

D04/2020

**Australian Government****Department of Infrastructure, Transport, Regional Development and Communications**

Secretary's Public Service Delegation Instrument 2020 (No.1)

I, **Simon Atkinson**, Secretary of the Department of Infrastructure, Transport, Regional Development and Communications, make the delegations set out in the Schedule to this Instrument under the delegation powers contained in the Acts, Statutory Rules and other Instruments referred to in the Schedule.

Dated

1/2/

2020

A blue ink signature of Simon Atkinson, consisting of a stylized 'S' followed by a horizontal line and a flourish.

Simon Atkinson
Secretary

1 **Name of Instrument**

This Instrument is the Secretary's Public Service Delegation Instrument 2020 (No.1).

2 **Commencement**

This instrument commences when it is signed.

3 **Definitions**

In this Instrument:

Agency Security Adviser means an employee classified Executive Level 1 or above in a corporate area whose responsibilities include security services.

APS4, Payroll means an employee classified as APS Level 4 in a corporate area whose responsibilities include payroll.

APS4 and above in Payroll means an employee classified as APS Level 4 or above in a corporate area whose responsibilities include payroll.

APS4 and above in Recruitment means an employee classified as APS Level 4 or above in a corporate area whose responsibilities include departmental recruitment.

APS5 and above in Work Health and Safety means an employee classified as APS Level 5 or above in a corporate area whose responsibilities include departmental work, health and safety.

APS6 and above in Payroll means an employee classified as APS Level 6 or above in a corporate area whose responsibilities include payroll.

APS6 and above in People Management means an employee classified as APS Level 6 or above in a corporate area whose responsibilities include departmental people management.

APS6 and above in Recruitment means an employee classified as APS Level 6 or above in a corporate area whose responsibilities include departmental recruitment.

APS6 and above in Work Health and Safety means an employee classified APS Level 6 or above in a corporate area whose responsibilities include departmental work health and safety.

APS6 and above in Workplace Relations means an employee classified APS Level 6 or above in a corporate area whose responsibilities include departmental workplace relations.

classified means classified under rules issued under section 23 of the PS Act.

corporate area means an area of the department that, prior to 1 February 2020, was responsible for corporate services.

Note: At the time this instrument was made, the corporate areas of the department are the Corporate Division (previously part of the Department of Communications and the Arts) and the Corporate Services Division (previously part of the Department of Infrastructure, Transport, Regional Development and Cities).

EL1 means an employee classified as Executive Level 1.

EL1 and above, People means an employee classified as Executive Level 1 or above in a corporate area whose responsibilities include departmental human resources.

EL1, Payroll means an EL1 in a corporate area whose responsibilities include payroll.

EL1, Recruitment means an EL1 in a corporate area whose responsibilities include departmental recruitment.

EL1, WHS means an EL1 in a corporate area whose responsibilities include departmental work health and safety.

EL1, Workplace Relations means an EL1 in a corporate area whose responsibility include departmental workplace relations.

EL2 means an employee who is classified as Executive Level 2.

EL2, People means an EL2 in a corporate area whose responsibilities include human resources.

EL2 and above, People means an EL2, People or an SES B1, People.

employee means employee in the department.

outsider means a person other than an APS employee or a person appointed to an office by the Governor-General, or by a Minister, under a law of the Commonwealth as defined by Section 78(8) of the PS Act.

PS Act means the *Public Service Act 1999*.

SES B1 means an employee who is classified as Senior Executive Service Band 1.

SES B1, People means an SES B1 in a corporate area whose responsibilities include human resources.

SES B2 means an employee who is classified as Senior Executive Service Band 2.

SES B2, People means an SES B2 in a corporate area whose responsibilities include human resources.

SES B3 means an employee who is classified as Senior Executive Service Band 3.

4 **References to section, regulation, clause or rule**

- (1) A reference to a section (or subordinate part of a section) in an item in the Schedule other than an item in Column 4 of any of the Tables in the Schedule is a reference to the section (or subordinate part of the section) in the Act referred to in the heading immediately preceding that item.
- (1A) A reference to a section in Column 4 of any of the Tables in the Schedule is a reference to such an organisational structure in the department.
- (2) A reference to a regulation (or subordinate part of a regulation) in an item in the Schedule is a reference to the regulation (or subordinate part of the regulation) in the Statutory Rule referred to in the heading immediately preceding that item.
- (3) A reference to a clause (or subordinate part of a clause) in an item in the Schedule is a reference to the clause (or subordinate part of the clause) in the Instrument referred to in the heading immediately preceding that item.
- (4) A reference to a rule (or subordinate part of a rule) in an item in the Schedule is a reference to the rule (or subordinate part of the rule) in the Instrument referred to in the heading immediately preceding that item.

5 **References to division, branch or section**

Unless the contrary intention appears, a reference in the Schedule to a business division, branch or section is a reference to such an organisational structure within the department.

6 **Delegations**

- (1) The delegation in each item in the Schedule is made under the delegation power referred to in column 1 of that item.
- (2) The **delegates** in each item are:
 - (i) the persons specified in column 4 of that item or persons acting in a position usually occupied by a person specified in column 4 of that item; and
 - (ii) the persons for the time being holding, occupying or performing the duties of the positions specified in column 4 of that item.

Note Section 34AA and subsection 46(1) (where relevant) of the *Acts Interpretation Act 1901* permit delegations to persons acting in positions.

- (3) All delegates in each item are delegated the function or power of the Secretary under the section, regulation, rule or clause mentioned in column 2 of that item.
- (4) Subject to section 7, each delegation is made only to the corresponding limit (if any) or subject to the directions (if any) specified in column 5 of the relevant item.
- (5) The description of a function or power in column 3 of the Schedule is for information only. Delegates must refer to the legislative source of the function or power as specified in column 2 of the Schedule before exercising the delegated function or power.

7 General restrictions applicable to all delegates

- (1) A delegate must not exercise a power or perform a function in respect of a matter that bears directly upon any entitlements or obligations of the delegate.
- (2) A delegate must not exercise a power or perform a function in respect of a matter for which they could not reasonably be considered to have responsibility under normal working arrangements as exist in the department from time to time.

8 Revocations and savings

This Instrument revokes the Secretary's Public Service Delegation Instrument 2018 (No.1)
– D24-2018 signed on 30 August 2018.

The Schedule - Delegations

1. *Public Service Act 1999*

	Column 1	Column 2	Column 3	Column 4	Column 5
Item	Delegation source	Power(s) or function(s) delegated	Summary of power or function (for information only)	Delegate(s)	Restrictions on powers delegated
1.01	Subsection 78(7)	Subsection 15(1)	Impose sanctions for a breach of the Code of Conduct (under procedures established under subsection 15(3) of the PS Act)	SES B3 SES B2, People SES B1, People	
1.02	Subsection 78(7)	Section 18	Establish a workplace diversity program	SES B3 SES B2, People EL2 and above, People	
1.03	Subsection 78(7)	Subsection 22(1)	Engagement of APS employees	SES B3 SES B2 SES B1 APS6 and above in Recruitment	Only in respect of non SES employees. Conditions of engagement under subsection 22(6) are restricted to APS6 and above in Recruitment, SES B1, People, SES B2, People, and SES B3.
1.04	Subsection 78(7)	Subsection 22(8)	Engage, as an APS employee, a person who is not an Australian citizen	SES B3 SES B2, People	
1.05	Subsection 78(7)	Subsection 23(4)	Reduce classification of an APS employee without the employee's consent	SES B3 SES B2, People SES B1, People	
1.06	Subsection 78(7)	Subsection 24(1)	Determine in writing the remuneration and other terms and conditions of employment applying to an APS employee or group of employees	SES B3 SES B2, People SES B1, People	
1.07	Subsection 78(7)	Section 25	Determine the duties of an APS employee in the department, and the place or places at which duties are to be performed	SES B3 SES B2	
				SES B1 EL2	Only in respect of non SES employees

1. Public Service Act 1999 (continued)

	Column 1	Column 2	Column 3	Column 4	Column 5
Item	Delegation source	Power(s) or function(s) delegated	Summary of power or function (for information only)	Delegate(s)	Restrictions on powers delegated
1.08	Subsection 78(7)	Section 26	Enter into an agreement in writing with an APS employee for the employee to move to the department from another agency	SES B3 SES B2	
				SES B1 EL2	Only in respect of non SES employees
1.09	Subsection 78(7)	Subsection 27(2)	In respect of moving an excess APS employee to another agency, notify the Public Service Commissioner in writing that an employee is excess to the requirements of the department	SES B3 SES B2, People SES B1, People	Only in respect of non SES employees
1.10	Subsection 78(7)	Section 29	Terminate the employment of an APS employee	SES B3 SES B2, People SES B1, People	Only in respect of non SES employees
1.11	Subsection 78(7)	Section 30	Receive notice in writing of an employee's retirement once minimum retiring age is reached	SES B3 SES B2 SES B1 EL2	Only in respect from employees of a lower classification
1.12	Subsection 78(7)	Subsection 31(1)	Give notice to an APS employee of forfeiture of non-Commonwealth remuneration for performing duties as an APS employee	SES B3 SES B2	
				SES B1	Only in respect of non SES employees
1.13	Subsection 78(7)	Section 37	Give notice in writing to an SES employee concerning the payment of a specified amount if the employee retires within a period specified in the notice	SES B3 SES B2, People	Only in respect of employees of a lower classification
1.14	Subsection 78(7)	Section 38	Terminate the employment of an SES employee, once the Public Service Commissioner has issued a certificate	SES B3 SES B2, People	Only in respect of employees of a lower classification
1.15	Subsection 78(7)	Subsection 44(2)	Give the Public Service Commissioner whatever information is required for the purposes of preparing the State of the Service Report	SES B3 SES B2, People EL2 and above, People	

1. Public Service Act 1999 (continued)

	Column 1	Column 2	Column 3	Column 4	Column 5
Item	Delegation source	Power(s) or function(s) delegated	Summary of power or function (for information only)	Delegate(s)	Restrictions on powers delegated
1.16	Subsection 78(7)	Subsection 50A(1)(a)	Request the Merit Protection Commissioner to inquire into and determine whether an APS employee, or a former APS employee, has breached the Code of Conduct	SES B3 SES B2, People EL2 and above, People	
1.17	Subsection 78(7)	Section 74	Engage persons overseas as employees to perform duties overseas	SES B3 SES B2 SES B1	
1.18	Subsection 78(7)	Section 77	Create positions within the department and nominate employees to occupy such positions	SES B3 SES B2 SES B1 EL2	
1.19	Subsection 78(7)	Subsection 78(8)	Delegate powers or functions to an outsider with the written consent of the Public Service Commissioner	SES B3 SES B2, People	

2. Public Service Regulations 1999

	Column 1	Column 2	Column 3	Column 4	Column 5
Item	Delegation source	Power(s) or function(s) delegated	Summary of power or function (for information only)	Delegate(s)	Limitation of powers delegated
2.01	Subregulation 9.3(3)	Subregulation 2.1(5)(b)	Give an APS employee authorisation to disclose information	SES B3 SES B2 SES B1	
2.02	Subregulation 9.3(3)	Regulations 3.1 and 3.2	Direct an employee, by written notice, to undergo a medical examination with a nominated medical practitioner and to provide a medical report of the examination	SES B3 SES B2, People EL2 and above, People	Only in respect of non SES employees
2.03	Subregulation 9.3(3)	Regulation 3.3	Approve a scheme for persons engaged for a specified term, or for the duration of a specified task, to gain skills and experience for the purpose of assisting them to participate in the workforce	SES B3 SES B2, People EL2 and above, People	
2.04	Subregulation 9.3(3)	Subregulations 3.5(1), (2) and (3)	Engage a person as a non-SES employee for the duration of a specified term (must not be more than 18 months) or for the duration of a specified task in accordance with section 22 of the PS Act	SES B3 SES B2 SES B1 EL2, People EL1, Recruitment	

2. *Public Service Regulations 1999 (continued)*

	Column 1	Column 2	Column 3	Column 4	Column 5
Item	Delegation source	Power(s) or function(s) delegated	Summary of power or function (for information only)	Delegate(s)	Limitation of powers delegated
2.05	Subregulation 9.3(3)	Subregulation 3.5(4)(c)	Engage a person as a non-ongoing employee for a specified term, as described in subregulation (3) (may be extended but must not exceed 3 years)	SES B3 SES B2 SES B1 EL2, People EL1, Recruitment	
2.06	Subregulation 9.3(3)	Subregulation 3.5(5)	Engage a person as a non-ongoing employee for a specified term, as described in subregulation (3) (may be extended to exceed 3 years for a period of not more than 12 months, if the Agency Head considers that the engagement is necessary for the Agency's operations)	SES B3 SES B2, People SES B1, People	Subject to the Australian Public Service Commissioner being satisfied that special circumstances exist and authorises the extension
2.07	Subregulation 9.3(3)	Subregulation 3.5(6)	Enter into an agreement with a State or Territory, to engage a person as a non-ongoing employee for a specified term and determine the period of engagement	SES B3 SES B2 SES B1	Only in respect of non SES employees
2.08	Subregulation 9.3(3)	Subregulation 3.10(1)	Suspend an APS employee on grounds the employee has, or may have, breached of the Code of Conduct and the suspension is in the public or department's interest	SES B3 SES B2, People	
				SES B1, People	Only in respect of non SES employees
				EL2, People	Only in respect of suspension with remuneration for non SES employees
2.09	Subregulation 9.3(3)	Subregulation 3.10(4)	Where an APS employee has been suspended on grounds employee has, or may have, breached the Code of Conduct, review suspension at reasonable intervals	SES B3 SES B2, People	
				SES B1, People	Only in respect of non SES employees
				EL2, People	Only in respect of suspension with remuneration for non SES employees

2. *Public Service Regulations 1999 (continued)*

	Column 1	Column 2	Column 3	Column 4	Column 5
Item	Delegation source	Power(s) or function(s) delegated	Summary of power or function (for information only)	Delegate(s)	Limitation of powers delegated
2.10	Subregulation 9.3(3)	Subregulation 3.10(4)	Where an APS employee has been suspended on grounds employee has, or may have, breached the Code of Conduct, review suspension at reasonable intervals	SES B3 SES B2, People	
				SES B1, People	Only in respect of non SES employees
				EL2, People	Only in respect of suspension with remuneration for non SES employees
2.11	Subregulation 9.3(3)	Subregulation 3.10(5)	End the suspension if no longer reasonable grounds that employee has, or may have breach the Code of Conduct, or is no longer in the public or department's interest	SES B3 SES B2, People	
				SES B1, People	Only in respect of non SES employees
				EL2, People	Only in respect of suspension with remuneration for non SES employees
2.12	Subregulation 9.3(3)	Subregulation 3.10(6)	End the suspension if a sanction has been imposed on the APS employee for the relevant breach of the Code of Conduct.	SES B3 SES B2, People	
				SES B1, People	Only in respect of non SES employees
				EL2, People	Only in respect of suspension with remuneration for non SES employees
2.13	Subregulation 9.3(3)	Regulation 4.2	Request the establishment of an Independent Selection Advisory Committee	SES B3 SES B2, People SES B1, People	
2.14	Subregulation 9.3(3)	Regulation 4.3	Nominate a person to an Independent Selection Advisory Committee	SES B3 SES B2, People SES B1, People	
2.15	Subregulation 9.3(3)	Regulation 4.7	Act on behalf of the Independent Selection Advisory Committees in conducting some or all of an assessment under subregulation 4.7(1)	SES B3 SES B2, People SES B1, People	
2.16	Subregulation 9.3(3)	Regulation 5.11	Nominate an APS employee to a Promotion Review Committee	SES B3 SES B2, People SES B1, People	

2. Public Service Regulations 1999 (continued)

	Column 1	Column 2	Column 3	Column 4	Column 5
Item	Delegation source	Power(s) or function(s) delegated	Summary of power or function (for information only)	Delegate(s)	Limitation of powers delegated
2.17	Subregulation 9.3(3)	Regulation 5.17	Give information or documents required by a Promotion Review Committee	SES B3 SES B2 SES B1 EL2, People EL1, Recruitment	
2.18	Subregulation 9.3(3)	Subregulation 5.24(1)	Receive a request in writing for a primary review of a reviewable action.	SES B3 SES B2, People EL2 and above, People EL1, Workplace Relations EL1, WHS APS6 and above in People Management	
2.19	Subregulation 9.3(3)	Regulation 5.25	Refer an application for review of an employment action to the Merit Protection Commissioner	SES B3 SES B2, People SES B1, People	
2.20	Subregulation 9.3(3)	Regulation 5.26	Conduct a review of an employment action and attempt to resolve the employee's concerns about the action	SES B3 SES B2 EL1 and above, People	
2.21	Subregulation 9.3(3)	Regulation 5.30	Give the application and relevant documents to the Merit Protection Commissioner for secondary review of an employment action and a copy of any relevant documents provided to the Merit Protection Commissioner under paragraph (1)(b) to the affected employee	SES B3 SES B2, People EL2 and above, People	
2.22	Subregulation 9.3(3)	Regulation 5.32	Make a decision in response to recommendations from the Merit Protection Commissioner regarding review of an employment action and inform the employee	SES B3 SES B2, People EL2 and above, People	
2.23	Subregulation 9.3(3)	Regulation 5.35	Give information or documents as requested for review to the Merit Protection Commissioner	SES B3 SES B2, People EL2 and above, People	

2. Public Service Regulations 1999 (continued)

	Column 1	Column 2	Column 3	Column 4	Column 5
Item	Delegation source	Power(s) or function(s) delegated	Summary of power or function (for information only)	Delegate(s)	Limitation of powers delegated
2.24	Subregulation 9.3(3)	Subregulation 8.1(3)(a)	Consult with APS employees affected by machinery of government changes concerning conditions of employment	SES B3 SES B2 SES B1 EL2, People	
2.25	Subregulation 9.3(3)	Subregulation 8.2(2)(a)	Consult with non-APS employees affected by machinery of government changes concerning remuneration and other conditions of employment	SES B3 SES B2 SES B1 EL2, People	
2.26	Subregulation 9.3(3)	Regulation 8A.4	Appoint a person as a paying officer to make deductions from an employee's salary in order to satisfy a judgement debt	SES B3 SES B2, People EL2 and above, People	
2.27	Subregulation 9.3(3)	Regulation 9.2	Use and disclosure of personal information that is in the department's possession or control in prescribed circumstances	SES B3 SES B2, People EL2 and above, People APS6 and above in Workplace Relations APS6 and above in People Management APS4 and above in Payroll APS4 and above in Recruitment APS5 and above in Work Health and Safety Agency Security Adviser	Any disclosure must be consistent with the Information Privacy Principles

3. Public Service Classification Rules 2000

	Column 1	Column 2	Column 3	Column 4	Column 5
Item	Delegation source	Power(s) or function(s) delegated	Summary of power or function (for information only)	Delegate(s)	Restrictions on powers delegated
3.01	Sub-rule 13(1)	Sub-rule 6(1)	Allocate an approved classification to an APS employee	SES B3 SES B2 SES B1 EL2	

3.02	Sub-rule 13(1)	Sub-rule 7(3)	Allocate to an employee moving to the department from another agency either: (a) the approved classification that was allocated to the employee immediately before moving to the department; or (b) another approved classification that is in the same group as the classification mentioned in paragraph (a)	SES B3 SES B2 SES B1 EL2	
3.03	Sub-rule 13(1)	Sub-rule 9(1)	Allocate approved classifications to each group of duties performed in the department	SES B3 SES B2 SES B1 EL2	
3.04	Sub-rule 13(1)	Sub-rule 9(3)	Where a training classification is allocated to a group of duties, ensure that the duties include a requirement to undergo training	SES B3 SES B2, People SES B1, People	
3.05	Sub-rule 13(1)	Sub-rule 9(4)	Allocate more than one classification (a broadband) to a group of duties, if the group of duties involves work value requirements applying to more than one classification	SES B3 SES B2, People SES B1, People	
3.06	Sub-rule 13(1)	Sub-rule 10	Issue work level standards for classifications other than APS Level, Executive Level or SES classifications	SES B3 SES B2, People SES B1, People	
3.07	Sub-rule 13(1)	Sub-rule 11(1)	Where an employee satisfactorily finishes a training requirement for a training classification, allocate to the employee the relevant classification	SES B3 SES B2, People SES B1, People	
3.08	Sub-rule 13(1)	Rule 12	Allocate to an employee a classification that is in a lower classification group than the employee's classification before the reduction	SES B3 SES B2, People SES B1, People	

4. Australian Public Service Commissioner's Directions 2016

	Column 1	Column 2	Column 3	Column 4	Column 5
Item	Delegation source	Power(s) or function(s) delegated	Summary of power or function (for information only)	Delegate(s)	Restrictions on powers delegated
4.01	Subsection 52(1)	Section 9	Agree in writing, with a candidate who applied for a notified vacancy with another agency, that a vacancy is a similar vacancy in relation to the candidate	SES B3 SES B2 SES B1 EL2, People EL1, Recruitment	

4. *Australian Public Service Commissioner's Directions 2016 (continued)*

	Column 1	Column 2	Column 3	Column 4	Column 5
Item	Delegation source	Power(s) or function(s) delegated	Summary of power or function (for information only)	Delegate(s)	Restrictions on powers delegated
4.02	Subsection 52(1)	Section 18	Uphold Employment Principle 10A(1)(c) when deciding whether to engage or promote a person in the agency by ensuring that the decision is based on a selection process that is merit-based (see Subdivision B), or meets the circumstances in which merit-based selection processes are modified or do not apply (see Subdivision C)	SES B3 SES B2 SES B1	
4.03	Subsection 52(1)	Subsection 20(1)(c)(ii)	Approve a vacancy being advertised for a period shorter than 7 calendar days, upon being satisfied that there are special circumstances to warrant this	SES B3 SES B2, People EL2 and above, People	
4.04	Subsection 52(1)	Subsection 20(3)	Decide that, for reasons of cost or operational efficiency, a vacancy at a non SES classification should be filled by a person who is already an APS employee, and have the vacancy notified in the Public Service Gazette accordingly	SES B3 SES B2, People SES B1, People	
4.05	Subsection 52(1)	Subsection 22(1)	Engage a person to perform duties as a non-ongoing APS employee if: a) the engagement is for a specified term or duration of a specified task and the period of employment is 18 months or less; or b) the engagement is for duties that are irregular or intermittent	SES B3 SES B2 SES B1 EL2, People EL1, Recruitment	
4.06	Subsection 52(1)	Subsection 22(2)	Extend an engagement (must not exceed three years in total) if: a) there is a continuing need for the duties to be performed; and b) the person engaged is performing the duties satisfactorily or better; and c) satisfied that it is still appropriate for the duties to be performed on a non-ongoing basis and the extension, or further extension will contribute to efficient and effective organisational performance	SES B3 SES B2 SES B1 EL2, People EL1, Recruitment	

4. Australian Public Service Commissioner's Directions 2016 (continued)

	Column 1	Column 2	Column 3	Column 4	Column 5
Item	Delegation source	Power(s) or function(s) delegated	Summary of power or function (for information only)	Delegate(s)	Restrictions on powers delegated
4.07	Subsection 52(1)	Subsection 22(3)	Ensure, as far as is practicable that a vacancy to perform duties under subregulation 22(1) is brought to the notice of the community in a way that gives eligible members of the community a reasonable opportunity to apply for it	SES B3 SES B2 SES B1 EL2, People EL1, Recruitment	
4.08	Subsection 52(1)	Subsection 22(4)	In respect of engagement on a short-term, irregular or intermittent basis, as a minimum requirement, be satisfied that the person to be engaged has the work-related qualities genuinely required to perform the relevant duties	SES B3 SES B2 SES B1 EL2, People EL1, Recruitment	
4.09	Subsection 52(1)	Section 23	Enter into an agreement with the State or Territory, or the authority of the State or Territory, to engage a person as a non-ongoing employee for a specified term	SES B3 SES B2 SES B1 EL2, People EL1, Recruitment	
4.10	Subsection 52(1)	Section 24	Engage a person who is an ongoing APS employee as a non-ongoing APS employee if: a) the person is to be engaged for a specified term or specified task; b) the person resigns as an ongoing APS employee to start the engagement; and c) the engagement is at the same classification as the person's current classification or at a lower classification	SES B3 SES B2 SES B1 EL2, People EL1, Recruitment	
4.11	Subsection 52(1)	Section 25	Request in writing from the Public Service Commissioner the authorisation in respect to the engagement of a non-ongoing APS employee as an ongoing APS employee in exceptional circumstances	SES B3 SES B2, People SES B1, People	
4.12	Subsection 52(1)	Section 26	Identify a vacancy as open only to Aboriginal and/or Torres Strait Islander persons	SES B3 SES B2, People EL2 and above, People EL1, Recruitment	

4. Australian Public Service Commissioner's Directions 2016 (continued)

	Column 1	Column 2	Column 3	Column 4	Column 5
Item	Delegation source	Power(s) or function(s) delegated	Summary of power or function (for information only)	Delegate(s)	Restrictions on powers delegated
4.13	Subsection 52(1)	Section 27	Identify a vacancy as open only to persons who have a disability or a particular type of disability	SES B3 SES B2, People EL2 and above, People EL1, Recruitment	
4.14	Subsection 52(1)	Section 28	Notify a vacancy under section 20 and specify that the RecruitAbility Scheme applied to the selection process for that vacancy	SES B3 SES B2, People EL2 and above, People EL1, Recruitment	
4.15	Subsection 52(1)	Section 29	Request in writing to the Public Service Commissioner to authorise the promotion of an ongoing APS employee after appointment to a statutory office	SES B3 SES B2, People SES B1, People	
4.16	Subsection 52(1)	Section 31	Engage a person who is an ongoing Parliamentary Service employee as an ongoing APS employee if the person is to be employed at a comparable classification or lower	SES B3 SES B2, People EL2 and above, People EL1, Recruitment	
4.17	Subsection 52(1)	Section 32	Engage a person as an APS employee if the person is a former APS employee of the agency, whose employment ended because he or she resigned to contest an election for a member of a House of the Parliament of the Commonwealth or of a State, or an election for a member of the Legislative Assembly of the Australian Capital Territory or the Northern Territory	SES B3 SES B2, People SES B1, People	
4.18	Subsection 52(1)	Section 33	Engage a former APS employee as an ongoing or non-ongoing APS employee if the person's former employment should not have ended or the engagement will settle legal action relating to the termination of the employment, or an appropriate authority has recommended or ordered the reinstatement of the person	SES B3 SES B2, People EL2 and above, People	

4. Australian Public Service Commissioner's Directions 2016 (continued)

	Column 1	Column 2	Column 3	Column 4	Column 5
Item	Delegation source	Power(s) or function(s) delegated	Summary of power or function (for information only)	Delegate(s)	Restrictions on powers delegated
4.19	Subsection 52(1)	Section 34	Must notify an employment decision in the Public Service Gazette within 3 months after the employment decision is made	SES B3 SES B2, People EL2 and above, People APS4 and above in Payroll APS4 and above in Recruitment	
4.20	Subsection 52(1)	Section 35	Must notify an employment decision (cancellation decision) in the Public Service Gazette within 3 months of the cancellation decision is made	SES B3 SES B2, People EL2 and above, People EL1, Recruitment EL1, Payroll	
4.21	Subsection 52(1)	Subsection 45(a)	Appoint an independent and unbiased person to determine whether an APS employee has breached the Code of Conduct	SES B3 SES B2, People EL2 and above, People	
4.22	Subsection 52(1)	Subsection 48(1)	Obtain the Public Service Commissioner's approval and consult with the Public Service Commissioner before engaging a redundancy benefit recipient as either an ongoing APS employee or as a non-ongoing SES employee	SES B3 SES B2, People	

5. Long Service Leave (Commonwealth Employees) Act 1976

	Column 1	Column 2	Column 3	Column 4	Column 5
Item	Delegation source	Power(s) or function(s) delegated	Summary of power or function (for information only)	Delegate(s)	Restrictions on powers delegated
5.01	Subsection 9(1)	Subsection 12(3)(b)	Determine that periods of absence are to be included in the person's period of service for the purpose of granting long service leave	SES B3 SES B2, People EL2 and above, People APS4 and above in Payroll	
5.02	Subsection 9(1)	Subsections 12(7) and (8)	Deem period of previous employment to be continuous with current period of employment	SES B3 SES B2, People EL2 and above, People APS4 and above in Payroll	

5. Long Service Leave (Commonwealth Employees) Act 1976 (continued)

	Column 1	Column 2	Column 3	Column 4	Column 5
Item	Delegation source	Power(s) or function(s) delegated	Summary of power or function (for information only)	Delegate(s)	Restrictions on powers delegated
5.03	Subsection 9(1)	Subsections 16(2) and (3)	Grant long service leave on full or half salary subject to the availability of leave credits	SES B3 SES B2 SES B1 EL2 EL1	The minimum amount of accrued long service leave that an employee may take at any one time is seven calendar days at full pay or 14 calendar days at half pay (Clause 78.2 of the Agreement)
5.04	Subsection 9(1)	Subsection 16(4)	Authorise payment in lieu of long service leave where period of service is at least 10 years	SES B3 SES B2, People EL2 and above, People APS4 and above in Payroll	
5.05	Subsection 9(1)	Subsection 16(5)	Receive a request in writing not to authorise payment under Subsection 16(4), where an employee has at least 10 years of service	SES B3 SES B2, People EL2 and above, People APS4 and above in Payroll	
5.06	Subsection 9(1)	Subsection 16(6)	Receive a request in writing to pay a specified amount, being less than the amount otherwise payable under Subsection 16(4), where an employee has at least 10 years of service	SES B3 SES B2, People EL2 and above, People APS4 and above in Payroll	
5.07	Subsection 9(1)	Subsection 16(7)	Authorise payment of long service leave credit to a dependant of an employee (with at least 10 years of service)	SES B3 SES B2, People EL2 and above, People	
5.08	Subsection 9(1)	Subsection 17(1)	Grant long service leave on full pay for employees whose period of service is less than 10 years but not less than one year and is to cease to be an employee	SES B3 SES B2, People EL2 and above, People	
5.09	Subsection 9(1)	Subsection 17(2)	Authorise payment in lieu for long service leave for employees whose period of service is less than 10 years but not less than one year and is to cease to be an employee	SES B3 SES B2, People EL2 and above, People APS4 and above in Payroll	

5. Long Service Leave (Commonwealth Employees) Act 1976 (continued)

	Column 1	Column 2	Column 3	Column 4	Column 5
Item	Delegation source	Power(s) or function(s) delegated	Summary of power or function (for information only)	Delegate(s)	Restrictions on powers delegated
5.10	Subsection 9(1)	Subsection 17(3)	Receive a request in writing not to authorise payment under subsection 17(2), where an employee has less than 10 years of service	SES B3 SES B2, People EL2 and above, People APS4, Payroll	
5.11	Subsection 9(1)	Subsection 17(4)	Receive a request in writing to pay a specified amount, being less than the amount otherwise payable under subsection 17(2), where an employee has less than 10 years of service	SES B3 SES B2, People EL2 and above, People APS4, Payroll	
5.12	Subsection 9(1)	Subsection 17(5)	Authorise payment of long service leave credit to a dependant of an employee (with less than 10 years of service)	SES B3 SES B2, People EL2 and above, People	
5.13	Subsection 9(1)	Subsection 19(2)	Determine period of long service leave that would have been granted under repealed Acts or Public Service Act 1922	SES B3 SES B2, People EL2 and above, People APS4 and above in Payroll	
5.14	Subsection 9(1)	Subsection 20(4)(a)(ii)	Determine that the average number of hours used to grant a Category A employee leave be the average number of hours of employment per week throughout the period or periods of employment	SES B3 SES B2, People EL2 and above, People APS4 and above in Payroll	
5.15	Subsection 9(1)	Subsection 20(4)(b)(ii)	Determine that the average number of hours used to grant a Category B employee leave be the average number of hours of employment per week throughout the period or periods of employment in a part-time capacity	SES B3 SES B2, People EL2 and above, People APS4 and above in Payroll	
5.16	Subsection 9(1)	Subsection 23(1)	Direct death of an employee to be presumed to have occurred on a specific date	SES B3 SES B2, People EL2 and above, People	
5.17	Subsection 9(1)	Subsection 23(3)	Authorise additional payment of long service leave credits to a dependant of a deceased employee	SES B3 SES B2, People EL2 and above, People APS6 and above in Payroll	

5. Long Service Leave (Commonwealth Employees) Act 1976 (continued)

	Column 1	Column 2	Column 3	Column 4	Column 5
Item	Delegation source	Power(s) or function(s) delegated	Summary of power or function (for information only)	Delegate(s)	Restrictions on powers delegated
5.18	Subsection 9(1)	Subsection 23(4)	Authorise payment of long service leave credits to trustee; appoint trustee for an employee or dependent of an employee under a legal disability	SES B3 SES B2, People EL2 and above, People	

6. Maternity Leave (Commonwealth Employees) Act 1973

	Column 1	Column 2	Column 3	Column 4	Column 5
Item	Delegation source	Power(s) or function(s) delegated	Summary of power or function (for information only)	Delegate(s)	Restrictions on powers delegated
6.01	Subsection 11(1)	Subsection 6(4C)	Determine that any unauthorised absence immediately before the commencement of the expected period of confinement occurs in extenuating circumstances	SES B3 SES B2, People EL2 and above, People	
6.02	Subsection 11(1)	Subsection 6(4F)	Approve maternity leave in conjunction with other leave without pay	SES B3 SES B2, People EL2 and above, People	
6.03	Subsection 11(1)	Subsection 7A(4)(b)	Receive request in writing to review decision to refuse an application for permission to resume duty	SES B3 SES B2, People EL2 and above, People	
6.04	Subsection 11(1)	Subsection 7A(5)	Review a decision to refuse to grant an application to resume duty	SES B3 SES B2, People EL2 and above, People EL1, Payroll EL1, Workplace Relations	
6.05	Subsection 11(1)	Subsection 7A(6)	Grant an application to resume duty after reviewing refusal by leave officer	SES B3 SES B2, People SES B1, People	

7. Safety, Rehabilitation and Compensation Act 1988

	Column 1	Column 2	Column 3	Column 4	Column 5
Item	Delegation source	Power(s) or function(s) delegated	Summary of power or function (for information only)	Delegate(s)	Restrictions on powers delegated
7.01	Section 41A	Subsection 36(1)	Arrange for the medical assessment of an employee's capability of undertaking a rehabilitation program	SES B3 SES B2, People EL2 and above, People APS6 and above in People Management APS6 and above in Work Health and Safety	
7.02	Section 41A	Subsection 36(3)	Require an employee to undergo an examination by the person or panel of persons making the assessment	SES B3 SES B2, People EL2 and above, People APS6 and above in People Management APS6 and above in Work Health and Safety	
7.03	Section 41A	Subsection 36(4)	Suspend an employee's rights to compensation where an employee refuses or fails, without reasonable excuse, to undergo an examination, or in any way obstructs an examination	SES B3 SES B2, People EL2 and above, People	
7.04	Section 41A	Subsection 37(1)	Determine that an employee should undertake a rehabilitation program and to make arrangements with an approved program provider for the provision of a rehabilitation program	SES B3 SES B2, People EL2 and above, People APS6 and above in People Management APS6 and above in Work Health and Safety	
7.05	Section 41A	Subsection 37(7)	Suspend an employee's rights to compensation where an employee refuses or fails, without reasonable excuse, to undertake a rehabilitation program	SES B3 SES B2, People EL2 and above, People	



Australian Government

Department of Infrastructure, Transport, Regional Development and Communications

*Australian Public Service Commissioner's Directions 2022***DELEGATION INSTRUMENT**

I, **Simon Atkinson**, Secretary of the Department of Infrastructure, Transport, Regional Development and Communications, acting under subsection 69(1) of the *Australian Public Service Commissioner's Directions 2022*, delegate the powers specified in Column 1 of Table 1 of this Instrument to the persons holding, occupying or performing from time to time the duties of the positions specified in Column 3 of Table 1.

This Instrument takes effect when it is signed.

Dated: 5/4/22 2022

Simon Atkinson
Secretary

Table 1 – Section 44 of the Australian Public Service Commissioner's Direction 2022

	Column 1	Column 2	Column 3
Item	Power(s) or function(s) delegated	Summary of power or function (for information only)	Delegate(s)
1.01	Subsection 44(1)	Must ensure that an APS employee is engaged on probation.	SES B3 in a corporate area whose responsibilities include Human Resources. SES B2 in a corporate area whose responsibilities include Human Resources. SES B1 in a corporate area whose responsibilities include Human Resources. EL2 , Human Resources APS6 and above , Recruitment, Human Resources
1.02	Subsection 44(2)	Waive the requirement under subsection 44(1) if satisfied there are reasonable circumstances justifying the waiver.	SES B3 in a corporate area whose responsibilities include Human Resources. SES B2 in a corporate area whose responsibilities include Human Resources. SES B1 in a corporate area whose responsibilities include Human Resources. EL2 , Human Resources
1.03	Subsection 44(3)	Ensure that, where an APS employee is engaged on probation to perform specified duties, there are suitable processes in place to assess the employee's suitability to perform those duties.	SES B3 in a corporate area whose responsibilities include Human Resources. SES B2 in a corporate area whose responsibilities include Human Resources. SES B1 in a corporate area whose responsibilities include Human Resources. EL2 , Human Resources