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Australian Government
Indigenous Land and Sea Corporation



The ILSC GROUP

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05 April 2019

Senator the Hon Nigel Scullion
Minister for Indigenous Affairs
Parliament House
CANBERRA ACT 2600

Dear Minister Scullion

Re: ILSC Group CEO Annual Remuneration Arrangements

Thank you for your letter dated 21 May 2018 (reference MC18-026074) in which you requested to be advised of the proposed performance pay outcome for the ILSC Group CEO.

As previously noted, under section 192N of the Aboriginal and Torres Strait Islander Act 2005, the ILSC Board determines the salary and allowances payable to the ILSC's Group CEO. As the Group CEO is a Principle Executive Officer, any remuneration is subject to the terms and conditions set down by the Remuneration Tribunal.

Those guidelines include the ability for the ILSC to establish a performance pay scheme (Scheme) which includes a lump sum payment to the Group CEO based upon the Board's assessment of performance over a 12 month period.

The Board has recently met to consider the Group CEO's performance under the Scheme and having taken into consideration the Group CEO's performance against the performance levels set under the Scheme, have unanimously determined the performance rating as "Superior" for the 2017-18 Scheme and to apply an amount equal to 14% of the Group CEO's 2017-18 total remuneration as the lump sum performance payment.

I write now to seek your earliest input before this payment is finalised with the Group CEO.

Kind Regards

ILSC Chair
Eddie Fry

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02 August 2019

The Hon Ken Wyatt AM
Minister for Indigenous Australians
Parliament House
CANBERRA ACT 2600

Dear Minister Wyatt

Re: ILSC Group CEO Annual Remuneration Arrangements

I write in relation to the 2017-18 Performance Pay Scheme (PPS) arrangements for the Indigenous Land and Sea Corporation (ILSC) Group Chief Executive Officer (GCEO), Mr John Maher.

According to section 192N of the Aboriginal and Torres Strait Islander Act 2005, the ILSC Board determines the salary and allowances payable to the ILSC's GCEO.

As the GCEO is a Principle Executive Officer, any remuneration is subject to the terms and conditions set down by the Remuneration Tribunal. In accordance with the Remuneration Tribunal's guidelines, the Board established a PPS which included a lump sum payment of up to 15% of the GCEO's total remuneration based upon the Board's assessment of performance over a 12 month period. This was implemented after consultation with the then Minister for Indigenous Affairs, the Hon Nigel Scullion.

In September 2019 the GCEO completed a self-assessment against the Specific Key Result Areas, Measures and Targets, which I reviewed and we discussed. The outcome of this was assessed by the ILSC Board who unanimously determined the performance rating as "Superior" for the 2017-18 period and agreed to apply an amount equal to 14% of the GCEO's 2017-18 total remuneration as the lump sum performance payment. I write now to seek your endorsement before this payment is finalised with the GCEO. To facilitate your decision, I have enclosed the Board reviewed performance assessment, as Attachment A.

Should you require any further information in regard to this matter, please contact the ILSC's Group General Counsel, Mr Trevor Edmond on 08 8100 7136 or [REDACTED] or at trevor.edmond@ilsc.gov.au

Yours sincerely

Eddie Fry
ILSC Chair

Attachment A: Group Chief Executive Officer Performance Agreement – 2017/2018



Australian Government
Indigenous Land and Sea Corporation



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15 January 2020

The Hon Ken Wyatt AM
Minister for Indigenous Australians
Parliament House
CANBERRA ACT 2600

Dear Minister Wyatt

Re: ILSC Group CEO Annual Remuneration Arrangements - Mr John Maher

I write in relation to the 2018-19 Performance Pay Scheme (PPS) arrangements for the former Indigenous Land and Sea Corporation (ILSC) Group Chief Executive Officer (GCEO), Mr John Maher.

According to section 192N of the Aboriginal and Torres Strait Islander Act 2005, the ILSC Board determines the salary and allowances payable to the ILSC's GCEO.

As the GCEO was a Principle Executive Officer, any remuneration is subject to the terms and conditions set down by the Remuneration Tribunal. In accordance with the Remuneration Tribunal's guidelines, the Board established a PPS which included a lump sum payment of up to 15% of the GCEO's total remuneration based upon the Board's assessment of performance over a 12 month period. This was implemented after consultation with the then Minister for Indigenous Affairs, the Hon Nigel Scullion.

In September 2019 the GCEO completed a self-assessment against the Specific Key Result Areas, Measures and Targets, which I reviewed and we discussed. The outcome of this was assessed by the ILSC Board who unanimously determined the performance rating as "Superior" for the 2018-19 period and agreed to apply an amount equal to 15% of the GCEO's 2018-19 total remuneration as the lump sum performance payment. I write now to seek your endorsement before this payment is finalised with Mr Maher. To facilitate your decision, I have enclosed the Board reviewed performance assessment, as Attachment A.

Should you require any further information in regard to this matter, please contact the ILSC's Group General Counsel, Mr Trevor Edmond on 08 8100 7136 or [REDACTED] or at trevor.edmond@ilsc.gov.au

Yours sincerely

Eddie Fry
ILSC Chair

Attachment A: Group Chief Executive Officer Performance Agreement – 2018-19



08 January 2020

The Honourable Ken Wyatt AM
Minister for Indigenous Australians
Parliament House
CANBERRA ACT 2600

Dear Minister Wyatt

Re: Appointment of the ILSC Group Chief Executive Officer

As you are aware, following the departure of the Indigenous Land and Sea Corporation (ILSC) Group Chief Executive Officer (CEO) Mr John Maher, the Board unanimously agreed to appoint Mr Leo Bator as Acting Group Chief Executive Officer (CEO). The appointment under s192P of the Aboriginal and Torres Strait Islander Act 2005 (Cwth) (the Act) was subsequently approved by Cabinet for a period of six months commencing 16 September 2019.

Noting the continued work required of Mr Bator to complete the structural and efficiency review and implement the required changes the ILSC has charged him with, the ILSC Board at its meeting on 23 October 2019 determined that the initial six months as Acting GCEO would not be sufficient. Consequently, the Board unanimously agreed to appoint Mr Bator as Group CEO for an extended period until 30 November 2021 under s192K(1) of the Act, subject, of course, to that appointment being approved by Cabinet.

There are a number of factors that the Board considered before reaching their decision including the desire to appoint an Indigenous Group CEO and the selection process normally considered appropriate.

While these factors are significant, after extensive deliberation, the Board decided the most important factor at this time, is the building of a new business model to modernise the ILSC performance for growth.

Having significantly increased the ILSC's productivity and outcomes in recent years, the Board reaffirms its commitment to the ILSC becoming the trusted partner in the innovative development of the Indigenous Estate. The ILSC transformation that is now underway, has been driven by Mr Bator, who has shaped the strategic plans of the transformation and is staging the management of the transition. His work in this strategic shift will benefit the Indigenous Estate going forward to ensure it is positioned as a source of prosperity for Indigenous Australians and an influential contributor to the social and economic future of this nation.

Mr Bator has considerable leadership competency in areas crucial to the smooth transition into the proposed future model such as organisational cultural change, program and change management, and relationship building within the ILSC and with our stakeholders as well as an in-depth understanding of Legislation and policy development.

Mr Bator's rigorous analysis of the workings of the ILSC gained through experience, especially within the ILSC, Voyages and IBA has enabled the creative conceptualisation of the strategic framework for the future. The Board and I are extremely proud and grateful to be working alongside Mr Bator, in this next stage as he drives phenomenal changes to create greater outcomes for Indigenous Australians over the next two years.

While the Board consider Mr Bator's appointment as the most the appropriate decision for the immediate future, it reinforced future transition to an Indigenous Group CEO will be a consideration of prime importance over the next few years in preparation for the selection of a new leader beyond 2021.

I have enclosed Mr Bator's CV which will attest his management knowledge, business acumen and experience that will carry the ILSC through the next series of transformation to ensure the best outcome for all Indigenous Australians.

I have also enclosed the completed Private Interests Declaration for Mr Bator.

In accordance with the Cabinet Handbook – Appointment c116(b), the ILSC Board now recommends your endorsement, and referral to the Prime Minister for approval, the appointment of Mr Leo Bator as ILSC Group Chief Executive Officer until 30 November 2021.

Additionally, as specified under Section 192N of the Aboriginal and Torres Strait Islander Act 2005 remuneration and allowances are determined by the ILSC Board. The ILSC Group CEO is remunerated under the Remuneration Tribunal (the Tribunal) Principal Executive Offices (PEO) structure, which establishes a Reference Rate (RR) and remuneration range around the RR. The remuneration range allows the employing body to determine total remuneration of up to 10% below and up to 5% above the RR.

The Tribunal's PEO guidelines specify an employing body is able to determine total remuneration at up to 5% more than the RR advised by the Tribunal, to recognise the higher level of skills, knowledge and experience which an office holder brings to a position. For the first 12 months of appointment, the remuneration must not exceed the total remuneration RR, without the proposed exception requiring the Tribunal's written agreement following the considered view of the relevant Minister.

On this occasion the Board have determined a total remuneration of 5% above the total RR for Mr Bator based on the considerable wealth of leadership experience, higher level of skills and work values, and corporate knowledge he brings to the role. Further to the justification already provided above, Mr Bator has significant ILSC experience as Acting Group CEO currently and also for six months in 2015 and as Acting CEO of the ILSC's wholly owned subsidiary Voyages, for six months in 2017 where he has applied his significant corporate knowledge to effect a smooth organisational restructure.

On behalf of the Board and for the reasons stated above, I also seek your endorsement to apply to the Remuneration Tribunal for a commencing salary of 5% above the RR on the engagement of Mr Bator in the role as ILSC Group CEO.

I look forward to receiving your endorsement of the appointment of Mr Leo Bator as ILSC Group CEO following referral to the Prime Minister for consideration, and your endorsement of the ILSC Board total remuneration package.

Yours sincerely



Eddie Fry
ILSC Chair

Enclosed:

A: CV Mr Leo Bator

B: Private Interests Declaration

LEO BATOR RESUME

Chief Executive Officer demonstrated achievements

- running large complex organisations
- building sustainable organisational capability
- delivering high profile change projects on time and within budget
- successful delivery of new programs including service, complex regulatory, compliance, governance and assurance
- building teams that are flexible, innovative and courageous
- accountable, responsible and innovative leadership and management in the Australian Public Service
- providing sound policy and operational advice to Boards and Ministers on complex and contentious issues
- building productive and longstanding relationships with all stakeholders
- effectively representing my agency and the Government within Australia and overseas.

Core Competencies

- Organisational culture change
- Legislative and policy development
- Project implementation
- Program and change management
- Leadership, team building, mentoring and knowledge transfer
- Process improvement and performance improvement
- Relationship building

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Accredited Training

- Diploma in Accounting - CCAE 1976
- Bachelor of Taxation – ATAX 1993
- Superannuation Law and Practice (PS 146) - ASFA 2002
- Trustee Know-how (PS 101) - ASFA 2003
- Prince2 - Tanner James 2004
- Australian Company Directors Course AICD 2010
- Developmental Evaluation - AES 2011

Executive Experience and Achievements

Acting Chief Executive Officer Indigenous Land Corporation

2019 – to present

Major responsibilities

- management of 110 staff and annual budget of \$54m
- achievement of PBS outcomes and Board requirements

Major Achievements

- establishment of team to deliver Board's change agenda

Acting Chief Executive Officer Voyages

Mar – Oct 2017

Major responsibilities

- management of 1100 staff and annual budget of circa \$190m
- achievement of Board requirements

Major Achievements

- delivery of Board's change agenda
- organisational restructure and Senior Executive refresh program
- negotiation of NAIF loan
- renegotiation of power and water agreements
- delivery of cost savings and ongoing efficiencies

Special Advisor

Nov 2016 – Jan 2017

Major responsibilities:

- future Organisational and Structural design of ILC and IBA
- identification of Indigenous Estate drivers of success

Major Achievements

- delivery of conceptual papers

Acting Chief Executive Officer Indigenous Business Australia

May – Nov 2016

Major responsibilities:

- management of 100 staff and annual government appropriation budget of \$47m
- achievement of PBS outcomes and Board requirements

Major Achievements

- delivery of Board's change and growth agenda
- Senior Executive refresh program

Acting Chief Executive Officer Indigenous Land Corporation

Nov 2015 – May 2016

Major responsibilities:

- management of 110 staff and annual budget of \$40m
- achievement of PBS outcomes and Board requirements

Major Achievements

- delivery of Board's change agenda
- Senior Executive refresh program
- Renegotiation of ARR ANZ loan and Government loan
- Development of Terms of Reference and Expert Panels for Review of ILC Entity Structures and Governance and Review of Land Account Investment Arrangements

Chief Operating Officer Indigenous Business Australia

Jan 2012 – Nov 2015

Major responsibilities

- ensuring business and corporate functions perform efficiently and effectively to meet needs of customers

Major Achievements

- delivery of increased outputs in terms of home ownership , business start ups and investment returns

Manager Reporting and Performance ACT Education and Training Directorate May 2011 – Jan 2012

Major responsibilities

- Directorate performance reporting
- business and corporate functions perform efficiently and effectively meet needs of customers

Major Achievements

- annual and monthly reporting
- policy evaluation and reporting framework

Leo Bator, Group Chief Executive Office – Indigenous Land and Sea Corporation

- establishment of cross agency program to assist children in dysfunctional families who at risk of not achieving best possible outcomes at school

Deputy Commissioner of Taxation

2010 – 2011

Major responsibilities

- ensuring voluntary compliance taxation laws by small medium enterprises, including wealthy Australians, charities and not for profits groups
- management of 1450 staff and administration budget of \$160m
- Major Achievements
- delivery of revenue \$90b and improved cash collections
- initiation of project to develop Private Wealth approach
- speedy approval of charity status of bodies following natural disasters

Chief Executive Officer ComSuper

2002 - 2010

Chair of the Defence Force Retirement and Death Benefits Authority

Major responsibilities

- management of 600 APS staff and annual fee based budget of \$80m
- delivery of administration services for the 5 principle occupational superannuation schemes (the largest and most complex in Australia) for the Australian Government's public sector and Australian Defence Force employees
- Authority Chairman

Major Achievements

- delivery of Government's and Board's change agenda
- delivery of Board investment mandate
- meeting requirements necessary for Boards to obtain an AFSL and APRA Licence
- cultural shift with agreement by staff that pay increases be linked to achievement of service standards and to gaining and retaining qualifications and skills
- improved administration performance while maintaining lowest cost and high service score against Australian peer group
- high client satisfaction score
- establishment of compliance and governance frameworks including Independent Audit Chair, Member and Ethics Advisor
- financial sustainability whilst increasing expenditure on staff development and infrastructure
- secured funding for system replacement and managed review of ComSuper
- average benefit paid in 4 days, 4b is paid in pensions per annum to 200,000 pensioners

Deputy Commissioner of Taxation

1999 -2002

Major responsibilities

- delivery of service to employers, employees and superannuation funds
- ensuring employer compliance with the superannuation guarantee legislation and Fund compliance with other legislation including taxation of superannuation contributions, investment income and benefits, and the superannuation surcharge
- regulation of Self Managed Superannuation Funds
- management of 600 staff and administration budget of \$75m

Major Achievements

- developed strong relationships with various Ministers and their advisors
- delivery of Government's legislative agenda and Budget requirements
- improved level of service, assurance and employer compliance
- ATO regulation of Self Managed Superannuation Funds
- developed cooperative approaches with Superannuation Industry and Employer Associations

Leo Bator, Group Chief Executive Office – Indigenous Land and Sea Corporation

Assistant Commissioner of Taxation

1993 – 1999

Major responsibilities

- development of taxation and superannuation legislation and policy in accordance with Government Policy announcements
- provision of technical advice and legislative interpretation
- development and implementation of new computer systems
- development and implementation of community, industry and employer communication and education programs

Major Achievements

- delivery of Government's legislative agenda
- delivery of computer systems
- delivery of education programs
- cooperative approaches with Finance Industry and Employer Associations
- Other Key Leadership Positions (1984 – 1993)

Director, Debt Collection

- responsible for 800 staff and collection of \$15b in outstanding debt
- Chairman Taxation Relief Board.

Director, Taxpayer Business Audit

- responsible for 500 staff and effective audit coverage of 250,000 medium sized enterprises
- developed Project Based Methodology – basis of ATO Compliance Model

Release/Change Manager, Modernisation Project Office, ATO National Office.

- responsible for coordination of planning and negotiating release of all Modernisation Projects and Non Modernisation Projects (\$1.3b)

National Manager, Revenue Collection Systems, ATO National Office

- responsible for 700 staff and employer compliance with PAYG
- responsible of collection of \$80b

National Manager, Internal Audit, ATO National Office

- responsible for providing assurance to Commissioner that ATO was meeting legislative and governance requirements