation administered within each portfolio.

The Minute recommends that the Governor-General make an Administrative Arrangements Order to replace the current Order made on 29 May 2019, and amended on 8 August 2019, to reflect changes to administrative arrangements recommended by the Prime Minister.

The proposed Order would formalise the following changes, to take effect on 1 February 2020.

- Transfer the functions of the former department known as Services Australia to the Department of Social Services.
- Transfer communications and arts functions to the renamed Department of Infrastructure, Transport, Regional Development and Communications.
- Transfer small business and energy functions to the renamed Department of Industry, Science, Energy and Resources.
- Transfer agriculture functions to the renamed Department of Agriculture, Water and the Environment.
- Transfer employment and skills functions to the renamed Department of Education, Skills and Employment.

The Minute recommends that the Order be amended in the form proposed.

Authority: Chapter II of the *Constitution*



## COMMONWEALTH OF AUSTRALIA

### ADMINISTRATIVE ARRANGEMENTS ORDER

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, revoke all administrative arrangements previously ordered and order that:

1. The matters dealt with by a Department of State include:
  - (a) the matters referred to in the Part of the Schedule relating to that Department; and
  - (b) matters arising under the legislation administered by a Minister of State administering the Department.
2. The legislation administered by a Minister of State administering a Department is:
  - (a) the legislation referred to in the Part of the Schedule relating to that Department; and
  - (b) legislation passed before or after the date of this Order, that relates to a matter dealt with by the Department, not being legislation referred to in another Part of the Schedule.

This Order will commence on 1 February 2020.

Signed and sealed with the  
Great Seal of Australia on  
5 December 2019

David Hurley  
Governor-General

By His Excellency's Command

Scott Morrison  
Prime Minister



## PRIME MINISTER

Departmental No. /2019

### Minute Paper for the Executive Council

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#### Subject

Executive Council  
Meeting No. ....

*The Constitution*

Administrative Arrangements Order

Approved in Council

Recommended for the approval of His Excellency the Governor-General in Council that he make an Administrative Arrangements Order in the attached form.

.....  
David Hurley  
Governor-General

.....  
Filed in the Records  
of the Council

Scott Morrison  
Prime Minister

.....  
Secretary to the Executive Council



## PRIME MINISTER

Departmental No.     /2019

### Minute Paper for the Executive Council

---

#### Subject

Executive Council  
Meeting No. ....

*Public Service Act 1999*

Order to Establish  
Services Australia as an Executive Agency

Approved in Council

Recommended for the approval of His Excellency the Governor-General in Council that he, by instrument in the attached form and under section 65 of the *Public Service Act 1999*, establish Services Australia as an Executive Agency in the form specified.

.....  
David Hurley  
Governor-General

Scott Morrison  
Prime Minister

.....  
Filed in the Records  
of the Council

.....  
Secretary to the Executive Council





*Public Service Act 1999*

**Order to Establish Services Australia as an Executive Agency**

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and under section 65 of the *Public Service Act 1999*:

- (a) establish Services Australia as an Executive Agency;
- (b) allocate the name Services Australia to the Executive Agency;
- (c) allocate the name Chief Executive Officer to the Head of the Executive Agency;
- (d) identify the Minister for Government Services as the Minister responsible for the Executive Agency;
- (e) specify the functions of Services Australia be as follows:
  - i. design, develop, deliver, co-ordinate and monitor government services and payments relating to social security, child support, students, families, aged care and health programs (excluding Health provider compliance);
  - ii. provide the Government with advice on the delivery of government services and payments;
  - iii. collaborate with other agencies, providers and businesses to deliver convenient, accessible and efficient services to individuals, families and communities; and
  - iv. undertake other relevant tasks the Minister may require from time to time.

This Order will commence on 1 February 2020.

Dated 5 December 2019

David Hurley  
Governor-General

By His Excellency's Command

Scott Morrison  
Prime Minister

## **EXPLANATORY MEMORANDUM**

Minute No.     of 2019 – Prime Minister

Subject -            *Public Service Act 1999*

Order to Establish Services Australia as an Executive Agency

Section 65 of the *Public Service Act 1999* (the Act) provides for the establishment of an Executive Agency.

Under subsection 65(1) of the Act, the Governor-General may do any of the following by Order in the *Gazette*; establish or abolish an Executive Agency (paragraph 65(1)(a)); allocate a name to an Executive Agency or the Head of an Executive Agency (paragraph 65(1)(b)); identify the Minister who is responsible for an Executive Agency (paragraph 65(1)(c)); and specify the functions of an Executive Agency (paragraph 65(1)(d)). Subsections 65(3) and (4) of the Act provide for the establishment and abolition of the office of Head of the Agency. Under section 67, appointment of the Head is by the Agency Minister.

Executive Agencies are non-statutory bodies headed by a person (possibly, but not necessarily, a public servant) appointed by, and directly accountable to the Minister responsible for the agency. The agency consists of the Head and Australian Public Service employees assisting the head (subsection 65(2)). The Head has the same management and accountability responsibilities as a departmental secretary. The Executive Agency structure provides for independence from departmental management where that is appropriate to an agency's functions.

The purpose of the proposed Order is to establish Services Australia as an Executive Agency, to be headed by the Chief Executive Officer. It is proposed that the responsible Minister for the Agency will be the Minister for Government Services. The Agency would therefore be part of the Social Services portfolio.

The establishment of Services Australia would create an agency with responsibility for delivering high-quality services and payments to the community on behalf of the Government.

Services Australia would play a role in supporting individuals, families and communities to achieve greater self-sufficiency, through the delivery of Government programmes. Services Australia would also provide the Government with advice on the delivery of government services and payments.

The Chief Executive Officer would be assisted by Australian Public Service employees.

The Executive Agency would commence operations on 1 February 2020.

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

Authority: Section 65 of *Public Service Act 1999*

## PROTECTED CABINET

### Attachment G: Details of Ministry re-appointments

1. The Minister for Agriculture, **Senator the Hon Bridget McKenzie**, is currently appointed to administer the Department of Agriculture which will be abolished. She will need to be re-appointed to administer the Department of Agriculture, Water and the Environment.
2. The Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism, **Senator the Hon Jonathan Duniam**, is currently appointed to administer the Department of Agriculture which will be abolished, as well as the Department of Foreign Affairs and Trade. He will need to be re-appointed to administer the Department of Agriculture, Water and the Environment and the Department of Foreign Affairs and Trade.
3. The Minister for Employment, Skills, Small and Family Business, **Senator the Hon Michaelia Cash**, is currently appointed to administer the Department of Employment, Skills, Small and Family Business which will be abolished. She will need to be re-appointed to administer the Department of Education, Skills and Employment and the Department of Industry, Science, Energy and Resources following the transfer of small business functions to that department.
4. The Assistant Minister for Vocational Education, Training and Apprenticeships, **the Hon Steve Irons MP**, is currently appointed to administer the Department of Employment, Skills, Small and Family Business which will be abolished. He will need to be re-appointed to administer the Department of Education, Skills and Employment.
5. The Minister for Communications, Cyber Safety and the Arts, **the Hon Paul Fletcher MP**, is currently appointed to administer the Department of Communications and the Arts which will be abolished. He will need to be re-appointed to administer the Department of Infrastructure, Transport, Regional Development and Communications.
6. The Minister for Energy and Emissions Reduction, **the Hon Angus Taylor MP**, is currently appointed to administer the Department of the Environment and Energy and will need to be re-appointed to administer the Department of Industry, Science, Energy and Resources following the transfer of energy functions to that department.

PROTECTED CABINET



## REVOCATION AND APPOINTMENT OF MINISTER OF STATE

---

I, DAVID JOHN HURLEY, Governor-General of the Commonwealth of Australia, pursuant to sections 64 and 65 of the Constitution, hereby:

- i. revoke the appointment of SENATOR THE HONOURABLE MICHAELIA CLARE CASH as MINISTER FOR EMPLOYMENT, SKILLS, SMALL AND FAMILY BUSINESS to administer THE DEPARTMENT OF EMPLOYMENT, SKILLS, SMALL AND FAMILY BUSINESS made on 29 May 2019; and
- ii. direct and appoint MICHAELIA CLARE CASH, a member of the Federal Executive Council, to hold the office of MINISTER FOR EMPLOYMENT, SKILLS, SMALL AND FAMILY BUSINESS and to administer THE DEPARTMENT OF EDUCATION, SKILLS AND EMPLOYMENT and THE DEPARTMENT OF INDUSTRY, SCIENCE, ENERGY AND RESOURCES;

with effect on and from 1 February 2020.

Signed and sealed with the  
Great Seal of Australia on  
Thursday 5 December 2019

s 22(1)(a)(ii)

Governor-General

By His Excellency's Command

s 22(1)(a)(ii)

Prime Minister



## REVOCATION AND APPOINTMENT OF PARLIAMENTARY SECRETARY

---

I, DAVID JOHN HURLEY, Governor-General of the Commonwealth of Australia, pursuant to sections 64 and 65 of the Constitution, hereby:

- i. revoke the appointment of SENATOR THE HONOURABLE JONATHON ROY DUNIAM as PARLIAMENTARY SECRETARY TO THE MINISTER FOR FOREIGN AFFAIRS and PARLIAMENTARY SECRETARY TO THE MINISTER FOR AGRICULTURE to administer THE DEPARTMENT OF FOREIGN AFFAIRS AND TRADE and THE DEPARTMENT OF AGRICULTURE made on 29 May 2019;
  - ii. appoint JONATHON ROY DUNIAM, a member of the Federal Executive Council, to administer THE DEPARTMENT OF FOREIGN AFFAIRS AND TRADE and THE DEPARTMENT OF AGRICULTURE, WATER AND THE ENVIRONMENT; and
  - iii. direct JONATHON ROY DUNIAM to hold the offices of PARLIAMENTARY SECRETARY TO THE MINISTER FOR FOREIGN AFFAIRS and PARLIAMENTARY SECRETARY TO THE MINISTER FOR AGRICULTURE;
- with effect on and from 1 February 2020.

Signed and sealed with the  
Great Seal of Australia on  
Thursday 5 December 2019  
s 22(1)(a)(ii)

Governor-General

By His Excellency's Command  
s 22(1)(a)(ii)

Prime Minister



## REVOCATION AND APPOINTMENT OF MINISTER OF STATE

---

I, DAVID JOHN HURLEY, Governor-General of the Commonwealth of Australia, pursuant to sections 64 and 65 of the Constitution, hereby:

- i. revoke the appointment of THE HONOURABLE PAUL WILLIAM FLETCHER MP as MINISTER FOR COMMUNICATIONS, CYBER SAFETY AND THE ARTS to administer THE DEPARTMENT OF COMMUNICATIONS AND THE ARTS made on 29 May 2019; and
- ii. direct and appoint PAUL WILLIAM FLETCHER, a member of the Federal Executive Council, to hold the office of MINISTER FOR COMMUNICATIONS, CYBER SAFETY AND THE ARTS and to administer THE DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT AND COMMUNICATIONS;

with effect on and from 1 February 2020.

Signed and sealed with the  
Great Seal of Australia on  
Thursday 5 December 2019

s 22(1)(a)(ii)

Governor-General

By His Excellency's Command

s 22(1)(a)(ii)

Prime Minister



## REVOCATION AND APPOINTMENT OF PARLIAMENTARY SECRETARY

---

I, DAVID JOHN HURLEY, Governor-General of the Commonwealth of Australia, pursuant to sections 64 and 65 of the Constitution, hereby:

- i. revoke the appointment of STEPHEN JAMES IRONS as PARLIAMENTARY SECRETARY TO THE MINISTER FOR EMPLOYMENT, SKILLS, SMALL AND FAMILY BUSINESS and to administer THE DEPARTMENT OF EMPLOYMENT, SKILLS, SMALL AND FAMILY BUSINESS made on 29 May 2019;
  - ii. appoint STEPHEN JAMES IRONS, a member of the Federal Executive Council, to administer THE DEPARTMENT OF EDUCATION, SKILLS AND EMPLOYMENT; and
  - iii. direct STEPHEN JAMES IRONS to hold the office of PARLIAMENTARY SECRETARY TO THE MINISTER FOR EMPLOYMENT, SKILLS, SMALL AND FAMILY BUSINESS;
- with effect on and from 1 February 2020.

Signed and sealed with the  
Great Seal of Australia on  
Thursday 5 December 2019

s 22(1)(a)(ii)

Governor-General

By His Excellency's Command

s 22(1)(a)(ii)

Prime Minister





## REVOCATION AND APPOINTMENT OF MINISTER OF STATE

---

I, DAVID JOHN HURLEY, Governor-General of the Commonwealth of Australia, pursuant to sections 64 and 65 of the Constitution, hereby:

- i. revoke the appointment of SENATOR THE HONOURABLE BRIDGET GRACE MCKENZIE as MINISTER FOR AGRICULTURE to administer THE DEPARTMENT OF AGRICULTURE made on 29 May 2019; and
  - ii. direct and appoint BRIDGET GRACE MCKENZIE, a member of the Federal Executive Council, to hold the office of MINISTER FOR AGRICULTURE and to administer THE DEPARTMENT OF AGRICULTURE, WATER AND THE ENVIRONMENT;
- with effect on and from 1 February 2020.

Signed and sealed with the  
Great Seal of Australia on  
Thursday 5 December 2019

s 22(1)(a)(ii)

Governor-General

By His Excellency's Command

s 22(1)(a)(ii)

Prime Minister



## REVOCATION AND APPOINTMENT OF MINISTER OF STATE

---

I, DAVID JOHN HURLEY, Governor-General of the Commonwealth of Australia, pursuant to sections 64 and 65 of the Constitution, hereby:

- i. revoke the appointment of THE HONOURABLE ANGUS JAMES TAYLOR MP as MINISTER FOR ENERGY AND EMISSIONS REDUCTION to administer THE DEPARTMENT OF THE ENVIRONMENT AND ENERGY made on 29 May 2019; and
- ii. direct and appoint ANGUS JAMES TAYLOR, a member of the Federal Executive Council, to hold the office of MINISTER FOR ENERGY AND EMISSIONS REDUCTION and to administer THE DEPARTMENT OF INDUSTRY, SCIENCE, ENERGY AND RESOURCES;

with effect on and from 1 February 2020.

Signed and sealed with the  
Great Seal of Australia on  
Thursday 5 December 2019

s 22(1)(a)(ii)

Governor-General

By His Excellency's Command

s 22(1)(a)(ii)

Prime Minister



## PRIME MINISTER

Departmental No. 31/2019

Executive Council  
Meeting No. 24Approved in Council  
s 22(1)(a)(ii)David Hurley  
Governor-General

5 DEC 2019

Filed in the Records  
of the Council

s 22(1)(a)(ii)

Secretary to the Executive Council

## Minute Paper for the Executive Council

## Subject

*The Constitution*Abolition and Renaming  
of Departments of StateRecommended for the approval of His Excellency the  
Governor-General in Council that he:

- (a) abolish, under section 64 of the
- Constitution*
- , the following
- 
- Departments of State:

Department of Agriculture

Department of Employment, Skills, Small and Family  
Business

Department of Communications and the Arts

Services Australia

to take effect on and from 1 February 2020.

- (b) rename, under section 64 of the
- Constitution*
- , the
- 
- Departments of State specified in Column 1 to the name
- 
- specified in Column 2 opposite the first-mentioned name.

Column 1

Department of the  
Environment and Energy

Column 2

Department of  
Agriculture, Water and  
the Environment

Department of Education

Department of Education,  
Skills and Employment

Department of Industry,  
Innovation and Science

Department of Industry,  
Science, Energy and  
Resources

Department of  
Infrastructure, Transport,  
Cities and Regional  
Development

Department of  
Infrastructure, Transport,  
Regional Development  
and Communications

to take effect on and from 1 February 2020.

s 22(1)(a)(ii)



Scott Morrison  
Prime Minister

## EXPLANATORY MEMORANDUM

Minute No. 31 of 2019 - Prime Minister

Subject - *The Constitution*

Abolition and Renaming of Departments of State

Section 64 of the *Constitution*, in so far as it is relevant, provides that the Governor-General may appoint officers to administer such Departments of State of the Commonwealth as the Governor-General in Council may establish.

Section 64 has been construed as clearly implying a power to create, abolish and rename departments. The then Attorney-General, the Hon Nigel Bowen QC, advised in 1968 that, in his view, action taken under section 64 to create, alter or abolish a Department of State has a corresponding effect on a Department of the Public Service.

Subsection 56(2) of the *Public Service Act 1999* provides that, on the abolition of a department, the office of Secretary of that department is also abolished.

The Minute recommends the abolition of the Department of Agriculture, the Department of Employment, Skills, Small and Family Business, the Department of Communications and the Arts, and Services Australia.

The Minute also recommends the renaming of:

- the Department of the Environment and Energy as the Department of Agriculture, Water and the Environment;
- the Department of Education as the Department of Education, Skills and Employment;
- the Department of Industry, Innovation and Science as the Department of Industry, Science, Energy and Resources; and
- the Department of Infrastructure, Transport, Cities and Regional Development as the Department of Infrastructure, Transport, Regional Development and Communications.

It is also proposed to amend the Administrative Arrangements Order to reflect the reallocation of functions between Departments of State. This is the subject of a separate Minute.

The Minute recommends that Departments of State be abolished and renamed in the form proposed, and to take effect on and from 1 February 2020.

Authority: Chapter II of the *Constitution*



## PRIME MINISTER

Departmental No. 32/2019

Executive Council  
Meeting No. 24

### Minute Paper for the Executive Council

#### Subject

*The Constitution*

Administrative Arrangements Order

Approved in Council  
s 22(1)(a)(ii)

...

David Hurley  
Governor-General  
s 22(1)

5 DEC 2019

Filed in the Records  
of the Council

s 22(1)(a)(ii)

Secretary to the Executive Council

Recommended for the approval of His Excellency the Governor-General in Council that he make an Administrative Arrangements Order in the attached form.

s 22(1)(a)(ii)

Scott Morrison  
Prime Minister



## COMMONWEALTH OF AUSTRALIA

### ADMINISTRATIVE ARRANGEMENTS ORDER

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, revoke all administrative arrangements previously ordered and order that:

1. The matters dealt with by a Department of State include:
  - (a) the matters referred to in the Part of the Schedule relating to that Department; and
  - (b) matters arising under the legislation administered by a Minister of State administering the Department.
2. The legislation administered by a Minister of State administering a Department is:
  - (a) the legislation referred to in the Part of the Schedule relating to that Department; and
  - (b) legislation passed before or after the date of this Order, that relates to a matter dealt with by the Department, not being legislation referred to in another Part of the Schedule.

This Order will commence on 1 February 2020.

Signed and sealed with the  
Great Seal of Australia on  
5 December 2019  
s 22(1) s 22(1)(a)(ii)

LS.

David Hurley  
Governor-General

By His Excellency's Command

s 22(1)(a)(ii)

Scott Morrison  
Prime Minister



## EXPLANATORY MEMORANDUM

Minute No.     of 2019 – Prime Minister

Subject -            *The Constitution*

### Administrative Arrangements Order

The Administrative Arrangements Order stems directly from the *Constitution*. Section 61 of the *Constitution* places the executive power of the Commonwealth in The Queen and provides that it is exercisable by the Governor-General. Section 62 provides for the Executive Council and section 64 provides that the Governor-General may appoint Ministers of State to administer such Departments of State of the Commonwealth as the Governor-General in Council establishes.

An Administrative Arrangements Order specifies the names of Departments of State, the principal matters they deal with and the legislation administered within each portfolio.

The Minute recommends that the Governor-General make an Administrative Arrangements Order to replace the current Order made on 29 May 2019, and amended on 8 August 2019, to reflect changes to administrative arrangements recommended by the Prime Minister.

The proposed Order would formalise the following changes, to take effect on 1 February 2020.

- Transfer the functions of the former department known as Services Australia to the Department of Social Services.
- Transfer communications and arts functions to the renamed Department of Infrastructure, Transport, Regional Development and Communications.
- Transfer small business and energy functions to the renamed Department of Industry, Science, Energy and Resources.
- Transfer agriculture functions to the renamed Department of Agriculture, Water and the Environment.
- Transfer employment and skills functions to the renamed Department of Education, Skills and Employment.

The Minute recommends that the Order be amended in the form proposed.

Authority: Chapter II of the *Constitution*



## PRIME MINISTER

Departmental No. 33/2019

Executive Council  
Meeting No. 24 .....

## Minute Paper for the Executive Council

## Subject

*Public Service Act 1999*Order to Establish  
Services Australia as an Executive Agency

Recommended for the approval of His Excellency the Governor-General in Council that he, by instrument in the attached form and under section 65 of the *Public Service Act 1999*, establish Services Australia as an Executive Agency in the form specified.

Approved in Council  
s 22(1)(a)(ii)David Hurley  
Governor-General

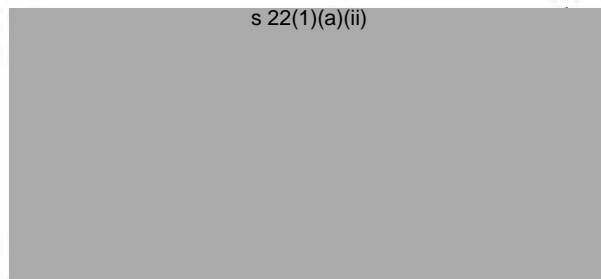
5 DEC 2019

Filed in the Records  
of the Council

s 22(1)(a)(ii)

Secretary to the Executive Council

s 22(1)(a)(ii)

Scott Morrison  
Prime Minister

## EXPLANATORY MEMORANDUM

Minute No.      of 2019 – Prime Minister

Subject - *Public Service Act 1999*

Order to Establish Services Australia as an Executive Agency

Section 65 of the *Public Service Act 1999* (the Act) provides for the establishment of an Executive Agency.

Under subsection 65(1) of the Act, the Governor-General may do any of the following by Order in the *Gazette*; establish or abolish an Executive Agency (paragraph 65(1)(a)); allocate a name to an Executive Agency or the Head of an Executive Agency (paragraph 65(1)(b)); identify the Minister who is responsible for an Executive Agency (paragraph 65(1)(c)); and specify the functions of an Executive Agency (paragraph 65(1)(d)). Subsections 65(3) and (4) of the Act provide for the establishment and abolition of the office of Head of the Agency. Under section 67, appointment of the Head is by the Agency Minister.

Executive Agencies are non-statutory bodies headed by a person (possibly, but not necessarily, a public servant) appointed by, and directly accountable to the Minister responsible for the agency. The agency consists of the Head and Australian Public Service employees assisting the head (subsection 65(2)). The Head has the same management and accountability responsibilities as a departmental secretary. The Executive Agency structure provides for independence from departmental management where that is appropriate to an agency's functions.

The purpose of the proposed Order is to establish Services Australia as an Executive Agency, to be headed by the Chief Executive Officer. It is proposed that the responsible Minister for the Agency will be the Minister for Government Services. The Agency would therefore be part of the Social Services portfolio.

The establishment of Services Australia would create an agency with responsibility for delivering high-quality services and payments to the community on behalf of the Government.

Services Australia would play a role in supporting individuals, families and communities to achieve greater self-sufficiency, through the delivery of Government programmes. Services Australia would also provide the Government with advice on the delivery of government services and payments.


The Chief Executive Officer would be assisted by Australian Public Service employees.

The Executive Agency would commence operations on 1 February 2020.

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

Authority: Section 65 of *Public Service Act 1999*

s 22(1)(a)(ii)





*Public Service Act 1999*

**Order to Establish Services Australia as an Executive Agency**

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and under section 65 of the *Public Service Act 1999*:

- (a) establish Services Australia as an Executive Agency;
- (b) allocate the name Services Australia to the Executive Agency;
- (c) allocate the name Chief Executive Officer to the Head of the Executive Agency;
- (d) identify the Minister for Government Services as the Minister responsible for the Executive Agency;
- (e) specify the functions of Services Australia be as follows:
  - i. design, develop, deliver, co-ordinate and monitor government services and payments relating to social security, child support, students, families, aged care and health programs (excluding Health provider compliance);
  - ii. provide the Government with advice on the delivery of government services and payments;
  - iii. collaborate with other agencies, providers and businesses to deliver convenient, accessible and efficient services to individuals, families and communities; and
  - iv. undertake other relevant tasks the Minister may require from time to time.

This Order will commence on 1 February 2020.

Dated 5 December 2019



By His Excellency's Command  
s 22(1)(a)(ii)

Scott Morrison  
Prime Minister

s 22(1)(a)(ii)

David Hurley  
Governor-General  
s 22(1)(a)



PRIME MINISTER

Reference: MS19-002718

4 DEC 2019

His Excellency General the Honourable David Hurley AC DSC (Retd)  
 Governor-General of the Commonwealth of Australia  
 Government House  
 CANBERRA ACT 2600

Your Excellency

I write to recommend changes to administrative arrangements including the abolition and renaming of departments, and transfer of functions between departments. <sup>s 22(1)(a)(ii)</sup>  
<sup>s 22(1)(a)(ii)</sup> I understand you have agreed these matters be considered at a special Executive Council meeting at 10.00am on Thursday, 5 December 2019.

I propose the following changes to the structure and functions of Departments of State (to take effect on 1 February 2020):

- Abolish the department known as Services Australia (formerly known as the Department of Human Services) and transfer its functions to the Department of Social Services.
- Establish a new Executive Agency, to be known as Services Australia, under the Department of Social Services.
- Abolish the Department of Communications and the Arts, and transfer its functions to the renamed Department of Infrastructure, Transport, Regional Development and Communications.
- Rename the Department of the Environment and Energy as the Department of Agriculture, Water and the Environment, and transfer energy functions to the renamed Department of Industry, Science, Energy and Resources.
- Abolish the Department of Agriculture, and transfer its functions to the renamed Department of Agriculture, Water and the Environment.
- Rename the Department of Industry, Innovation and Science as the Department of Industry, Science, Energy and Resources.
- Rename the Department of Education as the Department of Education, Skills and Employment.

- Abolish the Department of Employment, Skills, Small and Family Business and transfer small business functions to the renamed Department of Industry, Science, Energy and Resources and transfer the remaining functions to the renamed Department of Education, Skills and Employment.
- Rename the Department of Infrastructure, Transport, Cities and Regional Development as the Department of Infrastructure, Transport, Regional Development and Communications.

These changes would reduce the number of Departments of State from 18 to 14. s 22(1)  
(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

The Executive Council documents necessary to give effect to my proposals to reduce the number of departments from 18 to 14, to transfer relevant functions between departments, s 22(1)(a)(ii) are attached.

As a result of the abolition of some departments, I also recommend the revocation and re-appointment of six Ministers to administer relevant departments, with effect on and from 1 February 2020. No changes to Ministerial titles are proposed and, subject to your approval, I propose that no swearing-in ceremony take place. Instruments, of revocation and appointment, signed by me, are attached for your counter-signature.

Yours sincerely,  
s 22(1)(a)(ii)

SCOTT MORRISON